

Comparing Performance of Umbrella and Independent Nursing Boards: An Initial Review

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Introduction: There have been increased calls to examine the performance of nursing regulatory bodies. Despite this, few studies have been conducted. This article aims to identify potential measures that differentiate the performance or characteristics of umbrella and independent nursing boards. **Method:** A secondary analysis of data gathered to characterize the nature of nursing boards was conducted to identify any measures or characteristics that could be used to differentiate aspects of the performance of umbrella and independent boards so as to inform regulatory body model design. **Results:** Data from 26 umbrella and 24 independent boards were obtained. Seven boards did not provide data (four umbrella boards and three independent boards) resulting in an 87.7% response rate. Chi-square test of association identified nine measures that reached a statistically significant (i.e., $p \leq .05$) level of association. The nine measures were categorized under three headings: governance, autonomy and information. **Conclusions:** A number of measures have been identified that do demonstrate differences between umbrella and independent boards. Umbrella boards are more frequently subjected to critical review through the sunset review process. Independent boards are more communicative with their stakeholders and have greater autonomy. However, more financial and workforce data are required to provide a more comprehensive analysis of this important subject.

Keywords: Comparative performance, regulatory models, secondary analysis, umbrella and independent boards.

Researchers, governments and intergovernmental agencies have noted that there is a need to assess the performance of regulatory agencies and boards (Radaelli & Fritsch 2012; Benton et al. 2013b; Clarke et al. 2016; Australian National Audit Office 2014; Organisation for Economic Co-operation and Development 2014). While any attempt to systematically and repeatedly measure performance of an individual board is welcome in terms of identifying opportunities to track improvements, longitudinal and overtime comparative data is often more useful if breakthrough or quantum improvements are to be made (Ng, 2012).

The National Council of State Boards of Nursing (NCSBN) realized the power of gathering comparative data from its members more than a decade ago (NCSBN, 2004). These data are collected, aggregated, and then fed back to the boards so the boards can examine performance relative to boards of a similar size, structure, and governance and to provide a means of monitoring change over time (NCSBN, 2004, 2015). The data published as the Commitment to Ongoing Regulatory Excellence (CORE) reports provide boards with a means of looking at their performance over time. In addition, NCSBN also compiles data describing the structure, processes, and to some degree the outputs of the boards via a regular member profile survey. The profile survey

was not intended as a measure of performance, but the authors decided to examine this data to see if it could provide insights into performance. This report reexamines available data and focuses on a comparative analysis of umbrella and independent boards by examination of data collected in relation to the the 2014 NCSBN Member Board Profiles (<https://mbprofiles.ncsbn.org/HomePage.aspx>). Independent boards are bodies that are not attached to a larger agency and have control over staffing and licensing and disciplinary activities. Umbrella boards are more consolidated entities that are located in a larger, overarching organization that share staff and resources and can require standardization of processes across regulated disciplines.

Assessing Regulatory Board Performance

There has been an increasing interest in assessing the performance of regulatory bodies reaching back over several decades (Organization for Economic Co-operation and Development [OECD] 1980; Graddy & Nichol, 1990). Pearson (2005), Cutcliffe & Forester (2010) and Cutcliffe et al (2011) have suggested that, with regard to nursing regulatory bodies, this interest has been driven by a general awareness of an increase in the number of professional misconduct cases and an often perceived or actual

variability in the way that such complaints are addressed across jurisdictions. These variations, coupled with high-profile adverse media coverage of often unique cases, have been instrumental in raising questions on how the performance of regulatory bodies can be measured (Tee & Jowett, 2009). Despite these concerns, not all assessments have been driven by specific or perceived problems. In some countries such as the United States, some jurisdictions mandate state-based agencies to be reviewed on a regular basis by the legislature pursuant to a “sunset” review process. The sunset review is an evaluation of the need for the continued existence of the agency. The process provides for an assessment of the efficacy and performance of a board and, as a result, recommendations as to whether the agency should continue, be modified, or sunsetted are made. Additionally, if there is an intention to establish a new agency, a systematic examination of the advantages, disadvantages, and impact of the creation of such an entity may be required under the “sunrise” process. These processes are governed by what are commonly known as sunset or sunrise laws.

