



**Regulation Matters:  
a CLEAR conversation**

## **Episode 84: CLEAR Awards Recipients - Demonstrating Regulatory Excellence (Part 2) December 10, 2024**

**Line Dempsey:** Welcome back to our podcast, Regulation Matters: a CLEAR conversation. Once again, I'm your host, Line Dempsey. I'm the Chief Compliance Officer with Riccobene Associates Family Dentistry, and I've been a board member and president for 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 current topics in the regulatory community. In this episode, we're continuing to highlight the CLEAR award recipients. Each year, CLEAR considers nominations in several CLEAR award categories. The 2024 awards were presented in Baltimore during the Annual Educational Conference. While in Baltimore, I had the opportunity to chat with our award recipients, and I'm excited to share these conversations with you.

Sharon Oliver is the recipient of the regulatory excellence award. This award recognizes an individual demonstrating an outstanding contribution to the enhancement of occupational and professional regulation, regulatory processes, or consumer and public protection. The individual must have demonstrated exceptional leadership, vision, creativity, results, and outcomes above and beyond the regular functions of the job or expectations and beyond what is normally achieved. Here's my conversation with Sharon.

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**Line:** Sharon, congratulations on the award and thanks for chatting with me.

**Sharon Oliver:** My pleasure. Thank you for having me.

**Line:** Of course. So, to start, could you give our listeners a bit of background on your journey? How did you come to be the executive director of the Massage and Chiropractic Boards in 2019?

**Sharon:** It has been an interesting journey. Prior to joining the regulatory world, I worked in banking until 1994, thereabouts, and then I transitioned to real estate. I remained in real estate until about 2010 when the market crashed. So then, I did my third career change, which is to go into the regulatory world and started at the dental board as their compliance manager there. And then while out on medical leave in 2019, I did some self-reflection and said, this is not all there is to the regulatory world, applied for the position as the executive director for these two boards, and here we are today in 2024.

**Line:** That's fantastic. Well, the award nomination highlights your success in transforming two dysfunctional boards into a model board. Can you walk us through maybe the specific challenges that you faced and the steps you took to achieve this transformation?

**Sharon:** Sure. I prefer to refer to these as opportunities for learning and improvement.

**Line:** That's fantastic. I like that.

**Sharon:** Thank you. One of the things that I found was a lack of understanding of the role of the board members - governance versus being involved in operations. So, we started the education process and ironically, I started them out with CLEAR training because I found that to be a very invaluable tool that I had used at the dental board for training investigators. So yes, we started off with, let's learn what your responsibilities are and to make sure that they were well-trained in governance.

Another area that I had to work on with them was engaging the board members themselves in their specific roles and responsibilities, their duties, to ensure that they executed their responsibilities properly versus actually delegating too much authority in one person on the staff at the board. And working through our board council as well as educating them, setting up various committees, giving them tools that they could use to ensure that they were actually carrying out their functions. Setting up monthly meetings with the executive committee so that we could develop a strategic plan on the direction that the board should go in- I found that to be invaluable. And to this day, we're still using some of those tools to make sure that we stay on task.

There was a very flat operational organization when I got there. I changed the reporting structure there, set up accountability centers, and trained the staff. Staff were not comfortable in their role because they did not understand what they needed to do. And by empowering them and not micromanaging them, and giving them the autonomy to do their job, and letting them know it's okay to make mistakes; we learn from these mistakes, and we will move forward. I have found that they are now much more comfortable in their role. They're willing to take on tasks and to take risk and get the job done.

And lastly, I actually walked into an audit report, a legislative audit report, that showed many deficiencies, so I had to study the report, figure out what we were doing incorrectly, and brainstorm with the staff to come up with solutions. Because with them buying into these solutions, then they

were able to implement the strategies that were needed. So now, we are functioning the way we need to versus the way they did.

**Line:** Well, that's fantastic and it's brilliant- bringing them in to help figure out the solution. That's one of the best ways to get that buy-in because they take some ownership on it, which is great.

**Sharon:** Yes they do.

**Line:** So, we all remember we had a little bit of a pandemic. We had the COVID shutdown and then I believe you guys had a government-wide ransomware attack. So, your board continued to function smoothly. Bravo. But what were the key strategies and processes that you implemented to basically ensure continuity during these crises?

