



**Regulation Matters:
a CLEAR conversation**

Episode 80: AI Innovations and Anti-racism in Regulation: Conference Plenaries Preview August 13, 2024

Line Dempsey: Welcome back to our podcast, Regulation Matters: a CLEAR conversation. Once again, I'm your host, Line Dempsey. I am currently the chief compliance officer with Riccobene Associates Family Dentistry with locations in North Carolina, South Carolina, and Virginia, and I'm also a board member and past president of CLEAR.

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.

And as we've done a few times in the past, this podcast is also a chance for you to get a sneak peek at the sessions coming up at the CLEAR conferences and events. We're excited to do that again today with two of our conference plenary speakers.

With the international reach of CLEAR, our participants are in a wide range of time zones, and I'm having a couple of different conversations today so that we can speak with both of our plenary speakers. First up is Beth Z., who will be speaking with us in September about the challenges and opportunities of artificial intelligence (or AI). I'm glad to speak with you today.

Beth Z.: Well, gosh! Thanks for having me on.

Line: Absolutely! Well, you know AI is certainly something everyone's talking about. Some people are excited and ready to jump on board. Some people are just plain scared of it and thinking about, you know, the Terminator. But you call yourself, I guess, "nerdy best friend." So, you're gonna help us work through some of this. The conference obviously is just right around the corner. How should our listeners prepare for this discussion, or any discussion for that matter, about AI?

Beth: We're in such a peculiar place for AI right now. It has happened so quickly, and it has taken everybody by surprise. Everyone is struggling to put different things together and to understand

what's going on. So the first thing, no matter if you're listening to my AI session (which you should), or if you're listening to any AI session - number one, put your hands on it. Do not go into any AI conversation without having put your hands on it. Go into ChatGPT. You don't even have to register anymore. And they're giving you the highest level of everything that I've been paying for (little bitter, but. . .) Put your hands on it. Understand what people are saying. No matter how you feel about it, it is here, and just play with it a little bit.

Second thing to prepare, whether or not you come see me, whether or not you come to this conference (which you should), I want you to make sure you understand what the policy is where you're working. That is so critical. Spoiler alert: Most companies are not taking the initiative and not doing a good job of putting together a policy. So, find out if you have a policy; find out if you have other information that is being shared about it; find out if you have an in-house tool. A lot of times, this information is not getting to the people who are using it.

So two things - put your hands on it some way, somehow, and find out about the policy at your organization, wherever you work.

Line: So I've recently noticed on Facebook a couple of times where I'll see some chat of some sort. You know, it's a very heated discussion, if you would, and it's Meta's AI is giving you a screenshot if you would, or synopsis of what most people are saying, which is nice. So instead of having to scroll through and weed out all the people that are very negative Nancys, or really positive other side, they're doing it. So I'm starting to use it a little bit more, obviously. But why does it seem like AI, and AI news in particular, is everywhere right now?

Beth: The main reason is that we have never had a revolution like this in terms of technology and its speed. The iPhone - let's talk about that for a second. The iPhone came out in, what, 2007, 2006, I think. It was a while ago, and it had a buzz, but very few people had it the first year. Some people had it the second year. The adoption rate, even though it was the biggest thing to happen, was a five-year adoption rate to where Apple still doesn't have even 50% (they might have just now gotten to 50%) of the market. And that's because mainly because Apple is like one phone. If you have an Apple phone, you have one phone. If you have an Android phone, you could have any of 20 phones, and they're usually less expensive. So, they still don't even have half the market. But that buzz was just buzz, rather than a rattle of change. (Oh, I've got to write that one down. That's pretty good.)

It definitely is so fast right now that it's overwhelming people. And the people who have adopted it - there was a study that just came out. It was in May from Microsoft/LinkedIn. And they said that of the 76% of workers, and I've heard different numbers, 76% of knowledge workers in May say they use it. When you look at those 76%, almost 9 out of 10 say that it helps them with job satisfaction, helps them with creativity, helps them enjoy their jobs more, be more productive, be more efficient. So if you are using it, it may seem like everybody's using it. If you are not using it, it may seem like nobody's using it, or you missed the boat. It has never gone this fast before, so it's very, very buzzy. Everybody's talking about it because it's revolutionized some industries. It's revolutionized some professionals in

terms of what they can produce. It brings up all kinds of feelings. So that's why it's being talked about everywhere. But the speed of change and the explosion that this has made is unprecedented.

Line: Yeah, I've been fortunate enough to utilize it a couple of times already to help write policy. I still have to go back and fact check and change things and craft it, but it does speed up the process 100%, and you know it can do it while I'm sleeping, which I'd like to do when I'm working - I'm just kidding. But, why are people in the regulatory community concerned about AI?

