President’s Column
By Deanna Williams
It's a pleasure to assume the leadership of this organization at a time when CLEAR is poised to move forward in so many productive ways.
(More)

CLEAR Pushes the Boundaries at Toronto Annual Conference
Attendees at CLEAR’s 2003 Conference in Toronto were treated to more than 30 thought-provoking and informative sessions.
(More)

Board Actions
September 11, 2003 meeting and October 29, 2003 teleconference.
(More)

International News
October 2003 saw the European Commission release an overview of regulation in European Union member states highlighting.
(More)

CLEAR Net News
(More)

Benjamin Shimberg 1918-2003
The Loss of a Legend
Benjamin Shimberg was a seminal thinker who not only believed, but also demonstrated, that one individual can make a difference in the lives of many.
(More)

Report on Health Licensing Boards and Governance Structure
CLEAR received a copy of the Minnesota Health Licensing Boards' report on "Health Licensing Boards and Governance Structure."
(More)

Other News
*NABP launches practice examination for pharmacists preparing to take the Foreign Pharmacy Graduate Equivalency Examination.
*Bureau of Citizenship and Immigration Services issues final rule regarding health professionals visas.
(More)

Calendar of Events
(More)

Advertisements

Pam Brinegar, Executive Director
Stephanie Thompson, Editor

To view a printable version of CLEAR News please click here.
It's a pleasure to assume the leadership of this organization at a time when CLEAR is poised to move forward in so many productive ways. My predecessor, Mack Smith, is to be commended for ensuring CLEAR’s stability and, for the first time since the unexpected events of September 2001, refocusing its outlook toward the future. Also, you the members deserve accolades for supporting CLEAR during times that are so difficult fiscally for many states. Here’s hoping that all your agencies experience a positive turnaround during the upcoming months.

Now on to what we can do together to further CLEAR’s future. I’ve already shared with the Board of Directors my vision for the year which can be thought of as the “3 M” Plan, which builds on the well-demonstrated notion that the most effective way to market CLEAR is peer-to-peer. Our taking the time to tell counterparts how useful we’ve found CLEAR as an organization is far more powerful and productive than any other marketing strategy we could employ. Basically, I believe that if the current members all work together to Market CLEAR’s products and services, its Membership will certainly grow as a result, and this increase in participation in turn will translate into more Money for our organization. Of course, if this works as I hope it will, we the members will be the real beneficiaries simply because the larger and more diverse the CLEAR community, the more useful ongoing interactions will be during meetings and throughout the year.

To get the ball rolling on this initiative, I’m asking each of you to contact three professional peers, whether in your jurisdiction or anywhere else in the world, and invite them to become involved. If they’re interested, ask them to mention your name when they join CLEAR and, for each new member you recruit, we’ll give you one free online board member training registration to be used by anyone you designate. Certainly you’ll want to steer prospective members toward CLEAR’s Web site (http://www.clearhq.org) for complete and current information. If you want us to send you additional materials, such
as CLEAR brochures, just drop staff an e-mail and we’ll send them off straightaway.

As you might imagine, final preparations are underway for the midyear business meetings in New Orleans. It’s never too late to sign up for committee service and join in the fun of participating in the annual conference program planning activities of CLEAR. Once again, just drop staff an e-mail if you’d like to be appointed to a committee or working group. The midyear meeting presents the opportunity for the Board and all CLEAR committees to meet face to face, to conduct ongoing business and to plan the program for September’s conference in Kansas City, Missouri. We’ve got a great theme for September: 21st Century Regulation: “Show-Me” What Works, and a fantastic host agency in the Missouri Division of Professional Registration headed by Marilyn Taylor Williams. Certainly you’ll read more about the conference later this winter when the full details are available.

Right now, I want to wish you a wonderful holiday season and I look forward to seeing many of you next month in New Orleans!
CLEAR Pushes the Boundaries at Toronto Annual Conference

Close to 500 Attend 23rd Annual Meeting

Attendees at CLEAR's 2003 Conference in Toronto were treated to more than 30 sessions on topics as diverse as "Defending Your Licensure Examination Program" and "National Security - Regulation and Emergency Preparedness." Sessions were both thought-provoking and informative and provided insight into regulatory practices that could be taken back and implemented in attendees' jurisdictions. Sessions were divided into four program tracks: Credentialing and Examination Issues; Professional Discipline; Policy and Administration; and Roundtable Discussions.

