The Future of Professional Regulation: A Nursing Perspective

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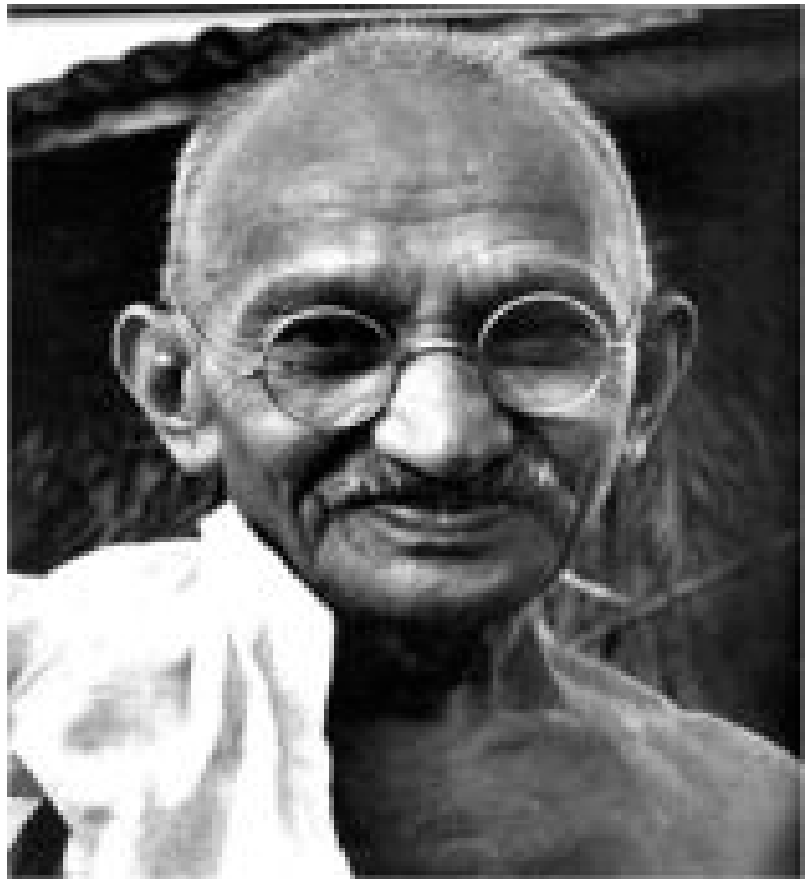
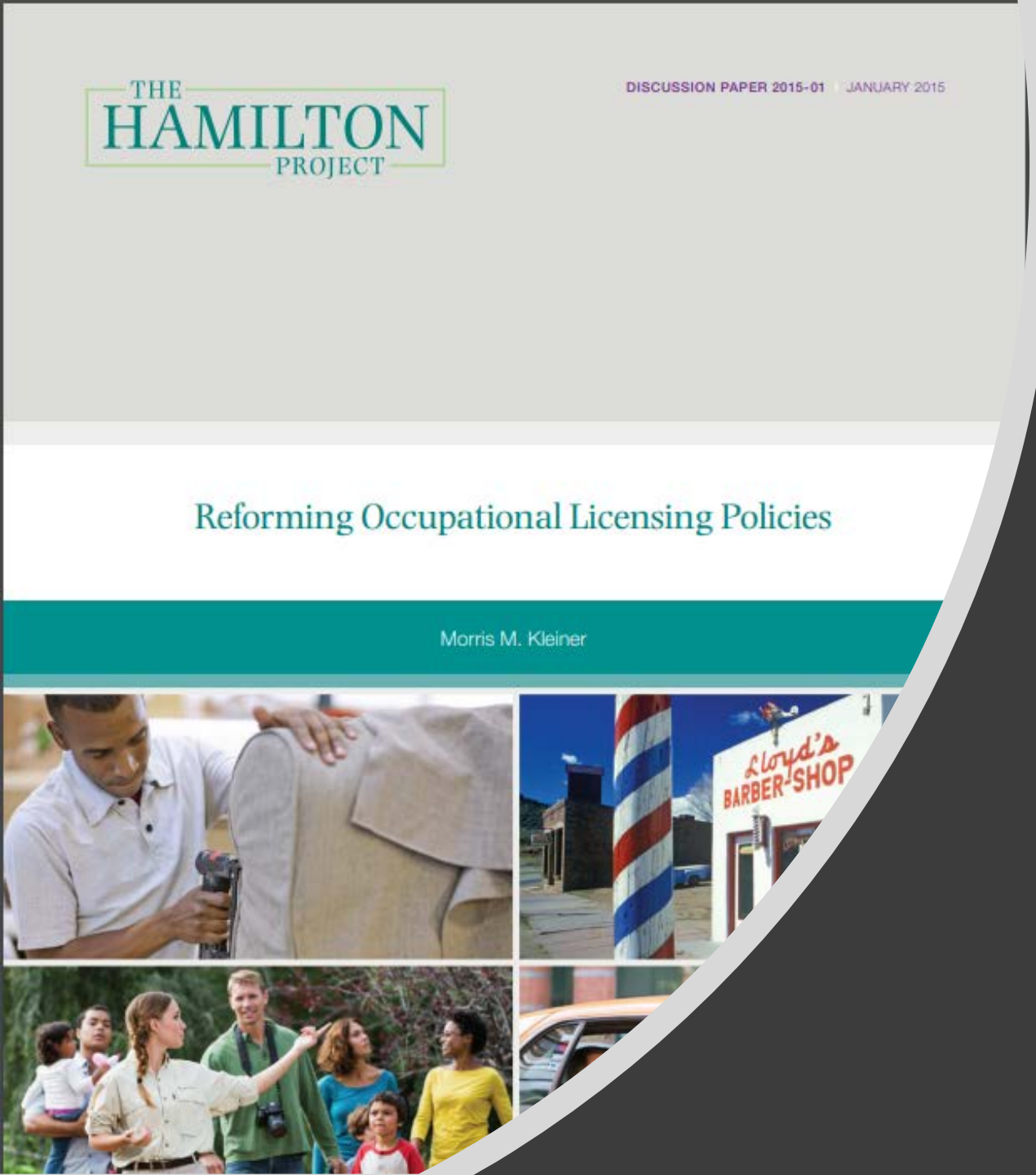


