Kentucky Board of Licensed Diabetes Educators

What is the Licensing Board?

In July 2012, the General Assembly created the Board of Diabetes Educators

The purpose of the board is to regulate the practice of diabetes education, for the protection of the public

What does it mean to regulate the practice?

--Require credential (license) issued by the state

--Set minimum requirements for licensure and maintaining license

--Investigate possible violations and impose discipline against licensees in violation of KRS 309.

Who serves on the Board?

Kentucky board is consists of 5 members appointed by the Governor

-- 1 medical physician with experience in delivery of diabetes education; State Board of Medical Licensure submits list of 3 names to Gov.

-- 1 registered nurse w/DE experience; Board of Nursing submits list of 3 names to Gov.

-- 1 pharmacist w/DE experience; Board of Pharmacy submits list of 3 names to Gov.

-- 1 licensed dietician or cert. nutritionist w/DE experience; Board of Licensure for Dietitians & Nutritionists submits list of 3 names to Gov.

-- 1 citizen at large

Nurse, nutritionist or pharmacist must have completed AADE or NCBDE credentialing program.

Board Responsibilities

Ensure public has access to competent, safe and ethical (as defined by law) practitioners

Represent ALL of the Commonwealth, not promote private group or interest; doesn't mean you can't consider others.

Attend & prepare for meetings

Speak with one voice on decisions & policies approved by the board

Ensure staff is properly assisting board to fulfill its duties (O & P and OAG)

Adhere to ethical guidelines set by Executive Order

What the Board is NOT

The Board is not a professional organization or association, advocating for what is in the best interest of the profession.

Associations:

- members voluntarily join
- members vote on how organization is governed
- Board of Directors answers to association members
- Develops strategic plans for research, reimbursement, advocacy

The LDE Board is a government agency. General laws that apply:

-- Open Records Act (KRS 61.870-884)

(minutes reflect board action, record retention schedule, exceptions permitted by law)

-- Open Meetings Act (KRS 61.800-850)

(no ex parte communication, closed session, public's right to attend, not participate, special mtgs.)

-- personnel & purchasing laws (RFPs, MOAs, etc.)

3 Roles of Licensing Boards

Executive Branch

Legislative Branch

Judicial Branch

Executive Branch Duties

1) Enforce the ***minimum*** requirements to be a DE

and

2) Enforce the ***minimum*** standards of practice to be effective, safe and ethical towards general public.

Enforcing the statutes as they are written, unless statutory conflicts exist that prevent board from fulfilling responsibilities (SB 201, e.g.)

Minimum Standards of Practice

Code of Ethics/Conduct as set in statutes and regulations are the minimum standard of practice, **NOT** "best practices" or association code of ethics.

Best Practices = What you <u>should</u> do

vs.

Code of Ethics = What you <u>must</u> do

- BIG difference between associations & licensing board.

Legislative Duties

Board promulgates administrative regulations

Board can recommend legislation regarding DE;

Advocating and drafting legislation is *usually* the associations' role. Exceptions apply when administrative issue or statutes conflicts directly impacting board operations, but board usually not active participant.

Administrative Regulations

Purpose: Expand upon statutes; provide further details and explanation of statutes

Process set out in KRS 13A

Formal public process "enforced" by Legislative Research Commission (LRC)

Regulations are published by LRC

Filings year-round

Judicial Duties

Board hears disciplinary actions like a judge or jury. Therefore, members should not discuss matters with others.

Disciplinary Hearings

A license to practice as a DE is a property right.

The government cannot deprive a person of his or her "life, liberty, or property" without "due process of law."

What is "due process of law?"

Answer: Notice and opportunity to be heard by an impartial decision maker

Complaint Process

Needs to be set out in regulation. Board will need to determine exact process

The "Complaint/Compliance/Grievance Committee"

Committee reviews initial complaint and provides a <u>recommendation</u>

--dismiss

--investigate

--file formal complaint based on investigation/negotiate

Things to think about

- Form
- Accept anonymous complaints?
- Investigator
- Unlicensed practice (civil and criminal options)

Anonymity

Complaints will be assigned a case number and presented to the Board without any identifying information.

Anonymous presentation protects the integrity of the process.