



**Regulation Matters:
a CLEAR conversation**

Episode 62: Themes in Professional Licensing with CLEAR's Premier Technology Partner, Thentia February 14, 2023

Line Dempsey: Welcome back to our podcast, Regulation Matters: a CLEAR conversation. Once again, I'm your host, Line Dempsey. I am the current chief compliance officer with Riccobene Associates Family Dentistry here in North Carolina and Virginia, and I'm also CLEAR's president for the 2022-2023 year.

As many of you are aware, the Council on Licensure, Enforcement and Regulation, or CLEAR, is an association of individuals, agencies, and organizations that comprise the international community of professional and occupational regulation. This podcast is an opportunity for you to hear about important topics in our regulatory community.

Joining us today, for today's episode is Paul Leavoy. He is the Managing Director - Regulatory Content and editor of *Ascend* magazine for [Thentia](#). We thank you for being CLEAR's premier technology partner, and we're glad to have you with us here today.

Paul Leavoy: I'm glad to be here. I'm a fan of the podcast.

Line: That's great to hear! And we're super excited to talk to you today about regulatory news and current themes in professional licensing. So you serve as Thentia's managing director of regulatory content and editor of *Ascend* magazine. So can you tell us a little bit about Thentia and *Ascend* and how they relate to regulation?

Paul: Yeah, sure thing, thanks, Line. And thanks again for the privilege of being here. Well, first of all, to start with Thentia. [Thentia](#) is a cloud-based licensing software solution that's designed exclusively for the needs of regulators. It's got a configurable low-end solution that address an agency's unique regulatory requirements. We're in Canada and the US; we also serve some regulators increasingly in Europe. And one of the unique things about the product is it's for regulators by regulators. This is the first software solution to be designed by regulators, and as such, we have a wealth of information and insight on all the nuances of regulation, because we have a lot of that regulatory talent in-house, and we've also cultivated all these relationships with regulatory leaders all around the world.

So that leads directly into *Ascend* magazine. Part of the reason we created it was identifying that all of these connections exist across the world of regulation, licensing, policy, and digital government. So we wanted to discuss what those mean to stakeholders, to the public, to government, and to regulators themselves and to look at it from sort of an interdimensional lens across people, process technology. And also to look at how jurisdictions relate to and compare with one another and how regulatory issues and challenges and opportunities, and also innovations, arise and how they manifest in public discourse - so like in headlines, in academia, and amongst regulatory conversations happening, you know, in venues like CLEAR and associations and whatnot.

And I'll just add that we also have a podcast, Ascend Radio, where I mainly focus on speaking with leaders in regulation from all around the world. So, that's Thentia and *Ascend* in a nutshell.

Line: Excellent! Well, I know, I think, over the last couple of years you have been pouring over news related to regulation and professional licensing, and providing from that weekly roundups of the top stories, as well as annual reviews of licensure news. What are some of the most prevalent themes that you come across so far?

Paul: Yeah, definitely. The one that jumps to mind - you know, we're coming off just having reviewed and assessed all the major themes in 2022 and sort of whittling those down into a top five themes. But the ones that I saw in 2021 as well, and I'm seeing in 2023, are obviously labor shortages-in particular, health care labor shortages. Staff shortages amongst health care providers were a top patient concern in the US. And the situation in Canada has become a full-blown crisis. You know there's millions currently without a family doctor, and there's patients waiting hours or traveling far from home for medical treatment. We even have several provincial governments here that are working with regulatory authorities now to streamline licensing processes in order to help international professionals and even those wishing to practice in other provinces to get to work faster.

The whole labor shortage conversation is sort of intertwined with another key theme, you know, licensing reform. licensing portability. As we see these labor shortages plaguing various sectors above and beyond health care, states have sought ways to streamline licensing. And you know you guys at CLEAR will know this well, but to streamline licensing to attract skilled workers to their states is a trend that continued across 2022

Just a few off the top of my head, Delaware became the seventeenth state to enter the Interstate Counseling Compact and a number of other states. have joined the compact as well. From North Carolina to New Hampshire, Mississippi, Alabama, you know, states across the spectrum. Connecticut adopted the Interstate Medical Licensure Compact as well as the Psychology Interjurisdictional Compact back in October.

And some states have moved to recognize credentials obtained in other states through a universal licensure legislation. There's at least four states that had universal licensing activities on their

legislative agendas in 2022. Further, Louisiana's Senate approved a bill that requires certain licensing boards to recognize occupational licenses and work experience from other States. And in Ohio, the House approved its own universal licensing law, which passed the Senate in June. And in Michigan, universal licensure legislation was introduced in the summer. Now a few states have been quiet amidst all this, but by and large there are regulatory movements across most states - some calling for the expansion of, and in many cases the deregulation not necessarily of professions, but of the "red tape." You know, it's a mantra among some governors- the scaling back of that.