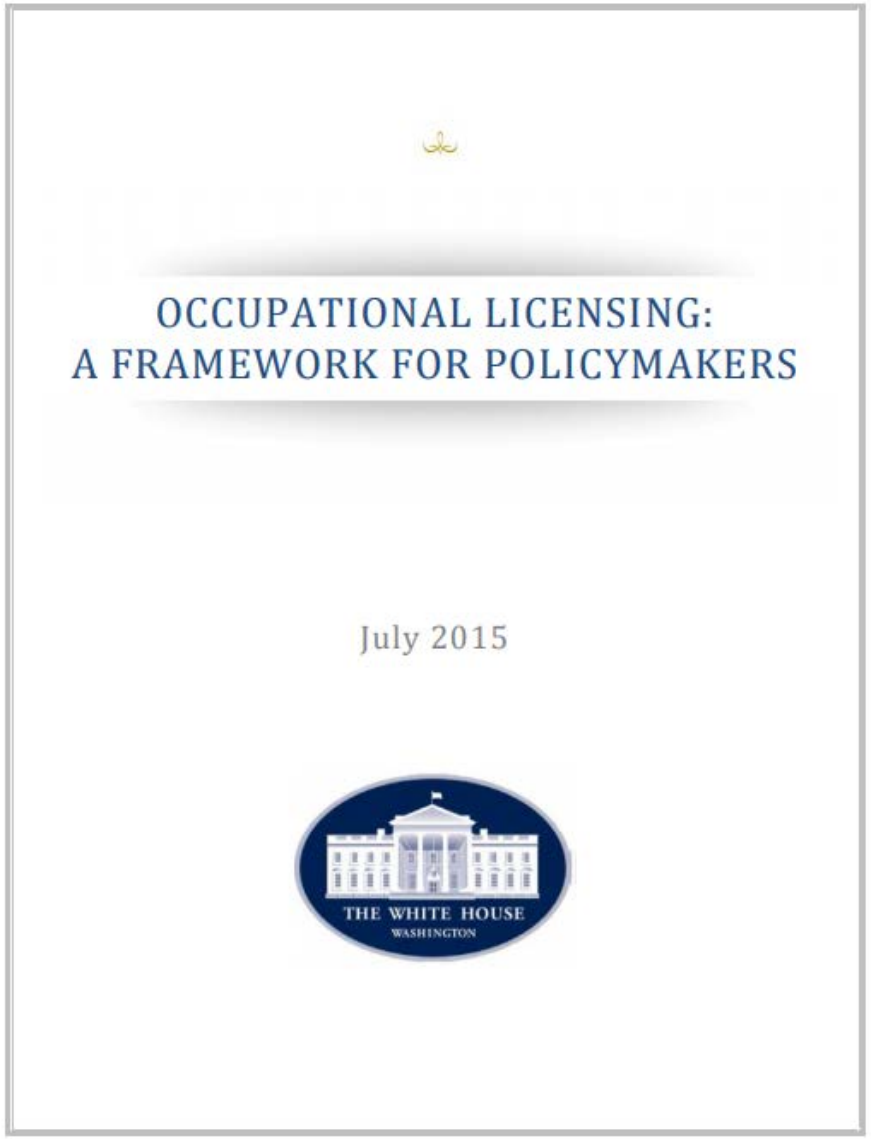
“The future depends on what we do in the present.”

— Mahatma Gandhi



Reforming Occupational Licensing Policies

Unfolding the Future of Professional Regulation



White House Report: Best Practices

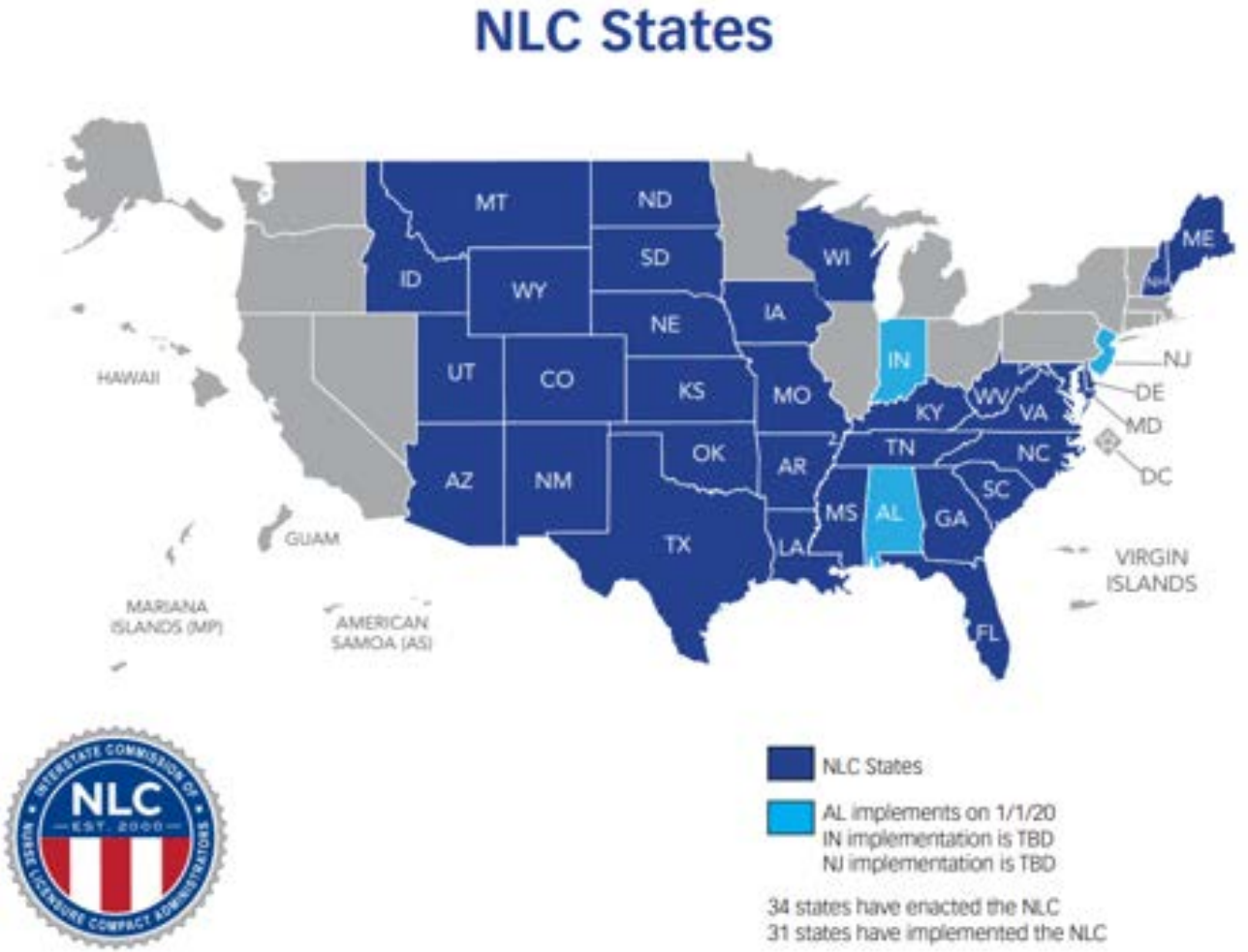
Limit licensing requirements to address legitimate public health concerns