Beth: What I love about the regulatory community is that you follow rules. Duh, right? The people who are attracted to the regulatory community are people who generally like structure, like rules; And there are no rules; there are very few rules [with AI]. And Line, correct me; yell at me if I'm wrong and speaking out of turn. But I have friends who are auditors. I have friends who are regulators, and they're like, 'These are the things that are rules. And we like them, and we understand them. And we like to be able to communicate those and help people play within them.'

So with this world of AI, we have no idea if copyright. . . well, copyright is not settled; plagiarism, not settled; the bias, not settled. So, all of these things are completely in flux, and I think regulatory communities are unsettled by all of the non-rule kind of world that this is living in. I'd love to hear your opinion about that, Line.

Line: Yeah, that's a good question. I think, you know, as a recovering regulator, I can certainly see the concerns that some raise. But I think, you know, I still think in that black and white, and I think not having those things spelled out, whether that be in policy or whatever it is, for your organization can speak to a lot of trouble. And I think, having some guidelines when it comes to like whether or not this is plagiarism. Let me ask you this question: is society going to become less smart because they don't have to work as hard and do critical thinking, because now they have the machine that can? I mean, technically, we got a little bit lazier when the advent of vehicles, right? But is that going to change things?

Beth: You know, that's an interesting question. There's a few philosophies about where AI is going. AI could spin itself into obscurity because it feeds on itself right? It feeds its responses back to itself. And people are saying that, gosh! It's going to get dumber and dumber because it's kind of dumb and dumb. And then if it's eating its own, then we've got problems with growth, and it could spin out because it's just not very good anymore. Which means that it won't be effective to help us in these areas anymore. And then there are the people who say it's going to grow beyond what we can control. Some people say it's going to get better and going to get smarter than we are, and that's a concern.

But when you look at how it's going to affect us, it really all depends on how we treat it at this moment, while it's growing. If we treat it as just an easy fix, and we don't get the most out of it and find our best in it, then I can see that it could be a lazy person's tool, and it doesn't move forward. But if we use it to advance all kinds of things, I think the opposite is going to happen - that we will see it as a tool, and we will get some time back to be able to think heavier.

In the education world, this is a huge question, like, 'Are my kids ever going to have to learn anything?' And we also survived, at work and at school, the advent of the Internet, where every single answer is at our fingertips at any given moment. And we survived that. And calculators in math classes, we survived that. So I'm confident that educators will find a way to incorporate this, and I am also confident that good employers with good employees will be able to treat this as a tool to help take off the heinous tasks or the tasks that are really really time intensive, and then give more people time for work-life balance, time off. What? - I know, it happens. We've got younger people coming in who don't want to work a 70-hour week, like many of us have, right? So maybe we can find better work-life balance. Maybe small businesses can be more efficient and get better services. There's going to be a shift. But how much that shift comes depends on the active role we take as a society, as a regulatory community, in what's going on right now.

Line: Well, I guess, kinda following up to one of my first questions, which was related to why people in regulation are concerned about this, what should regulation get excited about as far as AI?

Beth: If we have parameters and guidelines and guardrails about how we can use it, and should use it at work, what it's going to end up doing for the regulatory community is taking away heinous tasks - time-sucking, heinous tasks, things that would take us four to six to eight hours to do, not counting the procrastination that we use to put those off. And the procrastination is actually very mentally draining, because it's just sitting on your to-do list staring at you. And you actively are taking a role in not doing it. And that causes stress and anxiety. And it's just, you don't feel like you're getting everything done because it's always sitting there. If you take those kind of things, heinous tasks or tasks that you put off because it's going to take a block of time, and if you start examining what kind of tools out there can help you with those heinous tasks, I think you're definitely going to move forward with getting excited and seeing the applications.

Line: Oh, that's awesome. Well, how best can we stay up with whatever the latest developments in AI are?

Beth: Here's my suggestion for the regulatory community and in companies working in all these areas: put together a task force of one, two, three, four people, whatever, who check regularly the updates that are happening in all these areas, what's happening right now.

Again, we're coming up on a conference. Things could change next week, but I doubt they're going to change that fast. Well, maybe not. They might change that fast. But what's happening right now is that we're going from having to go to ChatGPT, which was an open box that you had to fill out, to now being able to go to Facebook and push a button to get a summary. You went from having to know what you didn't know to make it work to seeing a button that does what it will do.

And that's where we're going. So if you have a committee, if you have people who are just keeping their eye on things, they're going to say, 'okay, we use the Microsoft infrastructure. Right now inside

Microsoft, here are the last five changes that happened.' Because they're happening so quickly, understanding what you have and how that's changing is really critical. Because some people are like, 'well, I'll wait until it, you know, goes away, because it's probably not going to catch on.' And then you have some people who are like 'that's complicated,' or 'that's outside of our system, so we won't use it.' It's coming inside all the systems. So it's important to realize that it's not going to stay in the periphery, even if you don't want to deal with it, even if you want to ban it, it's not going to stay there.