And I'd say beyond those two, we've seen a lot of activity around cryptocurrency regulation, particularly in the last two months, you know, particularly since the FTX explosion.

And then, ever since the pandemic, you know, cyber attacks and sensitivities around cyber attacks. Cyber security is a growing issue that continues to grow. This past year saw the average cost of a data breach in the UU rise to 9.44 million, and the global average per data breach at about 4.35 million. So, cyber attacks are an ongoing concern, and the more digital we get, the more remote we get - they're not going anywhere.

And then I'd say cannabis regulation. As you'll know, it's a bit of an unruly beast state to state. I think what will be interesting there is seeing a longer term comparative analysis. You know, we have all these states trying different moves, regulating in different ways. After a year, after five years, what is that telling us about the comparative impacts, the consequences, benefits, economic impacts, and whatnot. So those are the things that I keep seeing coming up.

Line: Yeah, they seem to be right on par with what we're seeing, as far as most recently we were in Savannah for our midyear meeting and Winter Symposium, and those were all similar topics that I heard like kind of, for lack of a better term, the water cooler conversation. The stuff that was happening, you know, away from program or committee meetings that everybody has these concerns. Are there any particular insights or takeaways that you could share with us that you found from your coverage?

Paul: Yeah, sure. I mentioned I've spoken with lots of notable leaders in regulation from all around the world, because, you know, while it is always, you know, nice to look within our own borders - within the US, within Canada - we find that, country to country, there's a lot of commonalities that we can find when we get to larger statistics and larger sampling size. I really enjoyed speaking with Dr. Marie Bismarck. She's an Australian doctor, lawyer, academic - you know, a true triple threat in the world of knowledge and regulatory possibility. She's done tons of research over the years, and they've confronted a lot of challenging facts, too, that don't always make it into common discussions - like the fact that female health practitioners are twice as likely to die by suicide as women in all other occupations.

And she and her research groups have found that complaints to regulators tend to cluster around a relatively small group of practitioners. For example, in staggering statistic, few in the 5% of health

practitioners account for about 50% or more of all the complaints to regulators. So, there's a small group. This is another theme that's been popping up again and again. There's a small group who received recurring complaints, and Dr. Bismarck believes it's important to identify them early, not just in order to protect patients, but also to try and support practitioners back into safe practice where possible. I should underscore the size of the studies that she and her groups have done. She collected data from over 700,000 health professionals, across 15 different health professions.

And then, just to get further into those numbers. Of those, only about 1,000 were the subject of sexual misconduct notifications. And in many of those cases, the complaint wasn't made by the patient themselves, but instead a fellow health practitioner that became aware of the sexual misconduct and notified the regulator.

I've also had some interesting conversations with David Benton, who is the CEO (you'll probably be familiar with at CLEAR) of the National Council of State Boards of Nursing. He talked a lot about, intersecting with what Dr. Bismarck was saying, how technology is being increasingly used, or there's possibilities around using technology for complaints handling. In medicine, for example, about 1.1% of the licensed population has a complaint against them. Some are going to be frivolous, and others are going to be very serious. But you know, with the strides technology is making, the regulator will have more opportunities to focus on those ones that are serious, and also treat the others in a sensitive way.

He and the NCSBN have provided funding to colleagues in the UK who did a really interesting international study looking at Australia, the UK, and Texas to see how AI could be used to screen complaints that were coming in. And one of the major findings they had from that whole exercise, which is worth reading about in depth, is the need to use technology to analyze the level of a particular risk that a particular discipline presents to the public, and then, based on that list, to determine what the appropriate regulatory intervention should be within that discipline.

So, lots of fruit from those conversations, but I should also mention Anna van der Gaag, a researcher and academic out of the UK who was involved in that AI study as well. She has also produced studies that have shown us that the majority of complaints to health professional regulators over the years have resulted in little to no regulatory action. This is spanning jurisdictions, too. And she also reiterated that regulatory data points to a small number of high risk individuals, and culture and context as the key to maintaining safety. So you know, in terms of common threads and common themes, it often seems to boil back down to complaints. How are we handling complaints? How are we managing complaints? And how are we approaching complaints in a sensible and data informed way? So those would be among the interesting conversations and take aways that I found.

Line: It's very interesting. So, what do you make of emerging license reform initiatives and laws that we've seen from state to state?

