Openness and Transparency: How Much is Too Much?

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Regulatory Boards
The Public’s Right to Know v. The Individual’s Right to Privacy

Historical Role
Regulatory Boards
• Protect the Public & Public Interests
  - Mission Statements
• Arkansas State Board of Nursing Mission Statement
How Regulatory Boards Protect

- Professional Practice Acts
  - Licensure
    - Education
    - Standards of Practice
    - Scopes of Practice
    - Minimum Qualifications

When Professional Standards are Violated

- Disciplinary Action
  - Revocation, Suspension, Probation, etc.
- Non-Disciplinary Action
  - Letters of Warning, caution, etc.
- Peer Assistance Programs
  - Drug/Alcohol
  - Public & Private

Board Disciplinary Actions

- Right to Know v. Right to Privacy
  - Interested Parties
    | Licensee | Other Licensed Professionals |
    | Employers | Other Licensing Boards |
    | Co-workers | Other States |
Board Disciplinary Actions

- Non-Public Resolution/Confidential Agreements
  - Rationale(?)
  - Weak case
  - Compromise
  - Incentive

Board Disciplinary Action

- Who is really being protected?
  - Public(?)
  - Individual

- Licensure: Privilege v. Right

Food for Thought

- Informed Consent & related issue
- Secret Board Policies
- Board Authority
State Statutes

- Freedom of Information Act
  - Exception
  - State to State

Questions

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