

Citizen Advocacy Center

2011 Annual Meeting

Program Announcement and Meeting Registration Form

“Achieving Regulatory Excellence”

Effective Discipline Programs

**Thursday and Friday,
October 20 and 21, 2011**

1400 Sixteenth Street NW
First Floor Conference Room
Washington, DC 20036

The Citizen Advocacy Center, a not-for-profit 501(c)(3) organization, provides training, research, technical support, and networking opportunities for public members and the health professional boards on which they serve.

CALL TO THE MEETING

The Citizen Advocacy Center (CAC) is pleased to invite you to attend our twenty-fourth annual meeting. We have decided to devote the entire one-and-a-half day meeting to an examination of various aspects of licensing board disciplinary programs. Discipline is only one of many licensing board responsibilities, but it is central to protecting the public health and safety. It is also the activity that is most likely to grab the attention of the media and the general public.

As with any Bell Curve, most discipline cases fall in the middle of a spectrum that ranges from allegations involving relatively minor infractions to allegations of egregious violations that pose an immediate threat to public safety. On Thursday, October 20, the agenda will be devoted to looking at key elements of regulatory board disciplinary programs, regardless of the gravity of the complaint. Presentations will feature states that we believe operate effective programs in the following areas.

- Processing complaints and keeping complainants informed;
- Investigating complaints;
- Resolving meritorious complaints through negotiated settlements;
- Enforcing disciplinary orders; and
- Using disciplinary data to improve your disciplinary program.

The capacity of boards to operate state-of-the-art discipline programs varies according to the resources available to them. We will invite speakers from both large and sparsely populated professions and from boards with relatively ample and with relatively meager resources to look at a range “best practices” as they manifest themselves in the real world.

The Thursday agenda will also feature the eighth annual **Ben Shimberg Memorial Luncheon and Lecture**. We are pleased to announce that this year’s honoree is **Catherine Dower, JD**, Associate Director, Research, at the Center for the Health Professions, University of California, San Francisco.

On Friday, October 21, the agenda will cover the resolution of cases that fall on the extremes of the spectrum – relatively minor allegations at one end and very serious allegations at the other. Speakers will describe approaches to handling allegations according to the *Just Culture* philosophy, and by using non-disciplinary letters of concern. Other presenters will talk about the use of summary suspensions and other extreme measures to handle the most serious allegations.

The annual meeting will include a presentation about recent court cases and other legal developments of interest to all licensing boards. The speaker will recommend ways boards can apply the lessons learned from these cases to their own disciplinary programs.

David A. Swankin
President and CEO
Citizen Advocacy Center

WHO SHOULD ATTEND

Licensing Board Public Members
Health Care Providers
Attorneys
Educators

Licensing Board Professional Members
Certifying Agency Public Members
Consumer Advocates
State Legislators

Licensing Board Staff
Certifying Agency Staff
Public Health Officials
Certifiers and Accreditors

FACULTY

Maryann Alexander	Chief Officer, Nursing Regulation, National Council of State Boards of Nursing (NCSBN)
Kimberly Anderson	Assistant Executive Director, Investigations, Compliance and Enforcement, State Medical Board of Ohio
Dale Atkinson	Executive Director, Federation of Associations of Regulatory Boards (FARB)
Julianne D'Angelo Fellmeth	Administrative Director, Center for Public Interest Law, University of San Diego School of Law
Julie George	Executive Director, North Carolina Board of Nursing
Kathleen Haley	Executive Director, Oregon Board of Medical Examiners
Helen Haskell	President, Mothers Against Medical Errors
Betsy Houchen	Executive Director, Ohio Board of Nursing
Dwight Hymans	Director of Board Services, Association of Social Work Boards
Nancy Kirsch	Board Member, New Jersey Board of Physical Therapy Examiners, and Vice-President, Federation of State Boards of Physical Therapy
Rebecca LeBuhn	Board Chair, Citizen Advocacy Center
Faye Lemon	Director, Enforcement Division, Virginia Department of Health Professions, and President, Council on Licensure, Enforcement and Regulation (CLEAR)
Art Levin	Director, Center for Medical Consumers, New York
Donna Liewer	Executive Director, Federation of Chiropractic Licensing Boards
Ben Massey	Executive Director, North Carolina Board of Physical Therapy Examiners
Karen Matthew	Director of Investigations and Inspections, North Carolina Board of Pharmacy
Lisa McGiffert	Director, Safe Patient Project, Consumers Union
Bruce McIntyre	Acting CEO, Rhode Island Board of Medical Licensure and Discipline
Joey Ridenour	Executive Director, Arizona Board of Nursing
David Swankin	President and CEO, Citizen Advocacy Center
Timothy Terranova	Consumer Assistant, Maine Board of Licensure in Medicine
Katherine Thomas	Executive Director, Texas Board of Nursing

AGENDA

Thursday, October 20, 2011

8:00 a.m.