Apply cost-benefit assessment of licensing laws

Enter interstate compacts to increase mobility

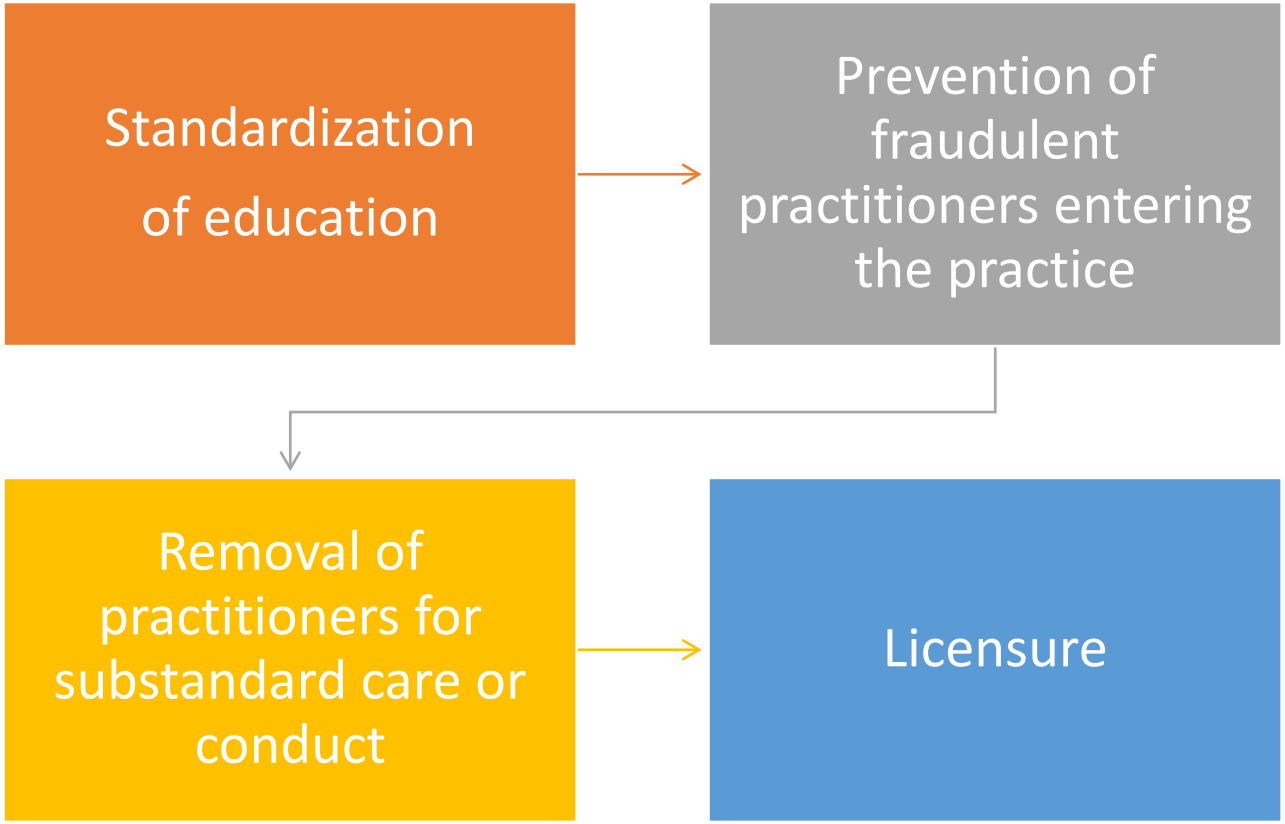
Allow practitioners to practice to full extent

Nurse Licensure Compact (NLC)



Acting in the Public Interest: Learnings and Commentary on the Occupational Licensure Literature

Understanding the Value of Regulation



Documentary Analysis: High Level Themes

- Licensure Reform
- Impact of Occupational Associations
- Occupational Licensure Efforts
- Contemporary Issues

Perceived Current Narrative on Occupational Licensure

Desired Future Narrative

Regulatory Foresight

Not an attempt to predict future

A set of tools to anticipate, prepare for, and implement regulatory changes

Source: MacDonald, A, De Civita, P, Downs, A (2011). Regulatory Foresight and Change Drivers; Policy Research Initiative. *Policy Brief*, Government of Canada.

Bibliometric Review: Identifying Evolving and Emergent Regulatory Trends

Regulation 2030: Seven General Categories

- Governance
- Purpose and Processes
- Licensees/Registrants
- Workforce
- Education
- Fitness for Practice
- Technology and Information

Progression over Time

TABLE 1.2

Identifying the Evolution of Regulatory Trends over time

The evolution of regulatory trends identified in the literature across early, consolidated, and early 21st century time frames, and the consequent emergent trends are presented here and are grouped under general category headings.

Category	Theme	Early Time Frame	Consolidated Time Frame	Early 21st Century Time Frame	Emergent Trends
Governance	Nature of the regulator	Guilds	Autonomous bodies and ministerial departments	Accountable bodies (individual and umbrella-based)	Performance-managed bodies with independent oversight
	Character of the board	Elite—great and the good	Representative and often "tribal"	Transactional—detailed work	Governance-focused with increased accountability and lay membership
	Members of the regulatory board	Good old boys and girls of the profession	Elected representative members	Appointed members	Increasingly competence-assessed and appointed through impartial process
	Accountability	Accountable to the profession	Accountable to profession and ministries	Accountable to oversight bodies	Mixed models of accountability with some form of external oversight
Purpose and Processes	Decision making	Opaque and haphazard	Systematized but closed	Systematized and open	Principle-based, open decision making with rationale for judgments
	Process of regulation	Emergence of processes	Convergence of processes	Standardization of process	Evidence-based processes
	Protecting the public	Monopoly	One among a number of disconnected actors	Complex group of collaborating actors	Complex and dynamic system of coordinated players
	Organizational drive	Enthusiasts and volunteers	Administrators and establishment of processes	Functionaries who religiously apply rules	Leaders and scholars focused on contemporary solutions
Licensees/ Registrants	Those regulated	Charlatans and elite	Licensed professions	Continuum of practitioners in a discipline	Multidisciplinary teams
	The register	List of those who have completed training	Live register of those in practice and those inactive	Register of those who are competent	Transjurisdictional register of the competent
	Types of practitioners	Generalists	Specialization within established disciplines	Articulated progression and evolution of new disciplines	Shared competences across disciplines and team-based models of practice
Workforce	Nature of the workforce	Stable workforce	Casualization introduced	Casualization increases	Multigenerational careers
	Workforce and education planning	No workforce planning	Ineffective workforce planning	Coordinated institutional planning	Systems and regional economy planning

Progression over Time

Identifying the Evolution of Regulatory Trends over time *(continued)*

Category	Theme	Early Time Frame	Consolidated Time Frame	Early 21st Century Time Frame	Emergent Trends
Education	Setting standards	Based on education and training	Formal standards of content (knowledge), codes of conduct	Based on competencies and tasks	Higher-level competencies relating to judgment and decision making
	Curriculum content	Variations of curriculum across schools	Variation of curriculum across countries	Variation based on health needs	Global calibration of differences and harmonization of content
	Accreditation of institutions and programs	No accreditation	Stand-alone accreditation by regulator	Mixed model with overlapping and redundant data collection	Streamlined capture for multiple use
	Learning	Once and for all	Once and for all + additional topic-based courses	Lifelong learning and continuing education	Continuing and maintaining competence
	Pedagogy	Apprentice model	Didactic teaching and supervised practice	Adult learning models and supervised learning	Adult learning and blended simulation, gaming, and practice
Fitness for Practice	Fit person	Not considered	Self-declared	Self-declared with sign-off by responsible other	Ongoing process with criminal background checks and rapback
	Dealing with complaints	Judged by peers in secret	Judged by peers with formal reporting	Judged by mix of peers and lay members	Clear separation of investigation, judgment, and outcome
	Conduct sanctions	Poor conduct ignored	Rigid rules applied	Separation of health, conduct, and competence issues	Risk-based response and wider range of sanctions
	Entry to practice	Completion of an apprenticeship	Completion of program; paper and pencil exam.	Completion of accredited program and computer-adapted testing exam	Application of knowledge with judgment and decision-making assessment based on standardized adaptive exam(s)
Technology and Information	Data production and storage	Ledgers—pens and paper	Paper-based typed and written documents	Digital documents with limited interoperability and query capacity	Cloud-based document storage; transjurisdictional interoperability and dynamic search capability
	Data access	No access	Physical access of registers by visiting the board or reading the once-a-year published list of registrants	Web-based access	Real time updates and multiplatform access
	Relicensure	Did not exist	Three- to five-year cycle of postal-based completion and return	Annual process using Web technology and direct debit payments	Smart phone completion platforms with digital payment

