



## NOTICE OF STRATEGIC PLANNING SESSION MEETING

**PLACE: Marriott Hotel- Downtown Portland**  
**1401 SW Naito Pkwy**  
**Portland, Or 97201**  
**Pearl Conference Room**

**DATE: April 23, 2016**

**TIME: 8:00 a.m. – 4:30 p.m.**

**8:00 Breakfast**

**8:30 Session opening and welcome**  
**Agenda review and Session Working Agreements**

**Presentation:** *Collective view of the strategic landscape, based on interview results*

**Discussion and additions to the landscape**

**9:00 “Three Critical Conversations”**

- Complexity and Caseload / Process Improvement and New Technology:
  - *How is the volume and complexity of OBD trending?*
  - *What are some examples of volume/complexity trends from the recent past?*
  - *How might we anticipate and mitigate the stress from these trends on the OBD? Are there process improvements or new technology that could be transformational?*
- Attrition and Succession:
  - *What impacts will upcoming attrition have on the OBD?*
  - *What needs to be done to retain critical OBD institutional memory and capabilities?*
  - *What new capabilities should be considered in succession planning?*
- Adapting the OBD Mission for the Future:
  - *What else should the Board have on its radar screen that could either enhance, or detract from, OBD’s ability to “protect the public”?*

**11:30 Open Discussion: *Other factors to carry forward into strategic planning***

Notes:

(1) A working lunch will be served for Board members at approximately 12:00 p.m.

(2) The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Stephen Prisky at (971)673-3200.

(3) The Board may from time to time throughout the meeting enter into Executive Session to discuss matters on the agenda for any of the reasons specified in ORS 192.660.

Prior to entering into Executive Session, the Board President will announce the nature of and authority for holding the Executive Session. No final action will be taken in Executive Session.

Noon

Lunch

1:00

**Environmental Scan**

***Breaks as needed***

- *Issues, trends, opportunities, challenges on the five-year horizon.*
- *Budget and legislative impact.*
- *Impact assessment.*

**Mission Alignment**

- What are the mission critical elements of the OBD's work?
- Within OBD's resources how can be best align with our mission?

**Strategic Objectives & Priorities 2017 – 2020**

- Establish priorities.
- Anticipated milestones.
- Measures of success

4:15

**Session Summary**

4:30

**Session Closing**

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## **The Oregon Board of Dentistry's 2007 Strategic Plan**

### **MISSION STATEMENT AND STATUTORY AUTHORITY**

The mission of the Oregon Board of Dentistry is to assure that the citizens of the state receive the highest possible quality of oral health care.

The authority and responsibilities of the Board are contained in Oregon Revised Statutes Chapter 679 (Dentists), Chapter 680.010 to 680.205 (Dental Hygienists), and Oregon Administrative Rules, Chapter 818. These statutes charge the Board of Dentistry with the responsibility to regulate the practice of dentistry and dental hygiene by enforcing the standards of practice established in statute and rule. The statutes define the practice of dentistry and dental hygiene and require that any person practicing either of those professions do so only while holding a license duly issued by the Board. The statutes require that the Board examine and license dentists, dental instructors and dental hygienists; establish and enforce regulations regarding sedation in dental offices; investigate complaints regarding the practice of dentistry and dental hygiene; discipline licensees found to have violated the provisions of the Dental Practice Act; regulate and monitor continuing education requirements for licensees; and establish training, examination and certification standards for dental auxiliaries.

### **OTHER STATUTORY MANDATES:**

#### **ORS 676.160 – Complaint investigations.**

These statutes require that upon receipt of a complaint filed by any person against a licensee or applicant the Board shall (1) assign an investigator, (2) the investigator shall collect evidence and interview witnesses; (3) the investigator shall prepare a report that describes the evidence gathered, results of witness interviews and any other information considered in preparing the report and (4) the investigator shall make a report to the Board within 120 days of receipt of the complaint. This statute also declares that investigatory information gathered by the agency is exempt from public disclosure.

#### **ORS 676.345 – Registration program for health care professionals claiming liability limitation**

This statute requires several health licensing Boards, including the Board of Dentistry, to maintain a registration program for health practitioners who provide health care services without compensation and who wish to be subject to the liability limitation provided by ORS 676.340.

#### **SB 786 (Oregon Law, Chapter 973, 2001) –Cultural diversity in regulated health professions**

This law, effective January 1, 2002 requires that health-licensing boards establish programs to increase the representation of people of color and bilingual people on the boards and in the professions that they represent. Programs

are required to promote the education, recruitment and professional practice of members of these targeted populations. The law also requires that each health professional regulatory board maintain records of the racial and ethnic makeup of applicants and professionals regulated by the board. This information is to be reported to the Legislative Assembly biennially

### **AGENCY PLANS**

The Agency Strategic Plan was adopted in 1999 and is reviewed periodically to assess progress toward goals and to adjust goals to reflect current and projected needs. The Board of Dentistry's short and long-range plan is directed by its mandate to protect the health, safety and welfare of Oregonians and by its mission to assure that citizens receive the highest possible quality oral health care. The Board strives to ensure that its activities fulfill its mission within the resources allocated by the Legislature and effectively provides appropriate public protection.

### **Oregon Benchmarks**

The Board of Dentistry has no Primary Links to the Oregon Benchmarks; however, Board activities support the following Benchmarks as secondary links:

#### **#29 Skills Training: Percentage of Oregonians in the labor force who received at least 20 hours of skills training in the past year.**

Licensees of the Board are required to complete continuing education requirements biennially in order to renew their professional licenses (40 hours for dentists; 36 hours for dental hygienists holding Limited Access Permits; and 24 hours for all other dental hygienists). In addition to this mandatory requirement, most licensees voluntarily participate in study clubs and take courses that enhance their professional skills. Many continuing education courses are available via the Internet and are an effective means of receiving training.

#### **#30 Volunteerism: Percentage of Oregonians who volunteer at least 50 hours of their time per year to civic, community or nonprofit activities.**

The Board supports volunteerism by encouraging uncompensated dental and dental hygiene care provided through various non-profit and community based clinics. In cases where unacceptable patient care is not an issue, the Board frequently requires uncompensated services as a part of settlement agreements in disciplinary cases. Feedback from practitioners has been positive and many continue their volunteer relationship with the dental clinic after the Board's requirements have been fulfilled.

In January of 2005 in cooperation with the Oregon Dental Association and Dentists Benefits Insurance Company the Board created a Volunteer Dentist/Dental Hygiene license designation program. As of August 1, 2006 eight dentists currently have a volunteer dentist licensee designation

A dentist who maintains an Oregon license but is retired from active practice may obtain liability insurance through the Department of Administrative Services in order to provide uncompensated dental services through nonprofit corporations offering community services and dental services to low-income patients. (ORS 679.510).

The Board maintains a registry of dentists and dental hygienists who provide dental and dental hygiene services without compensation in accordance with ORS 676.340. By registering with the Board annually, licensees providing uncompensated health care are not liable for any injury, death or other loss arising out of the provision of the services unless the injury, death or other loss results from the gross negligence of the practitioner.

Every member of the Board (six dentists, two dental hygienists and one public member) are volunteers and collectively donate hundreds of hours of time to Board work, through Board meetings, committee meetings, Legislative appearances, public appearances and speaking engagements, serving as examiners for regional clinical dental and dental hygiene examinations, and representing the State of Oregon at national meetings germane to the licensure, examination and regulation of the two professions under its jurisdiction..

#44 Adult Non-smokers: Percentage of Oregonians, 18 and older, who smoke cigarettes.

#52 Substance Use During Pregnancy: Percentage of pregnant women who abstain from using: a. alcohol; b. tobacco.

The Board recognizes that tobacco use prevention and cessation are an important part of oral health and directly related to the prevention of other health conditions. In 1988, the Board issued its position statement on the health hazards associated with tobacco and determined that the prescribing of drugs such as Nicorette, Nicoderm, and Zyban were within the scope of practice of dentistry. The Board supports and encourages dental professionals to educate their patients on the dangers of tobacco use. The Board of Dentistry maintains a smoke-free workplace and all meetings of the Board are smoke free in accordance with Oregon Public Meetings Law and agency policy.

#50 Child Abuse or Neglect: Number of children, per 1,000 persons under 18, who are: a. neglected/abused; b. at a substantial risk of being neglected/abused.

Under ORS 419B.005, dentists are required to report suspected incidents of child abuse or neglect. The Board regularly publishes in its newsletter information on the requirement to report, symptoms and physical indications of abuse, and contact numbers for reporting in various areas of the state.

## **2007-2013 SIX-YEAR PLAN**

The Board of Dentistry's strategic plan was originally completed in 1999 and is reviewed periodically for progress towards meeting established goals, adjusting goals to reflect current or projected needs and to re-assess priorities. The Board of Dentistry's long- and short-range plan is directed by both its mission to assure that Oregonians receive high quality dental care and by its statutory mandate to protect the health, safety and welfare of the citizens of Oregon. The Board strives to ensure that its goals and objectives are realistic and within the resources allocated by the Legislature.

### **Goal 1: Assure that licensees are qualified and competent to practice safely.**

#### Benchmark/High-Level Outcome

Agency mission.

#### Intermediate Outcomes:

- Licenses will only be granted to applicants possessing the appropriate requirements for education and examination.
- Examinations for licensure will be valid and reliable.
- National FBI Criminal Background checks will be conducted for all applicants by submitting fingerprints to the Oregon State Police and inquiries of the National Practitioners Data Bank and the Healthcare Integrity and Protection Data Bank.
- All licensees will complete required hours of verifiable continuing education related to clinical patient care.
- Licensees with performance or substance abuse issues will be remediated and monitored during their recovery and remediation process.
- Licensees under disciplinary sanction will be actively monitored to ensure compliance with terms of probation, and to restore them to active, useful service to Oregon's citizens whenever appropriate.
- Maintain a network of consultants and evaluation/treatment facilities capable of meeting the need and scope of expertise required to assist the Board in its mission to rehabilitate licensees in need of assistance.

#### Performance Measures:

1. Licenses will be issued or renewed within 7 business days of receipt of completed paperwork.
2. 100% of all applicants will have background checks.
3. Compliance with continuing education requirements will be audited for 15% of all licensees each year.
4. 100% of licensees who are under consent orders for substance abuse issues will appear before the Board at least annually.
5. 85% of licensees on monitoring status will complete the terms of disciplinary sanctions within original time frames established in their order.

**Goal 2: Promote access to oral care.**

Benchmark/High-Level Outcome

Benchmark #30; Agency mission.

Intermediate Outcomes:

- Promote volunteerism.
- Review scopes of practice of dental hygienists and dental assistants to provide broader scope where appropriate.
- Provide for reasonable access to education and testing in rural areas; i.e. long distance learning.
- Support increased funding for education of dental, dental hygiene and dental assisting.
- Partner with communities of interest to provide incentives to enter dental health care careers.
- Participate in workforce studies to determine the extent of the workforce problems and identify possible solutions.
- Support community prevention activities; i.e. Early Childhood Caries Prevention Project, and statewide fluoridation efforts.

Performance Measures:

1. At least 90% of licenses disciplined for continuing education noncompliance or practicing without a license will be required to provide volunteer dental services.
2. Encourage Dentists and Dental Hygienists to join the Boards Volunteer License Designation Program.
3. Dental Hygiene and Dental Assisting rules will be reviewed each annually.

**Goal 3: Standards of practice, statutes and regulations will be realistic, understandable and applied appropriately**

Benchmark/High-Level Outcome

Benchmark #29 and #30, Agency Mission, Legislative mandate

Intermediate Outcomes:

- Investigate allegations of unprofessional conduct, unacceptable patient care or other violations of the Dental Practice Act in a fair, prompt, objective and thorough manner.
- Take an active stance in preventing practice problems that endanger patients through educational outreach.
- Where unacceptable care is identified, Board emphasis will be on remediation through education and restitution to patients when appropriate.
- Continue to support a confidential diversion program for licensees with substance abuse disorders.
- Disciplinary issues will be mediated and resolved through mutual agreements to the greatest extent possible.
- Review all statutes and rules at least annually for consistency and cohesion.

Performance Measures:

1. Investigations will be completed within three months from date of receipt.
2. At least 95% of disciplinary actions will be settled through negotiated consent agreements rather than Contested Case Hearing.
3. The percent of licensees who are disciplined will decrease each biennium.

**Goal 4: Communicate timely and useful information regarding the Board's mission, services, policies and standards of practice to the public and licensees.**

Benchmark/High-Level Outcome

Agency Mission, Strategic Plan

Intermediate Outcomes

- Improve public awareness of the Board as a resource for, and provider of, information and services.
- Provide appropriate information regarding licensees to the extent allowed by law.
- Continue to make the Board's website a useful resource for citizens and licensees.
- Review of all potential partnerships during the planning of all board initiatives to maximize synergy and resources.
- Communicate regularly with licensees, educators, professional associations and interested community organizations regarding Board policies and expectations
- Continue to support Outreach Program/Presentation to Licensees and the Public.

Performance Measures

1. The number of pages viewed ("hits") on the Board's website.
2. Feed back provided from the Customer Services Survey posted on the website.
3. Produce and distribute two newsletters per year, mailed to all licensees, other state dental boards and professional associations, and post on the website.
4. Number of presentations made by staff and Board members to dental, dental hygiene and dental assisting students; licensees and professional organizations.

<b>CURRICULUM OVERVIEW:</b>	In 2015 a senate bill was passed requiring DAS to develop and provide training for new board/commission members and executive directors of a small entity. To meet the requirement of the bill, a curriculum has been developed and is available within iLearn. The curriculum contains 2 online courses and 1 classroom course. All of these courses must be completed within 6 months of the start date of a new board/commission member or the appointment as an executive director of a small entity. <b>Only people who started or were appointed on or after 1/1/16 are required to complete the curriculum.</b>
<b>CLASSROOM DESCRIPTION:</b>	<p>This is information on the classroom course and the quarterly training schedule for 2016.</p> <p>The purpose of this classroom course is to provide best practices, current issues, and allow new board and commission members and executive directors to ask the experts on topics such as government ethics, public records and meetings law, human resources, procurement, payroll, etc.</p>
<b>AUDIENCE:</b>	New members of a board or commission and new executive directors of a small entity.
<b>LENGTH:</b>	The training is a total of 4 hours of in-class time.
<b>COST:</b>	Free
<b>TOPICS:</b>	<ul style="list-style-type: none"><li>• Public Sector Ethics</li><li>• Public Meetings and Records</li><li>• Overview of Rulemaking</li><li>• Diversity and Inclusion</li><li>• HR and Payroll</li><li>• Finance and Procurement</li></ul>
<b>REGISTRATION:</b>	To register, log into iLearnOregon at <a href="https://ilearn.oregon.gov">https://ilearn.oregon.gov</a> . In the course catalog search for B&C.
<b>QUESTIONS:</b>	If you have any questions about the program, please contact Brandy Meng at <a href="mailto:chro.training@oregon.gov">chro.training@oregon.gov</a> or 503-378-2209.

### SCHEDULE FOR 2016

<b>LOCATION:</b>	Employment Department 875 Union St. NE Salem, OR 97311
<b>OPTION 1 DATE/TIME:</b>	1. March 8, 2016 8am – Noon
<b>OPTION 2 DATE/TIME:</b>	2. March 8, 2016 1pm – 5pm

<b>LOCATION:</b>	ODOT 123 NW Flanders Portland, OR 97209
<b>OPTION 1 DATE/TIME:</b>	1. June 7, 2016 8am – Noon
<b>OPTION 2 DATE/TIME:</b>	2. June 7, 2016 1pm – 5pm

<b>LOCATION:</b>	Webinar You'll need a computer with an internet connection.
<b>OPTION 1 DATE/TIME:</b>	1. June 14, 2016 8am – Noon
<b>OPTION 2 DATE/TIME:</b>	2. June 14, 2016 1pm – 5pm

<b>LOCATION:</b>	University of Oregon – Ford Alumni Center 1720 East 13th Ave. Eugene, OR 97403
<b>OPTION 1 DATE/TIME:</b>	October 4, 2016 8am – Noon
<b>OPTION 2 DATE/TIME:</b>	October 4, 2016 1pm – 5pm

<b>LOCATION:</b>	Employment Department 875 Union St. NE Salem, OR 97311
<b>OPTION 1 DATE/TIME:</b>	1. December 6, 2016 8am – Noon
<b>OPTION 2 DATE/TIME:</b>	2. December 6, 2016 1pm – 5pm

# ***Overview of Boards, Commissions, & Small Entities***

Online Training

## ***Introduction***

Welcome to the online training for new board and commission members and executive directors.

This training does not and cannot override state law, rules, policies, or procedures. While the intent is to periodically update the material to comply with applicable laws it is incumbent upon the user to use the current and effective laws, rules, policies, and procedures. Where in conflict, the applicable law, rule, policy, or procedure takes precedence over information contained in this training.

Most major state agencies are headed by policy-making boards or commissions appointed by the Governor. Many additional boards and commissions establish policy in given areas or serve in advisory roles.

The board system contributes to the success of Oregon state government. It is key to bringing local citizens' talent and interest to the state level, keeping government innovative and responsive and improving state performance.

For purposes of this training we will be using the term board to include boards, commissions, or small entities, board member will be used to include board and commission members, and director to include administrator and executive directors.

A public official is defined as any person who is serving the state of Oregon or any of its political subdivisions or any other public body as an elected official, appointed official, employee or agent.

Board members are not employees unless they are in an actual salaried position. Board members are public officials and in their official capacity act on behalf of Oregon state government. If you are an administrator or executive director of a board, commission, or small entity you are an employee of Oregon state government and you are also considered a public official.

As a steward of public resources, you are held to a higher standard of conduct than a private citizen. Any actions of public officials are open to critical examination. As public officials, board members and directors are required to abide by the laws and policies of the state.

