

Discussion and Review of AB 457

- 1) Process for Rules of Practice
 - a) Commission appoints a sub-committee to assist in finalizing Rules of Practice with Division staff, and feedback from the licensing boards.
 - b) Division Staff will create two forms that appellants fill out through the DPBH website
 - i) One form for disciplinary appeal
 - ii) One form for application denial
 - iii) Licensing Boards will link to this website
 - iv) Commission adopts practice of hearing appeal only after the appellant has exhausted the Board's appeal process.
 - c) Deputy Administrator of Clinical Services or designee will receive the appeals
 - i) Division staff will notify Commissioners and Licensing Boards within 3 business days
 - d) Commission adopts reasonable timeframe (30 days is statutory judicial review) for licensing board to submit all relevant paperwork and hearing transcript to Commission for investigation.
 - e) Division staff will assist in providing a formal email to appellant notifying receipt of appeal and any action from the board within 3 days.
 - f) Commission adopts a timeframe of 90 days (?) in which the appeal must be completed by the Commission.
- 2) Commission's appeal investigation responsibility
 - a) Commission appoints sub-committee consisting of 3 members to investigate the appeal
 - i) Each respective sub-committee is chaired by the appropriate representative from the Commission in the field in which the appeal is from.
 - (1) Commission adopts procedures for recusal (conflict of interest; etc.) for Commissioners.
 - ii) One member will be a Commission member from the public
 - iii) The third member will be selected from a pool of licensed practitioners; (Or) The third member can be another member of the Commission upon the preference of the Licensing Board.
 - (1) Licensing Boards will work to create a pool of individuals
 - (a) Licensing boards (those that wish to do so) will provide continuing education credits for licensees
 - (2) Commission will create criteria for qualification to serve on investigation sub-committee
 - (3) The third member must have appropriate experience in the specialty within the field in which the appeal is referencing, as determined by the Commission
 - (a) Selected by chair of sub-committee
 - iv) Sub-committee commence investigation and offers a recommendation to the Commission for action.
 - (1) DAG provides guidance for sub-committee
 - b) Commission takes sub-committee's recommendation into account before rendering a decision on the appeal.
 - i) Commission can make decisions regarding whether they wish to hear testimony from appellant and Board during Commission's agenzized items.

- 3) Commission's review of Board's regulations
 - a) Licensing Boards submit regulations to the Commission in their normal statutory obligation to notify their membership.
 - i) Regulations will be submitted to Deputy Administrator for Clinical Services or designee
 - (1) Commission adopts policy regarding the starting date that Boards need to submit regulations. (New Regs starting Jan. 1, 2018; Regs not yet completed; etc.)
 - ii) Division Staff will notify Commission within 3 business day
 - b) Commission may appoint a sub-committee to review regulations
 - i) Have one person (doesn't rise to OML mandate), subject matter expert, review the regulation.
 - c) Commission may call a special meeting to review and make recommendations regarding the regulation
 - d) Commission to have 21 days to review and submit recommendations to the Board.
 - i) Division staff will assist in emailing the licensing boards the recommendations of the Commission within the established timeframe.