Category 1: Governance

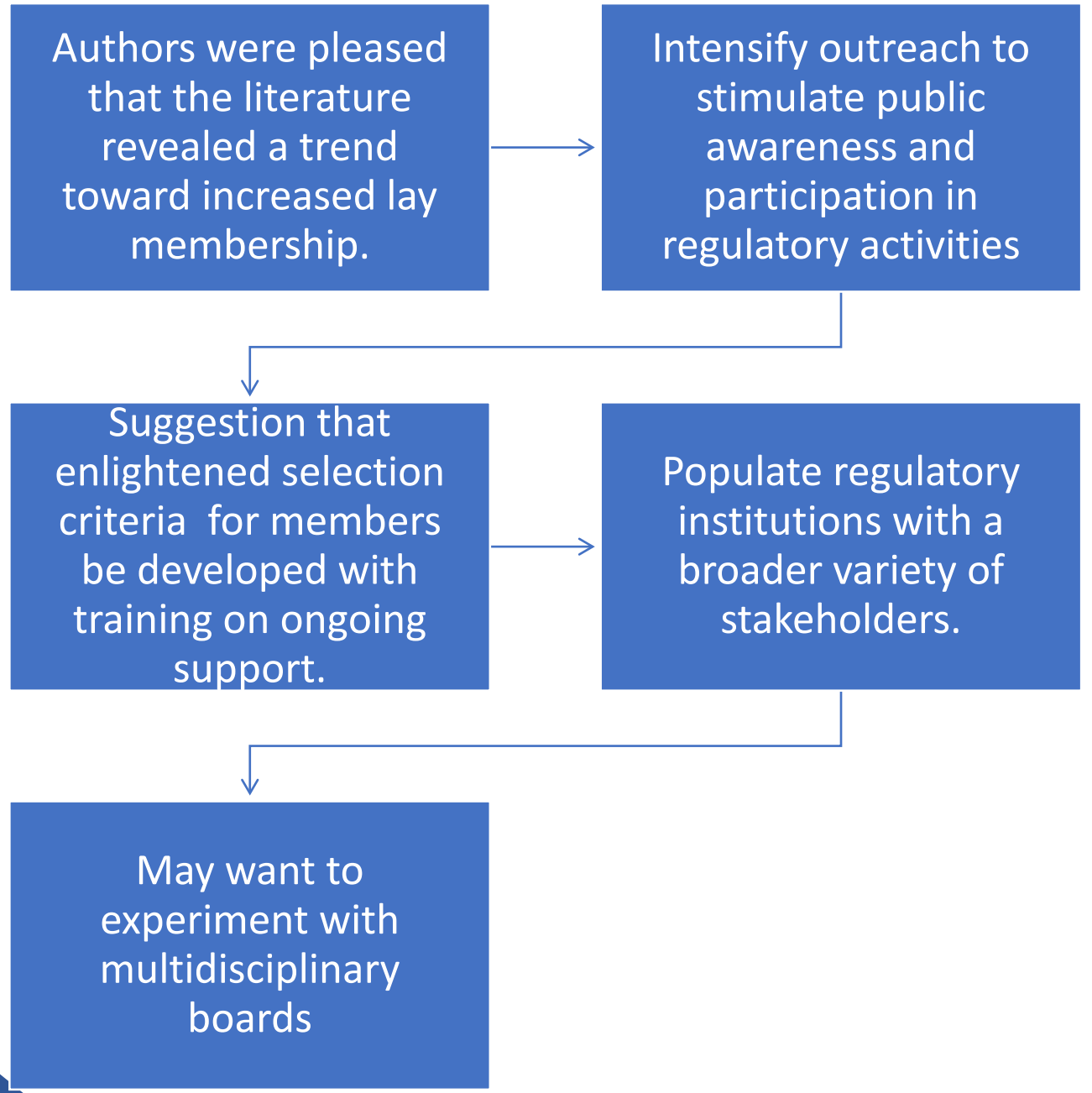
Themes:

- Nature of the Regulator
- Character of the Board
- Members of the Regulatory Board
- Accountability

Governance

Themes	Emergent Trends
Nature of the Regulator	Performance managed bodies with independent oversight
Character of the Board	Governance focused with increased accountability and lay membership
Members of the Regulatory Board	Increasingly competence assessed and appointed through impartial process
Accountability	Mixed models of accountability with some form of external oversight

CAC Response: Character and Composition



CAC Response: Accountability

Licensure restrictions should be based on evidence and deemed necessary for public protection.

Arguments in favor of eliminating burdensome licensing requirements are unlikely to apply to highly skilled, high stakes health care professions but could erode the fringes.

Effective public member representation and independent outside oversight are safeguards against regulation that serves the profession rather than the public.

CAC Response: Nature of the Regulator

Question the rationality of a system that permits inconsistent rules and standards from state to state. Standards governing education, fitness to practice bear little relationship to territorial boundaries.

Eliminate variations in scope of practice: What possible justification is there for differences based on jurisdictional boundaries that have no relationship to qualifications?

Reliance on licensure fees is limiting – may need new sources of funding

Purposes and Processes

Themes	Emergent Trends
Decision Making	Principle based, open decision making with rationale for judgments
Process of Regulation	Evidence-based processes
Protecting the Public	Complex and dynamic system of coordinated players
Organizational Drive	Leaders and scholars focused on contemporary solutions

CAC Response: Purpose and Processes

Public demand will increase for disciplinary information and rationale for orders.

Encourage regulators to integrate complainants, especially patients into the disciplinary decision-making process.

Address team practice - move toward a multidisciplinary rather than a silo-based approach to regulation

Licensees and Registrants

Themes	Emergent Trends
Those regulated	Multidisciplinary teams
The register	Transjurisdictional register of the competent
Types of practitioners	Shared competencies across disciplines and team-based models of practice

CAC Response: Licensees and Registrants

- Share competencies and allow for overlapping scopes to foster team practice
- Foster close cooperation between regulatory entities for individuals and institutions
- Advocate avoidance of duplicative requirements by working with private institutions that share similar missions
- Increase use of practice remediation programs
- Focus on the most important complaints

Workforce

Themes	Emergent Trends
Nature of the workforce	Multigenerational careers
Workforce and education planning	Systems and regional economy planning

CAC Response: Workforce

Suggest future workforce will be influenced by globalization

Greater willingness of all countries to integrate practitioners educated elsewhere

Rapid pace of change in healthcare and technology will reduce the demand for highly skilled workers

Increased demand for caregivers whose strength is providing TLC

Means constantly rethinking configurations of training and skills and team combinations

Education

Themes	Emergent Trends
Setting standards	Higher level competencies relating to judgment and decision making
Curriculum content	Global calibration of differences and harmonization of content
Accreditation of institutions and programs	Streamlined capture for multiple use
Learning	Continuing and maintaining competence
pedagogy	Adult learning, blended simulation, gaming and practice

CAC Response

Question	Question the emphasis on higher levels of education for entry level practitioners
Foresee	Foresee a demand for practitioners who do not need a bachelor's degree
Suggest	Suggest using the authority for program approval to greater effect

Ed O'Neil 2014 Statement

"The real issue is not how to educate enough people to make up for shortages in various disciplines but whether we can educate the next generation of health professionals with the perspectives, skill, and values to create new models of care"

CAC Response: Highest Priority

"Regulators, educators, delivery institutions and professional associations work together to make demonstrating current competence not only required but expected and accepted as a condition for maintaining the privilege to practice."