**Sharon:** The first few weeks of COVID was very challenging for us to say the least, but we quickly pivoted to remote work. Bought laptops for all the staff so that they could set up their workstation at home, set up the VPN so they could access our database remotely so that we could continue to function.

But we also developed a system where we rotated staff in and out of the building. And consequently, we were able to continue processing applications and to ensure that the public were not aware of the challenges that existed in the back office.

**Line:** That's fantastic.

**Sharon:** As it relates to the ransomware, now that was a challenge for us because it took out our servers. We lost data on our desktop. We had no access to the internet. Fortunately, prior to that, we were using hotspots, especially in our board meetings, so when the ransomware attack occurred, I was able to network the computers that we did have, the laptops that we did have in the office, to our hotspots and were able to access our information on the internet. And then some of our forms and other processes, applications, we had on an external drive, so we were able to upload those to a shared drive in the cloud. So, everyone was able to access their form letters, their applications, everything. And then we got innovative and created PDF files to print our license so that it was not obvious to the public that we had internet challenges.

**Line:** Wow, that's great. What a great way to persevere and make it through that. So, you've been credited with creating an environment of transparency and open communication among the state health occupation boards. Can you share some of the examples of how you've kind of fostered this culture and the impact it's had?

**Sharon:** Okay. This journey actually started with me seeking advice from the existing executive directors when I first joined the massage and the chiropractic boards. As a new executive director, I was looking for tools, guidance, a user manual, something, and no one could provide me with any of

this information. So, I got the executive directors together in a meeting and we set up a group and started working on what we call the ED Transition Manual. And the objective was, when we have a vacancy, when someone comes in, that there would be a guideline for them to use to figure out what their responsibilities were.

That morphed into a monthly meeting. So, every month I meet with the executive directors, and we talk about issues that are of concern, challenges. We share tools; we share ideas. You know, if we have knowledge of a new legislation that's coming down or that has been passed, especially on the federal level, we talk about those impacts.

And we share resources. A perfect example is I lost two of my investigators in 2022, and I was able to go to another board and say, 'Hey, I need assistance with investigation,' and their investigators helped us with our investigations on our team. So we talk about things like, you know, what are the current trends? You know, we loan our staff to each other as is necessary. And as a result of that, they're not afraid to G chat or call and say, 'I need help with an issue.' So, we make sure that we all stay connected because all we found is if one succeeds, we all succeed and we want to make sure that we are all on the same page.

**Line:** That's fantastic. Well, I know one notable achievement mentioned in your nomination is the creation of an online jurisprudence exam, which obviously has improved accessibility as well as your processing speed. Could you tell us more about the development and implementation of this initiative and its benefits?

**Sharon:** Okay. So, one of my charges when I was employed was to get the massage board's jurisprudence examination online. And apparently, they have been looking at vendors prior to my tenure. And in the process of working with the state's IT and training department, I discovered that they had the ability to put our examination online and make it accessible. The external vendors were charging a lot of money, you know, startup costs, and it was cost prohibitive. So, I worked with the training department, with the state's training department, and with our board members, and we developed a test plan. We beta tested; everything went well. So now, we're here. A year and a half in, we have been using this platform. The benefits, we have individuals who may be coming from other states or remote locations in Maryland, and instead of having to travel to us to take the jurisprudence exam (it's an open book test), they can do it from the comfort of their home or wherever they are.

And if they pass the examination, then they are able to move to the next level of licensure with the state. So, no longer does our staff have to remain there in the evenings to administer the examination. We've reduced paperwork over time, and it's a more speedy process for those who want to become licensed in Maryland.

**Line:** That's fantastic.

**Sharon:** So, we're happy about that. And so are they.

**Line:** And with that online ability, you can also just randomly assign it to your investigators to make sure they know what's going on. [laughter]

**Sharon:** And you know, that's the beauty because when we beta tested, we used the board members and the staff to beta test, and what a wonderful way to ensure that they knew our laws and they knew our statute regulations so when they're investigating, they know what they must prove or disprove as it relates to our licensee adhering to our statutes and regulations, so it's great.

