



**Regulation Matters:  
a CLEAR conversation**

## **Episode 98: Regulatory Environmental Scan – Emerging Pressures, Policy Shifts, and Innovation in Professional Regulation** **February 17, 20265**

**Line Dempsey:** Welcome back to our podcast, Regulation Matters: a CLEAR conversation. Once again, I'm your host, Line Dempsey. I'm currently the Chief Compliance Officer with Riccobene Associates Family Dentistry. We have practices in North Carolina, South Carolina, and Virginia. I've also been 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.

CLEAR's recent mid-year business meetings in Nashville brought CLEAR's committees and board of directors together to review the progress of ongoing initiatives, set priorities for the year ahead, and bring shaping for the 2026 Annual Educational Conference. During the meetings, we conducted an environmental scan and asked our committee members about top trends, issues, or challenges they're seeing in professional regulation or in their jurisdictions.

Committee members often comment that these environmental scans are the most valuable part of CLEAR's committee meetings, as they provide an opportunity to share common challenges and potential solutions, while also offering members early awareness of issues emerging in other jurisdictions that they may soon be navigating themselves.

We'd like to use the CLEAR podcast today as a way to highlight these issues and trends mentioned during these environmental scans and share this benefit more widely, connecting more members with the committee's activities and discussions. As always, we covered a lot of ground during the committee meetings with discussion topics ranging from the opportunities and challenges associated with artificial intelligence, legislative and executive pressures affecting regulatory operations, strategies to address workforce shortage, mobility of international applicants, emerging and evolving scopes of practice, and ongoing concerns related to off-duty conduct. Let's hear from some of our committee members.

Hi, I'm **Carla Caro** from WestRock Measurement, a consultancy that provides services to credentialing organizations. I am also the chair of the Examination Resources and Advisory Committee, commonly referred to as ERAC. ERAC's purpose is to provide resources to regulatory organizations related to examinations and assessment topics. By the way, there is a wealth of material on these topics located on the CLEAR website that's available under the resources dropdown on the main landing page. Look for this content on the testing and examination section.

At the beginning of the midwinter meeting, an environmental scan was conducted during which ERAC members were asked to reflect on hot topics, trends, or changes that they had been seeing that are broadly related to testing in the regulatory context. I want to note that many of the ERAC members work in affiliate organizations such as vendors, testing companies, or consultancies. Other members are from credentialing organizations that sponsor testing programs, which are used for regulatory purposes. So, there was a wide range of testing and examination topics that came up during the environmental scan. I will highlight a few of the topics that were the subject of the most discussion and also describe ERAC's action plans to follow up on these.

The hot topic that came up first in the environmental scan and was subsequently discussed in a variety of contexts was artificial intelligence. A big topic in testing today is the use of artificial intelligence in test development. How is it used for creating items? Can it be used to develop innovative item types - that is, not just for multiple choice questions? Can AI be used in developing performance exams, and how might this be accomplished? Many of the testing organizations represented by ERAC members are already moving along in incorporating AI in test item development and are taking steps to ensure that items developed with AI assistance perform well and have the same psychometric rigor as items developed solely by humans.

Another big topic that came up was how artificial intelligence is being used to enable cheating on exams, particularly in the context of remotely proctored exams. There was the recognition that there is an increase in bad actors involved in remote testing. These bad actors may be involved in capturing exam items and selling content, creating or substituting fake or mock candidates by obscuring or falsifying identities, or using avatars by using programs to create fake backgrounds that interfere with a room scan, thereby enabling test takers to consult resources or have another person in the room, or by creating ways to write answers in real time during remote testing. It was noted that due to these types of situations, some credentialing and licensure organizations are considering or have already begun eliminating remotely proctored exams and moving back to in-person testing to mitigate cheating and exposure risks. Follow-up discussions were related to the costs of eliminating remote proctored testing and possible impacts on access for candidates.

To address these two AI topics, two ERAC subcommittees were formed that are beginning the process of developing resources such as podcasts or resource briefs. One subcommittee is focused on AI and

cheating. And by the way, if exam security is a concern of yours, I recommend you listen to ERAC's earlier CLEAR Conversations podcast, episode 95, Exam Security: Protecting the Integrity of Licensure Exams. A second subcommittee is looking at best practices related to AI for risk mitigation strategies to be used by regulators, for example, how to make sure AI is not introducing unanticipated consequences, whether in testing or in other aspects of regulation.