This course will cover the following topics:

1. Overview of Oregon State Government
2. Overview of Boards, Commissions, and Small Entities
3. General Activities of Boards, Commissions, and Small Entities
4. Operations and Management of Boards, Commissions, and Small Entities

## ***Module 1 – Overview of Oregon State Government***

This module provides a high-level overview of Oregon state government.

### ***Branches of Government***

# **Overview of Boards, Commissions, & Small Entities**

Online Training

Governmental authority and functions in the state rest in 3 branches of government. Separate functions and powers are assigned to each of the three branches of government.

- The legislative branch makes laws.
- The executive branch carries out the laws.
- The judicial branch interprets the laws the legislative branch makes.

## **Legislative Branch**

The Senate and the House of Representatives are responsible for making or changing laws. The legislature consists of 30 Senators and 60 Representatives. Representatives are elected for 2 year terms. Senators are elected for 4 year terms. Elections are held in even-numbered years.

The Legislature convenes annually in February. Sessions may not exceed 35 days in even-numbered years and 160 days in odd-numbered years. The Legislative Assembly convenes on the second Monday in January, to swear-in newly elected officials, elect legislative leaders, adopt rules, organize and appoint committees, and begin introducing bills. The leader of the Senate is the President of the Senate and the leader of the House is the Speaker of the House.

## **Executive Branch**

Five statewide officials are elected to manage the executive branch of government. The officials are the Governor, the Secretary of State, the Treasurer, the Attorney General, and the Commissioner of Labor and Industries.

The Governor is the leader and is responsible for planning and coordinating the executive branch. The executive branch is commonly grouped into 8 program areas including:

1. Economic & Community Development;
2. Education;
3. Human Services;
4. Natural Resources;
5. Public Safety;
6. Transportation;
7. Administration; and
8. Consumer & Business Services.

All executive branch agencies fall within one of these program areas.

## **Judicial Branch**

Oregon's judicial branch is made up of different courts. They are responsible for interpreting and enforcing the laws the legislative branch makes.

The Judicial Branch consists of the following courts:

- The Supreme Court has the most authority and they regulate the lower courts in Oregon. The Supreme

## ***Overview of Boards, Commissions, & Small Entities***

Online Training

Court makes sure all laws follow Oregon's Constitution.

- The Court of Appeals has jurisdiction to review appeals of most civil and criminal cases and most state administrative agency actions.
- The Tax Court is the only court able to make decisions in cases involving tax issues such as income tax and property tax.
- The Circuit Courts are the state trial courts.

### ***Legislative Process***

Now that we've covered the 3 branches of government let's take a look at the different types of measures and how they go through the legislative process.

A bill is a proposed law. All statutes, except those initiated by the people, must be enacted through a bill.

Bills from state agencies must have the Governor's approval before they are introduced.

There are 6 types of measures: a bill, a joint resolution, a concurrent resolution, a resolution, a joint memorial, and a memorial.

The legislative process is governed by rules, laws and procedures, making it somewhat mechanical in nature. Although the legislative process is long and complex, all laws begin as ideas.

An idea for a law can come from anyone; an individual or group of citizens, a legislator or legislative committee, the executive or judicial branch, or a lobbyist.

A bill, the most common type of measure, is a proposal for a law.

In order for a bill to become law, it must be passed by both houses in the identical form. A bill may be introduced in either the Senate or the House with the exception of revenue bills which must originate in the House.

### ***Module 2 – Overview of Boards, Commissions, and Small Entities***

Now that we've had an overview of Oregon state government, let's do an overview of boards, commissions, and small entities.

It is important to keep in mind all members have been appointed to the board to serve the public at large. The concerns and points of view of all interested parties must be represented and considered, but ultimately, the primary responsibility of every board member is to protect the health, safety and welfare of the general public.

If you were recommended by a professional association or special interest group, board members are expected to provide the board with their technical expertise, and to bring the point of view of the group to the board. However, they are not appointed to serve only as the representative of a specific group.

## ***Overview of Boards, Commissions, & Small Entities***

Online Training

When the group's interest conflicts with the general public, their primary responsibility is to the public. All board members must work for the benefit of the public first.

### ***Authority***

Some of the basic operating rules in state government are different from those in the private sector. One of these rules relates to authority.

A private citizen may do anything the law does not prohibit.

However, a board may only do what the law authorizes. Thus, a board has no inherent authority to act. A board may take an action only if the law provides authority for the intended action. A single board member acting alone has no authority unless specifically granted, as in the case of a chair, and an individual cannot take action to bind.

Make sure to have an understanding of what your board has authority for. Understanding and interpreting the laws that grant your board authority is vital to your decision-making. You should carefully review your enabling laws. Litigation frequently results when a board takes action based on authority that is unclear or implied. It is important to remember if a board acts without authority, the action does not bind the state. Actions taken without authority may be overturned and, in some circumstances, the person taking the unauthorized action may be personally liable for the consequences of the action. For these reasons, we recommend you consult with DOJ legal counsel when you have any questions about you or your board's authority to act.

### ***Law Structure***

Public officials and boards get their authority from Statutes, Administrative Rules, policies, and procedures.

- Oregon Revised Statutes are laws passed by the legislature. They must be followed by the people and institutions under their jurisdiction. Oregon Revised Statutes are the umbrella laws for all rules, policies, and procedures. Statutes are state laws which define what public agencies must do, can do, and cannot do.
- Oregon Administrative Rules further articulate the statutes and provide additional guidance to boards. OARs are written or adopted by state agencies to provide guidelines or process requirements for actions impacting the public. Rules may be more restrictive than statutes, but not more lenient.
- Policies and procedures are guidelines to assist internal operations of the individual board.

### ***Types of Boards***

The purpose and scope of each board are determined by the state law or executive order that created it. There are four main types of boards. Each is created to meet a specific need in the management of state government, so it is important to understand the distinctions between each type.

Policy Making Boards are given statutory power by the legislature to make policy decisions and enforce regulations. Policy is developed by interpreting legislative intent as outlined in the board's governing

## ***Overview of Boards, Commissions, & Small Entities***

Online Training

statutes or in officially adopted administrative rules, and by implementing procedures to carry out those laws or rules. Members of policy making boards are generally final decision makers, accountable directly through the Governor to the public.

Some policy making boards are also Governing Boards, responsible for directing a state agency or appointing the agency director.

Advisory Boards may be created by the Governor, the legislature, state agencies, or existing boards. They serve as advisors on policy matters to their appointing authority who is responsible for the management and administration of the policy. These boards study existing policy and make recommendations for change or implementation. Although they do not have final authority to make or enforce rules, their research and advice to decision makers contribute to effective changes in state government.

Licensing Boards examine and license members of a profession or occupation to practice in Oregon. Some also have the power to discipline members of the regulated profession or occupation, and to suspend or revoke licenses.

Judgment Boards are created by the legislature as review and appeals boards which hear and rule on individual cases. The decisions made by most of these and all other boards may be appealed to a higher court.

### ***Bylaws***

Boards should have a set of bylaws to direct and clarify its actions, procedures and organization. Bylaws are the guidelines by which a board functions. They should include expectations of members and cover issues such as attendance, responsibilities and discipline.

### ***Administrative Help***

Most boards work within an agency or have access to assistance and advice from the agencies. Typically, if a board works within an agency, certain central support services are provided to manage internal business. Some boards have their own staff to perform their day to day administrative functions.

Most often, the primary role of board staff is to carry out the rules, policies and programs developed by the board. Board staff also bring to the attention of the board issues of importance, prepare meeting agendas, and compile background information for board study.

### ***Key Agencies***

These agencies may affect your board and they also provide some support services.

#### **Department of Administrative Services**

The Director of DAS, who also serves as the State Chief Operating Officer, is appointed by the Governor. DAS was established to administer the Governor's programs and to provide policy direction and support services to boards. Most state agencies report to the Governor through DAS' Director.

## ***Overview of Boards, Commissions, & Small Entities***

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### **Department of Justice**

DOJ is the state's law firm, headed by the attorney general. DOJ provides most of the same services as do private law firms, but with a few important differences. By statute, the attorney general and lawyers within DOJ are the sole providers of legal advice and representation to agencies and officials. DOJ acts as a legal adviser at meetings, and is an advocate for the state in hearings, trials and appeals. Each board is assigned at least one assistant attorney general who specializes in the area of law affecting the agency. DOJ helps identify any legal problems posed by existing or proposed agency policies or actions. Your attorney is there to facilitate your policy choices by pointing out potential problems and evaluating the legal effect of other policy options to accomplish the desired goal more easily. If you act on the advice of counsel, DOJ will defend you in court and any liability will be assumed by the state. Acting without consulting your lawyer, or acting contrary to their advice, may result in personal liability.

### **Secretary of State**

The Secretary of State is an elected official who serves as the state's chief elections and public records officer, the auditor of public accounts and the administrator of the State Archives. There are 2 divisions within the Secretary of State's office boards will work with regularly. The Audits Division performs fiscal, performance, and compliance audits of all boards. The Archives Division preserves permanent government records and establishes retention schedules for public records of all boards. Boards must follow the guidelines established by the division on the care, accessibility, storage and destruction of its public records. No official records may be destroyed without the approval of the division.

### **Governor's Office**

Most agencies are relatively independent within their areas of responsibility. Overall policy guidance and direction are provided by the governor, as the state's chief executive officer, and by the legislature, which writes laws and appropriates operating funds. To provide an overall management structure, the governor uses DAS. The governor coordinates the activities of agencies; actively participates in the design, development and approval of state agency budgets; appoints many agency directors, board members and other officials; and approves or disapproves all legislation affecting agencies. Board activities are subject to both legislative and executive oversight. Actions by the governor and the legislature may result in revision of a board's authority or changes in appropriations. Many board members have some involvement with the legislature during their period of service.

### **Legislature**

Many boards work with the legislature in changing and developing state law. Your board may propose legislation and track bills relating to the work and concerns of your board. As a board member, you may also testify before legislative committees and advise legislators on issues concerning your board. The knowledge and expertise provided by boards can be very helpful to the legislature. Be careful to not represent yourself as a spokesperson for your board without the board's and the governor's prior consent and approval.

## ***Module 3 – General Activities of Boards, Commissions, and Small Entities***

Now let's take a look at general activities boards may participate in.

## ***Overview of Boards, Commissions, & Small Entities***

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### ***Budget Process***

Oregon's budget is a tool to carry out the state's law and policy decisions. It allocates the state's General Fund, Federal Funds, and Other Funds.

The budget also sets limits on other types of revenues and state positions.

Oregon's budget must be balanced.

Each board's budget is called an appropriations bill which authorizes the budget, specifies the maximum amount a board can spend, and allows the board to spend money.

The budget covers two fiscal years, which is called a biennium.

The budget runs from July 1 of an odd-numbered year to June 30 of the next odd-numbered year.

Approval of the budget is one of the principal issues of the legislature. The Oregon Constitution does not allow the state to spend money in excess of its revenues.

The Joint Committee on Ways and Means conducts hearings and receives testimony on the Governor's Recommended Budget.

The budget is then reviewed and approved by both houses of the legislature and approved by the Governor. Upon signature or effective date, the budget bill becomes law.

A budget specifies the maximum amount a board can spend. A board's revenue comes primarily from three sources:

- The General Fund is primarily from taxes and fees. General Fund money is generally used for programs dealing with health, education, public welfare, correctional institutions, legislative and judicial functions, general governmental administrative functions, or for programs without a dedicated revenue source.
- Some boards are funded in whole or in part by federal funds. Boards must get permission to apply for this money. Budget approval for a board financed with federal funds establishes the maximum amount of money it can spend from its income source. This is called an expenditure limitation.
- Most boards get their funds from Other funds which come from fees, tuition, or sales of services or commodities. Generally, these sources are established by the legislature specifically to support the board or program.

Regardless of revenue source, authority for all board expenditures rests with the legislature.

The budget process starts early in even-numbered years to develop the agency request budget. This lays out finances and policies for consideration. Boards send their budget request to the Chief Financial Office by September 1.

The governor and the CFO review the budget request. They use the governor's priorities, budget policies  
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and current law to make budget decisions. The governor's recommended budget document summarizes those decisions. It gives data on all the state's revenues, expenditures, and information on each agency's budget.

The governor presents the recommended budget to the legislature when it meets at the start of the next calendar year. Legislative committees review the proposed budget. They hold public hearings to hear from each agency and the public. Each budget bill has a budget report presenting the committee recommendations. The legislature votes on each budget bill. The budget bills enacted into law make up the legislatively adopted budget. Agencies carry out, or execute, the budget over the two year budget period.

### **Rulemaking**

To carry out prescribed duties and responsibilities, your board may need to prepare and adopt administrative directives.

Generally speaking, there are 3 types of directives:

- Rules
- Policies
- Procedural statements

A rule is a general administrative directive, standard, regulation or statement implementing, interpreting or prescribing law. It may set forth standards and expectations in general terms or may specifically deal with day to day objectives. A rule is adopted when the subject matter affects the public or another agency, or when a statute directs a rule be adopted. Once established, a rule has the force of law and all persons or entities to whom the rule applies must adhere to it.

***Boards may engage in rulemaking only if the legislature has specifically delegated authority in the board's enabling statute.*** Most boards have the authority to pass rules and regulations necessary to implement their own statutory powers. The board cannot pass rules which go beyond the scope of its statute, because rules are generally intended to provide interpretive support for the statutes.

Because rules affect the public, they must be adopted in compliance with the requirements of the Administrative Procedures Act (ORS Chapter 183) unless specifically exempted by statute.

A policy sets forth minimum standards and directives concerning internal management which do not substantially affect the interests of the public. They are generally issued by the board's administrative officer or appointing authority. They have the same status within the board as a rule, and all persons to whom a policy applies must adhere to it.

Policy development and adoption are not subject to statutory mandate or the requirements of the APA. However, to protect the interests of the board members, staff and other parties affected by the proposed policies, it is wise to develop a systematic procedure for policy making. Staff and other affected persons should always be given an opportunity to make suggestions or ask questions before final adoption.

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Procedural statements give the specific details of the day to day processes for carrying out policies and rules. They are issued by the board administrative officer, govern all persons affected, and have the same status within the board or agency as rules.

### ***Regulatory Board Activities***

Many boards engage in regulatory activities. The philosophy of government regulation assumes the public would suffer physical, emotional or financial injury if the state did not exercise some oversight or control. Occupational and professional regulation is intended to ensure people engaged in those activities having an impact on the public's health, safety or welfare, provide Oregon citizens with honest and competent service. In addition, the regulation system provides a means for the public to provide input through a fair and objective process.

Members of regulatory boards help to set policy and give guidance to the regulated industry or profession under governing statutes.

Effectively constructed and administered tests provide an important contribution to licensure. Licensing tests should be designed to ensure an applicant's education and experience have adequately prepared them to assume an occupational or professional role impacting the public's health, safety, and welfare.

A principal responsibility of licensing boards is to determine whether a person should obtain or retain a license. Licensing boards with regulatory authority establish the standards and prescribe the qualifications required for a license to practice and regulate the services provided by the licensee by enforcing compliance with those standards.

Most licensing boards may revoke, suspend or refuse to renew any license, registration or certificate they issue, and some are authorized to stay a suspension on probationary conditions.

Most boards receive complaints about licensees. Complaints are usually received from consumers of licensee services, other licensees or professionals, other regulatory agencies, or as a result of routine inspections or investigations. Each complaint must be reviewed, and every effort must be made to mediate and satisfactorily resolve all complaints.

In some cases, an administrative hearing will be held to resolve a complaint. The Administrative Procedures Act establishes specific procedures to be followed to take disciplinary actions against individuals or firms. If the board conducts a hearing required by the Administrative Procedures Act, board members should not participate in the investigative or pre-hearing complaint handling functions. They must be impartial parties to the hearing.

Individual board members should disqualify themselves if bias or significant interest prevents fair and impartial participation in the hearing. If members have any conflicts of interest or have received any communication on a fact or issue made outside the hearing during review of a case, they must place on the record a statement on the nature of the conflict or substance of the communication.

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### **Parliamentary Procedure**

Parliamentary Procedure is a set of rules for conduct at meetings allowing everyone to be heard and to make decisions. Part of any meeting should be a systematic plan for the orderly conduct of business. The sequence in which business is taken up during a meeting is known as the “Order of Business.” The Order of Business is a blueprint for the meeting and typically has the following components.

- The presiding officer should never call the meeting to order until a quorum is present. A quorum is the number of members entitled to vote who must be present in order for business to be legally transacted. Quorum is typically defined in the governing documents. Once a quorum is present, the presiding officer calls the meeting to order by stating, “The meeting will come to order.”
- A roll call of members present is completed.
- In meetings when minutes are to be approved, the minutes are typically distributed to all members. Corrections and approval are normally done by unanimous consent. The presiding officer can ask, “Is there any objection to approving the minutes as read [or distributed].” If there is no objection, the minutes are approved.
- The first substantive item of business in meetings is typically hearing from the officers and established committees.
- The logic in this order of arrangement is to give priority to the items of business from the leadership. Typically, the presiding officer learns in advance who needs to report and only calls on those committees.
- Reports are generally for information only. In such instances, no motion is necessary following the reports unless there are recommendations to be implemented. A motion “to adopt” or “to accept” a report is seldom wise except when the report is to be issued or published in the name of the organization. On the other hand, it is common the reporting member end by making a motion if there is a specific recommendation for action.
- Unlike standing committees established in the governing documents, special committees do not have continual existence. Instead, special committees exist solely for the purpose of a specific project. For example, a special committee might be created to plan a specific function or event. Special committees typically go out of existence upon their final report.
- Unfinished business refers to matters carried over from a previous meeting. This category of business is sometime incorrectly referred to as “old business.”
- Instead, unfinished business items typically fall into one of several specific categories. For organizations meeting at least four times a year, unfinished business may include: (1) any matter pending when the previous meeting adjourned; (2) any matters on the previous meeting’s agenda not reached; or (3) matters that were postponed to the present meeting.
- The presiding officer should know if there are any items to be considered under unfinished business. As a result, the presiding officer should not ask, “Is there any unfinished business?” Instead, the presiding officer should simply state the question on the first item of business. If there is no unfinished business, the presiding officer should skip this category of business.
- Much of the work in a meeting is accomplished during new business. In this category of business, members can introduce any new item for consideration (unless there are notice requirements). In some instances, the presiding officer may be unaware of what items of business will arise under new business. The presiding officer introduces the heading of new business by asking, “Is there any new

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business?" Any member can then introduce new items of business by making a motion and obtaining a second. Following the consideration of each item, the chair repeatedly asks, "Is there any further new business?" This process continues until there are no additional business items.