REGISTRATION DESK OPENS

Coffee and bagels will be available.

8:30 a.m. – 8:40 a.m.

WELCOME

LeBuhn

8:40 a.m. – 9:00 a.m.

OPENING REMARKS

Swankin

9:00 a.m. – 9:20 a.m.

KEYNOTE ADDRESS

McGiffert

9:20 a.m. – 10:30 a.m.

PROCESSING COMPLAINTS AND KEEPING COMPLAINANTS INFORMED

Haskell, Hymans, Kirsch, and Terranova

How user-friendly is your process? Is a complaint form readily accessible on your Web site? Does your board help callers put their complaints in writing? Are complainants told what to expect from the process? Are complainants kept informed of the status of their complaints as they move through the process? Are people whose complaints are outside the jurisdiction of your board directed to other sources of help? What steps can and should boards take to make the complaint process user-friendly?

10:30 a.m. – 10:45 a.m.

COFFEE BREAK

10:45 a.m. – 11:35 a.m.

INVESTIGATING COMPLAINTS

Fellmeth and Lemon

How are complaints prioritized for investigation? How long do investigations take? Do investigators and attorneys have effective working relationships? Speakers will address these and other aspects of the investigative process.

11:35 a.m. – 12:20 p.m.

NEGOTIATED SETTLEMENTS: DO THEY PROTECT THE PUBLIC?

Anderson and Massey

To some, negotiated settlements are considered to be “plea bargaining” connoting an inappropriate compromise. In fact, the majority of cases prosecuted by professional licensing boards are resolved through negotiated settlements, sometimes called consent orders. How do boards ensure that negotiated settlements protect the public just as well as orders that result from formal hearings? Can a negotiated settlement be *stronger* than an order achieved at a hearing? Does the public have an opportunity to weigh in on the proposed terms before a negotiated settlement is approved? Speakers will discuss these and other concerns related to negotiated settlements.

12:20 p.m. – 1:15 p.m.

LUNCH (INCLUDED IN REGISTRATION FEE)

1:15 p.m. – 2:00 p.m.

BEN SHIMBERG MEMORIAL LUNCHEON AND LECTURE

Dr. Benjamin Shimberg, widely considered the “father” of accountability in professional and occupational licensing, served as the first chair of CAC’s Board of Directors until his death in September 2003. The Board immediately voted to name Ben the Chairman Emeritus of CAC. They also voted to create an annual Ben Shimberg Public Service Award, and to ask the recipients of that award to deliver a lecture.

The recipient of the 2011 Ben Shimberg Public Service Award will be Catherine Dower, JD, Associate Director for Research, Center for the Health Professions, UCSF. She will be introduced by David Swankin, President and CEO, Citizen Advocacy Center.

Prior recipients of the award were:

- 2010 Art Levin, Director, Center for Medical Consumers
- 2009 Sidney Wolfe, Director, Public Citizen’s Health Research Group.
- 2008 Polly Johnson, past Executive Director of the North Carolina Board of Nursing.
- 2007 Barbara Safriet, public member on the Federation of State Boards of Physical Therapy.
- 2006 John Rother, Policy and Strategy Director for AARP.
- 2005 Julie D’Angelo Fellmeth, Administrative Director, Center for Public Interest Law, University of San Diego School of Law, and former Enforcement Monitor for the Medical Board of California.
- 2004 Mark Yessian, Former Regional Inspector General for Evaluation and Inspections, Boston Region, Office of the Inspector General, U.S. Department of Health and Human Services.

2:00 p.m. – 2:15 p.m.

BREAK

2:15 p.m. – 2:50 p.m.