A second major topic that came up for discussion during the environmental scan is accommodations. Organizations have seen an increase in requests for testing accommodations, and additional types of accommodations are being requested. A subcommittee was created to explore trends in accommodations for testing to explore what are reasonable accommodation requests. Are there acceptable parameters for denying requests? Are there some common No's to requests that might apply across jurisdictions? This group will consider developing some guidance for regulators but will need to be cautious and aware of differences in jurisdictional legal requirements. An additional action proposed was to have a roundtable session at the Annual Educational Conference where CLEAR members can discuss accommodations, focusing on the increase in accommodation requests and acceptable responses. A final action related to accommodation is a potential quick poll, asking about the extent to which accommodations are requested, if this is changing, and how often accommodations are granted. So, those are the main topics that came up during our ERAC environmental scan, and we hope to be providing you with some great resources to address them in the coming months.

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I'm **Charlotte Martin**. I am the executive director at the Physical Therapy Board in Louisiana in the United States. And one concern that I have is the ability for individuals to make very realistic looking materials with new AI tools. And as these tools get more and more sophisticated, I am very concerned about how it becomes a lot easier for people to present fraudulent documents to our organization, particularly in the area of licensure. And as these documents become more and more realistic, the standards to get people to work faster are being lowered in many jurisdictions. In addition to that, pressure is increasing to get people to work faster and to reduce the standards in which we screen individuals to get a license.

So, what I think would be really helpful for administrators and other members of CLEAR as well is for us to have examples- examples of these fraudulent documents that have been able to get through the process. Also any just real case scenarios that can help us remember exactly why we are requiring these documents. That sometimes if you're looking at first glance, you might say, 'Okay, maybe we don't need to require that to be directly from the university or directly from another licensing board. We can just get that from the applicant because that would be a lot faster.' Whenever we start to hear examples of individuals who are able to get through the system, who weren't really qualified to practice in these professions, I think that would be really helpful. And it would also help arm us against the pressures that are coming towards the licensing boards where we are being pressured to reduce our standards. And so we can say, 'Here are some examples of exactly why we're doing this and the harms that could occur and the real, true examples of what are happening in the real world, not just

hypotheticals.'

So what would be really helpful, I think, is if the members of CLEAR could share real world scenarios that occur. And also if we can participate in conversations together about this and share resources on how we are making sure we're protecting the public and combating against this new and emerging concern. And also if CLEAR could offer training sessions or sessions at conferences where we can hear about real examples and brainstorm on how we can best address these concerns.

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Greetings, folks. It's **Joe Jamieson** from the College of Optometrists of Ontario, and I am happy to be invited to share with you some interesting legislation in the province of Ontario around labor mobility. It's called the As of Right, legislation, and it actually came into effect in July of 2023, but the implementation now is catching up, with respect to the original colleges and now furthering to other colleges, including the College of Optometrists. So the idea of As of Right is that a practitioner can arrive in Ontario and they can practice for six months without having to be a member of the college in Ontario.

It started with the idea of enabling physicians and nurses and respiratory therapists and medical laboratory technologists registered in another Canadian province or territory, or physicians and nurses who are licensed in any of the states including the District of Columbia to start practicing right away without having to register with the Ontario Health College. The premise behind the legislation was to look at barriers that allegedly would exist with certain colleges that would slow down the full certification process. So this kind of buys six months worth of time for a regulated health professional to come in and practice in the province of Ontario.

The eligibility requirement is, with respect to the candidate, they have to hold an active registration with an equivalent certificate in another Canadian jurisdiction. And with the exception of physicians and nurses, which includes the United States, they have not been refused registration by another jurisdiction in the last two years. There's no findings against them with respect to professional misconduct, incompetence or incapacity. And they have to submit an attestation that is signed that they will meet these requirements and it's a six-month span and they hold a liability insurance, practice insurance, and use the relevant Ontario title. So for example, the pharmacists would use the appropriate title in Ontario, even if they're coming from another jurisdiction. The person has the ability then to fast track their registration within the particular college that they are looking to join. The second round of colleges came out a few months ago and it was the addition of approximately 16 other colleges that now are subject to As of Right.