**Line:** That's awesome. Well, your efforts have also led to legislative changes and improvement standards within the profession. Can you maybe elaborate on the specific legislative successes and how these changes have been making a difference for massage therapists and the industry as a whole in your short time there?

**Sharon:** I will start with our most recent legislative session because we're very proud of this. In the massage arena, we are the first state to have a law now on our books that makes it a felony to aid and abet the unlicensed practice of massage.

**Line:** Wow, that's great.

**Sharon:** So, we're very proud of that legislation. And it really is a tool that law enforcement will use. As a matter of fact, we were informed recently that one jurisdiction is using this law to prosecute three cases that involve human trafficking.

**Line:** That is great.

**Sharon:** We are very proud of that legislation. This year we also passed legislation about handheld tools, which authorizes massage therapists to use handheld tools. There is a component that requires that they be trained in the use of these tools to ensure that we're protecting the public, because that's our foremost concern – that the public be protected.

As it relates to the massage therapist, we also repealed a provision in our statute that prevented third party payers from reimbursing massage therapy. And so now the massage therapists who perform medically necessary massage have the ability to bill the insurance companies for massage. Doesn't mean that they are going to pay, because it depends on the type of contract that the insurer has with the individuals who are insured. But it creates a pathway, and one of the things we want to ensure is that the massage professionals are seen as health care providers, not just someone that provides a service that makes someone feel good - because it's medically necessary.

**Line:** Absolutely.

**Sharon:** Other legislations that they passed. We have a successful session where the legislators

deemed it was necessary to ensure that when the boards, both chiropractic and massage, take action against an individual and revoke or suspend their license, during the appeals process, they cannot stay the board's order. And that is wonderful because if you have someone who has been hurting the public and the board deems after investigation that this person should be taken out of circulation, then you do not want a judge saying they can continue to practice while they appeal their cases.

So, we're very proud of those legislatures, and we did one legislation in 2022 where we moved from a two-tier license in the system to a single tier for the massage therapist, and the pandemic really brought to light the need to change this structure. We increased the educational requirements to make sure that they are really qualified to perform massage in our state. And it went over very well with the current licensees. We have not had any pushback from individuals who are coming to our state. So we want to ensure that we have a good pool of qualified individuals. So those are some of the legislative initiatives that we have taken on over the last four years.

I'll say it has been very busy. We have had, between the two boards, about seven pieces of legislation that we have worked on. And they've all passed so far and we will continue to do what we need to do.

**Line:** Definitely things to be proud of. That's fantastic, especially in just the short amount of time. You're obviously getting right to it from the get go and that is great. And that's probably one of the reasons obviously that you won this Regulatory Excellence Award. So, I want to thank you for chatting with me about these impactful initiatives that you've undertaken over the last couple of years, and congratulations again on winning the award.

**Sharon:** Thank you so much. And thank you for what you do for the professions.

**Line:** Thank you.

**Sharon:** My pleasure.

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**Line:** John Pugsley is the recipient of the CLEAR Service Award for Lifetime Achievement, which recognizes an individual who has made an outstanding contribution and commitment to CLEAR, demonstrating dedication and integrity. The nominee shall have shown exceptional leadership, vision, and creativity in fulfillment of the goals and objectives of CLEAR. Here's my conversation with John.

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**Line:** Well, John, congratulations on receiving this award and thanks for sitting down with me to chat about it. So, I know you have dedicated almost 30 years to advancing the assessment of competence in pharmacy professionals. Could you share maybe what initially motivated you to enter this field and what has kept you passionate about it over all these years?

**John:** Yes! First, I want to say I was so honored to receive this award. CLEAR is such a vital international

organization for promoting regulatory excellence through fostering the exchange of information and educational and best practices. So, I was so proud to receive this word from CLEAR.

So, prior to being hired as registrar-treasurer of the Pharmacy Examining Board of Canada, I held a position on faculty at the University of Toronto Faculty of Pharmacy, and through my work in educating pharmacists, I developed a strong interest in best practices in teaching and assessment. And so, when the position became open at PEBC, I was aware that PEBC was planning to establish a task force on how to best test communication and patient care clinical skills. So, I was excited by the potential of enhancing the assessment process at PEBC. So, I applied for the position, and I was successful.

