



Board of Behavioral Sciences

# Memo

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**To:** Board Members

**Date:** May 6, 2024

**From:** Steve Sodergren  
Executive Officer

**Subject:** Presentation on Making Policy Decisions

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At Board and Committee meetings, members are presented with proposals to amend or supplement current statutes and laws that impact the licenses and registrants under the Board's jurisdiction. Each meeting packet includes pertinent information for the discussion, like an analysis of the proposed bill or suggested changes to existing statutes.

These meetings provide a platform for Board Members and stakeholders to participate in an open dialogue about the proposals. This presentation outlines important factors to consider when making policy decisions and illustrates how these decisions influence the motions put forth by Board members.

## **Attachment**

**Attachment A:** Policy Decision Slideshow PDF 043024

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# MAKING POLICY DECISIONS

A FEW THINGS TO CONSIDER



# THE LEGISLATIVE CYCLE BEGINS

At the start of each year, the Board staff identifies introduced bills that:

- 1. Directly impact the professions regulated by the Board.** These bills typically come in the form of amendments that either increase, limit, or alter the Board's statutory authority.
- 2. Directly affect the Board itself.** These bills involve amendments to general statute codes or other laws that would change or influence Board administrative functions.
- 3. May be of interest to the Board.** These bills usually propose amendments to laws that aim to enhance consumer protection or improve access to mental health services.

Board staff take into consideration workload and resource constraints, especially when considering analyzing and presenting bills that may be of interest, but do not directly affect the Board's licensing authority.



# APRIL POLICY & ADVOCACY COMMITTEE

For relevant bills, the author's office is contacted to obtain a fact sheet. A fact sheet gives more in-depth information about the bill, such as its purpose, the reason the bill is being proposed, and who is sponsoring it.

Staff will prepare analyses of bills and present these at the April Policy and Advocacy Committee meeting.

The Policy and Advocacy Committee will then discuss the relevant bills and will recommend a position for the Board to take at its May meeting.



# WHY DOES THE BOARD TAKE POSITIONS ON BILLS?

- The Board's position on bill proposals impacting licensees/registrants holds significant weight.
- Regulatory agencies, like the Board, are perceived as experts in their respective professions.
- Legislators rely on input from regulatory boards and their staff when determining policy changes.
- A clear position allows the Board to signal support as well as concerns, and to call attention to areas of a bill that may need improvement.
- Understanding the definition and implications of the Board's position is crucial when considering policy changes.



# BILL ANALYSIS REPORTS

Understanding the implications of the possible positions a board may take on legislation is pivotal when contemplating policy changes.

When crafting bill analyses for presentation to the Board, staff carefully assess the potential effects the proposed legislation might have on consumer protection, licensees, and the Board as a whole.

Staff members will then propose recommendations to the Board, grounded in a comprehensive analysis of the bill and its potential ramifications on current policies.



# CONSUMER CONSIDERATIONS

- Does the bill address consumer safety concerns?
- Does it enhance consumer access to services?
- Does it increase consumer awareness?
- Does it increase consumer costs, and is it justified by increased protection?
- Can the bill's goals be achieved in a more efficient or effective manner?



# LICENSEE CONSIDERATIONS

- Does the provision maintain minimal competency standards?
- Will the bill increase costs for licensees?
- Does it create barriers to entry for licensees?
- Is the bill influenced by trade associations?
- Can the bill's goals be achieved with less impact on licensees?

# BOARD CONSIDERATIONS

- Will the bill increase costs for the Board?
- Does the Board have necessary resources for proposed functions?
- Are proposed functions appropriate for the Board?
- Will it result in fee increases?
- Can the bill's goals be achieved with less impact on the Board?

# POSSIBLE POSITIONS

<b>POSITION</b>	<b>DEFINITION</b>
<b>SUPPORT</b>	The Board agrees with the proposal. The Board will send a letter of support to the author and actively participate in the legislation process to get the proposal in law.
<b>SUPPORT, IF AMENDED</b>	The Board is seeking some changes to the proposal. If the requested changes are made, the Board will move to a support position. If changes are not made, the Board will move to a neutral (silent) position on the proposal.
<b>OPPOSE</b>	The Board does not agree with the proposal. The Board will send a letter of opposition to the author and actively participate in the legislation process to prevent the bill from becoming law.
<b>OPPOSE, UNLESS AMENDED</b>	The Board is seeking some changes to the proposal. If the changes are not made, the Board will move to an oppose position. If the changes are made, the Board will move to a neutral (silent) position on the proposal.
<b>NEUTRAL</b>	The Board neither supports or opposes the proposal. The Board does not participate in the legislative process.



# SUPPORT

**The Board agrees with the proposal.** The Board will send a letter of support to the author and actively participate in the legislation process to get the proposal in law.

## **CONSIDERATION:**

As written, do you believe that the bill would promote consumer protection, benefit licensees, and/or support the Board's objectives?



# **SUPPORT, IF AMENDED**

**The Board is seeking some changes to the proposal.** If the requested changes are made, the Board will move to a support position. If changes are not made, the Board will move to a neutral (silent) position on the proposal.

## **CONSIDERATIONS:**

- As written, you support the bill's intent but believe that an amendment to the bill language could enhance its clarity or effectiveness without fundamentally changing its purpose.
- If enacted without the amendment, would the bill significantly harm consumer safety, licensees, or the Board?
- Is the proposed amendment pertinent to what the bill is addressing?



**OPPOSE,  
UNLESS AMENDED**

**The Board is seeking some changes to the proposal.** If the changes are not made, the Board will move to an oppose position. If the changes are made, the Board will move to a neutral (silent) position on the proposal.

**CONSIDERATIONS:**

- As written, you may not support the bills intent. However, you believe that an amendment could resolve enough of your concerns that it would cause you to have a neutral position.
- If enacted without the amendment, would the bill significantly harm consumer safety, licensees, or the Board?
- Is the proposed amendment pertinent to what the bill is addressing?



**NEUTRAL**

**The Board neither supports or opposes the proposal. The Board does not participate in the legislative process.**

# CONCLUSION

- When making policy decisions, thorough preparation and careful consideration are essential. The Board's position can have a material impact on the success or failure of a bill.
- While the Board staff will offer recommended positions on a bill, the ultimate decision lies with the Board.
- Amendments to bills should be thoughtful and consider whether they would fundamentally change the bill's intent.
- Above all, consumer protection should be the primary concern.
- Staff are always available to answer any questions members may have.

