



Council on Licensure,  
Enforcement and Regulation



2012 Annual Educational Conference - September 6-8  
**San Francisco, California**

## The Public Perspective and Confidence in Regulators:

**It's About Time!**

Presenters:  
 Barbara Sullivan  
 The Cheltenham Group

Public Expectations  
 and the Performance of  
 Regulators

*Promoting Regulatory Excellence*

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## It's About Time!

Most frequent public comment when:

- Professions, trades, occupations are regulated, certified or licensed
- Regulators are disciplined or sanctioned for not meeting acceptable standards or not protecting the public interest

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## The Public Interest in Regulation

*Seeking the benefit and protection of the public at large*

The Common Interest	The Majority Interest
Balance of Interests	Shared Values
Consultative Process	Statutory Purpose

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### Protection of the Public through Regulation

“The protection of the public is achieved in two ways. Firstly, the conduct of individual members of the profession is regulated in order to ensure the public is properly served. Secondly, it is recognized that it is a valid objective to protect the profession itself, because a vibrant, self-governing profession which has the public’s interests at its heart is itself in the best interests of the public.”

Casey, J.T. , *Regulation of Professions in Canada*, 2005.

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### Regulation is a mechanism for government to protect the public interest

Various regulatory models:

- Direct government regulation
- Regulation by Agency of government
- Co-regulation
- Self-regulation or self-governance
- Regulation by professional or trade association

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### Principles of Regulation

Members/ Registrants	Regulator
<ul style="list-style-type: none"><li>• Integrity</li><li>• Objectivity</li><li>• Competence</li><li>• Confidentiality</li><li>• Professional behaviour</li><li>• Respect</li></ul>	<ul style="list-style-type: none"><li>• Accountability</li><li>• Efficiency</li><li>• Transparency</li><li>• Collaboration</li><li>• Leadership</li><li>• Respect</li><li>• Impartiality</li></ul>

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### Measuring Up: the HPRAC Experience

Goal: To discover patient opinion and patient expectations

- Relations between members of public and members of the health professions
- Relations between members of public and the health professions regulators

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### What Did HPRAC Hear?

1. High level of confidence in professionals
2. Less than half of the people interviewed knew the responsibilities of a health regulatory college.
3. Three quarters knew they could complain about the performance of a health professional. Most did not know what the college did following a complaint, or the process.

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### Public Expectations of a Regulator

- Information about the Profession [Transparency]
- Clear and complete information about the complaints process - high level of dissatisfaction [Transparency, Efficiency]
- Strict standards & strict discipline [Accountability]
- Third-party investigators [Impartiality]
- Personal health information private unless consent given to share [Confidentiality, Respect]
- Published register of members [Transparency]

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### The Communications Gap

<b>Good Communications</b>	<b>Poor Communications</b>
<ul style="list-style-type: none"><li>• Answers questions clearly</li><li>• Explains diagnosis so it can be understood</li><li>• Describes treatment, process of treatment, alternatives, risks and benefits clearly</li><li>• Asks for consent</li><li>• Explains my obligations</li><li>• Respect and follow-up</li></ul>	<ul style="list-style-type: none"><li>• Doesn't provide needed information</li><li>• Speaks too quickly; Too rushed</li><li>• Makes me feel unimportant or stupid</li><li>• Too much jargon</li><li>• Doesn't listen</li><li>• Lack of concern</li><li>• Rudeness</li></ul>

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### Narrowing the Communications Gap

- Improved web-site design
- Information about profession, occupation or trade, including qualifications of members
- Clarity in regulatory processes
- Links to resources
- Plain language; jargon reduction
- Posting of register, with full details
- Continuing Education in Communications
- Advertising and public relations events
- Bills of Rights and Obligations

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### Rogue Regulators - and the Aftermath

- Government response to inadequate or inept regulatory behaviour in one profession impacts all regulated professions
- New oversight and interventional mechanisms apply to all regulated professions in a sector
- Regulators in conflict when advocating for the profession or its members

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### External Influences and Trends

- Media influence
- Migration of demands for ethical performance and regulatory oversight
- Internet power
- Privacy laws & freedom of information
- Public reporting requirements
- Consumer surveys
- Multidisciplinary delivery of services

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### In Conclusion

- Serving the public interest is central to regulation
- Regulatory change in one jurisdiction tends to migrate to another
- Regulators must be vigorous in ensuring accountability
- Effective two-way communications are key to building trust.

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### Speaker Contact Information

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## The Public Perspective and Confidence in Regulators

Presenters: Aidan Horan  
(Pharmaceutical Society of  
Ireland Council Member)  
Director, Institute of Public  
Administration, Dublin

*Promoting Regulatory Excellence*

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### Irish Context

- Economic shocks - boom, bust and bail out
  - Behaviour exhibiting bandwagon effects, herding and groupthink, warning signs unheeded
- Health shocks - criminal acts of members of health professions
- Public cynicism
- Commissions set up and follow up action including more emphasis on public interest

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**The Commission agreed that the vision or framework around which the Irish health system should be based is as follows:**

*Knowledgeable patients receiving safe and effective care from skilled professionals in appropriate environments with assessed outcomes*

Building a Culture of Patient Safety

Report of the Commission on Patient Safety and Quality Assurance 

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**Public benefit entities**

- Public benefit entities are reporting entities whose primary objective is to provide goods or services for the general public or social benefit and where any risk capital has been provided with a view to supporting that primary objective rather than with a view to a financial return to equity shareholders.

( Q -Are health regulatory bodies PBE's)

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**'Seven Principles of Public Life'**

- Selflessness** - Holders of public office (including anyone employed in a public organisation) should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- Integrity**
- Objectivity**
- Accountability** - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- Openness**
- Honesty**
- Leadership**

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**PSI**  
THE PHARMACEUTICAL SOCIETY OF IRELAND  
Cumann na Coilicéirí na hÉireann  
THE PHARMACY REGULATOR

To regulate the profession of pharmacy in the State having regard to the need to protect, maintain and promote the health and safety of the public....

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**PSI Corporate Governance Framework**

- Good Governance Principles
- Guidance to perform in accordance with relevant statutory, professional and ethical obligations
- Collective and individual responsibilities of the Council/ Governing Body members
- Declarations of Interest
- Hard law / soft law dimension

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**Public interest nominees  
Research ( July / August 2012)**

Areas covered

- Nomination process
- Expectations
- Governing body processes
- Challenges for Public interest nominees
- Induction and CPD for members

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**Governing Body**

- Role - strategic direction, leadership, decision-making, performance focus, accountability, control and assurance, executive oversight
- Collective v Individual responsibility
- Legal obligation of members irrespective of route of appointment or election
- Board process

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Question



What differentiates the contribution of the public interest nominee from any other member of the Regulatory Council or Professional Governing Body ?

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Challenges

- Clarity on mandate
- Collective responsibility
- Stakeholder / public / government engagement
- Skill set / knowledge / expertise
- Workload ( Governing Body and Committees)
- Communicating performance achievements
- Effective shared governance/network governance systems
- Evolving nature of legal and governance obligations
- Acknowledgement

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