And one of the first things I did was I helped set up a task force that led to the recommendation to conduct a pilot research study on the use of the objective structured clinical exam. And then this pilot then demonstrated the value of the OSCE and supplemented our multiple-choice exam. So again, this was part of my passion, to enhance assessment processes.

And I've maintained that passion over the years. I've been very fortunate to make a number of changes to our assessment processes. And this was made possible through the vision, leadership, and support of my board directors, the senior management at PEBC, as well as the many dedicated staff that I've been privileged to work with over the years.

**Line:** Well, that's awesome. Well, I know at the Pharmacy Examining Board of Canada, you've also been instrumental in implementing innovative practices such as OSCEs, which you just mentioned, computer-based testing and AIG assessments. Could you discuss some of the challenges maybe that you faced during these implementations and how you overcame them?

**John:** Certainly, I think the challenges I faced were fortunately limited. Implementation of the OSCE was a major addition to our assessment processes. So, what this required was the demonstration of the value of the OSCE to our stakeholders, especially to regulators who require our exams for entry to practice licensure purposes.

We also needed to demonstrate the value to the pharmacist educators, as well as to our students and our future exam candidates. So what we did was we set out to develop a communication plan to educate our stakeholders on the value of the OSCE. And I think what really helped us was that in Canada, we were fortunate that the Medical Council of Canada had led the way by establishing an OSCE a number of years before us, and they helped support us in the development of our OSCE, and I think that this was one way that facilitated the acceptance of the use of the OSCE.

With respect to implementing computer-based testing, we went about this by hiring a testing consulting firm to assist us with doing a feasibility study regarding computerization of our written paper and pencil exams. We needed to develop a business case for our board. And what was important was that we needed to consult with our stakeholders. I think the challenge was to really get

buy-in from our stakeholders. So, we sought the input of stakeholders, regulators, and educators, and they were part of an advisory committee. They helped us by identifying what the concerns may be or what the benefits of implementing CBT were.

So, again, it was a pretty straightforward decision, as many of the other organizations were already using CBT, and certainly it offered a number of advantages to our candidates by providing more locations and a longer testing window.

For the last component that was mentioned, automatic item generation- We worked with a firm that had researched and developed this process. AIG is a framework that uses computer technology for the rapid development of high volume, high quality, multiple-choice exam content, and this is a really fascinating process. It uses item modeling, and each model can generate hundreds of unique exam questions, and the MCQ questions then will have variables that can be interchanged into acceptable combinations, developing unique questions with different correct answers and distractors.

So, under the guidance of my deputy registrar, we piloted AIG for one of our multiple-choice exams, for our pharmacist qualifying exam. I think the challenge was to really train our subject matter experts to understand the concepts as well as the staff and what were the benefits of AIG. So, a lot of work went into subject matter training, but we were very pleased with the outcome of this. And we utilized AIG to develop a number of questions for our item bank.

**Line:** That's quite a work. You know, obviously the pandemic has also significantly impacted competency assessments, especially when you look at performance based examinations. How did you guys navigate these challenges for PEBC to maintain the quality and integrity of the certification process?

**John:** The pandemic certainly caused many challenges for educators, for students, practitioners, regulators, and particularly for PEBC. I just want to mention that in the spring of 2020, we had to cancel both our CBT and performance exams for both pharmacists and pharmacy technicians. So, we needed to work very quickly to get our exams up and running again.

Faced with many challenges, we sought opportunities to modify and innovate our assessment processes. When the CBT centers reopened, they did have significantly reduced capacity because of the requirement for social distancing. As a result, we quickly researched and explored remote proctoring using Prometric's ProProctor CBT platform.

We quickly developed various resources for our candidates for remote proctoring, candidate information, and rules of conduct that were new and specific to testing with using remote proctoring. We had to develop remote proctoring information videos, as well as troubleshooting tips, and we even created a live remote proctoring demo exam.

So, we implemented remote proctoring in July of 2020 for one of our exams, and then we continued



to do research as we moved forward on comparing the remote proctoring to that of on-site test exam centers using CBT. And what we found through this was that, looking at multiple administrations, there was no significant differences between the use of remote proctoring and on-site CBT examinations. So, this gave us the confidence to continue to use remote proctoring, and I just want to say we're still using remote proctoring today.

