

2014-2015 Fiscal Year Work Plan Addition  
Scope of Practice – **For Discussion and Action**  
**Approved 11-14-14**

**FOR ACTION:**

Goal: Identify new and innovated approaches to addressing SOP issues

Objective: Enhance CMS standing in the Legislature and more effectively spend political capital on SOP issues consistent with CMS's commitment to protecting public health, preventing misrepresentation, and empowering patient decision making.

Strategy: Direct the CEO to create a process that will:

- a. Yield a number of new and innovative approaches for board consideration;
- b. Include the identification of the pluses and minuses of each approach both in terms of effectiveness but also member acceptance;
- c. Include input from member physicians and political and governmental experts in and outside of Colorado.

Tactics: To be developed by the CEO, President, General Counsel and consultants with approval by the BOD in January 2015. Consideration shall be given to tactical recommendation submitted by ADEMS. Please scroll down to review ADEMS recommendation.

**Background: Report of Joe Gagen, CMS Consultant**

This BOD initiated last summer an outreach program to secure broad input on CMS' current and past strategies directed at Scope of Practice ("SOP") issues. This action was in response to discussions and findings from a national specialty and state medical society CEO group who had been examining effectiveness and costs associated with current strategies regarding SOP issues as well as the anticipated increase in SOP related bills next year in the Colorado Legislature.

The purpose of the outreach was to gauge sentiment for the need for the board to reevaluate current legislative efforts.

**Council on Legislation Meeting:**

The first step was to survey and meet with Council on Legislation members. The meeting took place on July 30 and was facilitated by your executive director. Prior to the meeting, the council members were provided a document titled Environmental Scan – Scope of Practice that was prepared in connection with the national meeting referenced above. Council members were also asked a series of questions about their beliefs and experiences dealing with SOP issues.

*Question: The 2-page environmental scan, in effect, makes the points that some past and current legislative strategies have:*

- not been particularly effective in limiting scope expansion,*
- undermined legislative respect for physicians as quality of care advocates and as a political force; and*
- impacted legislative effectiveness on other issues important to organized medicine.*

*Do you believe this to be true in Colorado?*

100 % of the Council Members that answered the survey said YES.

The meeting focused discussion around the answers to the survey questions and was quite illuminating. For example, one of the questions asked the following:

A written summary of the comments as well as the complete survey is available to the board.

#### House of Delegates Meeting:

One hour was set aside for discussion on September 21. The Delegates received a personal letter in advance from Dr. Bender explaining the purpose for placing this issue on the agenda along with the Environmental Scan – Scope of Practice document referenced above.

The meeting opened with a restatement of the purpose of the meeting that included a reference to the significant number of SOP issues already identified as likely to be introduced this coming session. Delegates then heard a video presentation from Jerry Johnson, long time CMS lobbyist, on his view now and in the past of SOP issues and the challenges those issues pose to CMS.

The questions and answers from the Council on Legislation survey was then presented to the delegates.

Next, the delegates were asked if what they heard so far in the meeting had changed their view of SOP issues. Using electronic voting, a majority answered it had not. At this point, discussion ensued. From that discussion, I asked the delegates the following question:

*\*\*Do you believe that the while CMS should continue its efforts to protect Colorado citizens from receiving harmful or ineffective treatment from unqualified providers or others, is it time to develop new strategies and tactics in accomplishing that objective?*

#### **Using electronic voting, 91% answered Yes**

In the ensuing discussion, I asked the delegates for their ideas on new strategies. A variety of ideas were expressed with no consensus. Among the ideas:

- Establishing clear criteria for evaluating expansion issues using the six elements developed by the Institute of Medicine
- Focus on developing a collaborative approach
- Public relations/public education campaign
- Changing the level of rhetoric; being less dogmatic
- Increase support for systems that support all providers operating at the top of their level of expertise and training
- Ensure all discussion and tactics are patient focused
- Creation of an impartial council to advise, recommend or decide SOP issues.

#### Recommended Next Steps

Based on the feedback from both the Council on Legislation and the House of Delegates, I believe the board has the go ahead to make a serious effort to identify new and innovated approaches to addressing SOP issues consistent with the retention of CMS's commitment to protecting public health, preventing misrepresentation, and empowering patient decision making.

My recommendation is for the board to create a process that will yield a number of approaches for board consideration. This should include the identification of the pluses and minuses of each approach both in terms of effectiveness but also member acceptance. Input should be received not just from members, but political and governmental experts in and outside of Colorado. The goal would be to give you, as a board, a number of options to consider.

Thank you for this opportunity to be of assistance. I am happy to be available for questions.

#### ***ADEMS Recommendation***

To: Tamaan Osbourne-Roberts, M.D., CMS President  
Mr. Alfred Gilchrist, CMS CEO

From: David Markenson, M.D., MBA, FAAP,  
FCCM, FACEP President, Arapahoe-  
Douglas-Elbert Medical Society

Date: October 29, 2014

Re: ADEMS input on Governance Reform and Scope of Practice Action Plans

Thank you so much for the opportunity to review the 2014-2015 work plan and tactics and allowing ADEMS the opportunity to provide input on the various projects and join in on the various committees. Please accept the following input for consideration when editing the Governance and Scope of Practice Work Plan documents meeting the

October 30th deadline prior to being included in the board of director's packets on October 31st.

At our recent ADEMS Board of Directors meeting held this month, ADEMS leadership reviewed and discussed these documents. We again truly appreciate you sharing these documents upfront with the component societies and the inclusiveness of the process. We think this will be an excellent model going forward. Overall, we found the documents to be thorough and a good plan to address the issues and seem to be in line with society precedents and the input of the House of Delegates. Based on our review, we wanted to bring to your attention the following questions and suggested adjustments/areas requiring further clarification:

### **Scope of Practice Work Plan Draft:**

ADEMS Board of Directors would like to request that when developing tactics for this work plan, CMS use the existing Counsel on Legislation (COL), as direct representative body for vetting. COL has been very active on the Scope of Practice topic in the past decade and has broad representation. Rather than the recreation of a more insular "impartial counsel", ADEMS believes COL should be tasked to address the points brought up in this plan. If needed task groups could be created within COL to study specific issues and then present back to COL. In this way we use our existing structures which are broadly representative and well versed in this issue. As opposed to creating a new entity with learning curve, issues of representation and whose work would overlap with the COL.

ADEMS Board of Directors respectfully requests that CMS replace the recommended next steps in the plan with maintaining the COL approach and use our current House of Delegates for grass roots voting and confirmation for being on the right track.

**CMS leadership response: This is a tactical recommendation. Tactics on Scope of Practice will be developed and presented to the BOD at the January meeting, assuming the BOD approves a GOS (Goal, Objective, Strategy) at the November 14 meeting. We anticipate that a special Task Force on SOP will be recommended to the board in January, that such task force will include COL members, among others, and that all task force recommendations will have to go through COL to get to the BOD for a vote. Of course nothing would be finally adopted until the HOD acts in 2015.**

Thank you again for the opportunity and inclusion in the feedback process. ADEMS looks forward to continued discussion and participation moving forward, especially on these two initiatives and appreciates being able to participate in the decision making process on important issues that impact our component so