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## Advocacy First

I was quite surprised – and pleased – to be named as FARB’s **first** Chief Advocacy Officer a few months ago. **First**, I’m an architect, not an advocate. Second, I’m not a political animal by nature, and certainly not a registered lobbyist. And then I came to realize that each and every one of us serves as an advocate for professional licensure for our own organizations every day. Piece of cake, right?

FARB’s role as advocate has become even more important as state licensing boards face greater scrutiny from the fallout of the North Carolina Dental decision. At times, it seems that protection of the public – a licensing board’s **first** and foremost reason for being – has taken a back seat to antitrust concerns. FARB must step up its efforts to get public protection back in the driver’s seat.

As a result of the North Carolina decision, policies and decisions by state licensing boards are being reviewed more closely. Legislators are contemplating changes to board composition so that public members might form the majority, or maybe even all of the seats on a Board, undervaluing the importance of subject matter expertise in the decision making process. FARB has created three model

letters addressing the consequences of each of these concerns as a **first** round of response to legislators. The letters also encourage a dialogue between legislators, regulators, and the national organizations that represent and support the state licensing boards to assure that careful and thoughtful outcomes prevail. Letters of support have been sent in response to proposed legislation in Arizona, North Carolina, and West Virginia.

FARB is also working on Capitol Hill in support of state licensing boards. Visits with leaders on both sides of the aisle represent FARB’s **first** foray into national policy making and enhances FARB’s reach and relevance. A special thanks is due to those FARB Governing Members that have pledged their support for this endeavor.

Another exciting **first** for FARB will be attending and exhibiting at the National Conference of State Legislatures in Chicago in August. The NCSL Legislative Summit, the nation’s largest gathering of state lawmakers, will provide exposure to a significant network of contacts as we seek to increase FARB’s visibility.

And finally, FARB has seated its **first** Advocacy Committee.

*by Stephen Nutt, AIA, NCARB, CAE*

FARB President Mary de Sousa assembled a great team to lead the effort: Chair Eric Fish (FSMB), Joel Albizo (CLARB), Shaun Conway (NBCOT), Denise Fandel (BOC), and Alex Siegel (ASPPB). The Committee is charged with developing FARB’s **first** action plan to position FARB as the national voice promoting common sense regulation and public protection.

As you can see by these activities, FARB’s Board of Directors and staff are putting **advocacy first** for our members and everyone in the professional licensing community. THANKS to each of you for serving as an advocate for professional licensure every day.

*Stephen Nutt is a licensed architect and Advisor to the CEO at the National Council of Architectural Registration Boards. He is also serving as FARB’s Chief Advocacy Officer.*



# Program Spotlight: Member Surveys

Is your board interested in researching a topic relevant to the professional licensing community? Would you like to poll similar agencies across professional and jurisdictional boundaries? Did you know that as a FARB Member, you can submit a survey request on a relevant topic to FARB?

Periodically, FARB initiates surveys of its membership on behalf of one of its members as a way to promote communication

and information sharing. The results of these surveys are available on the website for everyone's benefit. If you have a topic of interest, please email [FARB@FARB.org](mailto:FARB@FARB.org) with your request. We will even help you



design the perfect survey to fit your needs.

Accordingly, when you receive a request from FARB to respond to a survey, please take the time to do so. You will be providing valuable information to others in the community and supporting an environment of open communication. Ultimately, we can learn from one another the best practices involved with protecting the health, safety and welfare of the consuming public.

## Member Survey Opportunity

*Please take a moment to respond to our current survey about attorney roles in representing licensing boards.*

*[Click here](#) to go directly to the survey or visit*

*[www.FARB.org](http://www.FARB.org) and select the "Survey" menu option.*

*Thank you!*

## President's Corner

What is your mental model? A number of years ago, Glenn H. Tecker of Tecker International, posed this question to the Board of Directors at the organization for which I work. It was a pivotal question that ultimately had dramatic, positive effects on the organization.

What is the mental model for regulatory Board members? When they first come on a board, their mental model is

most likely that of a practitioner. Training is critical to help them shift to a mental model of regulating the practice. Done right, this training institutes best practices that help boards avoid "protectionist" behaviors that lead to antitrust issues.

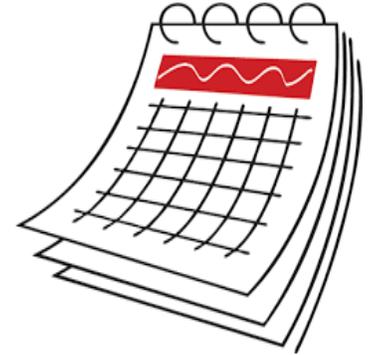
FARB's Comprehensive Regulatory Training is a valuable service that was developed to provide service directly to one of our growing

membership categories - regulatory boards. Jurisdictions are taking advantage of this service to institute best practices among regulatory boards.

With over 70 regulatory boards that are members of FARB, FARB is considering additional opportunities to expand services to this membership class. Please send us your ideas!

## Calendar of Upcoming Events

FARB National Policy Summit on Professional Regulation	July 14	Nashville, Tennessee
FARB Leadership Conference	July 15-16	Nashville, Tennessee
24th Annual FARB Regulatory Law Seminar	Sep 30 - Oct 2	Chicago, Illinois
41th Annual FARB Forum	January 26-29	San Antonio, Texas



# Effective Use of Consent Agreements

by Jim Anliot

In a time of limited resources, many licensing boards are choosing to resolve disciplinary cases through consent agreements rather than through full administrative hearings. Effective use of consent agreements can produce faster resolution of cases and may give a licensing board greater flexibility in resolving the specific problems identified in a given case.