Fitness for Practice

Themes	Emergent Trends
Fit person	Ongoing process with criminal background checks and rapback
Dealing with complaints	Clear separation of investigation, judgment and outcomes
Conduct Sanctions	Risk-based response and wider range of sanctions
Entry to Practice	Application of knowledge with judgment and decision-making assessment based on standardized adaptive exams

CAC Response

Determining fitness to practice is primary responsibility of the regulator

Regulators are the only ones empowered to remove practitioners from practice if determined to be unfit

Regulators need to ask if they are sharing enough fitness to practice information with the public

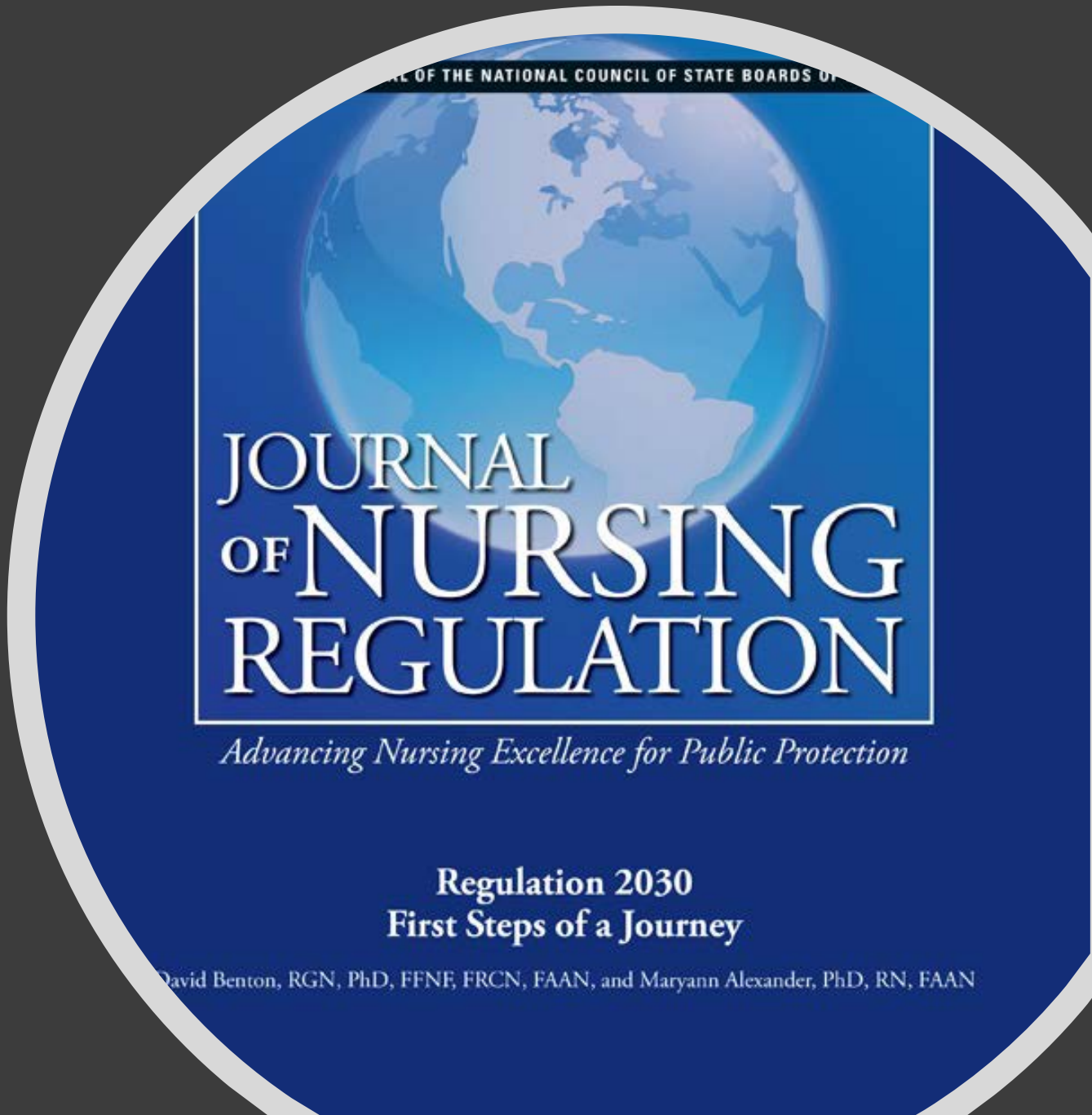
Technology and Information

Themes	Emergent Trends
Data Production and Storage	Cloud-based document storage; trans-jurisdictional inter-operability and dynamic search capability
Data Access	Real time updates and multi-platform access
Re-licensure	Smart phone completion platforms with digital payment

CAC Response

- Regulatory processes will be more automated and efficient
- Artificial intelligence will pose a challenge as to how and by whom this is regulated
- Social media may impact the public's attitude toward the utility of regulation
- Technology may make re-licensure easier and demonstration of continued competence more effective

