



Department of Health  
2021-23 First Supplemental Budget Session  
Policy Level - QH - Enhancing Hlth Prof Boards & Comm

## Agency Recommendation Summary

Certain boards and commissions that regulate health professions are facing challenges related to their size and composition. Cumbersome membership requirements hinder recruitment and restrictive quorum requirements are difficult to meet. These issues, coupled with the small size of the boards and a rising workload, are resulting in meeting cancellations and increasing reliance on pro-tem members. The department is proposing legislation to increase membership in six health profession boards and commissions, remove restrictive membership requirements, and harmonize quorum requirements. The goals are to improve efficiency in disciplinary and other regulatory action, improve the pool of candidates for board and commission membership, and broaden professional and public representation. The Department of Health requests funds to support these changes.

## Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
<b>Staffing</b>						
FTEs	0.0	0.7	0.35	0.8	0.8	0.8
<b>Operating Expenditures</b>						
Fund 02G - 1	\$0	\$268	\$268	\$298	\$298	\$596
Total Expenditures	\$0	\$268	\$268	\$298	\$298	\$596
<b>Revenue</b>						
02G - 0216	\$0	\$22	\$22	\$22	\$22	\$44
02G - 0219	\$0	\$27	\$27	\$35	\$35	\$70
02G - 0242	\$0	\$23	\$23	\$29	\$29	\$58
02G - 0251	\$0	\$41	\$41	\$46	\$46	\$92
02G - 0252	\$0	\$22	\$22	\$24	\$24	\$48
02G - 0261	\$0	\$17	\$17	\$17	\$17	\$34
02G - 0262	\$0	\$60	\$60	\$60	\$60	\$120
02G - 0264	\$0	\$22	\$22	\$26	\$26	\$52
02G - 0278	\$0	\$15	\$15	\$15	\$15	\$30
02G - 0283	\$0	\$19	\$19	\$24	\$24	\$48
Total Revenue	\$0	\$268	\$268	\$298	\$298	\$596

## Decision Package Description

Certain boards and commissions that regulate health professions are facing challenges related to their size and composition. Many of the boards and commissions were created years ago and have cumbersome membership requirements that hinder recruitment, and restrictive quorum requirements that are difficult to meet. These issues, coupled with the small size of several boards and a rising workload, are resulting in meeting cancellations and increasing reliance on pro-tem members. The Department of Health (department) is seeking to change membership requirements for six boards and commissions to address these concerns.

The department is proposing legislation to increase membership in six health profession boards and commissions, remove restrictive membership requirements, and harmonize quorum requirements. These boards and commission include the:

- Veterinary Board of Governors,
- Dental Quality Assurance Commission,
- Board of Nursing Home Administrators,
- Board of Massage,
- Board of Psychology, and
- Board of Physical Therapy.

In addition, the proposal includes:

- Bringing all boards and commissions (B/Cs) up to the class five level in order to reflect the importance of their work. There is disparity between boards and commissions at present, and this disparity can make it more difficult to recruit and retain quality members.
- Eliminating the requirement that members be US citizens. This is an important item that the Governor's office has asked us to take on in

this bill. The change does NOT affect requirements around Washington state residency, nor does it change any requirements of members having specified years of licensure in this state.

- Adding consistent quorum language for other boards and commissions.
- Improving the efficiency of the Pharmacy Quality Assurance Commission (PQAC):
  1. While the Commission can delegate to panels of three like other B/Cs, they can only do so for professions cases; however, as PQAC also regulates facilities not governed by the Uniform Disciplinary Act, the department needs to specifically spell out that they may delegate to panels of three for facilities work to promote efficiency and consistency in how they do their business.
  2. Similarly, the department needs to create the ability for the Commission to delegate to a health law judge in cases of facilities enforcement.
  3. The department is also seeking to clarify that, when hiring a new Executive Director, that person must either be licensed in Washington (as is currently the case) or that they can become licensed within 180 days of hire. This will help to facilitate broader national interest in the position during a recruitment process.

The desired results of the proposal include improving board and commission efficiency in disciplinary and other regulatory action, promoting consistency in function both within and between boards and commissions, improving the pool of candidates for board and commission membership, and broadening professional and public representation.

Details regarding the proposed changes for each of these boards and commissions are attached.

Not taking action is a missed opportunity to bring greater efficiency to board and commission operations. The boards and commissions will still be able to work under the existing statutes to regulate health professions, but it will become more difficult to recruit replacements and maintain existing members under the current requirements. As workload rises over time, there will be an increasing reliance on pro-tems who have not been appointed or confirmed. There may also be delays in policy and rule development and disciplinary case resolution. Finally, these boards and commissions will continue to lack representation from key segments of the professional community.

The estimated annual cost for this proposal is \$268,000 in FY2023 and \$298,000 in FY2024 and each year thereafter; this includes the additional costs to the six boards and commissions where members are being added, as well as increasing the compensation of board or commission members where they are moving from Class 3 to Class 5 groups. This investment can reduce the number of board and commission meeting cancellations due to lack of a quorum. By increasing the capacity of boards and commissions to do their work, we are protecting the public through better, safer health care.