Be clear about your case goals	Make sure you have jurisdiction	Be specific about discipline facts	Consider a remedial approach	Provide for effective oversight
<p>Before negotiations begin, identify as clearly and specifically as you can what you are seeking to achieve. Is removal of this licensee from practice necessary, either temporarily or permanently? If so, what is the danger to the public which makes that necessary? On the other hand, if the objective is to improve the licensee’s behavior or practice, what are the <i>specific</i> problems which need to be corrected and how can that best be accomplished?</p>	<p>The FARB Model Consent Order provides some excellent model language which can be used to clearly establish your Board’s legal authority to act. In unlicensed practice cases, check your enabling act and/or consult your attorney general representative for guidance about the limits on your authority over this individual and what actions you can take. Consent agreements may provide more flexibility in unlicensed practice cases because the scope of the remedy can be determined by what the parties will agree to.</p>	<p>Licensees and defense attorneys usually resist admissions of wrongdoing, which is often a major obstacle in negotiating an agreement. Remember that your consent agreement may have to serve as the basis for disciplinary action by another state in order to prevent the licensee from engaging in the same misconduct in another location. The FARB Model Consent Order offers some suggested language which can be very useful in resolving these disputes.</p>	<p>Unless the licensee’s conduct poses a clear and immediate danger of further physical or economic injury to consumers, the public interest may be better served by requiring a licensee to correct the problems which gave rise to the disciplinary action. To do so, however, you will need a careful analysis of what the underlying problems really are. Is the problem a lack of individual knowledge or skill? Or are there systemic problems in the practice setting which need to be corrected?</p>	<p>Be as specific as possible about what kind of oversight is required and what issues must be addressed. On-site evaluation often produces more successful outcomes, but ongoing oversight must be reasonable and realistic. Set record sample sizes and review frequencies which are reasonable and not punitive. Consider using external oversight resources which can provide a neutral assessment of compliance. Offer licensees who make substantial progress an opportunity to end their probationary periods early, but be clear about the consequences for licensees who fail to take corrective measures and the procedures for additional discipline if necessary.</p>

These tips are not exhaustive by any means. If you have not looked at the FARB Model Consent Agreement, I encourage you to do so – it is a valuable guide to making your disciplinary process more effective and more efficient.

*Jim Anliot is the Director of Healthcare Compliance Services at Affiliated Monitors, Inc.*



**Our Mission:**

***To advance excellence in regulation of the professions in the interest of public protection.***

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of Regulatory Boards**

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# CRT: Collaborative and Comprehensive

*by Dr. Margo Adams Larsen*

As a regulatory nerd, I have served on the ND Board of Psychologist Examiners for almost 10 years; the past 4.5 as President. It has become evident to me that we can get very deep into the weeds of our own occupational regulatory world. In 2014, I attended my first FARB meeting in Austin and I realized that my long-time goal of networking with other boards within North Dakota might come to realization. For all these years on the Board, (a board of very little budget and very large need), my leadership focus was to run a lean ship and collaborate with as many other psychology boards in the US and Canada as possible. The idea of collaborating with other boards within my own jurisdiction had long crossed my mind, but I'd never had the time or know-how of how to reach out to them. It took leaving the state to meet a few other regulators from my state. Ridiculous, I realize now, but our jurisdiction has quite autonomous boards, and previously no interaction

among them (despite shared assistant AGs as our legal counsels). I met folks from Nursing and Physical Therapy at first. It was clear that we all had similar missions, but drastically different budgets. My little board could not afford a website, while the Nursing Board was utilizing fantastic web-based application systems. Our state provided no training or funds for training of board members, and we all identified this as a significant need. And from this brief out of state meeting, grew our committee of action, to bring a CRT to our jurisdiction.

With the help of FARB, we were able to create a planning committee with representation from several different occupational boards (Nursing, Psychology, Vet Medicine, Pharmacy, and Social Work), and the idea of a collaborative training was gaining momentum. FARB assisted with the planning and development of a process to bring the training to us, if we could find the funding. We set a date – hoping if we built it, that folks would come and the registration fees would cover the costs. We also attempted to get funds appropriated through a legislative house bill, but unfortunately, this bill wasn't supported. Meanwhile, another HB came out of the session requiring 6 behavioral health boards to meet together to develop standardized processes for licensure within the state. We decided to plan this 'behavioral health' strategizing meeting at the same time as the CRT.

FARB provided not only a comprehensive regulatory training, but also facilitated a collaborative strategies forum, which served as the basis for continued meetings with 5 of the 6 behavioral health boards. We had 45 regulators in attendance for the CRT, from 13 different occupational boards as well as the AGs office. The support and reception for this training was noted by all attendees, and continued trainings that bring our boards together was a consensus agreement at the end of the day.

Several key aspects were apparent during our FARB-esque meeting. Our boards all share concerns for protecting the public with limited resources (time of volunteers, money to fund the operations, and lack of support from governmental funds), the need for public outreach to educate consumers as well as licensees AND legislators, and general challenges of process for licensure and investigation. The value of board member education in effective regulatory behavior is key for the public to be well served by those appointed by our Governor to preserve and protect their health, safety, and welfare. Collaborating regulatory knowledge and resources within our state is essential to this mission.

*Margo Adams Larsen, Ph.D. is a licensed psychologist in North Dakota and President of the North Dakota State Board of Psychologist Examiners*



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