The conference began on Thursday with renowned international trainer Bob O'Donnell presenting a session entitled "Pushing the Boundaries of Leadership" which he followed on Friday with a "Leadership Roundtable" at which participants could discuss the concepts he had previously presented. The rest of the day, which began with a workshop on Testing Essentials, consisted of breakout sessions. Before heading out to enjoy an evening in Toronto, attendees were able to network at the opening reception from where they could enjoy wonderful views of Lake Ontario.
Friday began with the presentation of CLEAR's 2003 awards and a session focused on "Pushing the Boundaries of Regulation Through Public Policy" with Frances Picherack and Bob Holsworth. The rest of the day's sessions were held in breakout format to encourage participation and interaction by those attending. Where possible, presenters took questions from the audience and encouraged feedback on presentations. Saturday's sessions began at 7:30 a.m. with a second day of breakfast sessions. These provided participants with a chance to attend sessions over breakfast, before going to breakout sessions for the rest of the morning. Following a luncheon, the conference closed with Jean Marmoreo's presentation "Pushing the Boundaries of Life" and provided an inspirational end to CLEAR's 2003 annual meeting.

Before our thoughts leave the 2003 conference, we gratefully acknowledge the work of CLEAR's Program Committee for providing such an outstanding program, and to the host agencies in Toronto for ensuring all attendees felt so welcome and able to experience our beautiful host city.

CLEAR's Exhibitors and Sponsors

2003 Conference Session Handouts and Presentations (Members Only - Password Protected)
ACO Information Systems, LLC

ACT

Applied Measurement Professionals, Inc.

Burntsand, Inc.

CAVU Corporation

The Chauncey Group International - Experior Assessments

CLEAR

Continental Testing Services, Inc.

CPS Human Resource Services

CSDC Systems, Inc.

Iowa Foundation for Medical Care

Lasergrade Computer Testing, Inc.

National Organization for Competency Assurance

College of Nurses of Ontario

Pearson VUE

Professional Credential Services, Inc.

Professional Examination Service

Prometric, a part of the Thompson Corporation

Promissor

Schroeder Measurement Technologies

System Automation Corporation

VERSA Management Systems, Inc.

World Education Services
Actions of the CLEAR Board of Directors  
September 11, 2003  
Toronto, Ontario

1. Adopted the January 11, 2003 minutes as presented.
2. Adopted the March 3, 2003 minutes as presented.
3. Adopted the June 9, 2003 minutes as presented.
4. Approved the expenditure of $2,750 to support development of a scenario-based basic NCIT program.
5. Changed the name of Regulatory Issues (for Attorneys) Working Group to Legal Issues.
6. Accepted the external auditor’s report for FY 2003.
7. Directed that attrition be the method used to reduce the board’s size from 15 to 11 members.

Actions of the CLEAR Board of Directors  
October 29, 2003  
Teleconference

1. Adopted the September 11, 2003 minutes as presented.
2. Directed that CLEAR continue its current method of conducting midyear business meetings.
3. Directed that the 2004 midyear business meeting participants be polled regarding choices for the 2005 midyear meeting site.
October 2003 saw the European Commission release an overview of regulation in European Union (EU) member states that highlights different approaches across the continent. Focusing on six major liberal professions (lawyers, notaries, accountants, architects, engineers and pharmacists), the report is part of a review of professional regulations and their impact on competition and the consumer.

The report highlights anti-competitive practices across "a large number of the EU professions" such as restrictions on entry to the profession, price regulation, recommended prices and limits or prohibitions on advertising. It suggests that Austria, Germany, Greece, Italy and Luxembourg have tighter regulatory regimes than do Denmark, Finland, Ireland, the Netherlands and the United Kingdom which have adopted a more flexible approach.

The report also suggests that the most highly regulated professions are notaries and pharmacists. A restriction is placed in nearly all EU countries (outside Ireland and the United Kingdom), where fixed prices are imposed for notaries' services. Similarly pharmacists' numbers are regulated in many Member States, and in many have a monopoly on the right to sell both prescription and non-prescription medicines. The regulation of the legal and accountancy professions is described as "relatively highly regulated", restrictions being in place regarding advertising and fixed or recommended prices. Least regulated are architects and engineers who are judged to "function effectively ... without significant anti-competitive rules" in Denmark, Finland, Ireland, the Netherlands and the United Kingdom.

Also included in the report are a listing of key restrictions and an overview of regulation by profession that focuses on entry and exclusive rights; price regulation; contingency fees; advertising restrictions; business structure and inter-professional co-operation.

On October 28 Competition Commissioner Mario Monti addressed a conference regarding professional regulation and the role of competition. He has stressed his belief in the importance of competition in this sector, to include a wide variety of service providers to consumers. The overall context of the work Commissioner Monti and the Commission is undertaking is that in 2000 the European Council set the EU the ambitious goal of becoming the most competitive and dynamic knowledge-based economy in the world by 2010.

