

FRAMEWORK FOR DESCRIBING AND EVALUATING SCOPE OF PRACTICE AND/OR NEW LICENSURE PROPOSALS FOR POLICYMAKERS

Introduction

This framework is designed to aide policymakers in the objective analysis of legislative proposals relating to scope of practice changes for regulated health professions/occupations.

The framework was developed for the State of Minnesota by a core team of professional health care associations, health licensing boards, state legislators, and the Minnesota Department of Health, Office of Rural Health and Primary Care in partnership with the National Governors Association and the National Conference of State Legislatures. The core team remains interested in the use and applicability of this framework. Please send any feedback on the framework and examples of its use to: Nitika.moibi@state.mn.us. Thank you.

Summary of Tools

The framework is organized into two parts:

- **Part 1 (Summary and Details):** This part is intended to summarize and organize key information about the scope of practice proposals to facilitate an objective review for legislators. **It is intended to be completed by the author(s) of the proposed statutory change.**

Part 1 includes two sections:

- **Section I (Proposal Summary/Overview):** This section is designed to provide an overview of the rationale for the proposal, including a summary (500-word count limit).
 - **Section II (Proposal Details):** This section includes a series of structured questions capturing and organizing key information on the proposed change and its impact on dimensions important to analyzing such changes. Proposal author(s) may complete only those questions relevant/pertinent to the proposal (not all questions will be applicable in all situations).
- **Part 2 (Legislator Review/Evaluation Tool):** This part is meant to support legislators in the process of reviewing and evaluating the proposed legislative changes. It includes a series of open-ended questions designed to provoke critical review of key information. **It is meant to be completed by the legislator(s) reviewing the proposal** and serve as a quick reference.

Part 1

Section 1- Proposal Summary/ Overview

To be completed by proposal sponsor. (500 Word Count Limit)

- 1) State the profession/occupation that is the subject of the proposal.
- 2) For existing professions, briefly describe the proposed statutory change or expansion and its intended outcomes, including a brief statement of importance. For currently unregulated or emerging professions, briefly describe the proposed scope of practice and/or other regulatory requirements.

Section 2 – Proposal Details

To be completed by the proposal sponsor. Please respond to applicable questions. A response is not required for questions which do not pertain to the profession/occupation (may indicate “not applicable” or leave the response area blank). Where applicable, please provide supporting evidence (including source of information and citations, where appropriate). Please note, this section has been designed to provide more detailed information about the proposal. Some overlap with the summary provided in Section 1 is expected.

A. Public Safety and Well-Being

- 1) Describe, using evidence to the extent possible, how the proposed scope and regulation may improve or may harm the health, safety, and welfare of the public?
- 2) Is there any research evidence that the proposed change(s) might have a risk to the public? Please cite.
- 3) Will a regulatory entity/board have authority to discipline practitioners?
- 4) Describe any proposed disciplinary measures to safeguard against unethical/unfit professionals. How can consumers access this information?

B. Access, Cost, Quality, Care Transformation Implications

- 1) Describe how the proposed change(s) will affect the availability, accessibility, cost, delivery, and quality of health care.
- 2) Describe the unmet health care needs of the population (including health disparities) that can be served under this proposal and how the proposal will contribute to meeting these needs.
- 3) Please describe whether the proposed scope includes provisions to encourage or require practitioners to serve underserved populations.

- 4) Describe how this proposal is intended to contribute to an evolving health care delivery and payment system (e.g. interprofessional and collaborative practice, innovations in technology, ensuring cultural agility and competence in the profession, value based payment etc.)

C. Regulation

- 1) If the services or individuals are currently unregulated, what is the proposed form of credentialing/regulation (licensure, certification, registration, etc.)? State the rationale for the proposed form/level of regulation.ⁱ If there is a lesser degree of regulation available, state why it was not selected.ⁱⁱ
- 2) Describe if a regulatory entity/board currently exists or will be proposed. Does/will it have statutory authority to develop rules related to a changed/expanded scope or emerging profession, determine standards for education and training programs, assessment of practitioners' competence levels? If not, why not?ⁱⁱⁱ
- 3) Is there model legislation for the profession available at the national level? If so, from what organization? Which states have adopted it? Briefly describe any relevant implementation information.
- 4) Does the proposal overlap with the current scope of practice for other professions/practitioners? If so, describe the areas of overlap. (This question is not intended to imply that overlap between professions is negative.)