It's also the biggest shadow IT problem ever. And shadow IT is when you have a program that you know IT is not going to approve of, and you know they're not going to like (they either already said no, or they might say no, or it takes too long to get them to say yes) and you want to use something, so you use it on your phone underneath the desk and send it to yourself. You do it. I know you do. That's called Shadow IT, and it's the biggest shadow IT issue of present times.

So whatever you're considering with AI, please have a guardrail. Have that policy. Try it out. Make sure you train people and put together a group of people who, within your organization, within your culture, will keep an eye on things and report back and tell people where things are.

Line: That's great information. I certainly do appreciate that. And I know with that, this AI-powered technology is having a tremendous impact on our day-to-day life. And so, understanding the challenges as well as the opportunities, I think, is critical for us to move forward. We look forward to your presentation in September. And thanks again for speaking with me today.

Beth: Thanks for having me.

Line: Great. Well, now I'm back to time traveling a little bit so I can connect with Jayde Fuller in Australia. So good day, Jayde. And Jayde's opening keynote at the conference will focus on anti-racism approaches in regulatory decision making. I'm excited to get a sneak peek, sneak preview if you would, of the presentation day. So, thanks for being with us today.

Jayde Fuller: Thank you, Line. Great to be here.

Line: I know it's bright and early for you as it gets a little evening over here in the states. But I appreciate you joining me today. So, I know global attention has increasingly turned towards dismantling systemic racism and promoting inclusivity across various regulatory and social or societal domains. I know in Australia, you're taking great steps to eliminate racism in healthcare and prioritize culturally safe practices. In your keynote, I know you're going to share some of Ahpra's experience with the creation of the Indigenous decision-making committees in regulatory bodies. So, let me ask you a few questions about that. Why do Indigenous communities believe it's critically important to embed anti-racist practice in regulatory processes?

Jayde: So, in short, because non-Indigenous people are accountable for their institutions, they outnumber us, and we want to see regulators show and prove that they see and truly value our lives

as sovereign peoples. So regulatory bodies are meant to protect communities. Unfortunately, the term 'protect' is historically a problematic term when referring to Indigenous communities worldwide, as it's rooted in the legacy of paternalism and colonialism that we've witnessed over centuries in government policies and legislation. So, to really challenge this legacy and mistrust from Indigenous community members towards government and authoritative entities who've promised us so much and really failed to follow through with action, regulators need to consciously act to dismantle racist practices and processes that disempower Indigenous people by ignoring our ways of knowing, being, and doing.

So, our continued survival as First Nations People across the world hasn't happened by chance. We're knowledge holders. We're peacemakers, leaders, and we've had our own form of regulation in our communities to achieve balance and justice for tens of thousands of years, long before the judicial system. We're the original regulators, I guess you could say. Contemporary regulatory bodies have a lot to learn from how we've protected the people in our communities without subjugation. And we offer different ways of seeing and contextualizing matters, responding and deciding upon action. And in the Australian Indigenous context, accountability is a very strong feature in our cultures. There's not a one-size-fits-all to regulating, which I think regulators in the West tend to forget.

So, for Indigenous communities, taking anti-racist action in regulation is not only an acknowledgement that racism is pervasive and harmful, but it opens the door to building relationships that are built on integrity, accountability, visibility, and self-determination. And so with these foundations of a trusting relationship, regulators are able to engage with Indigenous people in ways that are culturally safe, inclusive, and that recognizes our agency. So, there are other ways of engaging with us to work in solidarity against racism that's empowering. And we know how to do that.

And finally, regulators need to be willing to critically self-reflect and actively change their structures and processes to create safe spaces and experiences for us. Otherwise, harm that's inflicted upon us by non-Indigenous people will go unaccounted for. So, we want our people's lives and well-being to be valued just as much as others. We deserve that.

Line: That's fantastic. Well, I wanna ask this question. What does it mean to move beyond performative anti-racism? And I guess with that, how can regulatory bodies maybe even achieve that?

Jayde: Sure, so you may have heard the term 'performative allyship.' A key example of this was seen during the Black Lives Matter protests after the murder of George Floyd in 2020 in Minneapolis. Globally, people were responding to the racism, police brutality, and lack of accountability, and this was expressed differently by individuals. Some hit the streets in protest. Others retreated in fear of their lives, and some changed their profile picture on social media to a black square to convey their support for a few weeks.

