

CLEAR Annual Educational Conference
How Close Is Too Close?
Relationships Between Regulators and
Professional Associations

St. Louis
October 3-5, 2013







Groundwork/Foundation to Build On

<p>Regulators</p> <ul style="list-style-type: none">• Boards<ul style="list-style-type: none">- Centralized- Autonomous• Colleges• Regulatory Divisions• Councils	<p>Professional Associations</p> <ul style="list-style-type: none">• Associations• Societies• Unions
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Our Version of Tightrope Walking


Nominating Process for
Board Membership



- Board composition
- Vacancy announcements
- Mandatory and desirable qualifications for board members
- Nominating Committee composed of major societies selects names to be sent to Governor


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Roadblocks to the Traversing



- Society believes that board member is “their” voice on the board
- Relations between societies and the board can become strained
- Lines between the societies and the board become too close and become blurred

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Aids to the Traversing

- Helps get the word out to the licensees
- Builds support for regulatory change
 - Many voices(votes)—not just a government agency
- Can be the litmus for needed change in licensure models
 - At the practice/business level
 - May be the first to see trends

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- Roles of the societies and the Board are different but compliment each other
 - At times their action may in agreement
 - At times their roles may not

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How close is too close?
Relationships between regulators
and professional associations
Joe Jamieson, Ontario College of Teachers




2013
Annual
Educational
Conference
Hyatt Regency at the Arch | St. Louis
Oct. 3-5, 2013



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The Ontario College of
Teachers



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Ontario Context

- Teaching is highly regulated
- *Teaching Profession Act*
- Ontario Principal's Council

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Ontario Context

- **Regulations of the Teaching Profession Act**
18 (1) A member shall:
(b) on making an adverse report on another member, furnish him with a written statement of the report at the earliest possible time and not later than three days after making the report
- **Education Act**
“teacher” means a member of the Ontario College of Teachers; (“enseignant”) (definitions)

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Ontario Context

Ontario College of Teachers Act Election Regulation

(7) A position with one of the organizations listed in Schedule 1 is prohibited if it is a position that imposes duties or obligations that would conflict or appear to conflict with the duties of a Council member. O. Reg. 270/06, s. 1.

(8) For greater certainty, the only positions that are prohibited for the reason set out in subsection (7) are the following positions:

1. A position as an employee at the provincial level of one of the organizations listed in Schedule 1.
2. An elected or appointed position as a director, an official or a member of the executive at the provincial level of one of the organizations listed in Schedule 1.
3. An elected or appointed position as the president of a local branch of one of the organizations listed in Schedule 1. O. Reg. 270/06, s. 1.

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Ontario Context

Ontario College of Teachers Act Election Regulation

SCHEDULE 1

1. Association des directions et directions adjointes des écoles franco-ontariennes.
2. Association des enseignantes et des enseignants franco-ontariens.
3. Association des gestionnaires de l'éducation franco-ontarienne.
4. Catholic Principals' Council of Ontario.
5. Council of Ontario Directors of Education.
6. Elementary Teachers' Federation of Ontario.
7. Ontario Catholic Supervisory Officers' Association.
8. Ontario English Catholic Teachers' Association.
9. Ontario Ministry of Education.
10. Ontario Principals' Council.
11. Ontario Public Supervisory Officials' Association.
12. Ontario Secondary School Teachers' Federation.
13. Ontario Teachers' Federation.

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College Governance

- Union endorsements of Council candidates
- Acclaimed positions in Council elections
- Need to move beyond constituent politics

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Complaint Resolution Procedure



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British Columbia College of Teachers

October 2010

A College Divided: Report of the Fact
Finder on the BC College of Teachers


Donald I. Aronson




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External Challenges: OTF

WE THE TEACHERS OF ONTARIO 



Teaching Profession Act
Regulation Made Under the Teaching Profession Act
Policy Resolutions

Your Voice. Your Strength.

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External Challenges: OTF

E. College of Teachers (AB96)

1. OTF is opposed to the College of Teachers as enacted by *The Ontario College of Teachers' Act, 1996*.
2. That OTF work for legislative changes which would repeal the College of Teachers imposed by *The Ontario College of Teachers Act, 1996*.

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**External Challenges:
government**

- Role of government
 - Labour peace and stability
 - Importance of stakeholder consultation
- Lack of ongoing professional learning

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LeSage Review



The Honourable Patrick LeSage and Lynn Mahoney

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LeSage Review

Recommendation 48: Members of the Investigation, Discipline and Fitness to Practise Committees should be prohibited from attending the caucus meetings, which are held between elected Council members and their unions/associations when the Council agenda is discussed.

