

## DRAFT Survey for SJR 35 Study of Professional and Licensing Boards

The Legislative Council assigned to the Economic Affairs Interim Committee the study of professional and licensing boards requested in Senate Joint Resolution 35. The draft study plan calls for a survey of interested parties to determine:

- criteria for professionals currently not regulated by a board to determine whether they want a professional and licensing board or some other mechanism to handle licensing and discipline;
- the expected role of a board as a state-endorsed entity that serves professionals and other citizens by licensing and providing disciplinary action as a way of protecting citizens and the profession;
- the expected role of a department to which a board is administratively attached;
- criteria for determining whether two or more professions' interests could be handled by a joint board; and
- key issues that the study and Economic Affairs Interim Committee should address from the perspective of board members and interested parties.

Approximately 90,000 people are represented or licensed by boards in Montana. The Economic Affairs Interim Committee would like to hear from as many licensees as possible through this survey. Board members and licensees may have responded to a 2003-2004 survey conducted by the Legislative Audit Division. This new survey comes in the wake of the earlier survey and after passage by the 59th Legislature of House Bill 182, which specified which duties are administrative and done by the department and which are board implementations of policy set forth by the Legislature.

We ask that you give your first and last names, the city and state in which you live, and board-related information or other area of interest. The reason for this information is to prevent as far as possible one person from answering the survey more than once and to use the survey to determine whether the responses indicate certain issues are beneficial for some boards but anathema to other boards. Responses from non-Montanans will not be compiled. Name, address, and phone number are for verification only and will not be stored with survey data.

### **Please fill in the personal information requested below:**

First Name or Initial (required):

Last Name (required):

City (required):

State (required):

Work, Home or Cell Phone (required):

If you are currently licensed by a board or a program, please use the pull-down list to specify which one.

If you are an interested party, please use the pull-down list to specify your interest area.

Answer the following questions as appropriate. Some are for professionals not currently regulated by a board. Some are specific to board members. Some are for board members and all licensees.

Economic Affairs Committee Meeting  
June 24, 2005

Exhibit #13

First, are you a current or a former board member of a professional, occupational, or licensing board?

Y N If you answer "Y" to this question, skip to Section B.

### Section A

#### For members of a profession or occupation not licensed by a board:

What are the main benefits of a licensing board? (more than one can be marked)

- ....credentialing ....discipline ....knowledgeable assistance for continuing education  
.... limitations on competition .... protection of public health or safety  
.... consumer protection .... other (please specify one or two items in the area below)

\_\_\_\_\_  
\_\_\_\_\_

Do you think licensure by a board, in general, limits competition inappropriately? Y N

Do you think a board's activities, in general, help to ensure public health or safety? Y N

Do you think licensure by a board enhances the credibility of a profession? Y N

*Please go to Section C.*

### Section B

#### (1) For persons who were or are a board member:

In your opinion, does your board meet (mark one) .... too frequently .... as necessary  
.... too little?

How often does the board on which you serve review administrative rules?

- .... once a year .... more than once a year .... board does not adopt rules  
.... on a fixed schedule throughout the year

Does the attorney who serves as board counsel seem to have a good familiarity with the subject matter within the purview of the board? Y N

Does the board modify its position to address concerns of board counsel?

- .... always .... sometimes ....rarely to never

If the board has an attorney on the board, how frequently does the attorney-board member disagree with the board counsel? .... always .... sometimes .... rarely to never

Does the subject matter for the board on which you serve overlap with the subject matter of another board? Y N (If you answer no, skip to subsection B2.)

If there is overlap, do you feel the overlap could be handled better with a combined board? Y N

If there is overlap, do you feel the overlap could be better handled with more precise legislation? Y N

**(2) For board members and licensees:**

Do you think budgeted travel by board members to national meetings is justified? Y N

Do you think the board needs to review each licensee's application? Y N

Do you think the department's license review staff adequately handles routine applications? Y N

Should the department routinely handle disciplinary action for:

-- minor infractions (minor as defined by board)? Y N

-- major infractions (major as defined by board)? Y N

Should a public member of the board who is not involved in the field of specialization be included on a disciplinary panel? Y N

If you are not a board member, how often do you provide feedback to the board?

