Changes in Healthcare Professions’ Scope of Practice

Legislative Considerations

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Historical Context

- The practice of medicine was defined in broad and undifferentiated terms to include all aspects of individuals’ care.
- When other healthcare professions sought legislative recognition or expansion of scope, they were seen as claiming the ability to do tasks which were already included in the universal and implicitly exclusive authority of medicine.
How Are Scope of Practice Decisions Made in the US?

- By the legislature
- Influenced by special interest groups, particularly those with $$$
- Pits profession against profession
- Results in “turf battles”, each profession protecting their own perceived turf
- All under the veil of “public protection”
Six Profession Regulatory Bodies,

- Association of Social Work Boards (ASWB)
- Federation of State Boards of Physical Therapy (FSBPT)
- Federation of State Medical Boards (FSMB)
- National Association of Boards of Pharmacy (NABP)
- National Board for Certification in Occupational Therapy (NBCOT)
- National Council of State Boards of Nursing (NCSBN),

Saw a Need to.....
Develop a Scope of Practice
Guidance Document

- Promote better consumer care across professions and competent providers
- Improve access to care
- Recognize the inevitability of overlapping scopes of practice
Assumptions

- The purpose of regulation – public protection – should have top priority in scope of practice decisions, rather than professional self-interest.
- Changes in scope of practice are inherent in our current health care system.
- Collaboration between healthcare providers should be the professional norm.
- Overlap among professions is necessary.
- Practice acts should require licensees to demonstrate that they have the requisite training and competence to provide a service.
The Basis for Decisions Related to Changes in Scope of Practice

1. Historical basis – fits within the context of the profession’s
   - Theoretical basis
   - Evolution
   - Current definition
The Basis for Decisions Related to Changes in Scope of Practice

2. Education and Training
   - Entry level skills and the accrediting standards should provide the framework, including the basic knowledge and skills required to acquire the new skill.
   - There should be appropriate post professional training programs and competence assessment tools that indicate whether the practitioner is competent to perform the advanced skill safely.
The Basis for Decisions Related to Changes in Scope of Practice

3. Evidence

- Is there evidence that the procedure or skill is beneficial to public health?
- Is there evidence within the profession that relates to the particular procedure and skill?
The Basis for Decisions Related to Changes in Scope of Practice

4. Regulatory Environment

- Are mechanisms in place to determine if an individual is competent to perform the skill or task?
- Have standards of practice been developed for the new task or skill?
New Mexico legislators introduced a joint memorial requesting the establishment of an unbiased and fair process to review scopes of practice of the health:
WHEREAS, the reasons for scope of practice changes should have a foundational basis within four areas:

- an established history of the practice scope within the profession,
- education and training,
- supporting evidence and an
- appropriate regulatory environment.

...a life of its own???
Thank you

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