- In most assemblies the presiding officer can adjourn the meeting without waiting for a motion to adjourn. If all items of business have been considered, the presiding officer can ask, "Is there any further business?" If there is no response, the presiding officer simply states, "Since there is no further business, the meeting is adjourned."
- If custom or tradition requires a motion to adjourn be made, the presiding officer can ask, "Is there a motion to adjourn?" Once the motion is made and seconded, the presiding officer can ask, "Is there any objection to adjourning the meeting? Hearing no objection, the meeting is adjourned."

### ***Process for Making a Motion***

There are 4 basic types of motions:

- **Main Motions:** The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
- **Subsidiary Motions:** The purpose is to change or affect how a main motion is handled, and is voted on before a main motion.
- **Privileged Motions:** The purpose is to bring up items that are urgent about special or important matters unrelated to pending business.
- **Incidental Motions:** The purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

Here's the typical steps for making a motion:

1. **Obtaining the Floor:** Wait until the last speaker has finished. Rise and address the Chair. Wait until the Chair recognizes you.
2. **Make Your Motion:** Speak in a clear and concise manner. Always state a motion affirmatively. Say, "I move that we ..." rather than, "I move that we do not ...". Avoid personalities and stay on your subject.
3. **Wait for Someone to Second Your Motion:** Another member will second your motion or the Chair will call for a second. If there is no second to your motion it is lost.
4. **The Chair States Your Motion:** The Chair will say, "it has been moved and seconded that we ..." Thus placing your motion before the membership for consideration and action. The membership then either debates your motion, or may move directly to a vote. Once your motion is presented to the membership by the chair it becomes "assembly property", and cannot be changed by you without the consent of the members.
5. **Expanding on Your Motion:** The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it. The mover is always allowed to speak first. All comments and debate must be directed to the Chair. Keep to the established time limit for speaking. The mover may speak again only after other speakers are finished, unless called upon by the Chair.
6. **Putting the Question to the Membership:** The Chair asks, "Are you ready to vote on the question?" If there is no more discussion, a vote is taken.
7. **Voting on a Motion:** The method of vote on any motion depends on the situation and the bylaws or policy of your board. There are five methods used to vote by most boards, they are:

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- ~ **By Voice:** The Chair asks those in favor to say, "aye", those opposed to say "no". Any member may move for a exact count.
- ~ **By Roll Call:** Each member answers "yes" or "no" as their name is called. This method is used when a record of each person's vote is required.
- ~ **By General Consent:** When a motion is not likely to be opposed, the Chair says, "if there is no objection ...". The membership shows agreement by their silence, however if one member says, "I object," the objection will be recorded as long as the required majority does not object.
- ~ **By Division:** This is a slight variation of a voice vote. It does not require a count unless the Chair so desires. Members raise their hands or stand.
- ~ **By Ballot:** Members write their vote on a slip of paper, this method is used when secrecy is desired.

### Public Records

With a few exceptions, all government records of any kind are considered public records. There are two definitions for public records:

ORS 192.005(5) defines public record as any information:

- Prepared, owned, used or retained by a state agency;
- Relating to an activity, transaction or function of a state agency; and
- Necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency.

ORS 192.410(4) states public records include any writing containing information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics.

The public records law applies to every public body, which includes every state officer, agency, department, bureau, board and commission.

Most public records are subject to disclosure, but there are exemptions. For instance, records related to an active criminal investigation or confidential communications between public officials and lawyers. If a public body claims an exemption, it generally must show the need for confidentiality outweighs the public interest in disclosure under the particular circumstances.

Public records include any "writing" containing information relating to the conduct of the public's business. The term "writing" is broadly defined as including every type of documentation. For instance, hand written documents, photographs, computer discs, emails, instant messages, text messages, etc. Even after electronic records are deleted, they continue to exist on computer back-ups which are still public records.

Every board is required to have a written procedure on how to make a public records request. Work with your board administration to familiarize yourself with the procedure.

For more information on the public records law click on the resources tab to view DOJs Public Records and

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Meetings Manual.

### ***Public Meetings***

Oregon's public meetings law serves two purposes:

- To provide a means by which the public can be informed about the deliberations and decisions of state government; and
- To ensure governing bodies in Oregon have an open decision-making process.

A public meeting is any meeting conducted by a governing body to decide or consider any matter. For the meeting to be subject to open meeting law, a majority must be present. The public meetings law applies to the governing body of any state agency, regional government, city, county, school district, special district or municipal corporation. It also applies to any subcommittee of these public bodies.

Staff meetings generally are not covered by the public meetings law. If less than a majority is present, the meeting is not covered by the public meetings law. Public meetings may be conducted electronically, but the public must have adequate notice and access to the meeting - no matter how it is conducted. Public bodies must keep a record of their public meetings. Written minutes or audio or video recordings are acceptable. Written minutes must include the members present; all motions, resolutions and other actions; any votes taken; and the substance of any discussion.

For more information on the public meetings law click on the recourses tab to view DOJ's Public Records and Meetings manual.

### ***Executive Sessions***

A meeting can be closed to the public if a governing body goes into executive session. The law governing executive sessions is designed to allow a public body to have confidential discussions, but does not allow any decisions to be made in secret. All decisions by a governing body must be made in public. Journalists may attend most executive sessions, but cannot report or broadcast what was said.

Executive sessions should not be confused with meetings exempt from the public meetings law altogether. An executive session is a type of public meeting and must conform to all related provisions of the public meetings law.

The public meetings law provides very specific provisions allowing the governing body of a public body to convene and participate in executive sessions to discuss specific topics when certain conditions and prerequisites are met. The presiding officer must publicly announce the statutory authority or lawful basis for holding the executive session prior to convening the executive session. Topics not covered by one of the stated reasons for the executive session cannot be discussed.

Examples of topics that may be discussed in an executive session include labor negotiations, legal counsel, hiring, disciplining, or firing a public employee. For a complete listing of lawful topics refer to DOJ's Public Records and Meetings Manual in the resources section of this training.

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If you have any questions regarding appropriate topics, certain discussions or the prerequisites for executive sessions you should seek counsel from your board's DOJ attorney.

### ***Module 4 – Operations & Management of Boards, Commissions, and Small Entities***

Now let's take a look at common operations and management of a board.

#### ***Procurement Authority***

A board's procurement authority comes from either its own statutory authority, from a written delegation of authority by DAS, or by DAS Administrative Rule. DAS delegates procurement authority at certain dollar thresholds to agency heads and Designated Procurement Officers. Before purchasing goods or services with taxpayer money, a written document setting out agency authority must be on file. Agencies may be permitted to sub-delegate procurement authority granted by DAS, but the responsibility for operating within the rules remains with the employee to whom authority was granted. Authority and accountability for procurements is delegated to individuals based on the knowledge, skills and abilities of staff assigned to procurement duties. The delegation of authority to procure goods and services is usually tied to thresholds outlined in the procurement statutes or in a tiered delegation assigned to an agency.

Boards must follow:

- Oregon Revised Statutes 279A, B and C;
- Oregon Administrative Rules Chapter 125 and 137; and
- The Oregon Accounting Manual.

#### ***Buy Decision Making Process***

A board is allowed to enter into intergovernmental or interagency agreements without competitive bidding when it is with another board, state agency, public entity (for instance a city, county, community college, etc.), or the federal government.

If you don't use an intergovernmental or interagency agreement, you must purchase goods and services using these sources in this order.

1. Surplus provides a central repository for the collection, reutilization and, public sale of excess and surplus property and vehicles for all state agencies and public entities. This is the first place a board must look to see if the goods are available.
2. A QRF is a non-profit rehabilitation organization employing individuals with disabilities. QRFs provide services such as janitorial services, recycling services, food and beverage services, temporary staffing services, etc. Boards are required to purchase goods or services from a QRF before going out to the open market.
3. Oregon Corrections Enterprises (OCE) provides inmates full-time work or on-the-job training through the state's correctional institutions. OCE provides goods and services such as furniture, office seating, signs, park equipment, printing services, call centers, laundry services, etc. Boards are required to purchase goods or services from OCE before going out to the open market.

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4. All boards are required to purchase needed goods and services from the DAS contracted price agreements when other steps in the “Buy Decision” do not yield results. A board may purchase services or supplies from a price agreement without further competition. Most commonly used products and services are found on the price agreements.
5. This is the fifth and final source selection method. This means going out for bid or a request for proposal from private firms. Minority, Women and Emerging Small Businesses (MWESB) are included in the open market procurement process. MWESBs must be included when getting quotes for a project, but they are not given preference in award of contracts.

If a board goes out to the open market you must consider the following.

Contracts valued between \$10,000 and \$150,000 must be competitively solicited. Boards have the authority to conduct intermediate procurements for these goods and services and must advertise them using the Oregon Procurement Information Network.

Contracts with a value exceeding \$150,000 must receive legal sufficiency approval from DOJ. This review is intended to ensure contracts contain all the elements to make the agreement legally binding. Legal sufficiency review does not ensure the board is making a good business decision.

Notice of all contracts with a value exceeding \$10,000 must be provided to the Advocate for Minority, Women and Emerging Small Business which can be done through posting the solicitation on the Oregon Procurement Information Network.

Boards must submit a procurement request to DAS for personal services, trade services and commodities exceeding \$150,000 and construction contracts exceeding \$100,000.

### ***Purchasing in the Open Market***

When you need to go to the open market here are the mechanisms used to purchase goods and services.

A request for quote is an informal process used to get pricing information.

An invitation to bid is an intermediate or formally advertised solicitation. This process is intended to ensure the contract is awarded to the lowest responsible bidder.

A request for proposal is an advertised intermediate or formal solicitation. This process is intended to ensure that the contract is awarded to the most qualified company based on evaluation factors other than cost. Including negotiated Best Value contracts for information technology projects.

An emergency procurement is used when a circumstance could not reasonably be foreseen and creates a substantial risk of loss, damage, interruption of services, or threat to public health or safety. When an emergency takes place, the chief executive or another duly authorized person must prepare a written declaration. An agency must keep a written record of the competition process used to award contracts. Agencies must get quotes when possible for all procurements.

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A sole source procurement is used on very rare occasions when there is only one source or provider for the needed item or service.

Special procurements are an exempted process is used when determined competition will not be harmed and the state will realize substantial savings. The DAS Chief Procurement Officer must approve all special procurements in advance. Forms to apply for a special procurement may be found on the Oregon Procurement Information Network.

### ***Contract Types***

There are five contract types commonly used to acquire goods and services.

1. Trade services contracts are usually industry standard, easily definable skills associated with a trade. For example, an electrician, a plumber, etc.
2. Goods contracts are for consumable products, equipment, and materials; these are often found on price agreements established by DAS. For example, office supplies, computers, cars, etc.
3. Personal services contracts require specialized skills, knowledge and professional judgment. For example, a lawyer, an interpreter, etc.
4. Public improvement contracts are projects for construction, reconstruction, or major renovation on state-owned real property. Public works contracts fall under public improvements, but have separate rules and usually are used to repair or update existing structures. A public works contract does not always qualify as a public improvement project.
5. Information technology contracts are projects requiring hardware, software and associated services. Many IT projects must be reviewed by the DAS Chief Information Office prior to being implemented.

### ***Contract Administration***

Following the award of a contract, contract administration is the management actions to be taken to assure full compliance with all of the terms and conditions contained within the contract. Before administering a contract you need to determine the who, where, when and how the contract will be administered.

- You will need to determine who will provide oversight of the project, services or deliverables.
- You will need to determine who and how will the work be reviewed and progress monitored.
- You will need to determine who review and match deliverables to the contract payments.
- You will need to determine who will approve bills and invoices.
- Who and how will changes and amendments to the contract be managed.
- All actions must be documented in the procurement files. The procurement files also must be properly maintained and retained according to the retention schedule.
- You will need to determine who and how you'll perform compliance reviews.

### ***Amendments***

If you need to make any changes to a contract make sure to do the following:

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- Review the original solicitation and contract to ensure the changes are still within the scope of the procurement.
- Review prior amendments.
- Check your budget in the event there will be a fiscal impact.
- Make sure the contract is not at term and can't be amended.
- Use the amendment process to update anything in the contract needing to be addressed such as timelines or delivery schedules.
- If an amendment will alter the terms or conditions of the contract substantially, consult with DOJ prior to authorizing the amendment.
- Do not sign off on amendments unless you are sure they are in order - check with your Designated Procurement Officer before signing contract documents.

### ***Human Resources***

Authority for work is defined by statute. Each agency has an enabling statute identifying the authority and responsibility of the entity. New or significantly augmented positions or work are requested through policy option packages which are analyzed by both DAS and the Legislative Fiscal Office before they can go forward for legislative action. This analysis includes review of a written business case for the need, position descriptions, and fiscal analysis. Positions are authorized by the legislature.

OAR 105-040-0040(1) provides each agency head the authority to recruit and fill positions. According to ORS 240.015, an officer who has the power to make appointments is called an Appointing Authority. The authority to make appointments to positions comes after a position has been established.

ORS 240.400 allows an Appointing Authority to assign delegates with written notice to DAS - Chief Human Resources Office. The signature of an Appointing Authority on the position description form gives permission for the work to be done.

DAS - CHRO is governed by ORS 240 and is tasked with overseeing state agencies' human resources functions. CHRO provides enterprise-wide policy leadership. CHRO develops and maintains statewide HR policies, administrative rules, and assists state agencies with HR management. These policies apply to most executive branch agencies that are subject to ORS 240, the State Personnel Relations statutes. There are several semi-independent agencies that are excluded (ORS 182.454). CHRO provides interpretation and recommendations on application of the rules and policies.

If an agency doesn't have an internal human resources office, they can contract with DAS to provide human resource services for the agency.

Agency human resource offices are responsible for interpreting and administering state and federal human resource laws, rules, and policies for the employees of their agency. The role of HR includes strategic planning, facilitating change, encouraging learning, and integrating HR functions into the management of the agency and its programs.

DAS - CHRO has an executive recruiter who is responsible for recruiting agency directors for the executive

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branch and to support boards that are DAS clients by recruiting for executive directors for the board.

Board seats are volunteer positions and have an average expectation of approximately 10-15 hours of work per month. However, members may be eligible to receive reimbursements and per diem for the time serving on the board.

Board members, who are appointed by the Governor, are prohibited from being a paid employee by the board while serving. In addition, they are not able to be employed by that board for one year after their term expires. (ORS 236.145)

### ***Time and Attendance***

Paychecks, leave balances, and benefits depend on accurate time and attendance records. Payroll transactions are no different than any other board expenditure, requiring the same application of internal controls. Therefore, review and approval of the time records is critical.

Time records not being reviewed and authorized may introduce incorrect data into the state payroll and accounting systems and cause unauthorized expenditures of state funds. If you are responsible for reviewing and authorizing time records and fail to do so it is considered an inappropriate action and board management can apply penalties according to the Oregon Accounting Manual.

If you are expected to report your time and attendance make sure it is accurate. If any changes occur make note of it immediately so you won't forget to update your records before submitting them.

Managers are expected to review all time reported for accuracy and appropriateness. A manager's signature or time locking verifies approval of time. If there is a revision made to an employee's time by someone else, for instance payroll or their manager, the employee must be informed of the changes made.

For more information refer to the Oregon Accounting Manual Policy 45.07.00 located in the resources section of this training.

### ***Fair Labor Standards Act***

The Fair Labor Standards Act (FLSA) is a federal statute. FLSA establishes the federal minimum wage and the 40-hour work week; sets overtime to be paid at time and one-half; and regulates the exemptions to the 40-hour work week and over time rule.

The 40-hour work week is defined by state policy and the Department of Labor as a fixed, regular recurring period of 168 hours during seven consecutive 24-hour periods or days.

Certain workers are not covered by FLSA. These non-covered workers include elected officials and their staffs, political appointees and legal advisors, volunteers, independent contractors, and prison inmates. Other employees, while covered by some provisions of the FLSA, are not covered by the overtime and minimum wage requirements. They are "exempted" from such coverage.

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Non-exempt employees are paid overtime compensation when they have worked in excess of the established 40-hour work week. There are exceptions to this for jobs such as firefighters, police officers, certain hospital employees, and articles in collective bargaining agreements may be more generous. All time worked by an employee under FLSA must be paid for even if the time was not authorized by the employer.

Managers must ensure the FLSA, state wage and hour, and collective bargaining obligations are all met. If violated, FLSA penalties may include back wages, liquidated damages, civil penalties, injunctive relief, and even criminal penalties.

### ***The Oregon Accounting Manual***

The Oregon Accounting Manual (OAM) provides a comprehensive set of policies and procedures to assist with financial transactions in accordance with generally accepted accounting principles, federal regulation, and the Internal Revenue Service requirements.

When boards develop internal procedures to implement standards or guidelines contained in the OAM, those procedures should be consistent with OAM provisions. Boards may, at their discretion, adopt procedures more restrictive than the requirements of the OAM.

### ***Internal Controls***

Proper segregation of responsibilities is a necessary condition to make control procedures effective. Management should ensure adequate separation of authorization for the execution of transactions, recording of transactions, custody of assets, and periodic reconciliation of existing assets to recorded amounts.

All transactions are supported by copies of source documents such as vendor invoices, cash receipts, or time sheets. This documentation must be detailed to provide clear evidence of the transaction.

Receipts or invoices must be itemized to show specific transaction.

- A restaurant receipt must indicate the itemized purchases and not the total bill.
- A vendor invoice must have the details of the purchases.

