Leading Or About To Get Lapped by Reality? Regulation With 2020 Vision

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Steven Lewis
Access Consulting Ltd.
Saskatoon SK CANADA
(306) 343-1007
Steven.Lewis@sasktel.net

Why Regulation Began

- Market failure – reasonable prudence among purchasers did not guarantee safety or quality
- To streamline the processes of due diligence (certify once, deploy often)
- To create a sense of order in the world of competencies
- To create public trust in the safety and integrity of transactions and relationships

Not All Motives Are So Noble

- An extension of historical guilds that preserve status and privilege
- To acquire and protect turf as exclusive domain of practice
- To maintain economic power by limiting supply and creating barriers to entry
- To influence law, policy, and practice in the interests of members
Challenges to Traditional Practices in Health

- Nurses successfully doing anaesthesia, endoscopy, primary care
- Offshore radiology interpretations of high quality
- Skilled technicians with a few months' training doing high quality cataract procedures
- Personal support workers multi-tasking in community care with good results

Challenges to Tradition: Education

- Self-taught people successfully passing professional entry-to-practice exams
- On-line courses competing with traditional forms of classroom learning (MOOCs etc.)
- Different teacher certification requirements internationally with similar student outcomes
- Fierce debate over standardized tests (US et al.) vs. empowered autonomy (Finland et al.)
Where Are We Now?

- A lot of bad stuff happens in spite of regulation
- Increased educational requirements have not produced a breakthrough in quality
- Structural and team structures influence performance at least as much as individual attributes
- Quality Improvement has supplanlantd Quality Assurance in the public and private sectors

How You See the Problem Defines How You Propose to Solve It

Place Matters Less in a Borderless World

- Economic unions, labour mobility agreements promote standardized regulatory approaches
- Growing move to decouple competencies from credentials
- European Union labour market very fluid despite language and cultural differences
- Workplace becoming more responsible for assessing and assuring competencies
The Decline of Public Trust

- Trust in public institutions has declined
  - Investment banks and the economic collapse of 2008
  - Accounting scandals (Arthur Andersen/Enron)
  - Repeated health care failures in accredited institutions by certified practitioners
  - Part of broader decline in civicness, democratic participation
  - Perception that the bad guys win

But On the Other Hand...

- Much malfeasance made possible by deregulation — especially in financial sector
- Desire for greater accountability and stronger sanctions
- Calls for more oversight in areas such as food safety, environmental protection
- Is the solution more, less, or different?

Some Key Issues to Address

- Can occupational self-regulation evolve or has its best before date expired?
- Can the increasing credentials tide be rolled back?
- Should regulation align more closely with continuous quality improvement?
- Should the disciplinary function be separated from the general regulatory functions?
Some Trends That Seem Inevitable

- Entry-to-practice credentials will matter less and demonstrated career-long competency will matter more
- There will be greater trust in real-time performance data than in formal stamps of approval
- Regulators will be expected to anticipate more and react less
- Competitive pressures will demand a more fluid and efficient division of labour

Possible Transitions in Regulation

<table>
<thead>
<tr>
<th>HISTORICAL</th>
<th>FUTURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Credential-focused</td>
<td>Competency-focused</td>
</tr>
<tr>
<td>Reactive</td>
<td>Anticipatory</td>
</tr>
<tr>
<td>Core standards orientation</td>
<td>Continuous improvement orientation</td>
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<tr>
<td>Siloed and distinct</td>
<td>Integrated and fluid</td>
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<tr>
<td>Professional autonomy culture</td>
<td>Collaborative and joint accountability culture</td>
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Owing the Future

- Openness, transparency, and candour are keys to maintaining public trust
- Put your value-added assumptions to the test research and evaluation
- Design alternatives to exclusive self-regulation before others design them for you
- Adapt structures and processes to a world of rapid knowledge turnover and team-based practice