.... always .... sometimes ....rarely to never

If you are not a board member, how do you stay informed about board activities?

....newsletters ....Internet ....annual meetings ....word of mouth .... other

.... generally don't care

Should there be a maximum number of board members? Y N

Should there be a relationship between the number of board members and the number of licensees? Y N

Should the equivalent ratio of public members to specialized members be (mark one):

....1 to 1 .... 1 public member to 2 or 3 specialists ....3 or 2 public members to 1 specialist?

Should a limit be placed on a board member's term? Y N

If a board represents several specializations, does a representative of each specialization need to be on the board? Y N

If a board represents several specializations, should the board's structure or membership prohibit more than one representative of each specialization? Y N

If a board represents several specializations, should the board's structure or membership require more than one representative of each specialization? Y N

**Section C -- for all respondents:**

Should everyone practicing in a given discipline be licensed if a licensing process exists

for that discipline? Y N

Does regulation of the use of a specific title protect public health and safety if people can engage in a practice associated with the title if they don't use the title? Y N

Which do you prefer: licensing criteria set by statute and further defined by a board or licensing criteria set by rule and not in statute? \_\_\_ Statute and rule \_\_\_ Rule not statute

Should scope of practice be set by statute or by rule? \_\_\_ Statute \_\_\_ Rule

If a single specialization board resulted in higher application/licensing fees, would you prefer a multi-specialization board if that would lower fees? Y N

Should there be a process for combining boards based on (may mark more than one):

- similarities of function? Y N
- cost efficiencies Y N
- dual licensing (overlapping scope of practice) Y N
- line of authority or supervision by one discipline of another? Y N

Which criteria are most important to meet when legislatively creating a board (mark two at most):

- addresses public health or safety through licensing? Y N
- addresses public health or safety through disciplinary regulation? Y N
- addresses consumer protection through licensing? Y N
- addresses consumer protection through disciplinary regulation? Y N
- provides practitioner with credentials, for example, to bill through insurance? Y N
- provides practitioner with means to regulate the profession or occupation? Y N
- other? please specify in space provided \_\_\_\_\_

Should there be a process for dissolution of a board based on:

- board failure to set fees that are adequate to meet budgets? Y N
- no complaints or other indication that public safety is at risk? Y N
- a sunset provision (requiring periodic review to determine if certain criteria are being met)? Y N
- other criteria determined by legislation, excluding a sunset provision? Y N
- other? (please provide short description in space provided) \_\_\_\_\_

What 3 issues do you want the interim legislative study to address? Please summarize each issue in 25 words or less.

- 1)
- 2)
- 3)

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Thank you for your participation in this survey. The results of the survey will be used to identify areas of concern as we move forward with the study. The questions are

intended, in part, to provoke discussion of approaches either already being implemented or being considered.

If you are concerned about the direction of the questions or if you think answers need more explanation, please consider participating in stakeholder discussions on issues related to the above questions and the intent of the study. To be informed about stakeholder discussions, please sign up for the automatic e-mail service for the SJR 35 study under the Economic Affairs Interim Committee at the following link:  
[http://leg.state.mt.us/css/email\\_logon.asp](http://leg.state.mt.us/css/email_logon.asp).

If you do not have email and would like to participate in stakeholder discussions, then please contact staff at the phone number or address below. Stakeholder discussions may include conference calls to enable people across Montana to participate. Stakeholder recommendations, if any, will be provided to the Economic Affairs Interim Committee for review.

If you have questions about the survey or want a paper copy, please contact:

Patricia Murdo  
Legislative Services, Economic Affairs Interim Committee Staff  
Capitol Building Room 111D  
PO Box 201706  
Helena MT 59620-0170  
406-444-3594  
pmurdo@mt.gov

Responses will be compiled by August 24, 2005.

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