OAM policy 10.90.00.PO sets control standards for the authorization of agency head transactions such as time reporting, travel reimbursements, and state credit card purchasing.

Mid to large sized agencies who have a deputy director or CFO position are authorized to approve agency head transactions.

Many smaller agencies do not have a deputy director or CFO position required to approve agency head transactions. In these cases, board members will be required to approve agency head transactions.

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An agency head is authorized to make expenditure decisions by statute and legislative appropriation. An agency head may delegate **expenditure decision authority** to subordinates, in writing. Any person who exercises expenditure decision authority will be legally responsible and accountable for the expenditure.

Specific individuals with expenditure authority may have limits placed on their expenditure approvals, which vary depending on agency needs. For example, an agency director and board chair may have spending authority for all fiscal transactions, mid-level management at \$50,000 and an office staff up to \$5,000.

Many agencies will have certain board members with expenditure authority, in cases where the agency head is unavailable or to sign for agency head transactions.

### ***Stipends & Travel***

Board members may be eligible to receive a stipend for attending regular board meetings and other official board activities. In addition, board members may be eligible for travel and meal reimbursements.

Stipends are outlined in state law and can vary for each board. For travel, the General Services Administration (GSA) publishes annual per diem rates for meals, lodging, and mileage.

Board members who travel on business for the state, must follow the policies set forth by the GSA, the Oregon Accounting Manual, the state travel policy, and any internal travel policies. Contact your board administration for more information.

### ***SPOTS Card***

The SPOTS card is a state-sponsored credit card boards may use to buy certain goods and services. The SPOTS card program saves the state time and money because the bank and merchants process most of the paperwork, as well as provide purchase rebates. Agency heads may appoint a SPOTS approving officer. The approving officer selects employees to use SPOTS cards and also selects a SPOTS coordinator who monitors the program within the agency.

# ***Oregon Government Ethics***

Online Training

## ***Introduction***

This training covers the following topics:

- Key definitions
- Who is considered a public official
- Use of position or office
- Private employment of public officials
- Conflicts of interest
- Gifts
- Nepotism

This training is intended to provide public officials with an overview of the Oregon government ethics laws, it does not and cannot override state law, administrative rules, policies, or procedures. While the intent is to periodically update the material to comply with applicable laws and rules it is incumbent upon you to use the current and effective laws, rules, policies and procedures. Where in conflict, the applicable law, rule, policy or procedure takes precedence over information contained in this training.

For purposes of this training we will be using the term public entity to refer to any city, county, state agency, special district, government body, public body, public agency etc.

The provisions in the ethics laws restrict some choices, decisions or actions of a public official. The restrictions placed on public officials are different than those placed on private citizens because service in a public office is a public trust and the provisions in ORS 244 were enacted to provide one safeguard for that trust.

## ***Overview of OGEC***

The Ethics Commission is a seven-member citizen commission charged with enforcing and implementing the ethics laws.

- ORS 244 relates to the conduct of public officials prohibiting use of office for financial gain and requiring public disclosure of economic conflict of interest;
- ORS 171.125 through 171.992 relates to lobbying regulations requiring lobbyists and the entity's they represent to register and report expenditures; and
- ORS 192.660 relates to the executive session provisions in the public meetings law.

## ***Responsibility***

You might not have known, but there are approximately 200,000 public officials in Oregon. You are a public official if you are:

- Elected or appointed to an office or position with a state, county, city government, or special district.
- An employee of a state, county or city agency or special district.
- An unpaid volunteer for a state, county or city agency or special district.
- Anyone serving the State of Oregon or any of its political subdivisions, such as the State Accident

## ***Oregon Government Ethics***

Online Training

Insurance Fund or the Oregon Health & Science University.

As a public official you are held personally responsible for complying with the provisions in the ethics laws. This means you must make a personal judgment in deciding such matters as the use of official position for financial gain, what gifts are appropriate to accept, or when to disclose conflicts of interest. If you fail to comply with the ethics laws, a violation cannot be dismissed by placing the blame on the public entity that you represent. In addition to the ethics laws your public entity may have policies and procedures that are more restrictive.

### ***Use of Position***

The ethics law prohibits you from using or attempting to use the position you hold as a public official to obtain a financial benefit, if the opportunity for the financial benefit would not otherwise be available but for the position held by you. The financial benefit prohibited can be either an opportunity for gain or to avoid an expense.

If any one of the following elements apply to a volunteer position, the person holding that volunteer position is a public official:

- Responsible for specific duties.
- The duties are performed at a scheduled time and designated place.
- The volunteer is provided with the use of the public entity's resources and equipment.
- The duties performed would have a financial impact on any person, business or organization served by the public entity.

This list is not exhaustive, contact the Ethics Commission if you have any questions.

There are provisions in the ethics law that may restrict or prohibit:

- A public official from using or attempting to use official actions of the position held to benefit a relative or household member;
- The value of financial benefits accepted by a relative or household member of the public official; and
- Require the public official to disclose the nature of a conflict of interest when a relative may receive a financial benefit.

The same sound judgment you exercise when participating in actions that could result in a financial benefit for you or your relative should be used when participating in actions that could result in a financial benefit to a business with which you or your relative is associated.

There are provisions in ORS 244 that restrict or prohibit you from using actions of the position held to benefit a business with which you or your relative is associated. The provisions may also require you to disclose the nature of a conflict of interest when a business may receive a financial benefit.

### ***Confidential Information***

## **Oregon Government Ethics**

### Online Training

As a public official you often have access to or manage information that is confidential and not available to the general public. The ethics law specifically prohibits you from attempting to use confidential information gained because of the position you hold or by carrying out assigned duties to further your own personal gain.

The ethics law also prohibits a former public official from attempting to use confidential information for their own personal gain or others if that information was obtained while holding the position as a public official, from which access to the confidential information was obtained.

ORAR 199-005-0035(5) "Confidential Information"

### ***Actions that can be Prohibited***

There are a variety of actions a public official may take or participate in that could be prohibited. The use of a position could be voting in a public meeting, placing a signature on a public entity's document, making a recommendation, making a purchase with a public entity's funds, conducting personal business on a public entity's time or resources in which you, a relative, member of your household, or business with which either are associated would receive a financial benefit that would not otherwise be available but for you holding your position as a public official.

Prohibited gains can be obtaining a financial gain or a benefit with a monetary value or avoiding an expense and they do not have to result in any cost for the public entity.

### ***Financial Benefits***

The following financial benefits are not prohibited and may be accepted some may also be accepted by your relative or a member of your household. [ORS 244.040(2)]

**Official Compensation:** You may accept any financial benefit that is identified by the public entity you serve as part of your official compensation package. If the public entity identifies such benefits as salary, health insurance or various paid allowances in the employment agreement or contract, those financial benefits are part of the your official compensation package. [ORS 244.040(2)(a)]

**Reimbursement of Expenses:** You may accept payments from your public entity for reimbursement of expenses that you personally paid for while conducting the public entity's business. [ORS 244.040(2)]

**Honorarium:** A payment or something of economic value given to you in exchange for services that you provide is an honorarium when the setting of the economic value has been prevented by custom or propriety. You are allowed to accept an honorarium as long as the value does not exceed \$50. Make sure you know how an honorarium is defined because there are many occasions when someone will offer you a financial benefit and call it an honorarium, but it does not meet the definition of honorarium. The services you provide may include but not be limited to speeches or other services provided in connection with an event. [ORS 244.040(2)(b)]

**Awards for Professional Achievement:** You may accept an award, if you did not solicit the award, and the

## **Oregon Government Ethics**

Online Training

award is offered to recognize a professional achievement you made. [ORS 244.040(2)(d)]

**Legal Expense Trust Fund:** A public official may establish a legal expense trust fund if the public official incurs or reasonably expects to incur legal expenses. Proceeds from the trust fund may be used by the public official to defray legal expenses incurred by the public official in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of duties of the person as a public official. [ORS 244.205]

**Gifts:** You may accept gifts that do not exceed the limits specified in ORS 244.025. There are circumstances in which there are no limits on the quantity or aggregate value of gifts that you can accept. On the other hand, there are circumstances when the aggregate value of gifts you accept is restricted. There may also be reporting requirements that apply when you accept gifts.

### ***Employment***

The ethics law does not prohibit a public official from owning a private business or working for a private employer while continuing employment with or holding a position with a governing body.

Many public officials are volunteers, meaning there is little or no compensation for the public position. Other public officials may receive compensation, but choose to seek additional sources of income. Some work for a private business and others establish a private business of their own.

You are prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by your vote, official action, or judgment. Any employer who may directly or indirectly offer employment under these conditions may also violate this provision.

In general, you may obtain employment with a private employer or engage in private income producing activity of your own. You must not use the position you hold as a public official to create the opportunity for additional personal income. You must also ensure that there is a clear distinction between the use of personal resources and time for personal income producing activity and the use of the governing body's time and resources.

The ethics law restricts the subsequent employment of certain public officials. For instance the Director of the Oregon State Lottery, Deputy Attorney General, State Treasurer. For a detailed listing and what the restrictions are, visit the Guide for Public Officials on the Resources tab in this training.

A person who no longer holds a position as a public official may not have a direct beneficial financial interest in a public contract, for two years after authorization of the contract if the contract:

- Was authorized by the public official, in their former capacity as a public official.
- Was authorized by a governing body that the former public official was a member of when the contract was authorized.

Here are guidelines to follow in order to avoid violating the ethics law when engaged in private

## Oregon Government Ethics

Online Training

employment or a personally owned business.

- Use no governing body time
- Use no governing body resources
- Take no official action that could financially impact your private enterprise
- Use no confidential information obtained through your position as a public official
- Disclose all conflicts of interest

### ***Conflict of Interest***

The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “would” and “could.” You are met with an actual conflict of interest when you participate in an action that **would** affect the financial interest of yourself, your relatives, or a business with which you or your relative is associated.

You are met with a potential conflict of interest when you participate in an action that **could** affect the financial interest of yourself, your relatives, or a business with which you or your relative is associated.

Conflicts of interest have three components:

An action, decision, or recommendation made in the individual’s official capacity which causes

A private financial benefit or detriment for the public official, the public official’s relatives, or a business associated with the public official or the public official’s relative.

If you or your relative has an economic interest in a business, you must be constantly aware of whether that business entity is involved in or affected by your official actions, decisions or recommendations. If such a business is directly or indirectly involved, a conflict of interest is possible.

Questions to ask when faced with a conflict of interest.

- Will the action, decision or recommendation have a financial effect on you, your relative, or a business with which either are associated?
- Is the impact of the action, decision or recommendation on your economic interest certain? Is it direct or indirect?

If you encounter an actual or potential conflict of interest you will need to disclose it. This is how the different public officials disclose a conflict of interest:

- Legislative Assembly Member: Members must announce the nature of the conflict of interest in a manner pursuant to the rules of the house in which they serve. The Oregon Attorney General has determined that only the Legislative Assembly may investigate and sanction its members for violations of conflict of interest disclosure rules.
- Judges: Judges must remove themselves from cases giving rise to the conflict of interest or advise the parties of the nature of the conflict of interest.
- Public Employees: Public employees must:
  - Provide a written notice to the person who appointed or employed them before participating in any discussion or taking any action on the matter.
  - In the notice describe the nature of the conflict of interest.

## Oregon Government Ethics

### Online Training

- The written notice needs to be made on each occasion the conflict of interest is met.
- Maintain a copy of the notice in your own records. [ORS 244.120(1)(c)]
- Elected Official or Appointed Board Member: When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action in the capacity of a public official; or When met with an actual conflict of interest, announce publicly the nature of the actual conflict and refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue. If any public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

If you are a manager or appointing authority for a public entity and you receive notice of a conflict of interest you must make sure the notice is recorded in the public entity's official records. You must respond to the written conflict of interest notice by either assigning someone else to that task or by instructing the person on how to take care of the matter. This response should be in writing.

### **Gifts**

In some circumstances there are restrictions on the monetary value of gifts you are allowed to receive. The ethics law establishes a framework of conditions for you to apply when you, your relatives, or members of your household are offered gifts. If offered a gift, you must analyze the offer and decide if "something of value" can be accepted with or without restrictions. In addition to the ethics laws your public entity may have policies and procedures that are more restrictive on whether or not gifts may be accepted.

You are directly and personally responsible for understanding the circumstances when the aggregate value of gifts may be restricted.

In order to determine if the ethics law places restrictions on a particular gift, you must know:

- Whether the gift meets the definition of a gift as defined in ORS 244.020(6)(a);
- Whether the gift meets any of the exceptions defined in ORS 244.020(6)(b);
- Who is the source of the gift; and
- If that source has any legislative or administrative interest in the public official.

If the source of a gift has a legislative or administrative interest, any gift offered to you, your relative, or a member of your household, may only be offered and accepted under certain conditions. If however the source of a gift does not have a legislative or administrative interest, gifts are not restricted or prohibited. ORS 244.020 identifies 16 exceptions for certain kinds of gifts that are allowed without limit under specific conditions. Make sure to look at the statute before accepting any gifts.

With regard to gifts, the phrase "distinct from that of the general public" refers to a distinct economic interest held by the source of a gift. That economic interest is in the financial gain or loss that could result from any votes cast or decisions made by a public official. If the source of a gift could reasonably be expected to realize a financial gain or detriment from a vote or decision of a public official, that source

## **Oregon Government Ethics**

Online Training

has an economic interest in that public official.

1. First, make sure you know the identity of the source of the gift. Remember, the source of a gift is the person or entity that made the ultimate payment for the gift's expense.
2. Second, determine if the source of the gift has an economic interest in decisions or votes you make in your official capacity as a public official. If that economic interest is distinct from the interest held by members of the general public it is a legislative or administrative interest.
  - a. If the source does not have a legislative or administrative interest, gifts from that source are not prohibited or limited as to value or quantity.
  - b. If the source has a legislative or administrative interest, you must answer the following questions:
  - c. Is the gift offered under the conditions that would allow you to accept the gift because it is excluded from what is defined as a "gift"?
  - d. What is the value of the gift? Remember, you can accept gifts from a single source when the aggregate value of gifts from that source does not exceed \$50 in a calendar year.

### ***Annual Verified Statement of Economic Interest***

There are approximately 5,500 Oregon public officials who must file an Annual Verified Statement of Economic Interest with the Ethics Commission by April 15 of each calendar year. Refer to ORS 244.050 to determine if your specific position requires you to file.

### ***Nepotism***

Public officials cannot participate in any personnel action taken by the governing body that would impact the employment of a relative or member of the public official's household. This includes appointing, employing, promoting, discharging, firing, demoting, or interviewing.

If you are assigned duties that include performing "ministerial acts" related to any stage of a relative's or member of your households employment you are not prohibited from performing such acts. "Ministerial acts" would include mailing or filing forms or correspondence, taking and relaying messages, scheduling appointments or preparing documents and minutes for public meetings.

If you have a relative or a member of your household who has applied to be or serves as an unpaid volunteer, you may participate in any personnel action that involves the relative or member of the household.

### ***Closing***

This training covered key definitions, who is considered a public official, use of position or office, conflicts of interest, how determine what gifts can and cannot be accepted, nepotism, and private employment of public officials.

## **Boards and Commissions Best Practices Measure**

### **1. What's this about?**

Department of Administrative Services (DAS) and the Legislative Fiscal Office (LFO) were given a joint budget note for 2005-07 asking them to develop best management practices performance measures to be applied to governance boards and commissions. A recommendation was submitted to and approved by JLAC in July, 2006. In 2007-09 the Legislature added it to all governing Boards and Commissions.

### **2. What's the measure?**

The approved measure is "percent of total best practices met by the board." The measure is calculated as the percent of "yes" responses provided in a self-assessment of best practices. The Self-assessment Guidance that lists 15 best practices is provided in the recommendation. Applicable boards/commissions will need to conduct annual self-evaluations to gather information to report on the measure.

### **3. Who is impacted?**

The requirement is being applied to boards and commissions that meet the following criteria:

- The board/commission has an independent state budget or is included in another state agency's budget.
- The board/commission hires the agency or board's executive director.

These criteria focus on governing boards/commissions. A complete list of applicable boards/commissions is provided in the recommendation.

