Acting in the Public Interest: A Comprehensive Review of the Impact on Nursing Regulation

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Meeting of Organizational Researchers
Dominance of the Occupational Licensure Literature

Benton et al, 2018
Noted By Its Absence!

- Economic impact
- Educational preparation
- Labor market entry
- Benefits of occupational licensure
- Scope of practice
- Adverse impacts on minority groups

Benton et al, 2018
A Issue of Global Concern

“...state registration (licensure) is not, in any sense, only a state measure. It has been shown clearly that it is an international movement of an educational character, and we cannot fail to learn from the efforts of nurses in other countries, from the successes and failures both at home and abroad, that what affects the standards in one state or one country will affect, sooner or later, the standards in every state or country.... We must never lose sight for a moment of the fact that we are not working for ourselves alone, in one particular state, but for the whole nursing body the world over.”

Palmer (1907), pp 428
Not a New Concern!

“...this practice [the creation of state licensing boards] has already led to grave abuses. There seems to be excellent reason for licenses in some kinds of work as that of engineers, physicians and pharmacists. On the other hand, there does not seem to be sufficient reason for the state licensing of plumbers, barbers or undertakers.”

Chapin (1904), pp 149
# Acting in the Public Interest: A Changing Concept

## Dimensions of Considering and Acting in the Public Interest

<table>
<thead>
<tr>
<th>19th to Mid-20th Century Perspective</th>
<th>1960s to 1990s Perspective</th>
<th>21st Century Perspective</th>
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</thead>
<tbody>
<tr>
<td>Standards of practice</td>
<td>Service quality</td>
<td>Costs of regulation</td>
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<tr>
<td>Standards of qualification</td>
<td>Practitioner competence</td>
<td>Increased efficiency</td>
</tr>
<tr>
<td>Elevating the profession</td>
<td>Efficiency of the system</td>
<td>Increased cost effectiveness</td>
</tr>
<tr>
<td>Addressing public information deficit</td>
<td>Cost effectiveness</td>
<td>Reduction in entry barriers to the profession</td>
</tr>
<tr>
<td>Entry Barriers</td>
<td>Best for the patient and the public</td>
<td>Reduction of barriers to mobility</td>
</tr>
<tr>
<td>Competence of practitioner</td>
<td>Better coordination of services</td>
<td>Promoting competition</td>
</tr>
<tr>
<td>Access to services</td>
<td>More flexible to patient need.</td>
<td>Regulation proportionate to risk.</td>
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<tr>
<td></td>
<td>Increased patient choice</td>
<td>Promoting alternatives to the licensure model</td>
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<tr>
<td></td>
<td>Lay representation on boards</td>
<td>Responsive to a highly complex health system</td>
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<tr>
<td></td>
<td>Oversight by government</td>
<td></td>
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<tr>
<td></td>
<td>Equity of access</td>
<td></td>
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</table>

## Synopsis

- **Benefits both profession and the public. Quality to the forefront but some concerns over access, choice and entry barriers.**
- **Professions cannot be trusted to act in the public interest and therefore need oversight. The need for a balance between quality, cost and access emerges.**
- **Dominant narrative is where public interest is tied to efficient provision of services through minimum regulatory intervention.**

*Modified from Benton & George (2018)*
An Operational Definition

A multi-dimensional concept that evolves over time, is context sensitive and embraces the use of a range of interventions to address the effective, efficient and safe provision of services to the recipient. In addition, the concept embraces the simultaneous balancing of equity of access to services by the user with minimizing provider barriers that are proportionate to the level of risk.
To identify dimensions of nurse licensure congruent with acting in the public interest; and

To curate the associated evidence relating to each dimension thereby identifying their impact and potential opportunities for further research.
Research Design

Two-Phase Mixed Methods:

- Documentary Analysis
- Focus Groups
Documentary Analysis

- Scholarly; Grey; and Op Ed. – publications
- Deductive analysis using NVIVO 11 Plus to Autocode
- Recursive review by the authors
- Triangulated with legislative content of nursing laws
- Saturated themes obtained from 99 uploaded documents
Focus Group Process

1. **Statement**
   - Identification of thirty exemplar statements from Phase 1 data analysis

2. **Diagnose**
   - Identify key points contained in the statement

3. **Respond**
   - Formulate a thirty second “elevator response”

4. **Evidence**
   - Literature to support the points made in the thirty second “elevator response”

5. **Gaps**
   - Additional research required or insights gained.