Paul: It's hard for me to have a take on it, but you know I look a lot at how various others are

responding to it, and what states are doing. I'm really encouraged and fascinated by Utah and the work it's done, the very dedicated work it's done on licensing reform. They've created a law called licensing by endorsement, which says that if they have similar regulations to another state for a particular profession, that instead of having someone redo all their licensure and go through the training and requirements again, they just endorse that license and the practitioner can start working. It's one of these common sense, easy-to-do, low-tech things that can happen to make licensure and mobility a little bit easier.

Also, in Utah licensing boards do not have authority to do licensing on their own. Instead, they are advisory to the Division of Professional Licensure. You know, I take no stand on that. But it's definitely an interesting way of going about it, and it seems to be more the prevailing trend. They've also had a strong measure of creative thinking in how they've gone about figuring out which professions to evaluate for licensure reform first. They've done impact-based assessments to basically determine a proxy for harm – like, how many licensees are there? How big is it in the economy? How many substantiated complaints are there against that occupation? And then they look at things like projecting job openings into the future using data collected from Department of Workforce Services. So that gives them some sort of quantitative measure to say, okay, this is more important in the market and the community. This is more likely to be important.

And then you know, that's great talk, but they've been turning it into action in identifying what was going to be a priority profession for review. They started with looking at the fact that there's a high prevalence of mental illness, a high prevalence of suicides, especially among youth, and that started to drive them towards, “Well, hey, maybe we need to look at everything around counseling and mental health.”

And then also, like on the creative thinking side of things, instead of just looking at 15 license types - for example, plumbing, family therapist, cosmetologists - they sort of grouped them all together for a system level analysis on how to improve a profession, how to give the public more access to that profession, and possibly, you know, eventually reduce the cost to the public.

Also, I should mention that in their data collection and analysis exercises, they found (you know we commonly throw around the term of 22 to 25 percent of professions in the US are regulated, varying state by state)- Well, they can say with a greater degree of certainty in Utah about 38% of what professions are regulated in some way. That changes the calculus when you're looking at it and saying, okay, well, compared to the 5% it was in the days of yore, this 20-25% is substantial at a quarter. When it's 38 in a state, that's where we get into the kind of rolling up the sleeves that Utah is doing.

I think, just to close off that point about my take on licensing reform: to me, there's bigger questions around licensing reform, and as they relate to, for example, licensing compacts. I think of this because there was a recent item in the news about (I don't want to pick on Kansas here, but. . .) Kansas has sort of been a little silent on whether it will join a teacher licensure compact that's emerging, and with

some vocalizing that it's on the grounds that Kansas teachers need to meet Kansas licensing standards. So you know, without judgment, I think it just introduces these broader questions about what makes a Kansas teacher, a Kansas teacher. Is that important at the end of the day? Does it serve us when we have teacher shortages in the state and adjacent states? Why will out-of-state educators not do, until they've been approved by the state?

And then, if we pull that question back and say, what does it mean to practice in any profession, in any jurisdiction? Is preserving the uniqueness holding us back? Is it offering value? What does it cost socially, economically? Can we establish some kind of common ground fulcrum of informed reason, and then from there say these rules make sense, or yes, we should on these grounds join this licensure compact.

Line: So yeah, that makes sense. And it's interesting to see that. Are there any research that maybe you're working on, any interesting projects? And basically what can we hope to learn from that?

Paul: Yeah, definitely. Well, I can tell you as head of regulatory content here, we'll be producing some research outputs, and I don't want to give it all away at this point. But what I can tell you that we're working on is, for example, comparative analysis and mapping of priorities state to state up here in Canada province to province, and indeed around the world. We know that a lot of the regulatory priorities for umbrella agencies and for smaller agencies will come down from the the governor, for example, in Canada here by provincial order, and then in other places around the world by how the state is mandating or approaching licensing, giving some more definition around that, and then looking at what it might mean, state to state, province to province, nation to nation.

But also measuring regulatory performance, as it were, and sort of indexing digital capabilities, and then also sort of providing informed guidance on how to achieve regulatory transformation.

And then, really, you know, something that excites me is kind of painting a picture of tomorrow's regulator. If we flash forward with all the tools and technologies that are within our grasp, if we flash forward to 2030, 2040, what does this process that we're going through today, that we've been going through for time immemorial of licensure in some fashion - What does it look like 10 years from now?

So those are some of the key questions that we're looking at that will result in some research output we'll be delivering.