### **4. How often do we report on this measure?**

Yearly

## **Standard Measure – Percent of best practices met by the Board and/or Commission**

### **Self-Assessment/Best Practices Criteria**

1. Executive Director's performance expectations are current.
2. Executive Director receives annual performance feedback.
3. The agency's mission and high-level goals are current and applicable.
4. The board reviews the *Annual Performance Progress Report*.
5. The board is appropriately involved in review of agency's key communications.
6. The board is appropriately involved in policy-making activities.
7. The agency's policy option packages are aligned with their mission and goals.
8. The board reviews all proposed budgets (likely occurs every other year).
9. The board periodically reviews key financial information and audit findings.
10. The board is appropriately accounting for resources.
11. The agency adheres to accounting rules and other relevant financial controls.
12. Board members act in accordance with their roles as public representatives.
13. The board coordinates with others where responsibilities and interests overlap.
14. The board members identify and attend appropriate training sessions.
15. The board reviews its management practices to ensure best practices are utilized.
16. Others

### **Totals**

### **Percentage of Total**

bestpracticetraining\_2008-1.ppt [Read-Only] [Compatibility Mode] - Microsoft PowerPoint

File Home Insert Design Transitions Animations Slide Show Review View PDF Architect Acrobat

Clipboard Slides Font Paragraph Drawing Editing

# Overview of Best Practices

## Self Assessment Best Practices List

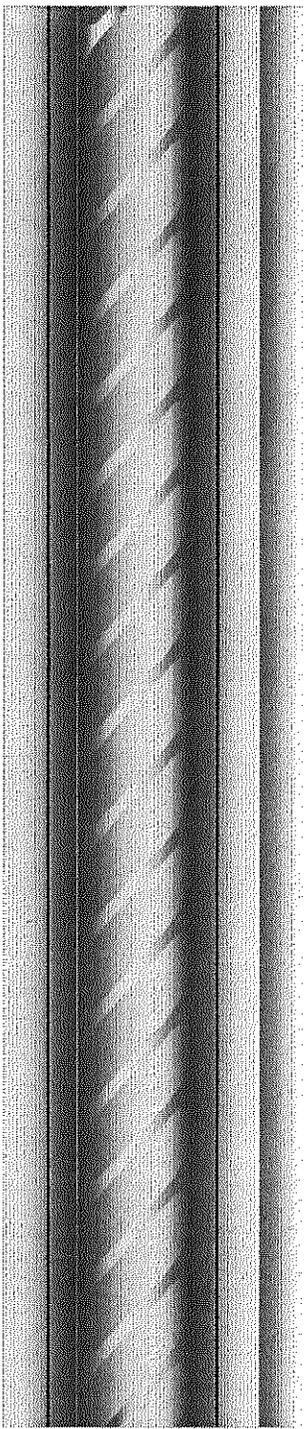
Best Practices Criteria	Yes	No
1. Executive Director's performance expectations are current.		
2. Executive Director receives annual performance feedback.		
3. The agency's mission and high-level goals are current and applicable.		
4. The board reviews the <i>Annual Performance Progress Report</i> .		
5. The board is appropriately involved in review of agency's key communications.		
6. The board is appropriately involved in policy-making activities.		
7. The agency's policy option packages are aligned with their mission and goals.		
8. The board reviews all proposed budgets (likely occurs every other year).		
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14. The board members identify and attend appropriate training sessions.		
15. The board reviews its management practices to ensure best practices are utilized.		
16. Others		
<b>Totals</b>		
<b>Percentage of Total</b>		

Slide 4 of 11 Layers 111%

## Best Practices Self-Assessment Guide: Information in Support of Best Practices

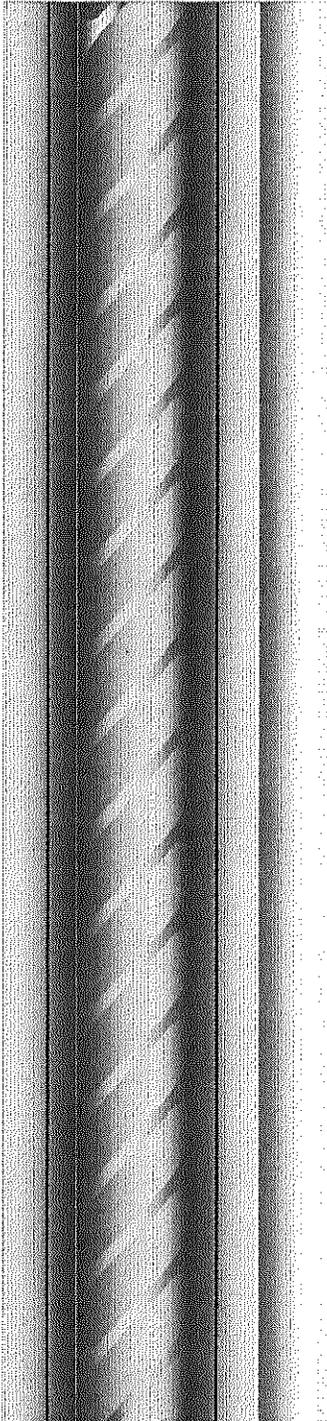
<b>Best Practices Criteria</b>
<p>1. Executive Director's performance expectations are current.</p> <ul style="list-style-type: none"> <li>• Goals and expectations for the Executive Director are reviewed annually.</li> </ul>
<p>2. Executive Director receives annual performance feedback.</p> <ul style="list-style-type: none"> <li>• The Administrative Workgroup reviews the Executive Director's performance annually and makes recommendations to the Board</li> </ul>
<p>3. The agency's mission and high-level goals are current and applicable.</p> <ul style="list-style-type: none"> <li>• The OBD's strategic plan is being updated and will be reviewed regularly. Agency performance measures, as well as short and long term goals, are reviewed annually.</li> </ul>
<p>4. The Board reviews the Annual Performance Progress Report.</p> <ul style="list-style-type: none"> <li>• Performance measures are reviewed as a part of the budget.</li> </ul>
<p>5. The Board is appropriately involved in review of agency's key communications.</p> <ul style="list-style-type: none"> <li>• Board members are informed of relevant news and information.</li> <li>• Board members prepared to submit articles for inclusion in the newsletter</li> </ul>
<p>6. The Board is appropriately involved in policy-making activities.</p> <ul style="list-style-type: none"> <li>• The Board's committees review policy making issues.</li> <li>• The Board reviews all legislative proposals that could impact the Board.</li> </ul>
<p>7. The agency's policy option budget packages are aligned with their mission and goals.</p> <ul style="list-style-type: none"> <li>• The Board reviews agency's proposed policy option packages.</li> <li>• The Board reviews the Agency Request Budget.</li> </ul>
<p>8. The Board reviews all proposed budgets.</p> <ul style="list-style-type: none"> <li>• The Board reviews the Agency Request Budget.</li> </ul>
<p>9. The Board periodically reviews key financial information and audit findings.</p> <ul style="list-style-type: none"> <li>• The Board reviews agency head financial and payroll transactions annually at a Board Meeting.</li> <li>• The Board reviews agency performance audits.</li> </ul>
<p>10. The Board is appropriately accounting for resources.</p> <ul style="list-style-type: none"> <li>• All Board revenue and expenditures are reviewed by the Board.</li> <li>• All Board expenditures are reviewed and approved by the Executive Director and Office Manager.</li> <li>• Physical inventory of all agency property is conducted annually.</li> </ul>
<p>11. The agency adheres to accounting rules and other relevant financial controls.</p> <ul style="list-style-type: none"> <li>• Board staff prepares all transaction entries in accordance with Oregon Statute, Oregon Administrative Rules, Oregon Accounting Manual and Generally Accepted Accounting principles.</li> <li>• The Board has annually received the Department of Administrative Services Comprehensive Annual Financial Report Gold Star Award for timely and complete financial data.</li> </ul>

<p>12. Board members act in accordance with their roles as public representatives.</p> <ul style="list-style-type: none"> <li>• Board members appropriately recuse themselves from cases which create an actual or potential conflict of interest.</li> <li>• The Board follows public meetings and records laws.</li> <li>• The Board uses good judgment in upholding the Board’s Mission Statement of Protecting the Citizens of Oregon.</li> </ul>
<p>13. The Board coordinates with others where responsibilities and interest overlap.</p> <ul style="list-style-type: none"> <li>• Board members and staff participate in appropriate professional associations.</li> <li>• The OBD works with the OHSU School of Dentistry on certain issues.</li> <li>• The OBD works with the ODA, ODHA and ODAA and DBIC to present important practice related issues to members.</li> <li>• The OBD is actively involved in the American Association of Dental Board (AADB) and regional testing agencies.</li> </ul>
<p>14. The Board members identify and attend appropriate training sessions.</p> <ul style="list-style-type: none"> <li>• New Board members attend new Board member orientation presented by OBD Staff.</li> <li>• Board members utilize the Governor’s Board Training.</li> </ul>
<p>15. The Board reviews its management practices to ensure best practices are utilized.</p> <ul style="list-style-type: none"> <li>• On an annual basis.</li> </ul>



# Board Member Role

- **Review information objectively**
- **Potential and actual conflicts;**
- **Put them on the record/minutes**
- **Recusal; cannot be objective or a perception of non objectivity**
- **Better safe than sorry; recuse!**
- **Not play favorites; or out to get someone**



# Board Member Role

- **Outcomes; licensee can make an issue in a case and cause agency liability;**
- **Don't talk to the Licensee even if you are recused; can create issue for agency**
- **Remember; you are the final decision maker not the investigator**

# Your Job is Public Protection, NOT Professional Protectionism

No. \_\_\_\_\_

In the Supreme Court of the United States

THE NORTH CAROLINA STATE BOARD  
OF DENTAL EXAMINERS,

*Petitioner,*

v.

FEDERAL TRADE COMMISSION.

*Respondent.*

On Petition For A Writ Of Certiorari  
To The United States Court Of Appeals  
For The Fourth Circuit

PETITION FOR A WRIT OF CERTIORARI

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# Avoid Any Financial Gain From Your Position As a Board Member.

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## 3 Former Portland parking manager Ellis McCoy pleads guilty in public corruption case

By Bryan Denson | [bdenson@oregonian.com](mailto:bdenson@oregonian.com)  
Email the author | Follow on Twitter  
on August 29, 2012 at 10:30 AM, updated August 29, 2012 at 12:37 PM

10 Tweet Like Print Share Plus Reddit



Former Portland parking manager Ellis McCoy pleaded guilty Thursday morning in a downtown courtroom to taking bribes, filing false income tax returns and conspiring to pay and accept bribes.

McCoy admitted to U.S. District Judge Marco Hernandez that he steered multimillion-dollar city contracts to executives at two parking meter companies as a senior executive at one of the outfits paid for him to vacation in Las Vegas and Pebble Beach, Calif.

The judge accepted McCoy's guilty plea.

The former parking manager, who oversaw day-to-day operations of the city's smart-meter parking program, also faced allegations that he accepted partially or fully paid

### The Pact



#### Can faith and football lead two friends out of a rough Portland neighborhood?

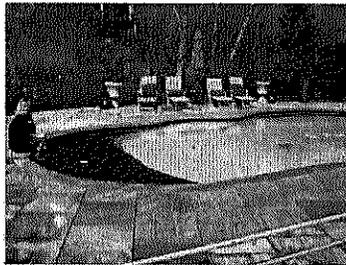
- Now 2,000 miles apart, former Roosevelt High School football stars' bond remains strong
- Jacoby Ellsbury, Darby Allin among famous Moscow athletes to come out of Oregon high schools
- Tongans in Portland are close-knit and enthusiastic, but face stark realities

# Don't Speak or Act on Behalf of the Board, Unless Specifically Board Approved

## 14 Bundy family fights West Linn to keep their backyard pool

By Eborsten Bailey Jr., [ebailey@oregonian.com](mailto:ebailey@oregonian.com)  
 Email the author | Follow on Twitter  
 on Apr. 08, 2011 at 6:05 PM, updated April 09, 2011 at 7:00 PM

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\*Photo by Eborsten Bailey Jr. for The Oregonian  
 Gina Bundy (inset) and her husband Troy, of West Linn, say the city is asking her to remove their swimming pool because it's built in a so-called wetland area. The Bundys said they built the pool in 2009, without a city permit, after then-mayor Paul Galle told them it was OK to do so.

**WEST LINN** -- A local family's decision to install a swimming pool in their backyard has led to an almost two-year dispute with the city over wetland protection.

Troy and Gina Bundy, of Ninth St. in West Linn, say the city insists that they remove their 1,100-square-foot pool and patio and other associated backyard improvements because their property sits between two wetland areas.

They said they installed the pool in 2009 without a city permit after being told by then-mayor

Paul Galle that it would be all right. They said they intended to get the permit after the fact, considering it a formality.

When they applied for the permit, however, both the city planner director and city council denied the application.

The Land Use Board of Appeals upheld the city's decision in March. The Bundys have recently taken their grievance to Oregon Court of Appeals and say they are considering suing the city.

### Connect with us

**Michael Bamesberger,**  
 The Oregonian

Do you have a question, news tip or event you want us to cover? Email Michael.

Follow on Twitter:  
 @WLinn\_Reporter

### West Linn Essentials



**My West Linn' public blog**  
 A place to connect, inform, celebrate and engage your neighbors. Write your post west linn. West Linn Resources



Understand and respect limits of Board's authority. Just because it's a good idea for the public doesn't automatically mean it's within this Board's authority.



# Model Code of Conduct

Dale J. Atkinson  
Executive Director  
Federation of Associations of Regulatory Boards  
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# Model Code of Conduct for Board Members of the Licensed Professions

At its Leadership Conference in July 1998, which focused on ethics, the Federation of Associations of Regulatory Boards (FARB) noted that many professions have developed ethical codes for their practitioners. However, the Conference also noted the absence of any parallel document guiding the work of the regulators of those professions. Therefore, the leadership of FARB authorized the drafting of a model code of ethics for members of regulatory boards for the licensed professions.

Since the idea was generated by the attending representatives of the Federation of Chiropractic Licensing Boards (FCLB), that organization was requested to take the lead on the model code project. The FCLB member boards adopted a working version of the *Model Code of Ethics for Members of Regulatory Boards for the Licensed Professions* in April 1999 at their annual meeting.

Subsequently, the document was presented to FARB's November 2000 Attorney Certification program for input from representatives from the regulatory community's legal team from the offices of the attorneys general for a number of US jurisdictions. Continued presentations to FARB's regulatory constituency are ongoing, to ensure that the final published document will reflect the most current legal and ethical standards.

As a model, the Code is intended to be considered for adoption or adaptation by individual regulatory boards or their umbrella agencies and for use by the governors or other appointing bodies as they consider appointments to regulatory boards.

**The purpose of the Code is to instill and assure the public's trust and confidence in its regulatory boards for the licensed professions.**

That trust must embrace the integrity of the people who serve on those boards, including the qualifications for public service that attracted their appointment.

At its essence, the Code is a set of expectations held by the regulatory authority for each profession that can help guide individual board members in their decision-making. It can also support the recruitment and selection of members for the regulatory boards by providing a mechanism for rating nominees to a board. Conversely, the Code can also provide a rationale for the removal of board members whose service does not meet expectations or is otherwise unacceptable.

In general, while in and of itself such a code does not carry the force of law, it may be used to provide practical detail to law, rules or regulations that address ethics and other areas pertinent to board service.

For any code to attract widespread understanding and acceptance, it must be founded on clear elements that unequivocally define and further its purpose. Given the purpose of the Code as assuring public trust in professional regulation, the following principles are presented as a foundation on which the Code was drafted and from which it may be modified to reflect changing circumstances.

### Founding Principles

- The mission of a regulatory board for a licensed profession is to ensure that the public will have access to competent, safe, and ethical practitioners in the profession.
- Members of a regulatory board must familiarize themselves with the laws, rules, regulations, policies, and procedures that govern their service on the board.
- The work of regulatory boards for the licensed professions is public service, not private interest or group advocacy.
- Performance of public service is a bestowed privilege, not an earned or inherited right, thus, all who serve do so at the pleasure of their appointing authority.
- Regardless of whether a member of a regulatory board for a licensed profession is a licensee in that or some other profession, a consumer, or any other type of member, it is essential for each board member to represent the public; that is, all of the people.
- Members of regulatory boards must strive beyond the norm to avoid any actual or perceived conflict of interest that may compromise the integrity of the board.
- Members of regulatory boards must strive beyond the norm to avoid any relationship, activity or position that may influence, directly or indirectly, the performance of his or her official duties as a board member.

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The Code presents expectations for public service by members of regulatory boards for the licensed professions in four areas:

- 1) Personal Qualities
- 2) Board Decisions and Actions
- 3) External Activities and Relationships
- 4) Accountability

## 1) Personal Qualities:

Personal qualities form the composite qualities of any group. Therefore, the recruitment and selection of group members is tantamount to the group's fulfillment of its purpose. Members of regulatory boards must personify a set of qualities particularly and conspicuously consistent with public service.

This section of the Code describes that set of personal qualities identified by regulators as those most likely to instill and assure the public's trust and confidence in its regulatory boards for the licensed professions.

## 2) Board Decisions and Actions:

Board decisions and actions must always be in the interest of the public; that is, for the common good, not just for the good of some.

A board whose decisions and actions benefit the profession at the expense of the consumer or other groups cannot sustain public trust or confidence in its work. Eventually, the purpose of such a board will be revealed, not as protection of the public, but as protection of the profession. Actual or perceived, such a purpose is not merely inappropriate for a public regulatory body, but may be in violation of statutes governing the activity of such bodies.

Also, the processes by which regulatory boards make their decisions and take their actions should be matters of public record and, in many jurisdictions, are subject to open meetings laws.

This section sets forth expectations that may reasonably be held by the public for the activities of its regulatory boards for the licensed profession.

## 3) External Activities and Relationships:

In most cases, the external activities and relationships of members of any group have the potential for enriching the contributions of the group's members. However, governmental bodies constituted in law for the good of the general public must function in accordance with their statutory purpose. Moreover, their ability to function must be free from any influence external to the group, be it personal, financial, or otherwise that may conflict with the achievement of the statutory purpose.

As governmental bodies constituted for public protection, regulatory boards for the licensed professions must exercise uncommon caution to avoid, declare and reconcile any actual or apparent conflicts of interest or affiliations of their members. In this regard, members of regulatory boards for the licensed profession are held to a higher standard of service than members of many other groups.

This section outlines the areas of potential conflict of interest for board members as well as the actions the public can reasonably expect a board to take in order to avoid, declare or reconcile such conflicts.

#### 4) Accountability:

Ethical boards are accountable to those they serve. A dedicated and purposeful effort must be made to seek out the ideas and concerns of the public and the licensees. Secondly, but also important, feedback and involvement must be solicited from the appointing or electing authority, legislature, and the regulated profession.

This section outlines some areas which should be evaluated periodically by the regulatory board.

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It is the sincere hope of the Federation of Associations of Regulatory Boards that this document contributes to promoting the highest standards for selection of and service by the members of regulatory boards for all licensed professions.

Our vision is that this Code may play a part in enhancing the public trust in those boards, and ultimately, in ensuring that all citizens will have access to competent, safe, and ethical practitioners in seeking the professional services they need.

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# Personal Qualities

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## *Introduction*

A human organization cannot function with ethical integrity unless the people at its core are themselves fundamentally ethical. Core persons in an organization set the tone, create the leadership direction, and personify the organization's messages heard by everyone, internally and externally.

People at the core of government organizations on a democracy have an added responsibility regarding ethical integrity: they are elected or appointed to uphold public trust. Those persons so elected or appointed assume the lofty and highly visible responsibilities of public servants. The fiduciary relationship that characterizes public service exists between the public and all of the people and their organizations equally.