Resources
- Stocktaking Exercise on Regulation of Professional Services: Overview of Regulation in the EU Member States
European Commission Gives Notice Regarding Recommended Fees

The Competition Directorate of the European Commission has made a "statement of objections" to the Belgian Architects’ Association regarding its recommended minimum fee scale. The Commission took the view that such fee scales may constitute a violation of EU competition rules, particularly where they fail to reflect the costs and ability required, and more generally as they may limit competition on price. This preliminary ruling from the Commission finds that the Association may have overstepped its regulatory authority by adopting the fee scale. The Commission has also made clear that it will review similar rules in other Member States where it may well find similar violations.

Resources
- European Commission Competition Directorate
- Belgian Architects Association
Net News

WV Architecture Board Protests Recommendation
The Performance Evaluation and Research Division of the West Virginia Legislature issued a November 2003 sunset evaluation report on the Board of Architecture. The report recommends the continued licensure of the practice of architecture to protect the public's interest. The board was found to be in general compliance with the provisions of its enabling statute. The legislative auditor's only recommendation is that the board place more licensee information on its Web site, including when and where required education was completed as well as any complaints received and complaints substantiated. The board does not agree with this recommendation and has requested that it be reconsidered in light of the US Freedom of Information Act, including whether the information could be used for marketing or identity theft purposes. The board maintains an online roster of West Virginia licensed architects from which the names of individuals with temporary suspensions are removed for the period of their suspension. Full Report

US GAO REPORTS  All GAO Audit Reports
Regulation of the Death Care Industry
The US General Accounting Office (GAO) issued an August 2003 report to Congress on the various structures used by the states to regulate the death care industry as well as the mechanisms they use to enforce regulations regarding the industry. Field visits were made to California, Florida, Georgia, Hawaii, New York and Texas, and the report contains in-depth information on the programs in those states. GAO reports that

The majority of states regulate funeral homes, crematories, cemeteries, and pre-need sales of funeral plans, although the specific licensing requirements vary across the states. Fewer states regulate third party sales of funeral goods. Further, even in those states that regulate each industry segment, not all businesses or practitioners may be subject to licensing or regulation.

Most states also require inspections of funeral homes and crematories, but fewer states require inspections of cemeteries. In most of those states, the inspections are conducted annually. ...

Since January 1, 2000, a majority of states have taken enforcement actions against funeral homes, funeral directors, or embalmers for violations of a variety of state rules or regulations. Fewer states, however, have taken such actions against the other industry segments.

Real Estate Appraisal Industry
In a May 2003 report, the GAO made several recommendations to the Appraisal Subcommittee intended to reduce the complexity and confusion surrounding the regulation of the real estate appraisal
industry. GAO writes that Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 "created a complex oversight structure for real estate appraisals and appraisers that involves private, state and federal entities. Two private entities establish uniform rules for real estate appraisals and set minimum criteria for certifying appraisers. State regulators certify appraisers based on these criteria." GAO recommends developing consistent criteria for determining states' compliance with Title XI and determining ways to help states carry out these activities, especially in the area of investigating complaints.

INTERESTING SITES

Free Medical Journals
British Medical Journal

Bernd Sebastian Kamps funds FreeMedicalJournals.com, which is dedicated to the promotion of free access to medical journals over the Internet.

State Health Workforce Profiles from the National Center for Health Workforce Analysis

Free utility for shortening long URLs
The Loss of a Legend

Benjamin Shimberg was a seminal thinker who not only believed, but also demonstrated, that one individual can make a difference in the lives of many. His efforts focused regulatory legislative activity on protecting consumers rather than professions. Decades ago, he pushed to have consumer members placed on state licensing boards. Now such appointments are routine. Without Benjamin Shimberg, there would be no international Council on Licensure, Enforcement and Regulation to help educate professional regulators. He worked to found the organization and then generously mentored many of its members. It was my privilege to enjoy and benefit from his steady guidance and great intellectual friendship for almost twenty years. In 2001, CLEAR honored Dr. Shimberg with a specially designed president’s award and its first honorary board membership. Now, CLEAR must ensure that his work remains available to those following on the path he built so many years ago.

-Pam Brinegar
Executive Director, CLEAR
CLEAR News - Winter 2003

Report on Health Licensing Boards and Governance Structure

CLEAR received a copy of the Minnesota Health Licensing Boards' report on "Health Licensing Boards and Governance Structure" (Anna Bonelli, Research Analyst, Minnesota Health Licensing Boards, December 1, 2003). Looking at governance structure for regulating health professionals, the report's purpose was to 1.) explore and clarify models of professional regulation; 2.) define what it means for regulating bodies to be "effective"; and 3.) describe models of occupational regulation in terms of the criteria for effectiveness. Based on known research and case studies of five states representing the standard governance structure classifications and four states with distinctive features, the report offers the following findings:

* No consensus exists on the most effective board governance structure. There are no universally recognized "best practices," that is, no studies have taken a comprehensive look at evaluating board performance.