So at this time, the uptake with As of Right in the four original colleges has been minimal. And I would suggest the reason for that is the colleges already have vibrant and expedient registration ability, It's been low uptake. We have the attestation now on our website and we have the ability to access the As of Right pathway since early January. And although it's only a month away, we've had no uptake at all. So I guess the story here is that moving from jurisdiction to jurisdiction into Ontario has become much

easier. There's an attestation. Within six months, it will be transferred into an Ontario certificate and only one chance at it. People can't ping pong back and forth. And for our American friends who are looking to come to Canada who are physicians or nurses, now would be a great time with respect to the legislation enabling that mobility.

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Hi, **Sahib Singh** here. I'm a policy analyst at the Department of Regulatory Agencies for the state of Colorado, United States of America. In particular, I work at the Agency's Office of Policy Research and Regulatory Reform. Our office conducts all of the sunset reviews in our state. A sunset review is a periodic evaluation of a regulatory program that takes place every five to 15 years in our state. Our office will sit down, study a program for a year, meet with stakeholders and members of the public, and then write a report to recommend continuing or sunseting the program. If we recommend continuation, we may also recommend changes to a program statute if they help improve the public health, safety, or welfare in Colorado.

All of our findings go to our state's general assembly, where it's up to the state's legislators to make the final decisions during their legislative session. In 2025, our office conducted over 20 sunset reviews. One such sunset review was over Colorado's Division of Professions and Occupations, a licensing program that oversees more than 60 professions throughout the state, ranging from healthcare occupations to specialty professions like plumbers and electricians.

During the review of the Division of Professions and Occupations, one of the issues that came up was with regards to the difficulty for internationally trained practitioners to transition and become licensed by the program. So, our office examined this issue thoroughly and made a recommendation to help make rules surrounding internationally trained practitioners a bit easier. In particular, we recommended establishing a rule of substantial equivalency with respect to issuing a credential to an applicant. So far, it's just a recommendation. It hasn't gone through our state's legislative process, which just began this January. Soon we will see if the recommendation becomes law and has any substantive effect. Given this recent work, we are always curious to hear what other folks might be doing to make it easier for internationally trained practitioners to work in their jurisdictions.

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My name is **Andrew LaFratte**. I'm the Deputy Director of Policy for Regulatory Affairs at the Pennsylvania Department of State. I currently serve on CLEAR's Regulatory Agency Administration Committee, the Regulatory Administration and Governance subcommittee, as well as its AI working group. One of the challenges that I've found recently and that I had brought up in the environmental scan was the recent uptick in sunrise evaluation requests, not only here in Pennsylvania but that I've noticed in other states, to create new licensure categories primarily for the purpose of Medicaid reimbursement. During the environmental scan, I had asked if other states were seeing this same trend and how they were handling it.

What really got me thinking about this was a story that came out of Michigan that was published by

an economist. In Michigan they are considering reinstating licensing for dieticians. And in the article that I referenced, the author noted that federal regulations and private insurance guidelines don't require state licensure for dieticians to bill [Medicaid]. So, after reading this article, it made me curious about the rationale for the sunrise requests, and ultimately if we as policymakers should be reviewing these sunrise applications from groups that are seeking to create a license type, in determining how that license class creation will relate to federal reimbursement rates and the regulations that surround those.

So overall, I'm basically, just a call to our other CLEAR members in states of just trying to learn what other states' experiences have been, their approach to these specific sunrise applications when the main justification is that the lack of licensure prevents practitioners from billing Medicaid. So, happy to have that conversation and really just curious and learning more about it and the challenges and opportunities that other states have come across in this area.

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Thank you. So, **Claire O'Cleary** from CORU in Ireland. I suppose just in the context of Ireland, we have a very enthusiastic, smart Minister for Health who is very much focused on access – so, increasing the number of our registrants across all of the health professionals. So increasing student cohorts, new education programs, everything like that, which provides its own challenges for the health system because all of our programs would have the requirement to have practice placement and practice experience, and then the system needs to support that. That is ongoing. And then also access to care. So in terms of enhancing the scope of some of our professions.

I suppose the main one that was announced in the last 12 months is pharmacists are gonna have more scope to prescribe and administer medications. But also for CORU, we've had our first sort of foray into advanced enhanced practice that physiotherapists now, if they complete the required training, can refer ionizing radiation, be that an x-ray or an MRI. And we know that there's plans to increase scope for podiatrists and optometrists over the next 12-24 months for prescribing and administering certain medications, which is great because it means people would be able to access care, not being bounced from your optometrist to your GP and then back to your optometrist, et cetera. And I suppose for ourselves and CORU as a regulator, that's a new area that we're really getting into because although we are established for a long time, we're still in an establishment phase as well because we're still opening registers for some of our professions. So we are working towards a little bit more of that enhanced and advanced practice and a little bit more of upstream regulation and trying to prevent harm.