Recommendation 49: Members of the Investigation, Discipline and Fitness to Practise Committees should be prohibited from holding any elected or appointed union/association positions during their tenure on those Committees.

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Questions?



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How Close is Too Close?
Relationships between regulators
and professional associations
Mary Lou Gignac



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CONTEXT


Dietetics in Canada 

Provincial Regulatory Bodies
National Professional Association
Evolution from Association to Regulation

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ASSOCIATION OF THE REGULATOR AND PROFESSIONAL BODIES

Public's View



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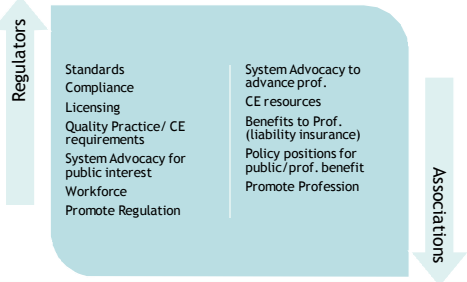
ASSOCIATION OF THE REGULATOR AND PROFESSIONAL BODIES



PROFESSION'S VIEW

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Roles: Clash and Complement



Regulators

- Standards
- Compliance
- Licensing
- Quality Practice/ CE requirements
- System Advocacy for public interest
- Workforce
- Promote Regulation

Associations

- System Advocacy to advance prof.
- CE resources
- Benefits to Prof. (liability insurance)
- Policy positions for public/prof. benefit
- Promote Profession

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CASE FOR COLLABORATION

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Work on Entry to Practice Competencies

- Alliance of dietetic regulatory bodies went it alone - truncated process
- Ed sector rebelled in some provinces -
- Association support not evident

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PDEP - PFPN
Partnership for Dietetic Education and Practice
Partenariat pour la formation et la pratique en nutrition

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WAYS TO COLLABORATE

- CONTRIBUTE
- CONSULT
- NETWORK
- JOINT PROJECTS
- FORMAL PARTNERSHIP
- ORGANIZATION/Corporation

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Decision Tree

1 Does the issue relate to public protection and/or public interest?

2 Does the issue fit within the regulatory mandate and mission? (honestly)

3 Does the issue require regulatory action? (actions within objects and legitimate functions)

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Decision Tree

4 Do we have the ability to do this (priorities, competence, resources)?

5 Should we lead, partner or support?

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How close is too close?
Duncan Rudkin, General Pharmaceutical Council



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The pharmacy regulator for Great Britain

- Established 2010
- Independent of the profession and of govt
- Governing council
 - 14 independently appointed non-executives
 - 7 lay / public members
 - 7 pharmacists / pharmacy technicians

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Some numbers

- 49,000 pharmacists
- 22,000 pharmacy technicians
- 14,000 pharmacies
 - owned by 3,700 companies and 500 individual pharmacists

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What we do

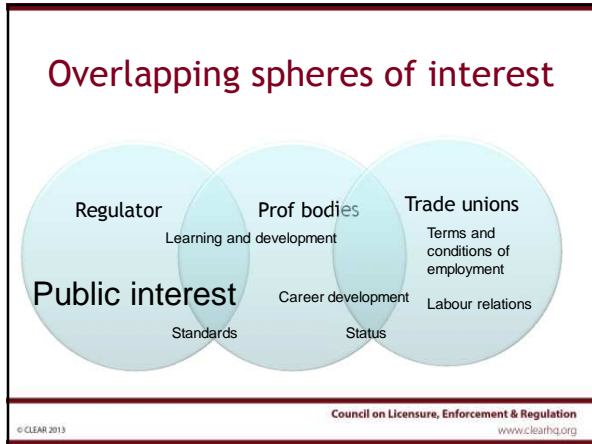
- Education and training standards
- Registration
- Standards of conduct and performance
- Business standards to be met by owners of pharmacies
- Inspection of pharmacies
- Action when standards not met

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Professional bodies

- Royal Pharmaceutical Society
- Professional body for pharmacists
- Was the regulator
- Since 2010, membership voluntary
- Association of Pharmacy Technicians UK
- Distinctive role of unions

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The regulator's direct relationship with the regulated

- A unique relationship
- Pros and cons of having a captive audience
- An essential channel - 2 ways
- Risks to our relationship with professional bodies

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Credibility risks

- Mandate
- Track record
- Knowledge and expertise

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Credibility risks

- Mandate ●
- Track record ●
- Knowledge and expertise ●

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A case study

- “Pharmacy medicines”
- Professional interest or public safety issue?
- The voice of the profession
- The voice of the public

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