I think the greatest challenge we faced during the pandemic was our performance-based exams, as you can imagine. They required candidates to interact with standardized simulated patients or simulated health care professionals. So, what we had to do here was to ensure the safe administration of our performance exams. Our team at PEBC was very active and committed to modifying our exam procedures to ensure the health and safety of all of our exam participants. We also had to follow national and provincial public health agency guidelines, and we had to consult with public health experts to ensure that they felt that our procedures were safe. Also in some cases, we needed to require government permission to administer exams. So, our exam required a lot of modifications. We had to adapt. We strictly controlled candidate movement during the exams. We screened all participants and restricted entry of any candidates who had signs or symptoms of a COVID infection, and we utilized personal protection equipment and measures. All personnel and candidates had to wear special protective surgical masks, and all exam center staff and candidates had to provide proof of their COVID 19 vaccination. So this was a tremendous amount of work that we had to do very quickly.

And in some cases, we were able to get the help of the profession. We needed to lobby provincial governments to permit us to administer exams during the pandemic. And I have to say, in some cases, this was not an easy task, but I am proud to say that PEBC successfully and safely held pharmacist and pharmacy technician performance exams across the country during the pandemic. And we were very committed to ensuring that our candidates were able to attempt our exams and proceed towards licensure.

**Line:** Well, it's great that you were able to navigate that as well as we could as we were all kind of dealing with that. Now, your leadership style has been described as both collaborative and inclusive with a focus on supporting staff and stakeholders. How do you go about fostering a culture of collaboration and inclusion within your organization, along with your work that you've been involved with CLEAR over the last 25 years?

**John:** So, I believe that the way to foster collaboration is through adopting, I think, a very strong team concept. Collaboration really improves teams when every member of the team is aligned with one another on the goals and commitments. Teams or committee members need to feel that their opinions count. I believe that everyone should be treated fairly and that they need to feel comfortable as a member of the team in order to express their viewpoints. I think that accepting and valuing each member's contributions and recognizing their talents is certainly one way of achieving collaboration overall. I think it's also important to celebrate an organization's or a committee's achievements with its members. I guess I view this as a partnership. For CLEAR, recognizing the value of each committee

member and allowing the opportunity to express themselves and to contribute, I think is really important. And I think that's how CLEAR committees work most effectively.

**Line:** That's fantastic. Well, thank you for that. You are a proponent of evolving and innovating assessments. What future trends, what technologies, do you believe are going to have the most impact on the certification and assessment of pharmacy professionals as we move forward in the future?

**John:** Certainly, I think that artificial intelligence will definitely have a major impact on the assessments that we use in the future. I think the use of secured, and I want to emphasize *closed*, AI platforms to generate multiple-choice items, including case-based scenarios, will have a significant impact on our MCQ examinations. One of the challenges, though, is to research and develop a model that can predict the performance of candidates on these questions. It's all good to develop hundreds of questions, but most testing organizations need to have some ability to either pretest or some confidence that these questions will perform appropriately. So, I think that will be the challenge in the future, but I think research will determine ways of really predicting how a candidate will perform on a given question.

I think another trend is the research and development of virtual performance exams. This is something that will certainly be helpful in the future. But these exams need to be researched, and they need to be reliable and valid. I think that virtual performance exams will have a big impact on the efficiency and cost effectiveness of exam administration.

The other area that I think there will be changes in is with respect to computer-based examinations. We've seen the use of alternate item types in many agencies' examinations, but I think that this will a lot more alternate item types will be used. And I see it including video simulations of practice scenarios that will require our candidates to, for pharmacy, identify and solve drug related problems. Rather than just having a written exam on a computer, you know, and reading that, it will be more of a simulated situation. I think the challenge for PEBC is that the current workforce shortage that we're experiencing in Canada requires us to innovate our assessment modalities and to ensure that our candidates can be assessed in an efficient manner.

So again, we need to be able to research new methods of assessment and prove that they're reliable and defensible. So, I think that's going to be the challenge for us in the future, but I'm confident that a lot of these innovative types of assessments will come forward and be more commonplace.