Therefore, regulatory boards for the profession should be constituted to represent:

1. ***The general consumer population of the regulated jurisdiction*** to the extent possible, including gender, race, ethnicity, religion, disability status, geography, socioeconomic level, and military service, and any other group historically under-represented in the particular professions to ensure that the services of the profession are accessible to all;
2. ***The profession and its practices***, including specialization practice areas, philosophical bases, practice settings, professional education programs, membership organizations, and research to ensure that regulatory decisions and actions take into consideration the full context of the profession, not just part of it; and
3. ***The electing or appointing authority*** as a public regulatory body carrying out the designated mission of ensuring the public health, safety, and welfare.

An election or appointment to a regulatory board should be based on broad and open recruitment of individuals whose conduct personifies those qualities identified as particularly suited to public service. The personal qualities of an individual that constitute appropriate attributes for public service on a regulatory board for a profession are fairly uniform across professions and jurisdictional boundaries. Identification of those qualities by electing or appointing authorities is essential to ensuring the integrity of the body whose members conduct the work of regulating the professions in the interest of public health, safety and welfare.

To assist electing and appointing authorities in their efforts to identify qualified individuals, this section of the Code describes those personal qualities deemed most likely to instill and ensure the public trust and confidence in its boards and their members who regulate the licensed professions.

# Personal Qualities of Members of Regulatory Boards

## I. Integrity

- A. Has no criminal professional misconduct record, nor is under current investigation of charges or complaints, and has an acceptable malpractice history.
- B. Possesses sound moral principles, e.g. is upright, honest, sincere.
- C. Has courage of convictions to withstand pressures to be swayed from public protection agenda.
- D. Is honest about personal agendas and leaves them outside the boardroom.
- E. Reveals any actual or perceived conflicts of interest to appropriately recuse self from decisions or actions in those areas of interest.
- F. Maintains confidentiality associated with examinations, disciplinary proceedings, and other pertinent matters.

## II. Service

- A. Seeks and finds personal gratification through service to others.
- B. Is available for all regulatory activities, to be called on short notice, to travel, to be flexible in scheduling commitment and handling cancellations, and is not over-booked with other obligations.
- C. Provides accurate and timely submissions of reports, vouchers and other documentation associated with board service.

## III. Sacrifice

- A. Tolerates inconvenience, frustration, and scheduling conflicts to be available for board service.
- B. Subjugates own need gratification to the greater good and, consequently, postpones, minimizes or forgoes it altogether.
- C. Rises above temptation for personal gain and avoids mutual benefit transactions available to private sector leaders that would pose conflicts of interest in the public sector.

## IV. Vision

- A. Uses knowledge of regulatory history, concepts and rationale, including law, rule, regulation, and administrative policy, to articulate ideas and plans for refining, enhancing and developing measures of public protection, standards of licensure and practice, and systems for regulating practitioners of a profession.
- B. Acts as a role model for the profession and general public by discussing and presenting Board mission and function in the community whenever appropriate.
- C. Encourages public awareness of the standards and legal requirements of professional credentials, practices and conduct.

## V. Commitment

- A. Understands and embraces the central mission of the regulatory board as protecting the public, not advocating for the profession.
- B. Demonstrates interest and ability in learning about administering law, rule, regulation, policy and the necessary protocols and procedures.
- C. Abides by the legal and ethical responsibilities associated with board membership.
- D. Remains current with cross-professional issues and trends inside and outside the jurisdiction.

## VI. Consumer Advocacy

- A. Has experience in consumer advocacy and/or civic or public service organizations.
- B. Actively seeks to provide relevant information about professional practice and regulation to the consumer public and its organizations, including the soliciting of consumer concerns and ideas.
- C. Provides appropriate nominations of individuals qualified to be consumer members of the board.

## VII. Diversity and Inclusiveness

- A. Values diversity of board membership representative of the general population in the jurisdiction.
- B. Actively promotes representative diversity in the profession with the understanding that such diversity not only ensures inclusive and comprehensive decisions and actions by the board, but also maximizes the opportunity for all people to be able to access needed services of the profession.

- C. Operates primarily on the basis of consensus-building, cooperation, conflict resolution and team efforts, not individualism, egotism, factionalism, charisma or confrontation
- D. Accepts conflicts as they arise in the normal course of events and approaches them as opportunities for greater understanding, team-building and improved functioning

### VIII. Fairness and Balance

- A. Is deliberative, not quick to judge, and approaches the work of the board without bias, dispassionately, disinterested, and dissociated from positions on partisan issues
- B. Respects the rights of all parties
- C. Is mindful of standards and strives to interpret them to be as inclusive as possible, not exclusionary
- D. Understands the difference between high and minimally acceptable standards of competence and practice
- E. Understands and applies processes and procedures uniformly to all

# Board Decisions and Actions

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## *Introduction*

Board recommendations, decisions, and disciplinary actions constitute almost all publicly visible and legally scrutinized regulatory activity. Consequently, all such activity needs to meet with the highest standard of ethical conduct possible. Boards whose recommendations, decisions, and disciplinary actions benefit the profession at the expense of the consumer cannot sustain the public trust, and violate their ethical and legal charge to protect the public.

In a democratic society, the public business must be performed in an open and public manner. The citizens must be fully aware of and able to observe the performance of public officials, and attend and listen to the deliberations that go into the making of public policy. The people must be able to be informed if they are to retain control over those who are their public servants. The welfare of the citizenry depends on a healthy government to operate for the benefit of those who created it.

This section of the Code outlines the general considerations forming the boundaries of regulation, and discusses the important roles boards undertake in issuing recommendations, decisions, and disciplinary actions.

The first of the following four sections, General Considerations, must be understood and referenced through the remaining three sections.

## I. General Considerations

- A. **Overall principle:** Ethical conduct begins with each regulatory board meticulously following all laws which govern its recommendations, decisions and disciplinary actions.
- B. **Jurisdictions:** All regulatory boards function under laws, rules, regulations written within their respective jurisdictions and/or “umbrella agencies”
- C. **Scope:** Such laws may be:
- International
  - Federal or national
  - State, province, territory, commonwealth, district
  - County, parish
  - Municipal
- D. **Sources:** Such laws may be found in different sections of each jurisdiction’s codes, and must be reviewed frequently:
- R.I.C.O., racketeering, or anti-trust
  - Bribery or corrupt influence
  - Criminal
  - Administrative procedures or other “umbrella” agency
  - Ethics
  - Conflict of interest codes or guidelines
  - Equal opportunity
  - Americans with disabilities Act
- E. **Manner of conflict:** All board recommendations decisions, and actions must be conducted in as fair, equitable, impartial, and non-partisan manner as possible. It must also be noted that each board’s reputation is largely created by the staff who first encounter the public and the profession.
- Board members and staff must represent the highest standards of ethical and professional conduct
  - All board activity must be carefully documented and well organized for future reference and scrutiny
  - Board members must ensure that both the professional and public members of the board are equal partners with unique perspectives, who value one another’s insights, comment, and experiences
  - Board members must not serve as spokespersons for the board unless properly designated by the board

## II. Board Recommendations

A. ***Advice on legality and propriety:*** Licensees will occasionally query boards about the legality and propriety of certain procedures and activities. Whenever possible, boards should define clearly what is acceptable and unacceptable. Boards, must at the same time, refrain from pre-forming, pre-judging, or freely giving legal opinion or advice. Information can be communicated to the public through:

- Rules and Regulations
- Public forums or focused hearings
- Newsletters
- Attorney general or counsel office opinions
- Internet websites
- Position papers

B. ***Establishing professional code of ethics:*** Boards may wish to consider helping to create a national or international code of ethics for the profession in one does not exist. In professions with existing ethical standards, those should be widely and vigorously disseminated.

C. ***Equivalent licensure criteria:*** Fairly and ethically address concerns relating both to protecting the public and assuring access to qualified practitioners, boards may wish to consider recommending that their jurisdiction's licensure criteria become comparable or equivalent across jurisdictional boundaries. This may serve to assure the public of acceptable levels of training and experience as well as potentially to permit greater interjurisdictional mobility.

Areas of interest include:

- Adoption of national examinations where available and appropriate
- Adoption of uniform pre-professional criteria, with time-frames reflecting changing requirements
- Adoption of a standard number of years in practice for endorsement/reciprocity
- Determination of acceptable prior malpractice history through appropriate profession-specific or interprofessional databanks (e.g., CIN-BAD, NPDB)

D. ***Criteria for removing members:*** boards may wish to consider developing and standardizing criteria for recommending the removal of non-contributing or ethically compromised board members. *It is noted that board membership frequently occurs as an extension of the political process, along with its implied limitations.*

### III. Board Decisions

- A. ***Focused on mission:*** All board decisions must be made with the primary mission squarely in mind: Each board is charged, in some fashion or language, with protecting the public; all other considerations become secondary.
- B. ***Boards that are part of larger regulatory community:*** All board decisions must be made with the awareness of the responsibility each board has to the larger regulatory community. Board responsibility does not end at the jurisdictional or professional border.
- C. ***Reporting board actions:*** Whenever and wherever legally appropriate, information on board decisions and actions should be reported:
- To the general public (through rules and regulations, public forums or focused hearings, newsletters, Internet websites)
  - To all licensees
  - Appropriate profession-specific, interjurisdictional or interprofessional databanks
- D. ***Reporting criteria:*** Boards must be aware of reporting criteria to each appropriate professional databank, and be aware of possible overlap when some licensees may be practicing in more than one discipline.
- Be certain that all board decisions and actions are reported to the appropriate databank in a timely manner
  - Access the information in the interjurisdictional databanks on a regularly scheduled basis
  - Board staff must collate data and report any information obtained about a license at the next meeting for board consideration
- E. ***Proposed changes:*** Boards may from time to time decide to proposed changes in the laws and/or rules or regulations which govern the profession. When this occurs, the board should strive to:
- Reach a consensus, in both language and sentiment, among the board members about the need for changes proposed
  - Be certain that the proposed changes are within the applicable codes and laws of the “umbrella” agency or jurisdiction
  - Hold all required or appropriate public hearings, including proper notification of licensees
  - Share, whenever possible, information and background research which supports or validates the changes with other interested boards
  - Be prepared to explain and defend, with any and all appropriate research and documentation, the proposed changes to the legislative and executive branches

## IV. Board Disciplinary Actions

- A. ***Rights to due process:*** Boards must establish procedures, within the enabling laws of the “umbrella” agency and/or jurisdiction, which ensure the rights to due process for ALL parties.
- B. ***Confidentiality:*** In the healing arts especially, but in all board actions, confidentiality must be scrupulously maintained when and where such confidentiality is appropriate.
- C. ***No prejudgment:*** Disciplinary actions must not be prejudged by preferential treatment of those involved because of personal values, friendship, or standing in the community.
- D. ***Recusal:*** Boards must establish and follow a clear recusal process when a real or strongly perceived conflict of interest arises.
- E. ***Proper processes:*** With the existing legal framework for each “umbrella” agency or jurisdiction which governs disciplinary action, each board should strive to:
- File adequate and timely notice of charges
  - Clearly communicate in writing with the respondent about discovery, evidence, board procedures, etc.
  - Share all information from respondents with the board
  - Utilize alternative dispute resolution for cases which meet pre-established criteria
  - During hearings, allow full and open testimony: ask witnesses if they have anything else to say
  - Seek legal advice: be certain that current laws are being properly applied
  - Determine first if laws/rules have been violated; weigh the impact of sanctions secondarily
  - Maintain confidentiality with all parties, especially the media, during the proceedings
  - When appropriate under law, report in a timely manner public disciplinary actions to the public, licensees, professional databanks interjurisdictional databanks

# External Activities

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## *Introduction*

Actions of the individual board members will be evaluated both inside and outside the boardroom. Conduct must at all times be of the highest moral and ethical character. The action and interaction of the individual board members will reflect the integrity of the board.

Many areas of potential conflict will occur during a member's tenure and following retirement from active board service. Activities that are conducted outside of the board meeting and that are a part of external activities should be closely evaluated for ethical conformity.

Many of these conflicts will be painfully obvious while others will be only conflicts of perception. It is suggested that if a board member senses possible conflict of interest, he/she may wish to consult an impartial third party for advice and direction (i.e. assistant attorney general, ethics commission, leadership of the board, and/or professional staff).

At all times, board members must make decisions that are directed by all ethical considerations. The board member's moral compass must always be truly pointed in the correct ethical direction.

To assist elected and appointed board members in their efforts to develop maximum awareness of areas actual and perceived conflicts inherent in external activities, this section of the Code describes those areas most likely to jeopardize the public trust in the boards.

## External Activities and Related Areas

### I. Conflict of Interest

- A. **Defined:** Conflict of interest is defined as having any interest, financial or otherwise, direct or indirect, or engaging in any business or transaction or professional activity or incurring any obligation of any nature, which is in substantial conflict with the proper discharge of the board member's duties in the public interest.
- B. **Disclosure:** Board members must make public (and recuse themselves from) any conflict of interest that exists to ensure the integrity of the board and all of its decisions.

**Disclosure and recusal** are important tools to avoid actual or perceived conflict of interest. Board members must not overuse recusal as an excuse to avoid conflict in exercising their full responsibilities.

#### C. *Types of Potential Conflict in External Activities*

**Personal conflicts** are those actions that may ultimately have a personal consequence that is an indirect effect of a decision or action. No decisions should be made that will advance the personal benefit of the board members. Some examples of personal conflict include:

- **Personal gain:** Will this decision affect the board member's personal life in any direct way?
- **Sexual favors:** Will this behavior affect the board member's position unfairly?
- **Influence:** Will this behavior affect the board member's position unfairly? Will it result in unwarranted privileges or exemptions?
- **Effects on personal relationship:** Will there be an effect on the board member's current, past or future personal relationship(s)?

### II. Confidentiality

- A. **Rules of confidentiality:** At all times the board member must conform to the rules of confidentiality in dealings outside the boardroom
- B. **During and after board membership:** Protected information obtained in the capacity of board member must remain confidential during and after board membership.
- **Actions prior to and subsequent to board membership:** Termination of board membership does not dissolve the board member from responsibility. Actions must continue to be governed by the same rules that apply during active board membership. Confidentiality must be maintained on all confidential subjects that the individual was privy to as a board member.

### III. Sexual Relationships

- A. ***During board tenure:*** No board member should engage in a sexual relationship with any other board member or staff during board membership.

#### IV. Professional Activities

- A. ***Holding office:*** A board member shall not hold an office in a professional or trade association of the regulated profession

#### V. Representation of Responsibilities

- A. ***Spokesperson:*** A board member should not represent himself/herself as a spokesperson for the board to influence his/her status in areas outside of the business of the board.
- B. ***Disclosure of Information:*** A board member should not share information with any other person, or encourage another person to act in any way prohibited to the board member.
- C. ***Representation of responsibilities to others:*** Actions or statements made to others outside of the board should not be designed to influence the outcome of any board decision.

# Accountability

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## *Introduction*

An ethical board is accountable to all its stakeholders. These include:

- The public, whose health and safety it is sworn to protect
- The practitioners, whose livelihood depends on fair and equitable adoption and application of statutes and regulations

In most instances, the board is also responsible to the appointing or electing authority and to the regulated profession in general.

Boards should have in place internal and external assessment tools to review and evaluate their processes as they relate to public protection.

This section of the Code is designed to assist boards in assessing whether their processes are accountable to their stakeholders.

# General assessment

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When and how does the board evaluate the overall organization, budget, procedures, legislative and policy activities, communications, involvement in national/international association of the profession's regulatory boards?

## Some specific areas:

### I. Does the board maintain appropriate record keeping?

*Some areas may include:*

- Number of licensees
- Number and general types of complaints made
- Number and type of disciplinary actions taken
- Documented amount of time it takes to handle a complaint, including number of investigative hours
- Comparison of your licensed profession to others in the same jurisdiction
- Comparison of the licensed profession in the jurisdiction to the same profession nationally and internationally
- Accurate budgets and financial reports, adequate funding, demonstrating cost-effectiveness, and revenue sources, value of volunteer time by board members
- Clear and concise interpretations of practice issues, including catalogued legal opinions

### II. What are the criteria to review complaint process?

*Some areas include:*

- Has current system in place to track the complaint process
- Re-evaluates the complaint process regularly for maximum effectiveness
- Resolves complaints in a timely manner
- Ensures procedures conform to accepted standards
- Avoids bias
- Is not arbitrary or capricious
- Maintains adequate investigative resources
- Reports all public actions to profession's central database
- Offers expedited and alternative dispute resolution for cases meeting appropriate and predetermined standards

III. How does the board evaluate its public relations efforts to make board services available?

*Some areas may include:*

- Use of Internet websites, properly and accurately indexed
- Regular press releases to press, with appropriate designation of spokespersons
- Consumer friendly education materials, widely distributed
- Proactive reports to legislature
- Regular newsletters or other communications tools sent to licensees
- Board meeting locations varied to maximize access to the board
- Yellow pages listing
- User surveys and feedback

IV. How are the bases for evaluating a board member for suitability for reappointment?

*Some areas may include:*

- Attends regularly
- Maintains confidentiality of board processes
- Is well prepared for meeting- reads materials before arrival
- Participates in discussion
- Is honest about personal agendas and leaves them outside the boardroom

## ->Appendix: Reference documents

1. Glossary- *still under development*
2. Contents of a sample ethics code
3. Understanding the board/staff relationship
4. A Framework for Ethical Decision Making  
*Michael McDonald (reprinted with permission by the author)*
5. Sample case questions and discussion- *still under development*
6. Bibliography- *still under development*

## ->APPENDIX 1

### Glossary

#### ***Conflict of Interest***

Having any interest, financial or otherwise, direct or indirect, or engaging in any business or transaction or professional activity or incurring any obligation of any nature, which is in substantial conflict with the proper discharge of the board member's duties in the public interest.