So, we've done a body of research into trends and fitness-to-practice complaints and we're looking at how we can communicate that out to the professions, but also to students of our professions in terms of preventing harm that may happen to someone, preventing the chance of a complaint being made about you. Even though the majority of our complaints do not have any action, it's still a very stressful experience for the registrant. And it's, obviously the care, the service user was unhappy. So just trying to prevent all of that happening.

And one area of guidance that we issued in the last 12 months was around delegation of tasks, as there has been an increase in our health system of the sort of the assistant grades, so dietician assistant, physiotherapy assistant, et cetera, et cetera. And I suppose it possibly was a little bit of concern and ambiguity about what tasks can be delegated by a registrant to an assistant and, what's their responsibility in the oversight of those tasks. So we issued two pieces of guidance. One was for the registrant themselves, but then the other, it was for the managers of registrants who may not be registered for clarifying to them what you can ask a registrant to actually do. And I suppose there's two sides to that because the registrant might not want to delegate it and are using us as the reason they can't delegate it. But then also it may not be appropriate to be delegated.

So again, I suppose in terms of our regulatory reach and our regulatory role, that was new to us because we generally just engage with our registrants. And this was the first time that we said to managers of registrants, 'we're actually going to have a view on how you're managing your service.' But in general, I have to say, that has been very well-received by the health system. I think just that clarity for everyone was really helpful. And we know that, particularly, our main public provider, the HSE, is intending to grow those roles in the next 12 to 24 months. So it's good to have that, and I suppose it's also helpful for us because we're saying, assistant grades may not need to be regulated because we have the guidance in place. And just trying to say, not everyone needs to be a registrant. It's just everyone needs to have clarity on what the responsibilities of registrants are. So, that's been really interesting. So, that's where CORU's at and just a little bit of Ireland.

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My name is **Jimi Bush**. I'm the Director of Quality and Engagement with the Washington Medical Commission. I've been a member of CLEAR for over 10 years, as well as served on multiple committees. Currently, I sit on the board of directors. Today I wanna talk about a reality that many of us in regulation know well but that isn't always visible from the outside, which is how do you help elected officials and executive leaders see not just the outcomes they want, but the systems required to achieve them. And maybe most importantly, how do you do that in a way that is respectful, collaborative, and effective rather than adversarial?

Right now across jurisdictions, executive branches are issuing directives and executive orders aimed at improving customer service, increasing transparency, and collecting more data around licensing and enforcement. On the surface, these goals make perfect sense. Everyone wants faster processing, clearer outcomes, and better experiences for applicants and the public. And the push for accountability is not only understandable; it's necessary. But there is a disconnect. Very often those directives are built on assumptions about how regulation works rather than on a true understanding of it from the executive or legislative perspective.

Licensing can look straightforward. Applications come in, boards review them, approvals go out. So when timelines stretch or backlogs grow, the instinct is to demand more metrics, tighter deadlines, or sweeping reforms without fully appreciating the complexity of what's happening behind the scenes.

What's frequently missing from lawmakers' knowledge is the ability to ask the right questions. Not just how long does licensing take, but where are the real bottlenecks? They ask how many applications are pending, but should be asking which parts of the process are driven by statute, which by policy, and which by capacity. They ask, 'How do we speed this up?' when they should be asking, 'What safeguards exist to protect the public and what unintended consequences might come from bypassing them?'

Regulatory systems are not assembly lines; they're ecosystems. They involve statute written years or even decades ago, boards with specific legal authorities, staff operating under strict procedural requirements, and applicants whose situations vary widely. Add to that the public protection mandates, due process, investigations, hearing and inter-agency coordination, and suddenly 'just move faster' becomes far more complicated.

This is where the relationship between regulators and policymakers becomes critical because if executive leaders and legislatures don't understand how regulation actually functions, their directives, even the well-intentioned ones, risk being misaligned with reality. And when that happens, agencies are put in the impossible position of trying to comply with high level mandates that don't account for statutory constraints, operational limits, or professional standards.