**Line:** Absolutely. It certainly seems to be the way that we're heading. Now, I know you've also been involved in establishing DEI best practices within the assessment community, as well as part of CLEAR's ERAC committee (that's the Examination Resources and Advisory Committee). Can you maybe elaborate on the importance of DEI in certification and assessment and maybe how these practices can benefit from the regulatory community?

**John:** Certainly, DEI has certainly become an important focus for CLEAR. A new committee, the Diversity, Equity, and Inclusion Committee, has been recently formed by CLEAR to promote DEI in the professional and occupational regulatory community, and I think one element of that is that we need to develop resources that consider DEI best practices when questions such as multiple-choice questions are developed and administered.

I'm working with some members of the Exam Resources and Advisory Committee of CLEAR to develop best DEI practices in the development and administration of examinations. This project will provide resources that the testing and regulatory community of CLEAR can use to develop exam questions and to administer exams to ensure best testing practices as part of their overall commitment to DEI. I think this project will help support CLEAR stakeholders as they seek to remove bias and discrimination in the professional and occupational regulatory community. At PEBC, we've actually been working on this, and we had a special project this year that we're training our subject matter experts, giving them foundational knowledge on DEI, and discussing what are the best ways to develop questions considering best DEI practices. This is a project that will be completed by the end of the year, and it will be an ongoing education of all of our subject matter experts.

**Line:** Well, John, what does the future hold? What plans and initiatives do you have in store for the regulatory community? And, how do you envision your continued contributions to CLEAR and to the field for the years to come?

**John:** Okay. So, I think one of the things in terms of future plans for the regulatory community will be the use of what we call linear on the fly testing. At PEBC last November, we implemented a new exam delivery process called linear on the fly testing for pharmacists multiple-choice qualifying exam. LOFT is an exam assembly process that utilizes computer technology to deliver unique exams to each candidate while meeting strict criteria. The advantages of LOFT is improved exam security with decreased opportunities for cheating through groups trying to memorize questions. It also then would allow us to have a longer exam testing window because we would have confidence that you know, the same exam is not being repeated over and over. Each candidate gets a different form. I think for us in the next few years, we plan to implement LOFT for other multiple-choice examinations that we have at PEBC.

The other area is with respect to virtual performance exams. We've been exploring the possibility of administering virtual performance exams for our OSCE and for our technician exam called the Objective Structured Performance Exam. And last year we actually conducted a preliminary virtual performance exam pilot. And we aim to adapt our current in person exams to a virtual delivery format that would provide candidates with a similar opportunity to demonstrate their knowledge, skills, and abilities. I think one of the things that's important about this is that the use of VPE for assessment of competence does have great potential.

And so, we had a preliminary research pilot that we're going to hopefully, in the next couple of years, go back and do more work on this. There were issues with the functionality of the platform that we

use from a vendor. It needs to have enhancements. There's other things that we need to do in simplifying our processes, but I'm certainly hoping that in the future, we can move forward with this method of assessment for performance exams.

The plus of using VPE is that it can be more cost effective and provide greater access to our performance exams versus the on-site exams, allowing us to have more frequent administrations of these exams. So, again, we're hoping that we can move forward in the future, and should there, God forbid, be another pandemic, this will help us get through that.

**Line:** Absolutely. Well, it sounds like you got the right plan. Well, it was great to chat with you today about your contributions and dedication to the regulatory community and the mission of CLEAR. Again, congratulations on your CLEAR Service Award for Lifetime Achievement.

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**Line:** It was great to talk with our award recipients. We hope these conversations have given you some ideas, techniques, and skills that you can focus on in your regulatory role as we pursue regulatory excellence.

I want to thank our listeners for tuning in for this episode. 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. Those 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](http://www.clearhq.org) for additional resources and a calendar of upcoming programs and events.

Finally, I'd like to thank our CLEAR staff who support these programs and resources available to the regulatory community. Once again, I'm Line Dempsey, and I hope to be speaking to you again very soon.

*The audio version of this podcast episode is available at [https://podcast.clearhq.org/e/clear\\_awards\\_2024\\_part2/](https://podcast.clearhq.org/e/clear_awards_2024_part2/).*