#### ***Ethical Philosophy***

The attempt to clarify and refine the conceptual apparatus of practical judgment

*ETHICS and METAETHICS, Raziell Abelson, New York University, St. Martin's Press, New York 1963*

#### ***Ethics***

Well based standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtues. It also refers to the study and development of one's ethical standards.

The study of conduct and moral judgment; moral philosophy  
*Webster's New World Dictionary, College Edition, The World Publishing Company, Cleveland and New York, 1968*

(Greek: the manner and habits of man or of animals)

The rules or principles which govern right conduct  
*Dorland's Medical Dictionary, 27<sup>th</sup> edition, W.B. Saunders Company, Harcourt Brace Jovanovich, Inc., Philadelphia 1986*

#### ***Ethics Code***

An Ethics Code is not law. It is a document that provides practical detail to laws, rules, or regulations that address ethics and other areas pertinent to board service.

## *MORE DEFINITIONS TO BE DEVELOPED*

Relative

Compensation

Equal Benefit to a class

Personal or private interest

Classes of Public Servant

Pecuniary benefit/ financial interest

Confidential information

Appearance of conflict

Fiduciary

Recusal

Disclosure

Open Meetings

Public body

Executive Session

## ->APPENDIX 2

### Contents of Sample Ethics Code

A. Purpose

B. Definitions

C. Body- Code of Conduct

1. *Expectations*

Personal qualities- qualifications for service  
Board decisions and actions  
External activities and relationships

2. *Actions which may constitute violations*

Threats  
Bribery  
Granting of sexual favors  
Conflict of interest  
Gifts  
Private compensation  
Trading in special influence  
Use of public position for personal gain  
Contracts with other jurisdictions  
Disclosure of confidential information

3. *Required actions in conflicts*

Disclosure  
Recusal  
Effect on quorum

4. *Post-service restrictions*

Respect for protected information

D. Range of sanctions-civil and criminal

1. *Fines*

2. *Imprisonment*

3. *Removal from office*

E. Process of waivers/securing advisory opinions

F. Enforcement body (commission)

1. Composition/terms
2. Compensation
3. Powers and duties
4. Reporting obligations
5. Disqualifications
6. Range of sanctions
7. Confidentiality provisions
8. Right of appeal to higher body

## ->APPENDIX 3

### Understanding the Board/Staff Relationship

*From the 23<sup>rd</sup> Annual FARB Forum- February 6, 1999*

*“Commandments Thou Shall Not Break as Board Member or Staff”*

#### ***What board members bring to the board/staff relationship***

- Expertise in a variety of technical areas for which the jurisdiction could not pay
- The sanction of various external publics
- Knowledge of various facts about the community or profession
- Continuity of policy and program
- The ability to be a spokesperson
- Influence to attract financial resources, human resources, and public resources
- Preservation of the democratic process
- An objective view of the operations; the capacity for critical review
- Ability to affect change in the jurisdiction
- Collective wisdom

#### ***What staff brings to the board/staff relationship***

- Because of their unique position as the bridge between board and jurisdiction and between licensees, staff can coordinate board activities and can spot problems and pitfalls before board members generally do.
- Connection between cultures in a culturally diverse jurisdiction
- Objectivity in reaction to board member suggestions
- Expertise in legal regulation of the profession
- Basic knowledge of the jurisdiction
- Ability to interpret and apply board policy decisions

#### ***What board members can reasonably expect of staff***

- Attention to details of meetings, conferences, etc.
- Adequate preparation for meetings in which board volunteers must play a leadership role
- Complete, concise, and accurate information
- Candor in individual and organizational relationships
- Judicious use of time
- Meeting of agreed-upon deadlines, with notification if deadlines cannot be met
- Prompt response to requests for information
- Prompt return of phone calls

*NOTE: Staff should NOT be expected to perform personal or professional duties for board members outside of the staff job description.*

## APPENDIX 3 (continued)

### Understanding the Board/Staff Relationship

#### *What staff can reasonably expect of board members*

- Fulfillment of commitments within agreed-upon deadlines
- Organizational knowledge and ability
- Candid performance appraisal and assistance in performance
- Leadership rather than “followship”; initiative rather than response
- Support in controversial situations
- Easy access by phone or visitation
- Sensitivity to staff’s organizational problems
- Loyalty, confidentiality

#### *Major problems with a board of directors*

- Constant turnover of members of board
- Selection of board members
- Ego of members
- Lack of attendance
- Resistance to change
- Duck big issues
- Dissident members
- Indecisive on issues
- Too democratic

#### *Major disappointments experienced as board member*

- Personal goals for improvement of the organization have not been realized
- Board operation is not as efficient and/or well-managed as it could be
- Lack of effort and dedication on the part of other board members
- Disagreement with some of the board's policies
- Inadequacies of staff

## ->APPENDIX 4

### A framework for Ethical Decision Making

Michael McDonald (reprinted with permission of the author)

#### 1. Identify the problem.

1.1. **Be alert; be sensitive to morally or politically charged situations.** Look behind the technical requirements of your job to see the moral dimensions. Use your ethical resources to determine relevant moral standards. Use your moral intuition.

1.2. **Gather information and do not jump to conclusions.** While accuracy is important, there can be a trade-off between gathering more information and letting morally significant option disappear. Sometimes you may have to make supplementary assumption because there is insufficient information and no time to gather more information.

1.3. **State the case briefly with as many of the relevant facts and circumstances as you can gather within the decision time available.**

1.3.1. **What decisions have to be made?** There may be more than one appropriate decision.

1.3.2. **By whom?** Remember that there may be more than one decision-maker and their interactions can be important.

#### 2. Specify feasible alternatives.

2.1. **State the live options at each stage of decision-making for each decision maker.**

You then should ask what the likely consequences are of various decisions. Here, you should remember to take into account good or bad consequences not just for you or you board, but for all affected persons (i.e. the public).

#### 3. Use your ethical resources to identify morally significant factors in each alternative.

3.1. **Principles.** These are principles that are widely accepted in one form or another in the common moralities of many communities and organizations.

3.1.1. **Respect autonomy.** Would I be exploiting others, treating them paternalistically, or otherwise affecting them without their free and informed consent? Have promises been made? Are legitimate expectations on the part of other because I am a professional person?

- 3.1.2. **Do not harm.** Would I be harming someone to who I have a general or specific obligation as a professional or as a human being?
    - 3.1.3. **Do good.** Should I be preventing harm, removing harm, or even providing positive benefits to others?
    - 3.1.4. **Be fair.**
  - 3.2. **Moral models. Sometimes you will get moral insight from modeling your behavior on a person of great moral integrity.**
  - 3.3. **Use ethically informed sources.** Policies and other source materials, professional norms such as board policy, legal precedents, and wisdom from your religious or cultural traditions.
  - 3.4. **Context.** Contextual features of the case that seems important such as the past history of relationships with various parties.
  - 3.5. **Personal judgments, you associates, and trusted friends or advisors can be invaluable.** Of course, in talking a tough decision over with others, you have to respect confidentiality issues within the context of the individual situation.
4. **Propose and test possible resolutions.**
  - 4.1. **Perform a sensitivity analysis.** Consider your choice critically by considering which factors would have to change to get you to alter your decision.
  - 4.2. **Impact on others' ethical performance?** Think about the effect of each choice upon the choices of other responsible parties. Are you making it easier or harder for them to do the right thing? Are you setting a good example?
  - 4.3. **Would a good person do this?** Ask yourself what would a virtuous professional (one with integrity and experience) do in these circumstances?
  - 4.4. **What if everyone in similar circumstances did this?** Formulate your choice as a general maxim for all similar cases?
  - 4.5. **Does it seem right?** Are you still satisfied with your choice? If you are still satisfied, then go with your choice. If not, consider the factors that make you uncomfortable with a view to coming up with a new general rule with which you are satisfied.
5. **Make your choice.**
  - 5.1. **Live with it.**
  - 5.2. **Learn from it.** This means accepting responsibility for your choice. It also means accepting the possibility that you might be wrong or that you will make a less than optimal decision. The object is to make a good choice with the information available not to make a perfect choice. Learn from your failures and successes.

# Agency Management Report

## KPMs For Reporting Year 2015

Finalize Date: 9/15/2015

**Agency: DENTISTRY, BOARD of**

	Green = Target to -5%	Yellow = Target -6% to -15%	Red = Target > -15%	Pending	Exception Can not calculate status (zero entered for either Actual or Target)
<b>Summary Stats:</b>	60.00%	20.00%	20.00%	0.00%	0.00%

**Detailed Report:**

KPMs	Actual	Target	Status	Most Recent Year	Management Comments
1 - Continuing Education Compliance - Percent of Licensees in compliance with continuing education requirements.	100	100	Green	2015	The OBD audits 15% of all license renewals each year to see that licensees are in compliance with the Continuing Education Rules, those audits have shown a high compliance rate.
2 - Time to Investigate Complaints - Average time from receipt of new complaints to completed investigation.	12.00	3.50	Red	2015	The OBD is optimistic that once the new dental investigator is trained, that the overall time to complete investigations will start trending down from the last few years results.
3 - Days to Complete License Paperwork - Average number of working days from receipt of completed paperwork to issuance of license.	7	7	Green	2015	The OBD strives to complete all renewal and application paperwork in 7 days or less.
4 - CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	85	85	Green	2015	The OBD continues to have around an 80% positive rating from the cusotmers who complete the Customer Service Survey.

# Agency Management Report

## KPMs For Reporting Year 2015

Finalize Date: 9/15/2015

KPMs	Actual	Target	Status	Most Recent Year	Management Comments
5 - Board Best Practices - Percent of total best practices met by the Board.	93	100	Yellow	2015	The OBD continues to complete the Board Best Practices Evaluation and strives for 100% compliance.

This report provides high-level performance information which may not be sufficient to fully explain the complexities associated with some of the reported measurement results. Please reference the agency's most recent Annual Performance Progress Report to better understand a measure's intent, performance history, factors impacting performance and data gather and calculation methodology.

**DENTISTRY, BOARD of**  
**Annual Performance Progress Report (APPR) for Fiscal Year (2014-2015)**

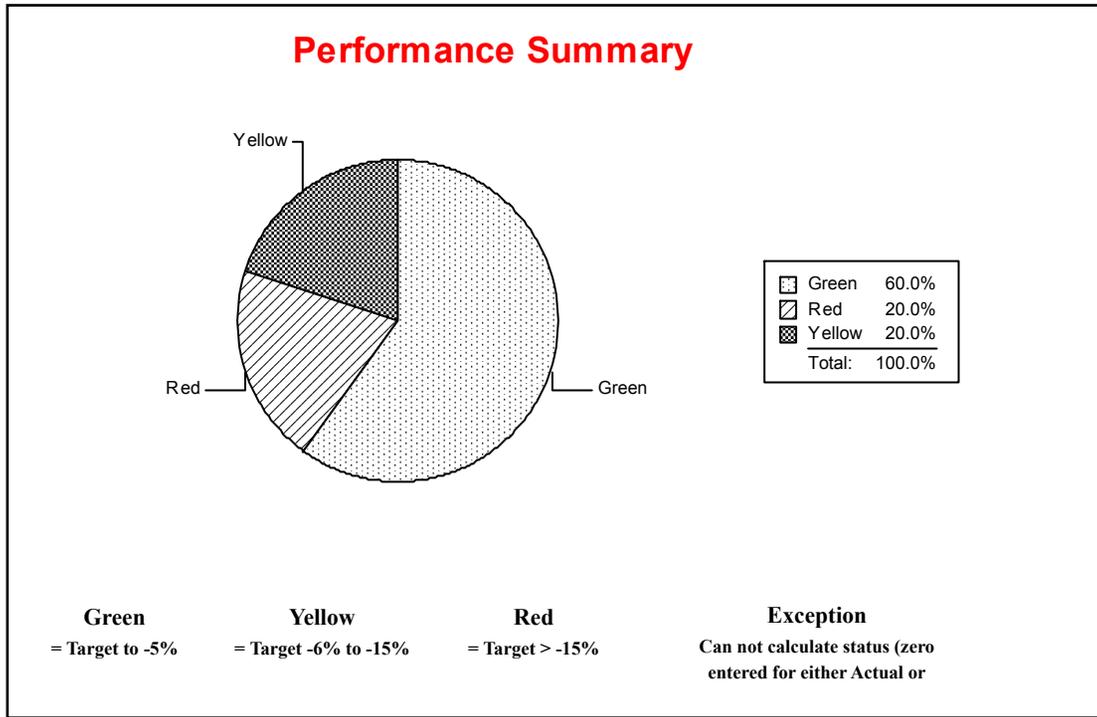
Original Submission Date: 2015

Finalize Date: 9/15/2015

2014-2015 KPM #	2014-2015 Approved Key Performance Measures (KPMs)
1	Continuing Education Compliance - Percent of Licensees in compliance with continuing education requirements.
2	Time to Investigate Complaints - Average time from receipt of new complaints to completed investigation.
3	Days to Complete License Paperwork - Average number of working days from receipt of completed paperwork to issuance of license.
4	CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.
5	Board Best Practices - Percent of total best practices met by the Board.

<b>New Delete</b>	<b>Proposed Key Performance Measures (KPM's) for Biennium 2015-2017</b>
	<b>Title:</b>  <b>Rationale:</b>

<b>DENTISTRY, BOARD of</b>	<b>I. EXECUTIVE SUMMARY</b>
<b>Agency Mission:</b> To assure that the citizens of Oregon receive the highest possible quality oral health care.	
<b>Contact:</b> Stephen Prisby, Executive Director	<b>Contact Phone:</b> 971-673-3200
<b>Alternate:</b>	<b>Alternate Phone:</b>



**1. SCOPE OF REPORT**

The Board of Dentistry is charged with the regulation of the practice of dentistry and dental hygiene by setting standards for entry to practice, examination of applicants, issuance and renewal of licenses, and enforcing the standards of practice. The Board also is required by law to establish standards for the administration of anesthesia in dental offices. The Board determines dental procedures that may be delegated to dental assistants and establishes standards for training and certification of dental assistants. As of September 1, 2015, there were 3811 dentists, and 4,391 dental hygienists holding Oregon licenses. The Board operates in an atmosphere of constant change, rapidly developing technology, changing treatment modalities, demographic and geographic disparities in access to dental care, growing public demand for a greater diversity of provider groups, and constantly shifting societal norms and values. Agency operations

are supported solely from license application, renewal, exam and permit fees, plus revenues generated from fines imposed for late renewals, civil penalties assessed, and miscellaneous receipts from the sale of mailing lists and copies of public records. The Board is composed of ten members appointed by the Governor and confirmed by the Senate for four-year terms. There are six dentists, one of whom must be a dental specialist, two dental hygienists and two public members. 7.0 FTE staff that carry out the day-to-day functions of the agency. In addition, the Board contracts with numerous dental professionals to provide expertise in specific dental specialty areas. Primary program activities are Licensing and Examination, Enforcement and Monitoring, and Administration.

## **2. THE OREGON CONTEXT**

The Oregon Board of Dentistry has no Primary Links to the Oregon Benchmarks; however, Board activities support the following benchmarks as secondary links. #29 Skills Training: Percentage of Oregonians in the labor force who received at least 20 hours of skills training in the past year. #30 Volunteerism: Percentage of Oregonians who volunteer at least 50 hours of their time per year to civic, community or nonprofit activities. #44 Adult Non-smokers: Percentage of Oregonians, 18 and older who smoke cigarettes. #52 Substance Use During Pregnancy: Percentage of pregnant women who abstain from using: a. alcohol; b. tobacco. #50 Child Abuse or Neglect: Number of children, per 1,000 persons under 18, who are: a. neglected/abused; b. at a substantial risk of being neglected/abused.

## **3. PERFORMANCE SUMMARY**

All but one current Performance Measures Targets are being met.

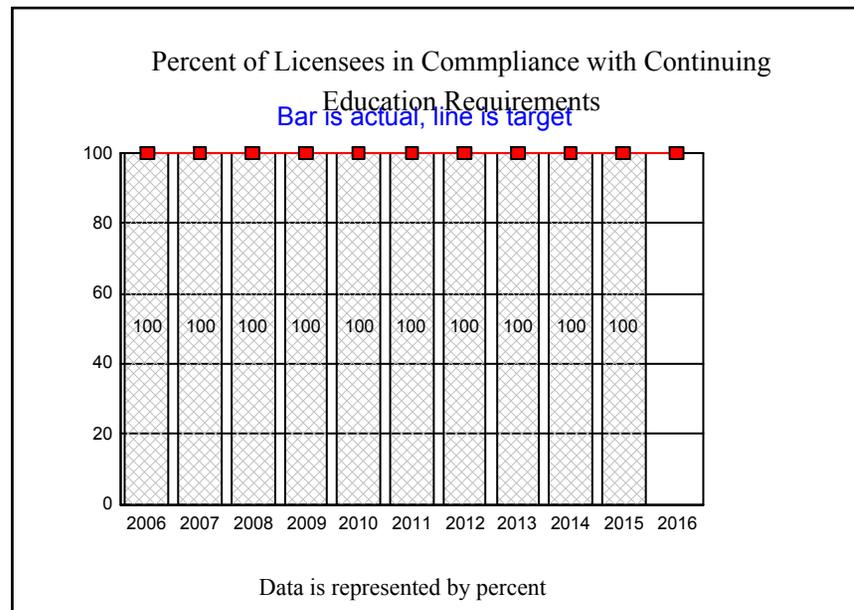
## **4. CHALLENGES**

As with all state agencies, those that are funded by Other Funds continue to be challenged by adhering to all revenue and expenditure guidelines outlined by the Governor and the Legislature, although no direct taxpayer dollars fund the Oregon Board of Dentistry.

## **5. RESOURCES AND EFFICIENCY**

The Oregon Board of Dentistry 2015- 2017 Legislatively Adopted Budget is \$2,985,971.00

<b>KPM #1</b>	Continuing Education Compliance - Percent of Licensees in compliance with continuing education requirements.	2001
<b>Goal</b>	Public Protection - Protect the public by assuring that all licensees are competent to practice safely and ethically.	
<b>Oregon Context</b>	The Oregon Board of Dentistry has no primary links to the Oregon Benchmarks.	
<b>Data Source</b>	Agency records from continuing education audit logs.	
<b>Owner</b>	Oregon Board of Dentistry, Stephen Prisby, Executive Director (971) 673-3200.	