D. Education and Professional Supervision

- 1) Describe the training, education, or experience that will be required for this professional based on this proposal, including plans for grandfathering in prior qualifications and/or experience where appropriate.
- 2) Is the education program available, or what is the plan to make it available? Is accreditation or other approval available or proposed for the education program? If yes, by whom?
- 3) Do provisions exist or are they being proposed to ensure that practitioners maintain competency in the provision of services?^{iv} If so, please describe.
- 4) Is there a recommended level/type of supervision for this practitioner— independent practice, practice needing formal agreements or delegated authority, supervised practice? If this practitioner will be supervised, state by whom, the level, extent, nature, terms of supervision.^v

E. Finance Issues – Reimbursement, Fiscal Impact to state, etc.

- 1) Describe how and by whom will the new or expanded services be compensated (e.g., Medical Assistance, health plans, etc.)? What costs and what savings would accrue and to whom (patients, insurers, payers, employers)?
- 2) Describe whether reimbursement is available for these services in other states?^{vi}

3) What are the projected regulatory costs to the state government, and how does the proposal include revenue to offset those costs?

4) Do you anticipate a state fiscal impact of the proposed bill?

No

Yes

If, yes, describe briefly and complete table below to the extent possible:

Fund (specify)	FY2017	FY2018	FY2019	FY2020
Expenditure				

F. Workforce Impacts

- 1) Describe what is known about the projected supply/how many individuals are expected to practice under the proposed scope?^{vii} If possible, also note geographic availability of proposed providers/services. Cite any sources used.
- 2) Describe, with evidence where possible, how the new/modified proposal will impact the overall supply of the proposed services with the current/projected demand for these services.

G. Proposal Supporters/Opponents (Sponsor should understand and attempt to address the concerns of the opposition before submitting the document)

- 1) What organizations and groups have developed or reviewed the proposal?
- 2) Note any associations, organizations, boards, or groups representing the profession seeking regulation and the approximate number of members in each in Minnesota.^{viii}
- 3) Please describe the anticipated or already documented position professional associations of the impacted professions (including opponents) will/have taken regarding the proposal.^{ix}
- 4) State what actions have been undertaken to minimize or resolve any conflict or disagreement with those opposing/likely to oppose the proposal.^x
- 5) What consumer and advocacy groups support/oppose the proposal and why?

H. Report to the Legislature

- 1) Please describe any plans to submit a report to the legislature describing the progress made in the implementation and the subsequent impacts (if measureable) of the scope of practice changes for regulated health professions/occupations. Describe the proposed report's focus and timeline. Any proposed report schedule should provide sufficient time for the change to be implemented and for impacts to appear.

Part 2- Proposal Summary Notes

To be completed by legislators reviewing the proposal. This section serves as a companion to the information provided by authors (Part 1), and is designed for legislators to complete to serve as a guide/facilitate evaluation of proposed statutory changes.

Bill # (if introduced):

Title:

Author(s):

Proposal Summary Notes:

Public Safety and Well Being

Review Notes:

Access, Cost, Quality, Care Transformation Implications

Review Notes:

Regulation

Review Notes:

Education and Professional Supervision

Review Notes:

Finance Issues – Reimbursement, fiscal impacts to state government, etc.

Review Notes:

Fiscal impact of the proposed bill:

No

YEs

Fund (specify)

FY2017

FY2018

FY2019

FY2020

Expenditure				
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If, yes, describe briefly:

Workforce Impacts

Review Notes:

Proposal Supporters and Opponents

Review Notes:

Reporting Requirements, if applicable:

Review Notes:

Other

Does the bill promote health equity?

Does the bill positively impact my constituents?

NOTES:

ⁱ Minnesota Health Occupation Review Program. Manual of Procedures for use by Occupations submitting proposals to the Minnesota Council of Health Boards. 2002. Available in hard copy upon request. See discussion on Credentialing Policy Guidelines – Part 4.

ⁱⁱ Minn Stat 214.002 Subd. 2. (3)

ⁱⁱⁱ Federation of State Medical Boards. “Assessing Scope of Practice in Health Care Delivery: Critical Questions in assuring Public Access and Safety.” 2005

^{iv} Federation of State Medical Boards. “Assessing Scope of Practice in Health Care Delivery: Critical Questions in assuring Public Access and Safety.” 2005

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^{viii} Minnesota Health Occupation Review Program. Manual of Procedures for use by Occupations submitting proposals to the Minnesota Council of Health Boards. 2002. Available in hard copy upon request

^{ix} Legislative Questionnaire for new or expanded regulation of health occupations. Submitted to the Minnesota Legislature by the Minnesota Advanced Practice Registered Nurse (APRN) in collaboration with the Minnesota Board of Nursing. January 29, 2014. This document includes more questions in addition to those required by Minn. Stat. 214.002. Only the new questions are included in the table.

^x Legislative Questionnaire for new or expanded regulation of health occupations. Submitted to the Minnesota Legislature by the Minnesota Advanced Practice Registered Nurse (APRN) in collaboration with the Minnesota Board of Nursing. January 29, 2014. This document includes more questions in addition to those required by Minn. Stat. 214.002. Only the new questions are included in the table.