

Credentialing Review 407: Technical Review Committee Orientation

What is Credentialing Review and its Purpose?

- Advises Nebraska Legislature on different issues related to credentialing health professionals
- Each given review body conveys their recommendations regarding proposals to either increase the scope of practice of an existing health profession or create a new health profession altogether
- Provide Nebraska Legislature with informed reviews on credentialing issues free from lobbying and special interest groups

What are the goals of the program?

- Provide recommendations to Legislature that represent sound, workable, and cost-effective ways to protect and promote the health, safety, and welfare of Nebraskans
- Conduct reviews in an open, thorough, and impartial manner, acknowledging the concern for public welfare
- Encourage representation and participation by members of the public, health care providers, and groups with a common interest
- Use the criteria to focus on the public health issues inherent to each proposal, understanding other issues will also be considered by the Legislature
- Maintain an open and positive atmosphere that values solution-seeking to benefit the public over politics

2 Types of Reviews



- Currently unregulated health professions
- Changes in scope of practice for already regulated health professions

General Review Bodies of the Process

3 Review Bodies:

- Technical Committee
- State Board of Health
- Director of the Division of Public Health of DHHS

Technical Review Committee

Requirements of a Technical Committee

- Each committee consists of six appointed members and one Board of Health member
- The Board of Health member serves as the chairperson of the committee
- Appointed members are selected from a pool of health professionals and public members
- No more than one member may be from the same regulated profession
- The Credentialing Review Committee within the Board of Health selects appointees who do not have a conflict of interest with the profession being reviewed
- Following the selections made by the Credentialing Review Committee, the Director of the Division of Public Health officially appoints members to the given Technical Review Committee

Meeting Format

- Organizational meeting (Committee Orientation)
- Issue definition and discussion (Committee clarifies understanding of application)
- Public hearing (interested parties present testimony and comment on the preliminary recommendation of the committee)
- A final recommendation (committee members formulate their recommendations of the proposal)
- Approval of the report (virtual)

Roles of Technical Committee

Conduct a critical review of the proposal and related material examining the following issues:

- Is the proposal necessary?
- Is there a need for additional information beyond what the proposal presents?
- Are there viable alternatives to the proposal?
- Could the proposal be significantly improved to protect public health more effectively or more efficiently?
- Are the criteria met?
- Are there any other recommendations to be made pertinent to the issues raised by the proposal?

Conducting Public Hearings

Purpose- to obtain testimony and/or written information relevant to a determination of whether proposals meet statutory criteria

Tasks at hand:

- Review testimony and documents from the hearing
- Determine whether the proposal meets statutory criteria
- Provide advice to the Director on how to best protect public health
- Submit a report to the Board of Health and the Director of the Division of Public Health detailing the recommendations of the committee

* Individual committee members are encouraged to provide a liaison between their committee and professional groups they're affiliated with if this would hold promise of providing a source of quality information on a proposal*

New Health Profession Criteria

New Credential- #1 Criteria

“Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public”

- Is the public suffering harm or danger, if any, is it directly attributable to the absence of regulation of the profession, and whether the harm or danger, if any, is of sufficient magnitude to warrant state intervention?
- The documentation of harm or danger to the public must be sufficient to demonstrate that the harm or danger is clear and is attributable to the lack of regulation of the profession in question. Evaluation of harm or danger must be based on the highest level of evidence available.
- Harm or danger to the health, safety, or welfare of the public may occur in physical, emotional, economic, or social contexts; and as such all of these can be considered
- A certain level of harm or danger attributable to human error and uncontrollable factors will always occur within any health care field.



New Credential- #2

Criteria

“ Regulation of the health profession does not impose significant new economic hardship on the public, significantly diminish the supply of qualified practitioners, or otherwise create barriers to service that are not consistent with the public welfare and interest

- Will regulating the profession bring about significant harm or danger to the health, safety, or welfare of the public through the creation of unnecessary barriers to service
- Documentation of harm or danger to the public from creating a new credential must be sufficient to demonstrate that the harm or danger is clear, that it is attributable to the creation of the separate regulated profession in question, and that it is serious and extensive
- Evidence must clearly demonstrate how and why this situation protects the public from harm or danger
- Evidence must show the benefits of creating the new regulated health profession clearly to be greater in extent and impact than any harm or danger that would be created
- If regulation of the profession would require a scope of practice to be defined the scope of practice must be coordinated with those of regulated professions to minimize fragmentation of the health care system
- Regulation of the profession must not lead to unnecessary limitations on the utilization of personnel by employers or to underutilization of qualified personnel
- Regulation of the profession must not result in an unnecessary reduction in competition

New Credential- Criteria

#3

“The public needs assurance from the state of initial and continuing professional ability.”