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*Federation of State Medical Boards*

*National Association of Boards of Pharmacy*

*National Council of State Boards of Nursing*
Results

• **Four Major Themes**
  - **Licensure Reform** – with three sub-themes
  - **Impact of Occupational Associations** – with two sub-themes
  - **Occupational Licensure Effects** – with fourteen sub-themes
  - **Contemporary Issues** – with three sub-themes
Documentary Analysis – Mind Map

- Occupational Licensure Effects
  - Proliferation
  - Mobility
  - Board Governance
  - Types of Regulation
  - Purpose
  - Patient Safety
  - Scope of Practice
  - Disadvantaged Groups
  - Criminal Records
  - Recidivism
  - Practicing without a License
  - Barriers to Entry
  - Market Control
  - Variability

- Documentary Thematic Analysis

- Licensure Reform
  - Drivers
  - Support for Action
  - Potential Solutions

- Impact of Occupational Associations
  - Promoting Licensure
  - Defending and Extending Licensure

- Contemporary Issues
  - Anti-Trust Immunity
  - Level of Regulatory Control
  - Regulatory Reform Actors
## Operational Synopsis – An Example

<table>
<thead>
<tr>
<th>Theme</th>
<th>Sub-Theme</th>
<th>Synopsis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licensure Reform</td>
<td>Provided contextual information on the narrative that can be found in the literature relating to occupational licensure reform.</td>
<td></td>
</tr>
<tr>
<td>Drivers</td>
<td>Offers insights into what is driving the current interest in licensure reform.</td>
<td></td>
</tr>
<tr>
<td>Support for Action</td>
<td>Identifies that there is multi-dimensional support to address regulatory reform.</td>
<td></td>
</tr>
<tr>
<td>Potential Solutions</td>
<td>Provides several solutions that could be used to address the actual and perceived problems with the current licensure regimes.</td>
<td></td>
</tr>
</tbody>
</table>
Alternative Narrative Exemplar

<table>
<thead>
<tr>
<th>Statement</th>
<th>There is little to no published research on the relationship between performance on the licensure exam and an individual’s ability to perform on the job</th>
</tr>
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</table>
| Diagnose  | • Lack of evidence  
            • Lack of understanding of the purpose of the exam |
| Respond   | The purpose of the exam is to assess whether an individual is minimally safe to practice. It is not designed to assess work performance. This is a common misunderstanding and it is important that we understand the difference between fitness for practice which is the job of the licensing exam, fitness for academic award which is the role of the educational institutions delivered through formative and summative assessment and fitness for purpose the responsibility of the employer who addressed this through induction, orientation and ongoing learning specific to the role to which the nurse is appointed. |
            http://dx.doi.org/10.1111/j.1466-7657.2011.00935.x  
| Gaps      | Despite regular education sessions on the NCLEX exam there is still inadequate understanding of its purpose. Need to explain to educators, nurses, employers, and policy makers the primary purpose of licensure exams. Also need to correlate exam performance with discipline history through big data analytics. |

One of 32 Exemplars
Conclusions

• There is a wealth of evidence demonstrating that nurse regulation acts in the public interest.

• Nurse regulatory scholars need to publish in the economics, social sciences and labour/workforce journals to disseminate best occupational licensure practices.

• There is a need to establish a global community of nurse regulators so as to increase research capacity, increase sample sizes and take advantage of natural experiments.
References