Capturing the Essence: Development of Regulatory Concept Maps



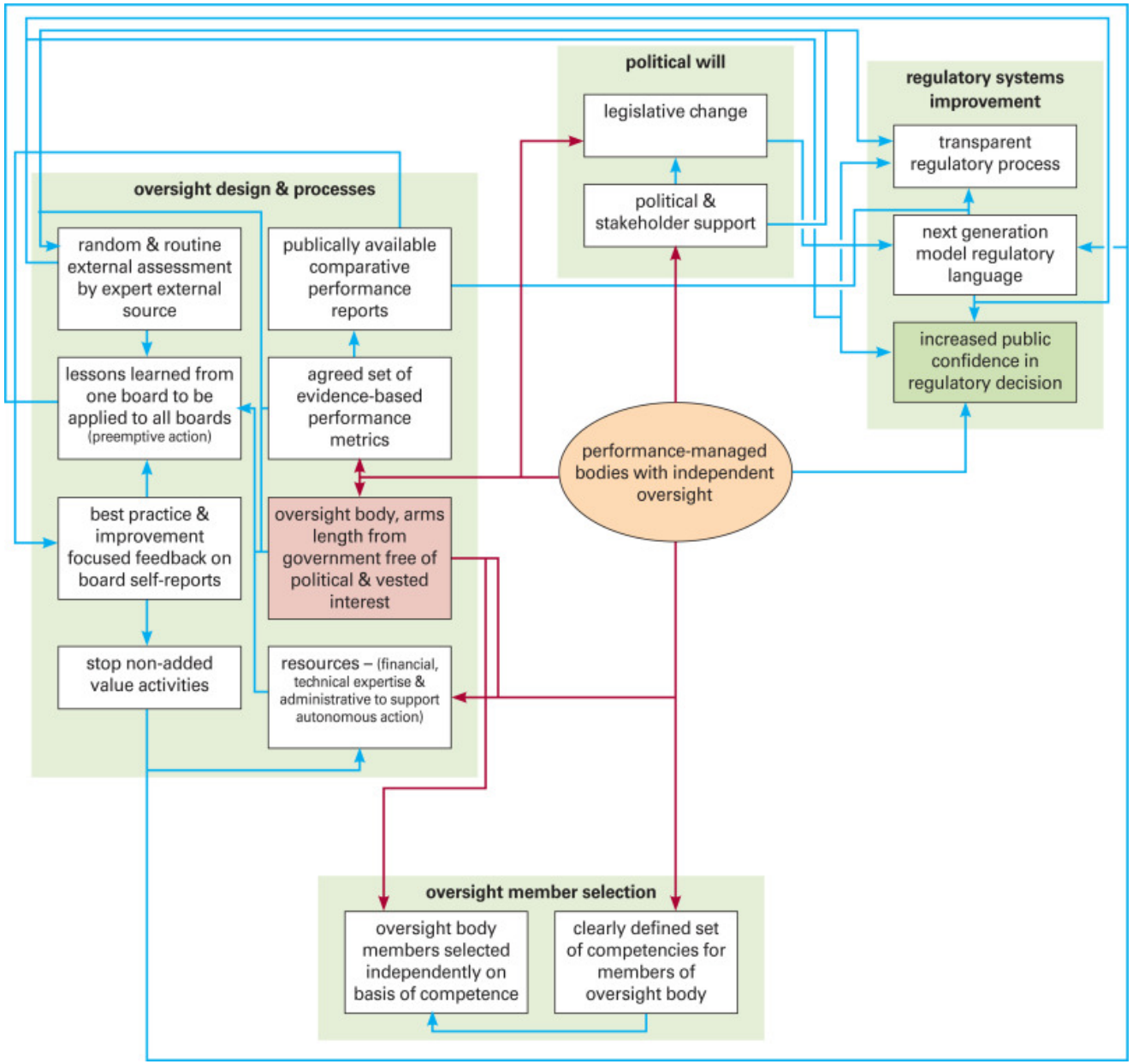
Regulation 2030 Expert Participants

- Eighty individuals from 8 countries including:
- 17 U.S. States
- DC
- 2 U.S. Territories

Organization Representatives

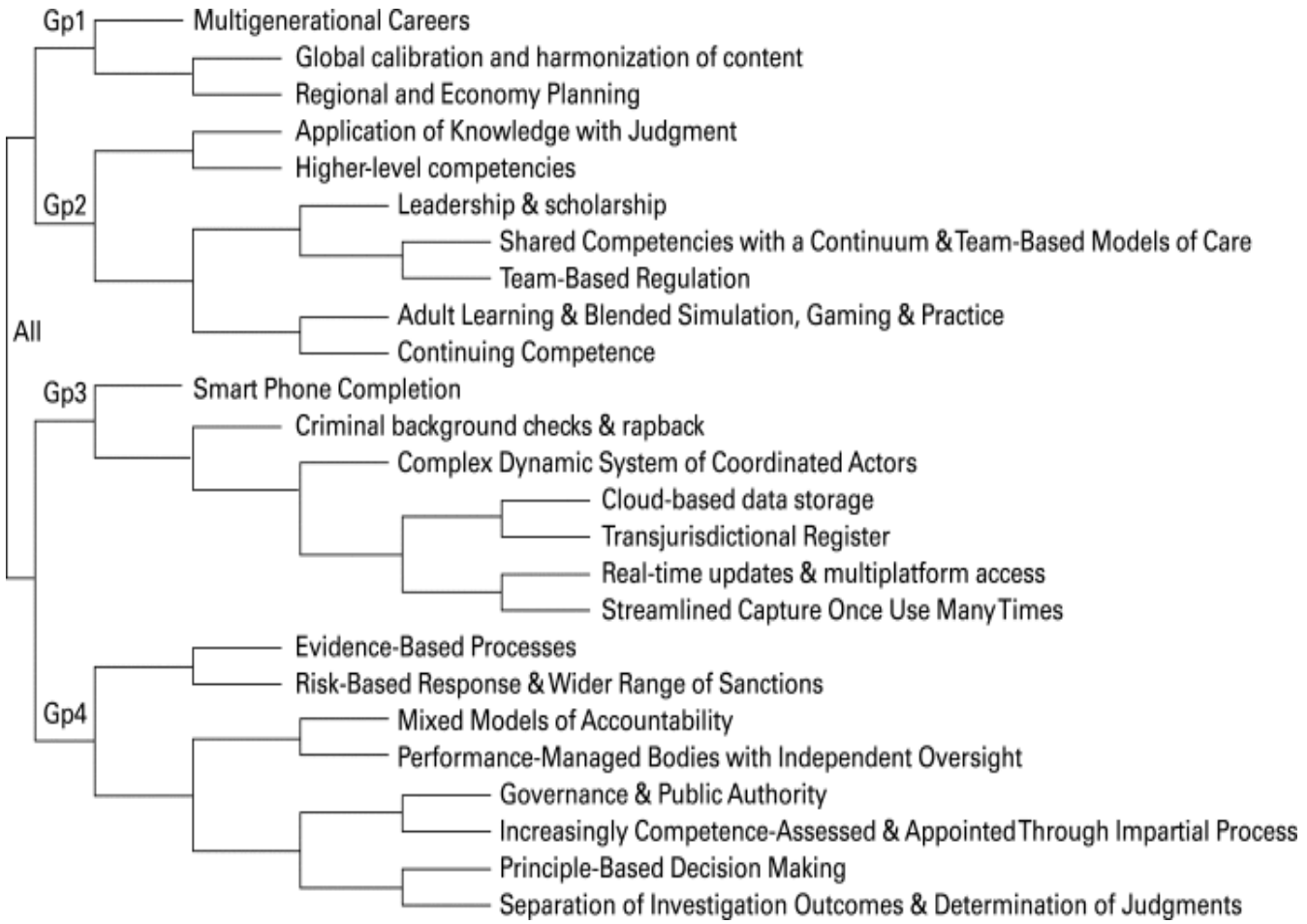
- American Nurses Association
- American Association of Colleges of Nursing
- National League for Nursing
- Organization of Associate Degree Nursing
- Federation of State Boards of Physical Therapy
- Federation of State Medical Boards
- Federal Trade Commission
- Organization for Economic Cooperation and Development