Line: That's great. Well, you mentioned technology, and so it kind of brings me to my next question. Obviously, we've touched on a little bit about just regulation itself, and what seems to be issues arising related to professional licensure. But is technology as much of an issue? Or is it becoming more of an issue? Kind of elaborate on that.

Paul: Yeah, sure. I think regulation and the challenges around regulation these days are often a conversation about technology, but never limited to [that]. I come from a technology research

background where there's always a people-process-technology matrix in anything. So, it's never as simple as just technology. But I do see technology as a critical lynchpin, both from the side of where is it enabling us to make existing processes better for one thing. From as simple as, paper-based licensure is still happening in certain parts of the country, mail-based paper-based licensure, where I'm filling out a form to get approved in my job. And then on the other side, what does technology enable us to do better with the insights that it can derive and all of the possibilities it presents once we more fully digitize government? And there are shining examples out there of where we can go.

I also think about technology as it relates to the aging, exiting workforce. You know, with 40% of those working in government and working in regulation set to retire in the near future, how is technology going to enable regulators to manage and maintain the throughput, from the approval of licenses to the management of complaints as nearly half of their workforce goes into retirement? Is some of that answer in AI? Yeah, sure; I think so, in terms of its capacity to turn complaints management into something more manageable. But I think also, when we look at the choke points of managing licensing, they're often technology related, either in terms of again the possibilities it presents, or where it is holding us back.

Line: Right on. Well, let me ask you this. I know we've talked about themes and things that you kind of uncovered. But are there any other emerging areas as kind of new and developing regulatory activity that have kind of caught your attention, kind of put on your radar right now?

Paul: Yeah, sure, I'd say that the number one thing is probably unleashing the power of collective data that we have. No state is an island, no province is an island, no nation, with the way worker mobility is. I've alluded earlier to the philosophy of what makes a Kansas teacher, a Kansas teacher. But I think the fact of the matter is, with worker shortages, there is a need for more mobility.

Well, and some might say that doesn't sound like a technology or data question, but it really is. I mean, we had an issue, you know, no names being named, we had an issue a few years ago here in Canada, where a doctor had lost his license due to patient harm in one province, and then two years later popped up as a practicing licensed professional in another province. Now you know, it's 2023; that sort of thing shouldn't be happening. There should be red flags, automated notifications, complete visibility beyond jurisdiction of who we are entrusting with these rights to practice within these professions.

So you know, being connected with all these other jurisdictions across North America, around the globe eventually. Back to across all the talk about complaints that we had, having a barometer of risk for licensed professionals. I envision that as something that data and the possibilities of data very much present.

And then, I think, emulating some of the digital first practices that we see in the private sector where things like KPIs and OKRs and score cards. I mean, these are just part of the daily language, part of the equation of profitability and results.

And the beautiful thing about much of what I've discussed here is that it's all within our grasp right now. It's just a matter of achieving that transformation to sort of bring some of our experience with government technology, with regulators and their experience with one another up to a level that they deserve in this year.

Line: Well, excellent. I think it's going to be great to talk about some of these themes as we move forward, but getting you to share with us today, I think it's been very helpful, you know, as we're seeing things that are related to professional regulation. And we look forward to CLEAR's continued partnership with Thentia. So thank you, Paul, and thank you for speaking with us today.

Paul: No problem. I had a great time. Thanks a lot, Line, and thanks everyone at CLEAR.

Line: Absolutely. It's been a pleasure. So thank you for being here with us, and we'd love to continue this conversation away from the podcast. So here's something for our listeners to think about.

Many conversations around licensing reform intersect with those around interstate licensing compacts. Are licensing compacts a useful way to extend public protection while improving license portability?

And here's another question: Is your state or jurisdiction engaged in any notable licensing reform efforts? Are they needed? Will they be useful? Why or why not?

We really greatly appreciate and thank our members for your feedback. We're currently rolling out our new Communities platform, and questions like these will be posted for our member feedback and for discussion. So, we invite you to join the discussion there.

I also want to thank our listeners for tuning in for this episode. We'll be back with another episode of Regulation Matters: a CLEAR conversation very soon. And if you're new to CLEAR and to this podcast, please subscribe to us. You can find us on Podbean or any of your favorite podcast services. If you've enjoyed this podcast episode, please leave a rating or comment in the app. Those reviews help us to improve our ranking and make it easier for new listeners to find us.

Feel free also to visit our website at www.clearhq.org for additional resources and a calendar of upcoming programs and events.

Finally, I'd like to thank our CLEAR staff, specifically Stephanie Thompson, content coordinator and editor for our program. Once again, I'm Line Dempsey, and I hope to be speaking to you again very soon.

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