Items for Consideration to Increase Public Participation on Certain Title 54 Occupational and Professional Licensing Boards

Prepared for the April 21, 2008 Meeting of the Legislative Committee on Health Care

APPOINTMENT PROCESS

Public participation in the appointment process may be increased in a variety of ways up to and including:

- 1. <u>Creation of a Screening Committee</u>. A screening committee would select nominees for gubernatorial appointment to boards. A screening committee is generally created to emphasize merit and reduce the possibility of board members being selected primarily because of personal, political, or financial relationships.
 - To accommodate the number of appointees in any given year, several screening panels may be convened in a configuration that allows the panels to rotate and members from one panel to serve as substitutes on another panel.
 - Each panel could consist of approximately seven members, with three selected by the Governor, one each by the Senate Majority and Minority Leader, one each by the Speaker and Assembly Minority Leader. This arrangement would provide for bipartisan selections based on merit rather than political factors. A substitute from one panel may only replace a member of another panel if both were appointed by the same official. One of the Governor's selections, designated by the Governor, would serve as panel president and five members of a panel would have to agree on a nominee.

The screening panels might be composed of volunteers who serve without pay as a public service.

• An example of such a body is the 15-member Task Force for Renewable Energy and Energy Conservation. See NRS 701.360(5). Videoonferencing and electronic mail could be used whenever possible to reduce travel time and expense.

Entire exhibit provided

- 2. Governor Selects from Screening Committee Slate. The screening committee panel could present a minimum of three names to the Governor for each vacancy and the Governor could be required to select one of the three candidates.
 - The Governor might suggest nominees to the screening committee; however the process could be opened for individuals to make their own application. Incumbents, if not term limited by statute, could be considered for reappointment.
 - Nominees would be presented to the Governor at least 30 days prior to the occurrence of the vacancy and the Governor would be required to make an appointment by the time the position is vacant.

COMPOSITION OF BOARDS

Public participation may be increased by revising the composition of boards in a variety of ways up to and including:

- 3. Requiring Majority Public Members. The number of board members could remain as presently established by statute but each board might be required to have a majority of public members (including the limitation that a public member may not be the spouse or the parent or child, by blood or marriage or adoption, of a person licensed in any state to practice any related profession; see for example, NRS 630.060(3)(b) relating to the Board of Medical Examiners). The incumbent board members with the shortest remaining time on their terms would be replaced with public members until the majority of the board is composed of public members. In some cases where existing boards are composed of several different licensees (e.g., the Board of Dental Examiners is composed of six dentists and three dental hygienists), the number of non-public positions on the board might be reduced proportionally to maintain existing ratios to the extent possible.
 - A minority of licensed professionals would remain on each board to maintain sufficient professional expertise and to provide the necessary professional perspective for the entire board.
 - Additionally, each board could retain experienced legal counsel to advise the body on both evidence and law.
 - Some boards, such as the Board of Medical Examiners, already have statutory authority to appoint a physician to serve as an advisory member of the board. One or more such physicians might be designated to assist a committee of the board in an investigation. Advisory members could

- also serve as members of the panel selected to hear charges and vote on any recommendations made by the panel to the board (NRS 630.075).
- Some Title 54 chapters provide that only licensed professional board members can participate in grading examinations required by the board (e.g., NRS 631.130 concerning dentists and dental hygienists). To maintain this standard, the board could be empowered to appoint special committees of licensees to grade examinations or hire qualified examination services to perform these duties. The Board of Medical Examiners already has such a provision in NRS 630.180.

LEADERSHIP OF BOARDS

Public participation may be increased by revising the leadership of boards in a variety of ways, up to and including:

- 4. **Requiring a Public Member to Preside.** The president of each board could be appointed by the Governor but would always be one of the public members. The president would serve at the pleasure of the Governor (but only in the capacity of president; the individual's term of office as a member of the board would remain a fixed term as established by statute).
 - This is modeled on NRS 703.070 pertaining to the Public Utilities Commission.
- 5. <u>Presiding Public Member Serves as Executive Officer</u>. NRS 703.070 also designates the chairperson as the Executive Officer of the PUCN. As such, the chairperson would have authority to oversee daily operations of the staff.
- 6. Conform Licensing Chapters. Expand NRS Chapters 622 and 622A to contain all the statutes that are common to the various health care licensing boards, standardize the provisions where appropriate by selecting the best version, and leave only those provisions which are in fact unique to a specific board in the board's separate chapter.

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