Concept Maps

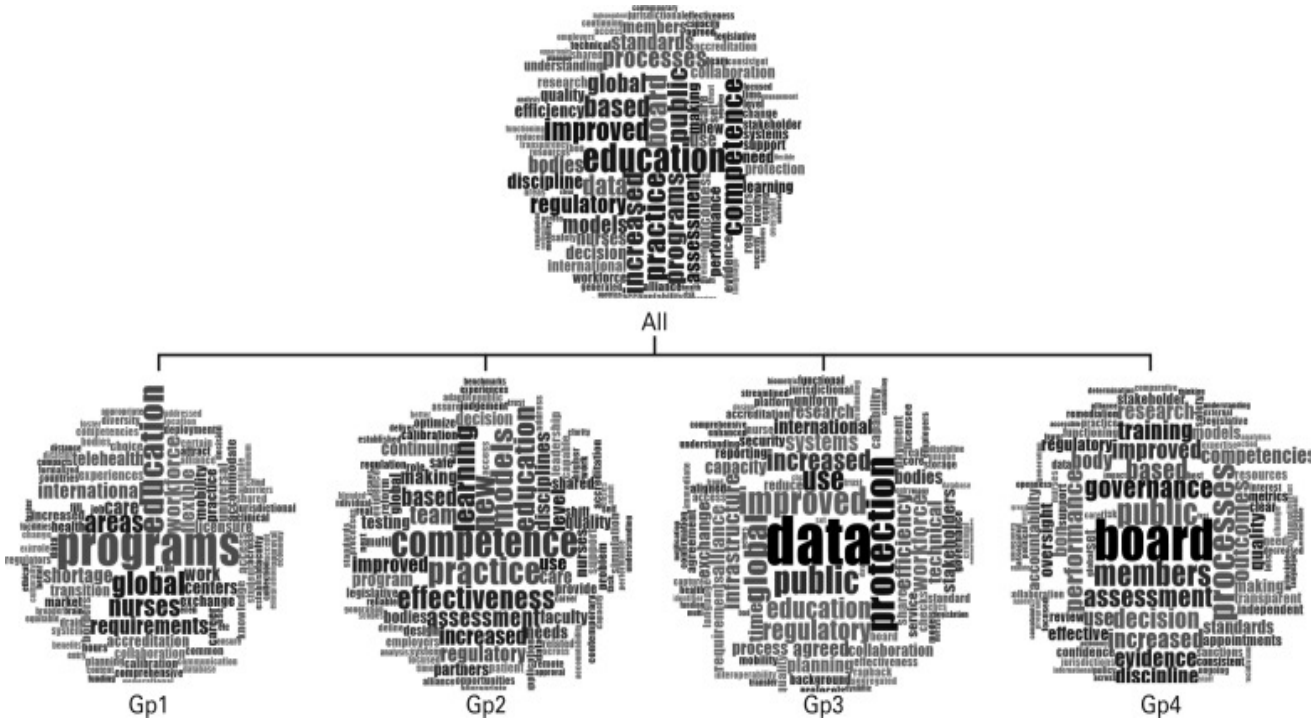


Analysis and Priorities: Developing a Modern, Effective, Regulatory Framework

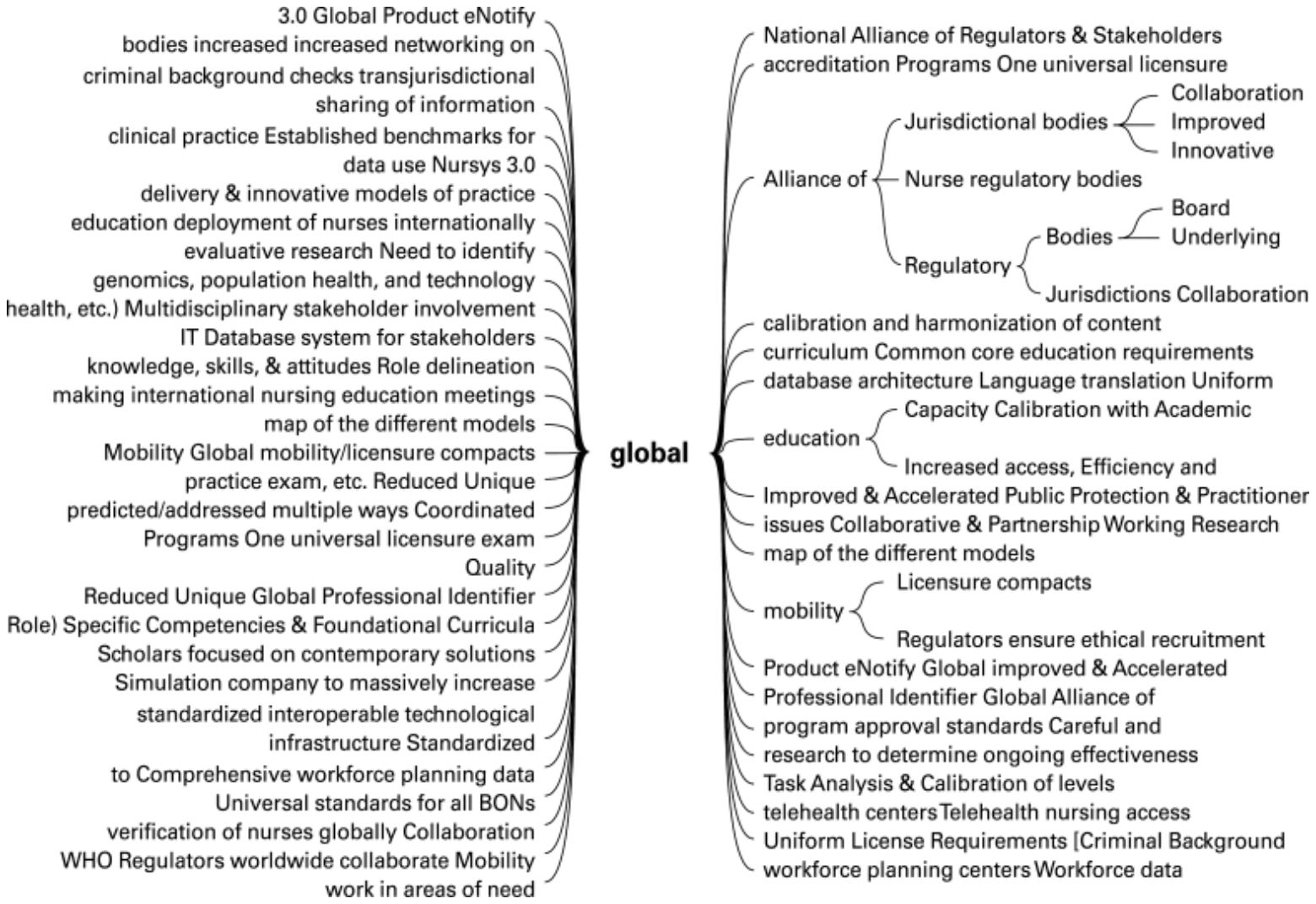
Cluster Analysis



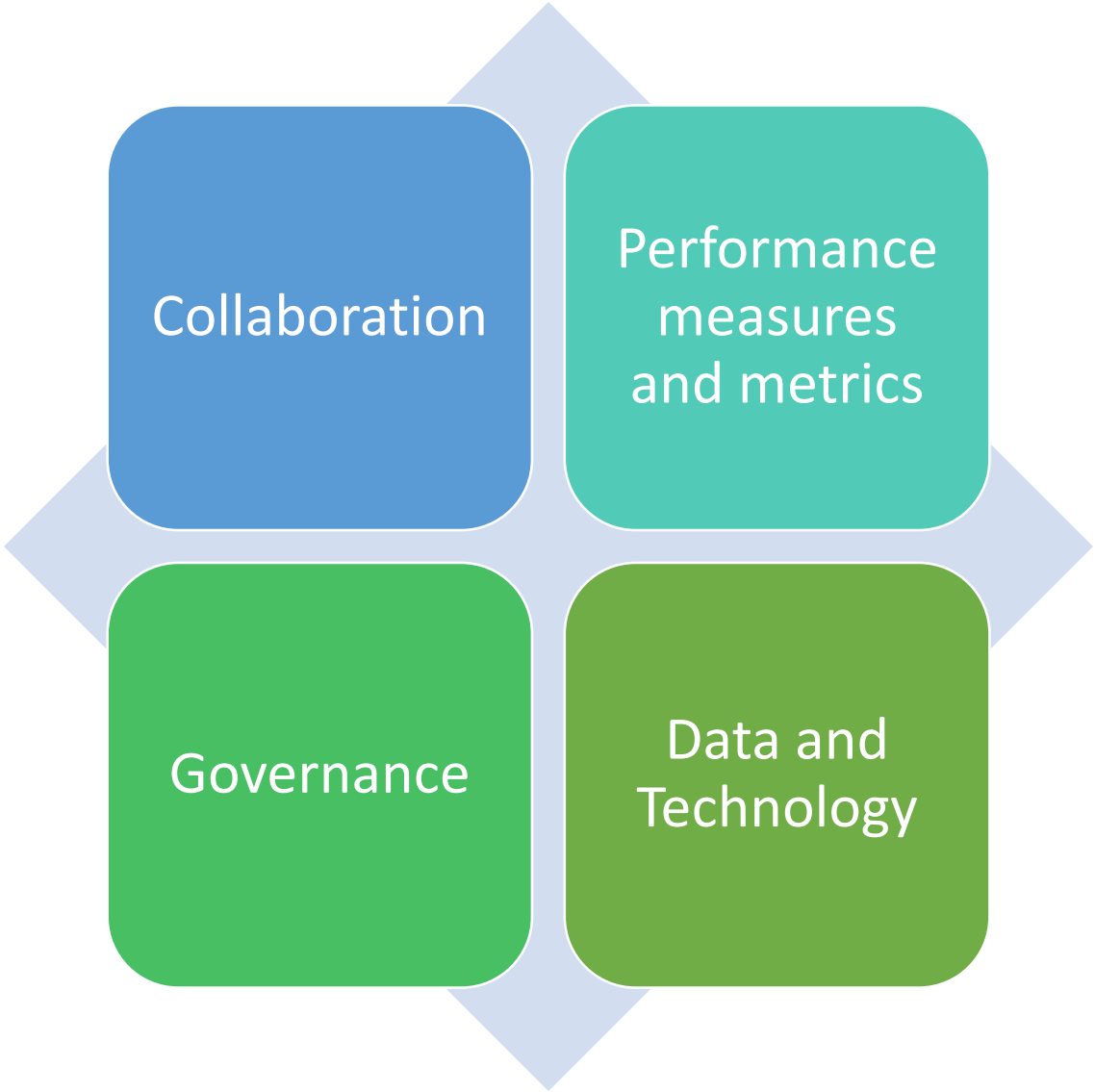
Word Clouds



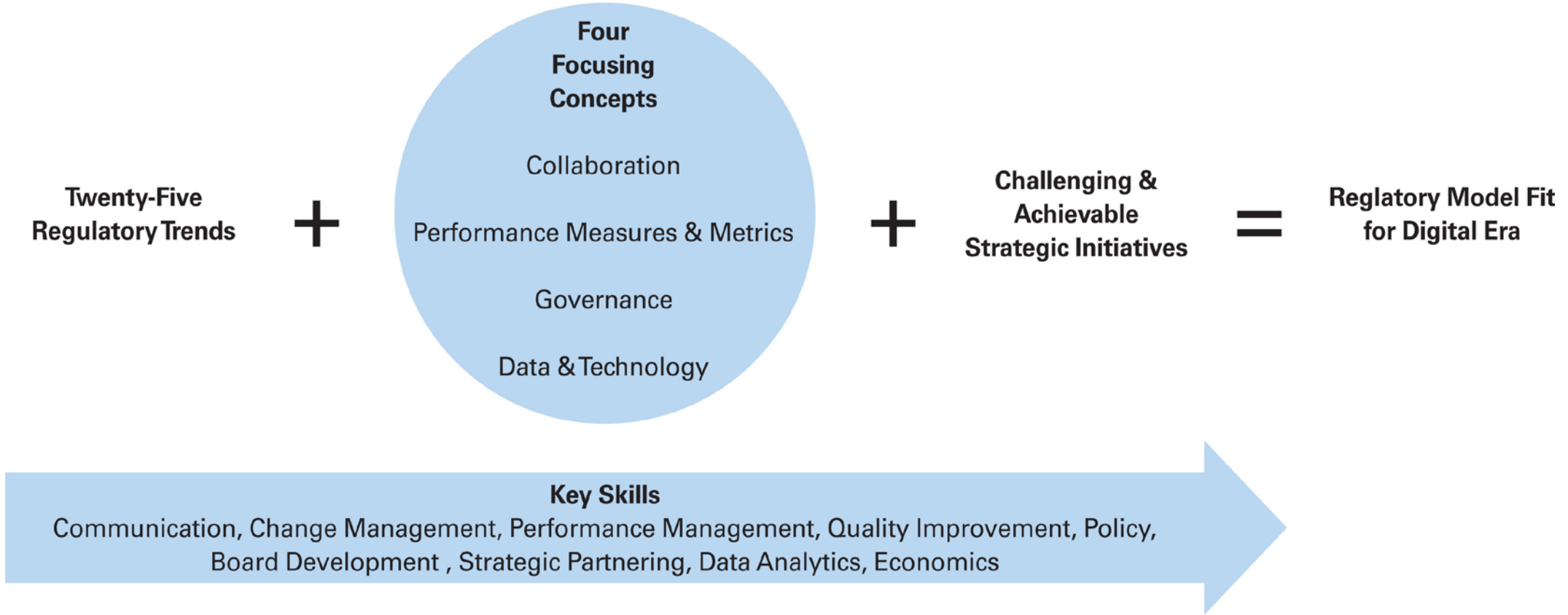
Word Tree


3.0 Global Product eNotify
bodies increased increased networking on
criminal background checks transjurisdictional
sharing of information
clinical practice Established benchmarks for
data use Nursys 3.0
delivery & innovative models of practice
education deployment of nurses internationally
evaluative research Need to identify
genomics, population health, and technology
health, etc.) Multidisciplinary stakeholder involvement
IT Database system for stakeholders
knowledge, skills, & attitudes Role delineation
making international nursing education meetings
map of the different models
Mobility Global mobility/licensure compacts
practice exam, etc. Reduced Unique
predicted/addressed multiple ways Coordinated
Programs One universal licensure exam
Quality
Reduced Unique Global Professional Identifier
Role) Specific Competencies & Foundational Curricula
Scholars focused on contemporary solutions
Simulation company to massively increase
standardized interoperable technological
infrastructure Standardized
to Comprehensive workforce planning data
Universal standards for all BONs
verification of nurses globally Collaboration
WHO Regulators worldwide collaborate Mobility
work in areas of need