There's been much discussion about the black square and non-Black people who chose to show solidarity and allyship to the safety of Black people's lives by doing what we would call the absolute

minimum, with the least amount of discomfort or disruption to their lives or status quo to appear credible or socially minded. So that's an example of what we call performative ownership or performative anti-racism – so, where your motivation isn't to take disruptive action or rescind privilege to change the state of play for an oppressed or priority group, but rather to be *seen* to care, which is ultimately unhelpful for the communities needing support.

So, a way in which regulators can move towards real anti-racist practice is firstly, doing what you say you're going to do. Talk is cheap. You can have all the best intentions to challenge racist practice, but if you don't take Indigenous-led, decisive action wrapped in humility, sprinkled with courage, you'll end up discarded on the pile of countless stakeholders who've broken promises to Indigenous communities. I know it sounds very simple to do, but I cannot emphasize enough how important taking action in partnership with Indigenous people is to building trust and long-lasting, mutually respectful relationships.

And, secondly, accept that your ways of regulating (and I spoke about this earlier) aren't the only way of regulating. If an Indigenous person asks you why you do things a certain way or have come to a regulatory outcome and your immediate response is 'because we've always done it this way' - that's a sign you need to stop and critically self-reflect about your practice, and to do that through the discomfort, which demonstrates growth.

Line: That's great. What feedback have you received from the Indigenous communities and healthcare practitioners about the legislative changes that were made to basically eliminate racism?

Jayde: We've had overwhelming support for these changes, which has been great. For Indigenous people, there was a real sense of 'oh, they're serious about this' to mention racism specifically, too, which is such a taboo word still in Australia and a lot of the colonies globally. It was the first time the word 'racism' has been used in healthcare legislation in the nation's history.

So you need to remember - I live in a state where Aboriginal and Torres Strait Islander People's wages were stolen from them by the state and were used to build all the hospitals and health infrastructure of generations of black enslaved labour. So, this really was a watershed moment.

One Aboriginal doctor said to me, 'You know, Ahpra's really leading the path for change, for our people seeking safe healthcare and for Black doctors like me, who deserve to work in an environment free of racism,' which was really heartening to hear. We heard feedback about there being an opportunity for true accountability. The legal system is really a contemporary regulator's currency, and there was a keenness to test the law and its enforceability.

And what it also did, I would say unintentionally as a result of showing through action how real our commitment was, was raise our profile and visibility with the community and Indigenous practitioners about who we are as a regulator. If we were willing to change the law - which, let me tell you, is no easy feat - what else were we willing to do? What would we like to work for? How could people get

involved in that work for their communities? We've seen a real heightened level of interest to be actively involved, both practitioners and community members, in reforming the complaints process, which has been fantastic. And we didn't have to wait too long for the law to be tested with the landmark ruling on racism last year, which I'll talk more about at the conference.

Line: Oh, that's awesome! Looking forward to hearing more about that and those changes. What actionable insights do you think that attendees from the conference this year can take away from your session to implement in their own regulatory bodies? Without giving away too much from the presentation!

Jayde: Sure. So I'm gonna be sharing our blueprint to taking bold anti-racist action in regulation. We've been actively progressing in this space for almost seven years now, and I wanna share with attendees what's worked, what hasn't, and what are some principled approaches that they can employ locally to dismantle racism for the well-being of First Peoples. It doesn't matter how new or experienced your organisation is to tackling racism; there'll be something for everyone.

Line: Well, that's absolutely great. This is a tremendously important issue. And we definitely look forward to hearing more during your opening keynote at CLEAR's September conference. So, thank you so much for speaking with me today.

Jayde: Thank you, and I'll see you in September.

Line: Awesome. Well, it has certainly been a pleasure. And for our listeners, there's still time to register for the CLEAR Annual Educational Conference to hear more from Beth and Jayde, as well as the numerous sessions and networking opportunities on offer. Please go to www.clearhq.org/AEC for the conference details and register to join us in Baltimore in just a few weeks.

But before we meet in Baltimore there's plenty of opportunity for online discussion. I invite CLEAR members to head over to our [CLEAR Regulatory Network](#) to connect with regulatory colleagues worldwide. And you don't even have to worry about time zones there. This podcast episode will be posted in the CLEAR Regulatory Network. And we'd love your feedback.

What are you most looking forward to at the upcoming conference? What topics or burning questions do you hope will be answered in the keynotes and sessions? We greatly appreciate and thank our members for your discussion and feedback in the CLEAR Regulatory Network. And if you haven't already, we invite and encourage you to join and take part in the online discussions.

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 the CLEAR 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. Your reviews help us to improve our ranking and make it easier for new listeners to find us. Feel free to visit our website at

www.clearhq.org for additional resources as well as a calendar of upcoming programs and events.

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

The audio version of this podcast episode is available at https://podcast.clearhq.org/e/2024_plenary_preview/.