- Must determine that the need of the public for this assurance can be demonstrated, that members of the public play an active role in choosing their licensed profession, that information about the qualifications of the licensed profession is an important element in making that choice, and there is currently no mechanism that will provide such information as effectively as would the issuance of a State credential
- Must determine that the institutional or supervisory structure is inadequate to protect the public from harm, and that the issuance of a State credential to the practitioners of this profession would overcome these inadequacies
- Evidence presented must show why a state-issued credential is necessary to allow the public to identify competent practitioners; this is especially significant for professions that already have a strong recognized private system of credentialing
- If there is a recognized system of private credentialing, the proposed requirements for obtaining state credentialing must be compared closely to those for private credentialing; if they are nearly identical, there must be compelling evidence to show why such redundancy is in the public interest
- Evidence must show that members of the public are unable to easily evaluate the qualifications of persons offering the service in question
- Whether the education and training requirements set forth in the proposal are necessary and adequate for safe and effective practice

New Credential- Criteria

#4

“ The public cannot be protected by a more effective alternative.”

- The credentialing proposal as presented is an effective remedy to the harm or danger identified, and that no other evident means of dealing with this harm or danger would provide a more effective alternative
- Viable alternative to the proposal have been identified and, if available, if the alternative are able to address the same harm or danger raised in the applicant proposal
- Evidence supporting the proposal shows that its enactment would clearly, specifically, and directly solve or alleviate the problems, including harm or danger to the public, that are used to justify the application
- All evident alternatives to the proposals might provide the same or greater problem-solving potential as the proposal, while being more cost-effective or less restrictive; alternatives may include different levels or types of state credentialing or regulation of the profession, maintenance of the status quo, and other potential solutions; reviewers are not limited to evaluating only alternatives presented to them by the applicant group; they can actively seek to identify and analyze potential alternatives. The recommendations of the reviewing body must reflect their best assessment of the most likely solution to the problems identified
- The costs of the proposal, and of any alternatives considered, must be evaluated for unnecessary financial burden to the public

Changing Scope of Practice Criteria

Scope of Practice- Criteria #1

“The health, safety, and welfare of the public are inadequately addressed by the present scope of practice or limitations on the scope of practice.”

The cost of the services in question is prohibitive for some members of the public under the current limitations on scope of practice

Access to the services in question is very difficult for some members of the public under the current limitations on scope of practice

The quality of the services in question is adversely impacted under the current limitations on scope of practice

The range of services of the profession under review is too limited under the current scope of practice raising concerns about consumers having to access the services of other providers whose practices are not as accessible or whose services are more costly

Actual harm or danger to the public health and safety is occurring because of the absence of the proposed scope of practice

Scope of Practice- Criteria #2

“Enactment of the proposed change in scope of practice would benefit the health, safety, or welfare of the public.”



The enactment of the proposed changes in scope of practice would produce widespread benefits for the public, and the amount and extent of the benefits would outweigh any potential harm or danger to the public that might be caused by enactment of these changes

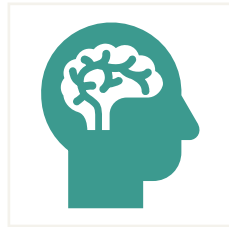


Documentation of benefits to the public must be sufficient to show that there is a realistic expectation of their occurrence following enactment of the proposed changes in scope of practice, and that they would be of significant amount and extent.

Evidence from other jurisdictions in which the profession has practiced with the proposed change in scope of practice is preferred

Scope of Practice- Criteria #3

“The proposed change in scope of practice does not create significant new danger to the health, safety, or welfare of the public.”



Evaluation of physical, emotional, economic, or social danger to determine whether any evident danger would be created by the proposed change in scope of practice and significant enough to outweigh the benefits of implementing the proposed change in scope of practice



Evaluation of danger is based on the highest level of evidence available and not speculation

This criterion recognizes that a certain level of harm or danger attributable to human error and uncontrollable factors will always occur within any health care field

“The current education and training for the health profession adequately prepares practitioners to perform the new skill or service.”