In the United Kingdom, similar reviews can take place but these are not normally on such a precise and regular timescale, and can often be triggered by specific and/or perceived shortcomings in the performance of the regulatory body or, as has been the case in the past, an ideological desire to reduce the burdens of regulation through such means as the “bonfire of the quangos.” During the 2010 United Kingdom general election, the conservative party announced that if they won the election they would seek to curb spending and reduce the burdens of bureaucracy through the abolition of quangos (**quasi-autonomous non-governmental organizations**) (Skelcher et al 2013).

In the United States, the exact focus of sunset reviews can vary significantly. Sometimes the review may be all-encompassing, covering all aspects of the board’s responsibilities and functions. The review may be focused upon a single board or may be comparative, for example, as in the case of Joint Legislative Audit and Review Commission of the Virginia General Assembly (1999) when the performance of a number of health regulatory boards were compared and contrasted. In other cases, only certain aspects of the board’s activity are considered in detail or alternatively may be subject to a phased evaluation approach. For example, the review may examine rule-making and licensing, or it may look at governance performance focusing on the structure and composition of the board and its financial viability. Furthermore, reviews may look at key metrics associated with the time taken to deal with discipline cases or other core functions such as initial or re-licensure. Despite all this activity, major questions remain unanswered.

More than 20 years ago, Rachlis and Kushner (1994) noted that there have been few scientifically robust evaluations of umbrella-based approaches as compared to stand-alone or independent-based models. Nevertheless, some individual state-based evaluations have taken place and in general these suggest that more independent structures perform better across a range

of measures (Auditor General, 1995; Office of the Legislative Auditor of State of Minnesota, 1999; Washington State Nursing Care Quality Assurance Commission, 2012; North Carolina General Assembly, 2014; Texas Health Professions Council, 2016). Additionally, Benton et al (2013b) as part of their global study to identify regulatory board metrics, attempted to differentiate the performance of umbrella and independent boards. The outcome was that experts who participated in the study only offered superficial insights. Accordingly, it is suggested that this study is long overdue. The purpose of the present study was to identify potential measures that differentiate the performance or characteristics of umbrella and independent nursing boards.

Method

This study is based on a secondary analysis of data from the 2014 NCSBN Member Board Profiles. Data were examined using a chi-square test of association to identify potential measures that could do the following:

- Assist in differentiating between umbrella and independent board performance and/or characteristics;
- Offer an opportunity to identify potential areas for performance improvement; and
- Provide initial evidence relative to the optimal design of regulatory models.

The Member Board Profiles survey offers a means of examining a range of features associated with the various boards. Full or customized reports can be generated and can provide numerical, tabular, and graphical or map-based data. In this case, tabular data were generated by obtaining frequency counts against the categorical responses to the various questions posed by the survey and cross-tabulated by the type of board.

For the purpose of this analysis, all boards of nursing (BONs) were allocated to either the umbrella or the independent board model category. An independent board refers to a regulatory body that functions within jurisdictional government with varying degrees of autonomy for administration, licensure, and discipline functions, decision making, and policy making. Those fees that are collected by an independent board are generally retained by the board for their operations. In the case of umbrella boards, the regulatory body functions within a larger jurisdictional agency that consolidates services for administration, licensure, and investigations. Those fees collected are often deposited in the jurisdiction’s general fund and an allocation is made to the board for their operations. It is acknowledged that even within these two broad classifications there are variations necessitating consideration when interpreting the results.

The OECD (2014) publication on the governance of regulators identified that when assessing the performance of regulatory bodies two distinct although related perspectives could be taken. Either an external perspective where the roles, relationships, and distribution of powers and responsibilities could be

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