**1. OUR STRATEGY**

The Board's strategy is that Licensees should keep current on practice issues. One way to do this is to take continuing education courses on a biennial basis. To determine if the licensees are in compliance is to audit approximately 15% of all licensees to establish a baseline.

**2. ABOUT THE TARGETS**

A target of 100% compliance seems to be an appropriate level for all licenses.

**3. HOW WE ARE DOING**

The profession is complying with the requirements to complete continuing education as a prerequisite to renewing their license.

**4. HOW WE COMPARE**

There are no outside comparisons of similar jurisdictions to use.

**5. FACTORS AFFECTING RESULTS**

There are no specific factors affecting the results.

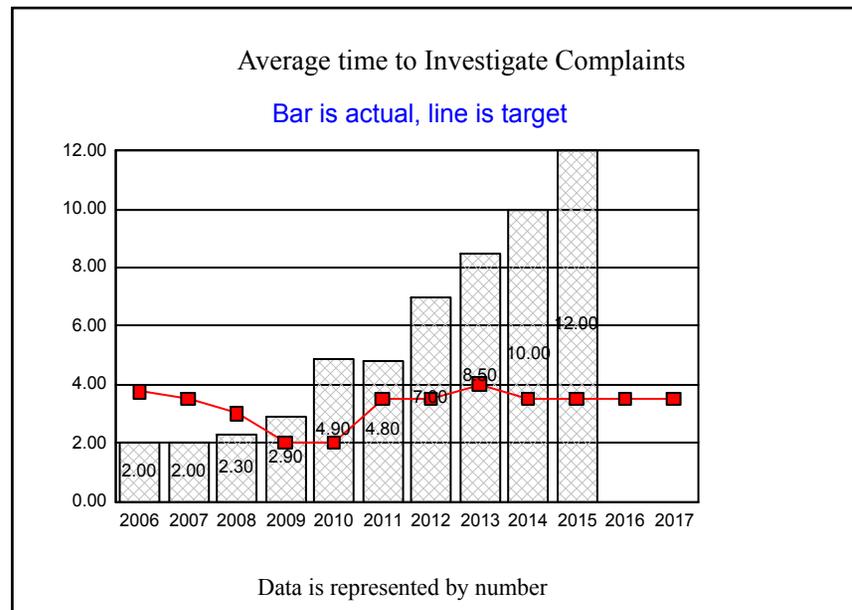
**6. WHAT NEEDS TO BE DONE**

Nothing needs to be done at this time.

**7. ABOUT THE DATA**

The reporting cycle is the Oregon fiscal year. The Board audits 15% of all licensees that are eligible for renewal, based on those that are audited and renew. We compare the Continuing Education Log that they are required to submit to see if they have met the requirements of the Law and Administrative Rules; if they are not in compliance, they are turned over for investigation of a possible violation of the Oregon Dental Practice Act.

<b>KPM #2</b>	Time to Investigate Complaints - Average time from receipt of new complaints to completed investigation.	2000
<b>Goal</b>	Public Protection - Protect the public by assuring that all licensees are competent to practice safely and ethically.	
<b>Oregon Context</b>	The Oregon Board of Dentistry has no primary links to the Oregon Benchmarks.	
<b>Data Source</b>	Database - investigative files.	
<b>Owner</b>	Oregon Board of Dentistry, Stephen Prisby, Executive Director, (971) 673-3200.	



**1. OUR STRATEGY**

The Board's strategy is that the investigation of complaints should take place in a timely fashion. By establishing the average time from the receipt of a new complaint until the investigation is completed is a way of measuring the timeliness of the Board's workload.

## 2. ABOUT THE TARGETS

The targets provide for a time frame to complete investigations based on the complexity of the issues and the staff available to conduct the investigation. The targets appear to be an excellent goal, but challenging now. Since 2010 the time to complete investigations has increased due to the volume and the complex nature of the cases, many involving multiple licensees. This Performance Measure was established in 2000.

## 3. HOW WE ARE DOING

The Board has seen an increase in the complexity of the complaints and these complaints are requiring a lot more time, as cases with multiple licensees involved do. We are also seeing a substantial number of cases involving payment and financial disputes, requiring an investigation and the end result is that they are monetary in nature and thus not truly within the jurisdiction of the Board.

## 4. HOW WE COMPARE

There are no outside comparisons of similar jurisdictions to use.

## 5. FACTORS AFFECTING RESULTS

The complexity of the cases that are being investigated continues, most cases used to involve one licensee now complaints have seen multiple licensees which require the review of multiple patient records from many different licensees.

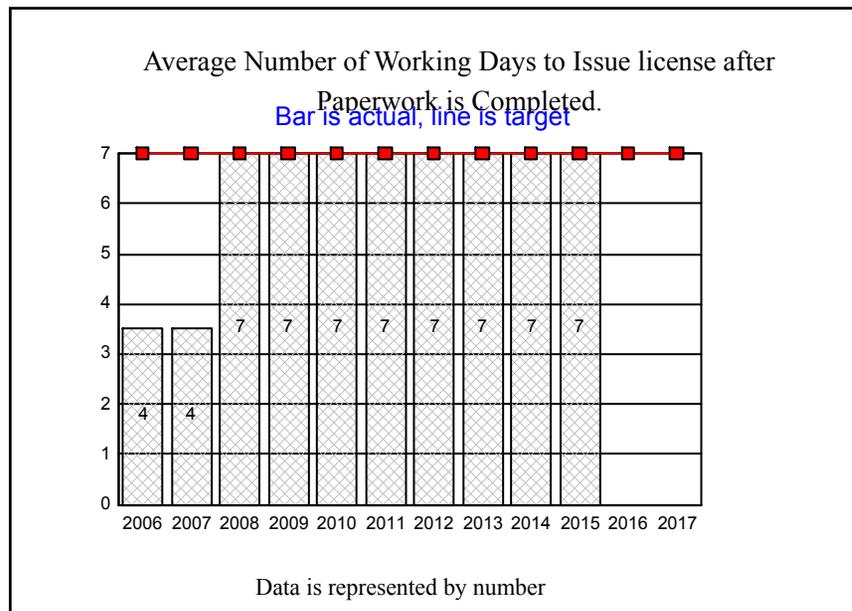
## 6. WHAT NEEDS TO BE DONE

The enforcement staff is working at an increased pace to try to eliminate the time it takes to investigate complaints. The OBD received legislative approval to increase the biennial license fee by \$75 on all licensees to fund an additional dental investigator position. Once the dental investigator is hired and properly trained, we expect to make progress on reducing the overall time it takes to investigate complaints.

## 7. ABOUT THE DATA

The reporting cycle is the Oregon fiscal year, and is generated from the computerized database that is used to track all complaints.

<b>KPM #3</b>	Days to Complete License Paperwork - Average number of working days from receipt of completed paperwork to issuance of license.	2003
<b>Goal</b>	Public Protection - Protect the public by assuring that all licensees are competent to practice safely and ethically.	
<b>Oregon Context</b>	The Oregon Board of Dentistry has no primary links of the Oregon Benchmarks.	
<b>Data Source</b>	Database- licensing information	
<b>Owner</b>	Oregon Board of Dentistry, Stephen Prisby, Executive Director, (971) 673-3200.	



**1. OUR STRATEGY**

The Board's strategy is that the processing of completed paperwork for the issuance of a license, either new or a renewal, should take place in a reasonable period of time to assure public protection and to assure that those desiring to work in Oregon can do so in a timely fashion.

**2. ABOUT THE TARGETS**

The targets provide for a realistic time frame to issue a license or to renew a license when all paperwork has been completed in accordance with all of the Board's rules and regulations.

**3. HOW WE ARE DOING**

The targets as established have been met or been exceeded.

**4. HOW WE COMPARE**

There are no outside comparisons of similar jurisdictions to use.

**5. FACTORS AFFECTING RESULTS**

There are no specific factors affecting the results.

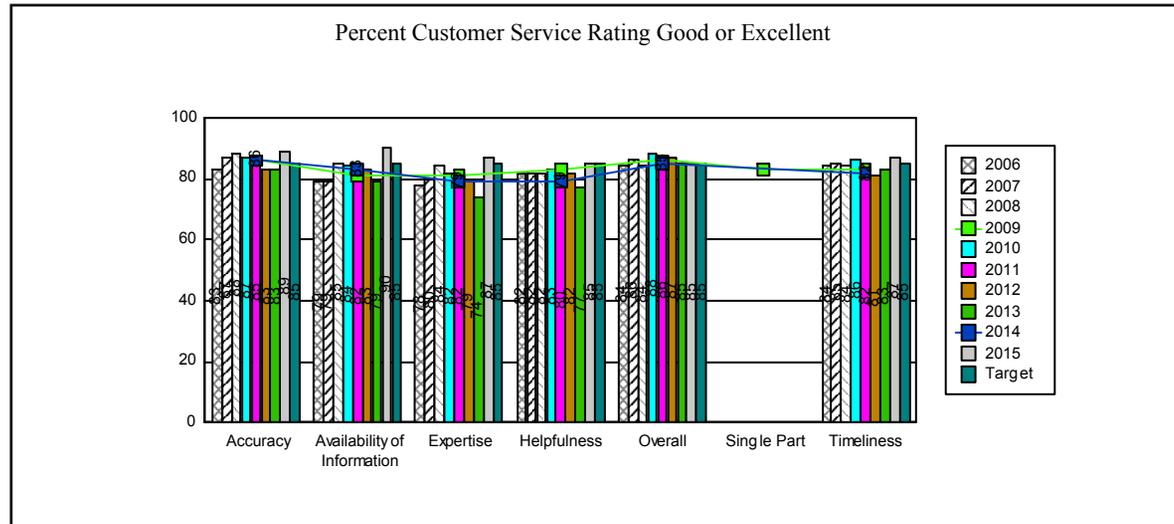
**6. WHAT NEEDS TO BE DONE**

Nothing needs to be done at this time.

**7. ABOUT THE DATA**

The reporting cycle is the Oregon fiscal year, and is generated from the computerized database that is used to track all application and renewal files.

<b>KPM #4</b>	CUSTOMER SATISFACTION WITH AGENCY SERVICES - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	2006
<b>Goal</b>	Agency Overall Satisfaction Percent of customers rating their overall satisfaction with the agency above average or excellent and Customer Satisfaction Percent of customers rating satisfaction with agency services above average or excellent for: A: Timeliness; B: Accuracy; C; Helpfulness; D: Expertise; E: Information Availability	
<b>Oregon Context</b>	The Oregon Board of Dentistry has no primary links to the Oregon Benchmarks.	
<b>Data Source</b>	Customer Service Surveys completed and returned July 1, 2014 through June 30, 2015.	
<b>Owner</b>	Oregon Board of Dentistry, Stephen Prisby, Executive Director, (971) 673-3200.	



**1. OUR STRATEGY**

In compliance with the Oregon Legislatures directive, the Board conducted a Customer Service Survey as one tool to determine the customer satisfaction with the accuracy of carrying out the Mission of the Board

**2. ABOUT THE TARGETS**

The Targets provide a realistic and attainable goal for overall positive ratings for customer service.

**3. HOW WE ARE DOING**

Those completing the survey rated the Board as having an 85% overall satisfaction level and approximately 10% gave an unsatisfactory response.

**4. HOW WE COMPARE**

There are no outside comparisons of similar jurisdictions to use.

**5. FACTORS AFFECTING RESULTS**

There are no specific factors affecting the results.

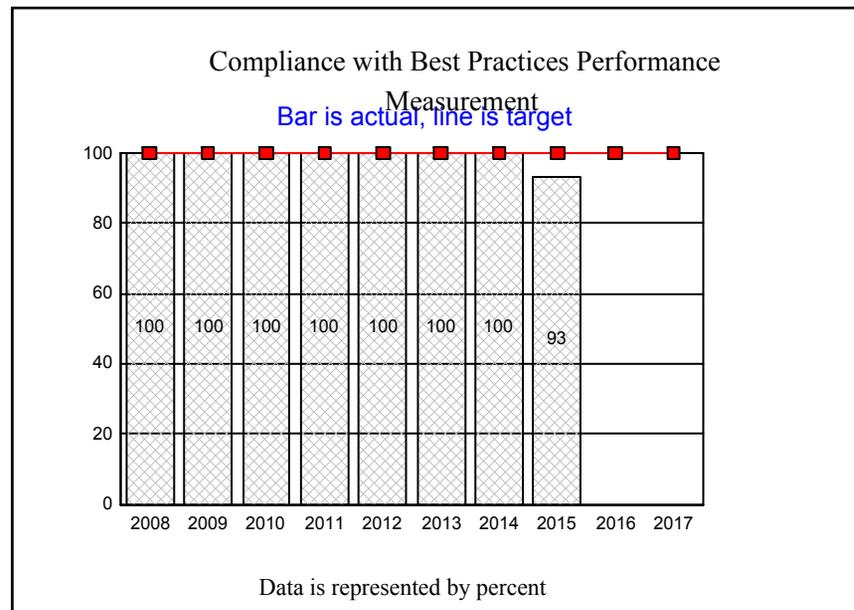
**6. WHAT NEEDS TO BE DONE**

Nothing needs to be done at this time.

**7. ABOUT THE DATA**

The reporting cycle is the Oregon fiscal year, and is generated from the computerized database that is used to track all application and renewal files.

<b>KPM #5</b>	Board Best Practices - Percent of total best practices met by the Board.	2007
<b>Goal</b>	To have 100% compliance with the Best Practice Performance Measures for Governing Boards and Commissions.	
<b>Oregon Context</b>	The Oregon Board of Dentistry has no primary links to Oregon Benchmarks.	
<b>Data Source</b>	Evaluation completed by the Oregon Board of Dentistry Members at the August 28, 2015 Board Meeting.	
<b>Owner</b>	Oregon Board of Dentistry, Stephen Prisby, Executive Director (971) 673-3200.	



**1. OUR STRATEGY**

The Board's strategy is to be in 100% compliance with Best Practices Performance Measurements for Governing Boards and Commissions.

**2. ABOUT THE TARGETS**

A target of 100% compliance seems to be an appropriate level for the Board.

**3. HOW WE ARE DOING**

The Board is in compliance with the Best Practices Performance Measurement for Governing Boards and Commissions and achieved 14 out of 15 best practices criteria. The Board agreed that a former board member did not act in accordance with their role as a public representative.

**4. HOW WE COMPARE**

The Agency believes it can achieve 100% compliance with the current Board members.

**5. FACTORS AFFECTING RESULTS**

The Board agreed that a former Board member did not act in accordance with their role as a public representative.

**6. WHAT NEEDS TO BE DONE**

Nothing needs to be done at this time.

**7. ABOUT THE DATA**

The Board Members completed the Self Assessment Best Practices list during the July 30, 2010 Board Meeting.

<b>DENTISTRY, BOARD of</b>	<b>III. USING PERFORMANCE DATA</b>
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**Agency Mission:** To assure that the citizens of Oregon receive the highest possible quality oral health care.

<b>Contact:</b> Stephen Prisby, Executive Director	<b>Contact Phone:</b> 971-673-3200
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<b>Alternate:</b>	<b>Alternate Phone:</b>
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**The following questions indicate how performance measures and data are used for management and accountability purposes.**

<b>1. INCLUSIVITY</b>	<ul style="list-style-type: none"> <li>* <b>Staff :</b> Review of current performance measures on an annual basis.</li> <li>* <b>Elected Officials:</b> Approving an making changes to legislatively approved performance measures.</li> <li>* <b>Stakeholders:</b> Reviewing letters, telephone calls and e-mails regarding the Board's performance measures.</li> <li>* <b>Citizens:</b> Reviewing letters, telephone calls and e-mails regarding the Board's performance measures.</li> </ul>
<b>2 MANAGING FOR RESULTS</b>	All data collected on performance measures is reviewed and presented to the Board and Staff. All appropriate changes are made regarding continued compliance with performance measures.
<b>3 STAFF TRAINING</b>	Staff has been informed of all comments provided to the Executive Director regarding performance measures .
<b>4 COMMUNICATING RESULTS</b>	<ul style="list-style-type: none"> <li>* <b>Staff :</b> At staff meetings and through e-mails and memos on customer satisfaction.</li> <li>* <b>Elected Officials:</b> Use of Web-site, testimony before Legislatiure and responding to direct inquiries.</li> <li>* <b>Stakeholders:</b> Use of Web-site, presentations and responding to direct inquiries.</li> <li>* <b>Citizens:</b> Use of Web-site, presentations and responding to direct inquiries.</li> </ul>

## Best Practices Self-Assessment

Annually, Board members are to self-evaluate their adherence to a set of best practices and report the percent total best practices met by the Board (percent of yes responses in the table below) in the Annual Performance Progress Report as specified in the agency Budget instructions.

### Best Practices Assessment Score Card

Best Practices Criteria	Yes	No
1. Executive Director's performance expectations are current.		
2. Executive Director receives annual performance feedback.		
3. The agency's mission and high-level goals are current and applicable.		
4. The Board reviews the Annual Performance Progress Report.		
5. The Board is appropriately involved in review of agency's key communications.		
6. The Board is appropriately involved in policy-making activities.		
7. The agency's policy option budget packages are aligned with their mission and goals.		
8. The Board reviews all proposed budgets.		
9. The Board periodically reviews key financial information and audit findings.		
10. The Board is appropriately accounting for resources.		
11. The agency adheres to accounting rules and other relevant financial controls.		
12. Board members act in accordance with their roles as public representatives.		
13. The Board coordinates with others where responsibilities and interest overlap.		
14. The Board members identify and attend appropriate training sessions.		
15. The Board reviews its management practices to ensure best practices are utilized.		
Total Number		
Percentage of total:		