ASSURING COMPLIANCE WITH BOARD ORDERS

Haley and Levin

Whether cases are resolved through negotiated settlements or disciplinary hearings, board orders often impose specific responsibilities on the affected licensee. How can a board enforce compliance with disciplinary orders?

2:50 p.m. – 4:20 p.m.

USING DISCIPLINARY DATA TO IMPROVE A BOARD’S DISCIPLINARY PROGRAM

Alexander, Liewer, and Ridenour

Aggregate data about disciplinary cases is a useful resource for public protection and strategic planning. It can be used in a variety of constructive ways, such as: to inform licensees about common infractions and how to avoid them; to help boards compare their performance to that of their sister boards in other jurisdictions; and, to help understand the root causes of errors or willful behaviors that lead to disciplinary action. Speakers will describe how they utilize data in managing their disciplinary programs.

4:20 p.m. – 5:00 p.m.

STAYING ON TOP OF DEVELOPMENTS IN THE LAW

Atkinson

Court at every judicial level render decisions that affect the work of licensing boards, regardless of profession. Our closing speaker will talk about recent decisions with implications for disciplinary programs. He will also advise boards on how they might apply the rulings to the cases before them.

5:00 p.m.

ADJOURN FOR THE DAY

Friday, October 21, 2011

8:00 a.m.

REGISTRATION DESK OPENS

Coffee and bagels will be available.

9:00 a.m. – 9:45 a.m.

DEALING WITH ERRORS USING THE “JUST CULTURE” APPROACH

George and Houchen

The Just Culture concept differentiates between performance or outcomes that arise from human error or delivery system flaws and those that arise from willfully unacceptable behavior by healthcare professionals. How do boards that embrace Just Culture principles ensure accountability in the management of their disciplinary systems? Speakers will talk about how Just Culture works at their boards.

9:45 a.m. – 10:30 a.m.

HANDLING MINOR COMPLAINTS USING NON-PUBLIC INTERVENTIONS

Thomas

Many boards have the authority to issue “letters of concern” or take other non-public actions in relatively minor cases where the board sees little danger to the public. Critics of shielding these actions from public view ask questions such as, what criteria determine which cases should be handled this way, and what records are kept in the licensee’s file in case similar concerns arise in the future. The speaker will describe how her board uses non-public interventions and still ensures that the public is being protected.

10:30 a.m. – 10:45 a.m.

COFFEE BREAK

10:45 a.m. – 11:30 a.m.

SUMMARY SUSPENSION: IS THIS AUTHORITY USED AS OFTEN AS IT SHOULD BE?

Matthew and McIntyre

Many boards have the authority to issue summary suspensions when they have reason to believe a licensee poses a danger to the public. Representatives of boards that enjoy this authority will comment on the pros and cons of using it and give examples of when their boards have done so.

11:30 a.m. – 12:00 p.m.

CLOSING REMARKS

David Swankin

12:00 p.m.

CONFERENCE ENDS

HOTEL INFORMATION

This year, the annual meeting will be held in the first floor conference center at CAC's headquarters, 1400 Sixteenth Street NW, Washington, DC, 20036. Since there is no specific conference hotel, below is a list of nearby hotels:

Beacon Hotel

1615 Rhode Island Ave. NW
(202) 296-2100

Embassy Suites Hotel

1250 22nd St. NW
(202) 857-3388

Hilton Garden Inn

815 14th St. NW
(202) 783-7800

Holiday Inn Washington Central

1501 Rhode Island Ave. NW
(202) 483-2000

Lombardy Hotel

2019 Pennsylvania Ave. NW
(202) 828-2600

Marriott Courtyard Embassy Row

1600 Rhode Island Ave. NW
(202) 293-8000

Morrison-Clark Inn

1015 L. St. NW
(202) 898-1200

Jury's Normandy Inn

2118 Wyoming Ave NW
(800) 311-5192

One Washington Circle Hotel

1 Washington Circle
(800) 424-9671

Renaissance Mayflower Hotel

1127 Connecticut Ave. NW
(202) 347-3000

St. Gregory Hotel and Suites

2033 M. St. NW
(202) 530-3600

Tabard Inn

1739 N. St. NW
(202) 785-1277

Westin City Center

1400 M. St. NW
(202) 429-1700

MEETING REGISTRATION FORM

TO REGISTER FOR OUR 2011 ANNUAL MEETING, PLEASE COMPLETE THIS FORM AND SEND IT TO:

CAC

1400 16th Street NW • Suite 101
 Washington, D.C. 20036
 Voice (202) 462-1174 • FAX: (202) 354-5372
 cac@cacenter.org

Name:		
Title:		
Name of Organization or Board:		
Address:		
City:	State:	Zip:
Telephone:		
Email:		

PAYMENT OPTIONS:

- 1) Mail us a check payable to **CAC** for the appropriate amount;
- 2) Provide us with your email address, so that we can send you a payment link that will allow you to pay using PayPal or any major credit card;
- 3) Provide us with a purchase order number so that we can bill you;

Purchase Order Number:

Or

- 4) Provide the following information to pay by credit card:

Name on credit card:	
Credit card number:	
Expiration date and security code:	
Billing Address:	

Signature

Date

	Early Bird (before Oct. 1, 2011)	(after Oct. 1, 2011)
Registration fee:	<input type="checkbox"/> \$445.00	<input type="checkbox"/> \$495.00
Webinar / remote participation	<input type="checkbox"/> \$395.00	<input type="checkbox"/> \$445.00
Registration fee for CAC Member Organizations:	<input type="checkbox"/> \$395.00	<input type="checkbox"/> \$425.00
Webinar / remote participation for CAC Member Organizations:	<input type="checkbox"/> \$345.00	<input type="checkbox"/> \$375.00

(If you're not sure whether you are affiliated with a CAC member organization, please refer to our 2011 member list at <http://www.cacenter.org/files/members.pdf>.)

CANCELLATION POLICY

100% refund if cancelled before October 1, 2011.
 50% refund if cancelled between October 1, 2011, and October 10, 2011.
 NO REFUND if cancelled after October 10, 2011.

CAC IS NOW A MEMBERSHIP ORGANIZATION

CAC is a not-for-profit, 501(c)(3) tax-exempt service organization dedicated to supporting public members serving on healthcare regulatory and oversight boards. Over the years, it has become apparent that our programs, publications, meetings and services are of as much value to the boards themselves as they are to the public members. Therefore, we have decided to offer memberships to health regulatory and oversight boards in order to allow the boards to take full advantage of our offerings.

We provide the following services to our members:

- (1) **Free** copies of all CAC publications that are available to download from our website for **all** of your board members and **all** of your staff;
- (2) A **10% discount** for CAC meetings, including our fall annual meeting, for **all** of your board members and **all** of your staff;
- (3) A **\$20.00 discount** for CAC webinars.
- (4) If requested, a **free** review of your board's website in terms of its consumer-friendliness, with suggestions for improvements;
- (5) **Discounted rates** for CAC's on-site training of your board on how to most effectively utilize your public members, and on how to connect with citizen and community groups to obtain their input into your board rule-making and other activities;
- (6) Assistance in identifying qualified individuals for service as public members.

We have set the annual membership fees as follows:

Individual Regulatory Board	\$275.00
"Umbrella" Governmental Agency plus regulatory boards	\$275.00 for the umbrella agency, plus \$225.00 for each participating board
Non-Governmental organization	\$375.00
Association of regulatory agencies or organizations	\$450.00
Consumer Advocates and Other Individuals (NOT associated with any state licensing board, credentialing organization, government organization, or professional organization)	\$100.00

MEMBERSHIP FORM

TO BECOME A CAC MEMBER ORGANIZATION, PLEASE COMPLETE THIS FORM AND SEND IT TO:

CAC

1400 16th Street NW • Suite 101
Washington, D.C. 20036
Voice (202) 462-1174 • FAX: (202) 354-5372
cac@cacenter.org

Name:		
Title:		
Name of Organization or Board:		
Address:		
City:	State:	Zip:
Telephone:		
Email:		

PAYMENT OPTIONS:

- 1) Mail us a check payable to **CAC** for the appropriate amount;
- 2) Provide us with your email address, so that we can send you a payment link that will allow you to pay using PayPal or any major credit card;
- 3) Provide us with a purchase order number so that we can bill you;

Purchase Order Number:

Or

- 4) Provide the following information to pay by credit card:

Name on credit card:	
Credit card number:	
Expiration date and security code:	
Billing Address:	

Signature

Date

Our Federal Identification Number is 52-1856543.