global
National Alliance of Regulators & Stakeholders
accreditation Programs One universal licensure
Alliance of
Jurisdictional bodies
Collaboration
Improved
Innovative
Nurse regulatory bodies
Regulatory
Bodies
Board
Underlying
Jurisdictions Collaboration
calibration and harmonization of content
curriculum Common core education requirements
database architecture Language translation Uniform
education
Capacity Calibration with Academic
Increased access, Efficiency and
Improved & Accelerated Public Protection & Practitioner
issues Collaborative & Partnership Working Research
map of the different models
mobility
Licensure compacts
Regulators ensure ethical recruitment
Product eNotify Global improved & Accelerated
Professional Identifier Global Alliance of
program approval standards Careful and
research to determine ongoing effectiveness
Task Analysis & Calibration of levels
telehealth centers Telehealth nursing access
Uniform License Requirements [Criminal Background
workforce planning centers Workforce data

Focusing on the Future – Major Concepts



Regulation 2030
Completed and Continued Work



CAC Additional Trends

- Patient Engagement and Empowerment
- Financing Health Care

- Incorporate patient engagement into standards of practice
- Redouble efforts to educate the public
- Cultivate positive relations with the media
- Engage the public in rulemaking
- Use advisory committees

On Predicting the Future

"The Best Way to Predict the Future is to Create It"