

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

Presentation to C.L.E.A.R
St. Louis, MO
October 3, 2013

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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**

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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**

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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

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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.)

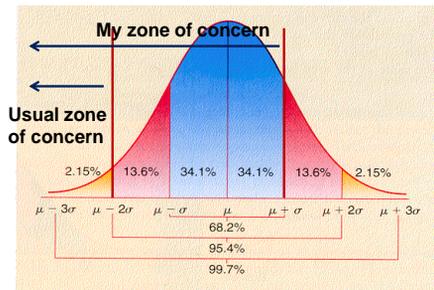
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Where Are We Now?

- ◆ 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 supplanted Quality Assurance in the public and private sectors

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



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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

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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 civiness, democratic participation**
- ◆ **Perception that the bad guys win**

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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?**

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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?**

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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**

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Possible Transitions in Regulation

HISTORICAL	FUTURE
Credential-focused	Competency-focused
Reactive	Anticipatory
Core standards orientation	Continuous improvement orientation
Siloed and distinct	Integrated and fluid
Professional autonomy culture	Collaborative and joint accountability culture

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Owning 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**

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