## Assumptions and Calculations

### **Expansion, Reduction, Elimination or Alteration of a current program or service:**

With the addition of board and commission members there will be an increase in costs but, it does not expand the current responsibilities of each of the boards and commissions.

The desired results of the proposal include improving board and commission efficiency in disciplinary and other regulatory action, promoting consistency in function both within and between boards and commissions, improving the pool of candidates for board and commission membership, and broadening professional and public representation.

### **Detailed Assumptions and Calculations:**

Please see the attached financial calculator.

### **Workforce Assumptions:**

Expenditure assumptions include:

- New members will begin their terms no sooner than January 1, 2023.
- Members will be compensated for full-day meetings
- The number of meetings per year is based on 2019 data.
- The FTEs represent board and commission members in 8 hours per board meeting.
- Other events, such as panel calls and conferences, were not included in these calculations. Additional membership does not automatically change the number of participants in B/C panel calls or in conference attendance.
- Expenses includes one night's hotel (Thurston Co. \$120), per diem (Thurston Co. \$66), and mileage 100 miles each way (Federal rate \$.575/mile).

There are no tangible receipts associated with the proposal. The costs of this proposal will be charged against current fee revenues collected by each program.

### **How is your proposal impacting equity in the state?**

Health Systems Quality Assurance (HSQA) helps develop health systems and improve patient safety. Our number one priority is to protect and improve the health of people in Washington State.

We do this by working closely with communities and local health partners to build strong health systems and prevention programs across the state. This helps ensure communities have access to good healthcare and emergency medical services.

## Strategic and Performance Outcomes

### **Strategic Framework:**

This proposal contributes to the Governor's Results Washington goal of Healthy and Safe Communities. Increasing membership and removing barriers to appointments and decision-making improves the efficiency of boards and commissions and allows them to take timely action on regulatory and policy issues.

The rule and policy work of boards and commissions supports several other elements of this goal, including improving behavioral health, taking action to end the opioid crisis, and reducing infant mortality. Having boards and commissions comprised of a variety of professional perspectives results in more comprehensive policy solutions that support this goal.

***Performance Outcomes:***

This proposal contributes the following performance outcomes:

Greater efficiency: Adding members, modifying quorum requirements, and revising membership qualifications will ensure boards and commissions have the capacity needed to respond quickly to disciplinary and other regulatory issues. It will also broaden candidate pools for board and commission positions, resulting in shorter vacancies.

Better decision-making: Adding public and professional members to boards and commissions brings a wider range of perspectives, promoting more informed decision-making. Adding public members enhances responsiveness to the public at large. Adding professional members that represent more sub-specialties, practice settings, or sectors of the industry provides a broader base of subject matter expertise.

Greater consistency within and between boards and commissions: The provisions in this proposal will promote consistency in how boards and commissions function. For example, this proposal will allow the Pharmacy Commission to use the same methods for enforcement of facilities as with pharmacy professionals. The language in this bill promotes consistent quorum standards. It eliminates the disparity between boards and commissions as to whether membership is limited to US citizens. Finally, this bill would make consistent the classification of all boards and commissions as Class 5 groups, eliminating the current inequality that exists between them.

## Other Collateral Connections

### ***Puget Sound Recovery:***

N/A

### ***State Workforce Impacts:***

N/A

### ***Intergovernmental:***

Recruitment for boards and commissions involves significant outreach to tribal nations. The department continues to explore new avenues to encourage these communities to serve. This proposal, by expanding the number of positions, creates new opportunities for engagement. The department anticipates neutrality for this proposal.

### ***Legal or Administrative Mandates:***

N/A

### ***Stakeholder Response:***

Adding members to boards and commissions raises the costs of their operation. Although the cost increases are quite modest (\$26,000 a year across all six boards and commissions), professional associations that represent fee-paying licensees may raise concerns. The department has reviewed impacts for each of the professions affected and determined that these increases are very small and would not necessitate fee increases.

For this year's version of the proposal, because of additional provisions, in addition to stakeholdering this proposal with our boards and commissions, the department sent the proposal to over 200 stakeholder groups and interested parties. Overall, the department received very little feedback:

- The department received a couple of comments expressing concerns about the removal of the US citizenship requirement.
- One commenter asked questions about the quorum language that were answered.
- One commenter expressed that, for the change to the Veterinary Board requirements of members representing congressional districts, having one member per congressional district was preferable.
- Finally, we have received positive verbal feedback from several health professions association representatives about the reclassification of boards and commissions as Class 5 groups.

### ***Changes from Current Law:***

This proposal requires statutory changes. See attachment for proposed changes and affected statutes.

### ***State Facilities Impacts:***

N/A

## IT Addendum

### ***Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?***

No

### Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$0	\$236	<b>\$236</b>	\$245	\$245	<b>\$490</b>
Obj. B	\$0	\$10	<b>\$10</b>	\$13	\$13	<b>\$26</b>
Obj. E	\$0	\$16	<b>\$16</b>	\$27	\$27	<b>\$54</b>
Obj. G	\$0	\$6	<b>\$6</b>	\$13	\$13	<b>\$26</b>

### Agency Contact Information

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