Scope of Practice- Criteria #4

Analysis of the current education and training must show that it adequately prepares the practitioners in question to perform the new skill or service being proposed in a safe and effective manner

Evidence must be presented to demonstrate that the current education and training is adequately and appropriately accredited

Any proposed additional training and education that might be required of practitioners before they would be authorized to utilize the new scope of practice must be considered when evaluating the adequacy of preparation for performing the new skill or service

Scope of Practice- Criteria #5

“There are appropriate post-professional programs and competence assessment measure available to assure that the practitioner is competent to perform the new skill or service in a safe manner.”



THERE ARE TRAINING OR EDUCATION PROGRAMS IN PLACE AND THE PROGRAMS SHOW THAT THEY ARE ADEQUATE TO ENSURE THAT THE PRACTITIONERS CAN PERFORM THE NEW SKILL OR SERVICE BEING PROPOSED IN A SAFE AND EFFECTIVE MANNER



EVIDENCE THAT DEMONSTRATES PROGRAMS COMPLY WITH ACCEPTABLE STANDARDS



EVIDENCE PRESENTED THAT DEMONSTRATES PROGRAMS ARE AVAILABLE AND AT A COST THAT IS NOT PROHIBITIVE

Scope of Practice- Criteria #6

“There are adequate measure to assess whether practitioners are competently performing the new skill or service and to take appropriate action if they are not performing competently.”



Practitioners of the proposed new scope of practice must be subject to the complaint, investigation, and discipline provisions of the Uniform Credentialing Act



If the proposed new scope of practice will be implemented through the issuance of a new credential, and appropriate continuing competency requirements are established for the credential

Proposals and Applications

Proposals:

- The ideas for making changes in the credentialing of health professions
- Should provide anticipated statutory amendment language that would be needed to implement the proposed changes

Applications:

- Cover Page
- Narrative section
 - a. 20 questions on fundamentals of the proposal and applicant group
 - b. 9 question exploring the issues pertinent to the idea or ideas in the applicants' proposal
- Supporting documents
 - a. Should contain the information necessary to define the current practice situation of the occupation
 - b. Should identify the possible impact of the proposal if it were to become part of NE State Law

Amendment Information

- A proposal may be amended only by the applicant group during the Technical Review stage of the review process
- If the proposal is amended following a public hearing, DHHS legal department shall determine whether changes are substantive enough to merit a subsequent public hearing on the amended proposal prior to the committee's final recommendations and report

The Open Meetings Act

- All discussion of issues and conduct of committee business is required to occur at formally noticed meetings
- There are no closed sessions in this program
- Any gathering of a quorum of a technical review committee that discusses committee business, and which has not been duly 'noticed' in public media is in violation of the Open Meetings Act
- The public must be allowed to speak during at least one meeting of a series of meetings in this program

Rules for Internal vs External Interactions

- Lobbying of committee members is not appropriate in Credentialing Review
- Information about the issues needs to be shared among all members of each review body (TR Committee, Board of Health Committee, full Board of Health)
- Liaison between committee members' professions and the rest of the committee is encouraged
- It is not appropriate for committee members to attempt to manipulate or exert undue influence on fellow committee members

Rules for Committee-Public Interaction

1. Information needs to be submitted to staff no less than one working day prior to a scheduled date for a meeting
2. Members of the public may participate in discussions and/ or present testimony on issues with the permission of the chairperson
3. Review bodies may define time limits for public commentary for their meetings; such time limits must be respected by all attendees
4. A chairperson has the authority to curtail any public commentary as they deem necessary consistent with both openness and good order

Evidence Rules

Levels of Consideration for Evidence:

1. Randomized trial
2. Comparison groups
3. Pre vs. post comparison
4. Correlation study
5. Case study
6. Anecdotal
7. Other evidence as appropriate

Role of Staff

- Provide program information, instructions, and other such materials as necessary for the committees to carry out their duties and responsibilities
- Provide any other information upon the request of committee members to assist them in carrying out their duties
- Must submit electronic copies of all documents received to the agency to be posted on the Credentialing Review Program link
- Staff must draft and edit technical review committee reports that are to be submitted to other public bodies and officials, subject to technical review committee approval
- Staff must assist all parties in the review equally and impartially
- Staff must advise the technical committee on procedures, appropriate statutes and regulations, and the application of criteria during the review

Documentation

- The identification of a credible source for the data or information presented
- The source of the data or information is provided to the review panel members

Any data or assertions of fact that are not supported by appropriate documentation will not be included in any of the reports that emerge from the review process and may not be considered in formulating recommendations

Operational Guidelines

- Travel and lodging reimbursement
- Parking reimbursement
- Worksheets provided by staff
- Submit reimbursement documents after each meeting

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