* The existing evidence and expert opinions points towards the advantages of independent boards in part because of the inconclusiveness of cost savings from consolidation, and evidence showing that independent boards take somewhat more or about the same number of disciplinary actions.

* Boards' disciplinary actions are discussed frequently because of the sensational qualities and because of the accessibility of data. However, conclusions on the effectiveness of various models in disciplinary matters remain speculative.

* Scope of practice disputes between professions, sometimes playing out in "turf battles," can result in a reduction of access to care for consumers. Although there is some speculation regarding the advantages of a consolidated agency or some type of oversight board in mitigating these disputes, evidence remains scant.

* Public participation and awareness of boards' actions are minimal. The consensus of opinion indicates that centralized access to board information can help to mitigate these concerns for consumers, whereas consumers may be confused by multiple, discreet agencies.

* Politics infuse health licensing boards on many levels, from the initial regulation of professions to changes in the scopes of practice. Boards' structure should attempt to minimize political bias among board members and staff by having clear lines of accountability and efficacious public representation.
Other News

**NABP Launches Pre-FPGEE**
The National Association of Boards of Pharmacy recently launched a new practice examination for pharmacists preparing to take the Foreign Pharmacy Graduate Equivalency Examination (FPGEE). The pre-FPGEE is a web-based practice examination that will help FPGEE candidates familiarize themselves with the FPGEE test and assess whether or not their educational level is equivalent to United States' educational standards for pharmacists. Students can access the 66-question exam at NABP's website (www.nabp.net) or www.pre-fpgee.com for a fee of $50. Questions are previously scored and calibrated items that have been retired from the FPGEE. After sitting for the practice exam, candidates receive an estimated scaled score and range similar to what they can expect to score on the FPGEE. Candidates can take the pre-FPGEE up to two times.

The decision to develop the pre-FPGEE stems from the positive feedback NABP received about the pre-NAPLEX, their practice examination for the North American Pharmacist Licensure Examination.

**Bureau of Citizenship and Immigration Services Issues Final Rule on Healthcare Visas**
In July, 2003 the Bureau of Citizenship and Immigration Services published final rules as required under Section 343 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996. Under these rules, which became effective September 23, 2003, foreign-educated health care professionals seeking temporary or permanent occupational visas or NAFTA status must obtain a CGFNS/ICHP (Commission of Graduates of Foreign Nursing Schools/International Commission on Healthcare Professions) VisaScreen Certificate as part of the visa process. The regulations apply to nurses, physical therapists, occupational therapists, physician assistants, medical technicians, medical laboratory technologists, speech language pathologists, and audiologists.

Prior to receiving an occupational visa, healthcare professionals must successfully complete a screening program that includes assessment of an applicant's education to ensure that it is comparable to a US graduate in the profession; verification that the applicant's license is valid and unencumbered; successful completion of an English language examination; and, for nurses, verification that the nurse has earned a CGFNS certificate or passed the National Council Licensing Examination for Registered Nurses. The final rule also outlines the process to be used by the BCIS in approving certifying organizations and expands the list of exams that can be used to fulfill the English language proficiency examination requirement. The CGFNS VisaScreen Certificate is valid for five years. Applications can be obtained from the CGFNS/ICHP website at www.cgfns.org. View the full press release here.

**NCSBN releases new reports**
The National Council of State Boards of Nursing recently published two new reports: "Report of Findings, Exploring the Value of Continuing Education Mandates" which examines the link between
mandatory continuing education and the development of professional competence, and "Report of Findings from the 2002 Job Analysis of Nurse Aides Employed in Nursing Homes, Home Health Agencies and Hospitals."
CLEAR CALENDAR

CLEAR MEETINGS
2004 Annual Conference
21st Century Regulation: "Show Me" What Works
September 30 - October 2
The Westin Crown Center
Kansas City, Missouri

2005 Annual Conference
September 15-17
Pointe Hilton South Mountain
Phoenix, Arizona

CLEAR Business Meetings
January 8-10, 2004
Le Pavillon Hotel
833 Poydras Street
New Orleans, LA 70112
(504) 581-3111
agenda

NCIT Programs
Spring/Summer 2004
Basic and Specialized Program
Richmond, Virginia

MEMBER ACTIVITIES
2004 Annual American Association of State Counseling Boards Conference
January 8-10, 2004
San Diego, CA
www.aascb.org

28th Annual FARB Forum (Federation of Associations of Regulatory Boards)
February 6-8, 2004
Amelia Island Plantation
Amelia Island, FL
www.farb.org