But that gap in understanding doesn't have to exist. In Washington, we're trying to bridge that gap. We want to build a relationship that moves from being the recipient of top-down directives to being a trusted partner in shaping them. Helping elected officials and executive leaders see not just the outcomes they want but the systems required to achieve them starts with meeting them where they are. In Washington, executive orders are constantly being drafted, data requests are being issued, and boards are placed under increased scrutiny, all in the name of improving customer service and efficiency. They care about results: faster licensing, better customer service, stronger accountability. And those goals are valid.

So the first step for us is alignment. I make it clear that we share the same objective. Rather than simply reacting to those mandates, we have the opportunity to educate policy makers about how licensing actually works, and to help reframe the conversation around what meaningful reform looks like. From there, I focus on making the invisible visible. Most policy makers have never seen the full lifecycle of an application, so I walk them through it - intake, credential verification, background checks, board reviews, investigations, and final issuance - using plain language and real examples. Once they understand how many steps are involved and which ones are required by statute, the conversation naturally shifts from 'Why is this taking so long?' to 'Where are these bottlenecks?' I also connect data to context. Instead of just presenting backlog numbers, I explain what types of applications are delayed, why they're delayed, and whether the cause is staffing, technology, policy, or law. That helps leaders understand which levers they can pull and which changes require legislative action.

Importantly, I never lead with barriers; I lead with options. Rather than saying something can't be

done, I offer pathways. What is possible in the short term, what requires investment, and what would need statutory change, so that they can make informed decisions based on timelines, cost, and impact. We approach the governor's office here in Washington not as outsiders who don't get it, but as partners who needed context. We replaced technical jargon with real world examples. We shifted the conversations from blame to process. And in doing so, we are creating space for smarter questions, more realistic timelines, and reforms that actually improve outcomes both for applicants and for the agency serving them. Over time, by communicating clearly, showing respect for their goals, and building relationships outside of crisis moments, trust develops. That trust creates better space for better questions, smarter directives, and policies that align with how regulation actually works.

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Thank you for having me. My name is **Aaron Holmes-Binns**, and I'm the regulation and policy advisor with the College of Chiropractors of Alberta. I'm based in Calgary, Alberta, and one area that a lot of regulators in Alberta are finding especially challenging right now has to do with a recent legislative change that will materially change how professional regulation works in this province. In December 2025, bill 13, known as the Regulated Professions Neutrality Act, received Royal Ascent. Royal Ascent basically means that it is in force. This new legislation will apply to more than 100 regulated professions and it really will require regulators to rethink some longstanding approaches, particularly around education and policy development.

So, at its core, Bill 13 is built on two key ideas. The first is that people should not be discouraged from holding or expressing a wide range of political, historical, social, or cultural views. And the second is that professional regulators exist to protect the public interest by setting standards of competence and ethical conduct, but they should not regulate beyond that rule. The new legislation will apply to those principles and it will narrow the authority of regulators. That narrowing shows up most clearly in three areas: off-duty expression, mandatory DEI related education and training, and the use of DEI frameworks in regulatory policy.

One of the most consequential changes under bill 13 is how sharply it limits a regulator's ability to respond to off-duty expressions, especially online speech. The Act uses the term “expressive conduct,” and it defines that very broadly. Essentially, expressive conduct means almost any activity or communication that conveys a meaning or opinions. Under Bill 13, regulators cannot sanction that kind of conduct when it happens outside the practice of the profession unless two very specific conditions are met. First, the regulator’s enabling legislation must explicitly say that the regulator has authority to discipline conduct outside professional practice. And second, the conduct has to fall within a very narrow set of exceptions - things like threats of violence, expressive conduct that results in criminal conviction, misuse of professional authority to harm someone, or certain forms of sexualized or boundary violating communication. So, unless one of those specific exceptions applies, unless the statute itself clearly authorizes off-duty discipline, regulators will not be able to sanction registrants for political views, controversial opinions, or most forms of online expression. And this will be true even when the expression could be offensive, polarizing, or deeply unpopular. But for this

specific change, the practical effect here is not a major departure from how regulation has historically worked in Alberta, as discipline for off-duty conduct that does not fall into the existing categories has been rare.

Bill 13 also introduces strict neutrality requirements that apply to all actions, decisions, and policies of a regulator. In very general terms, regulators are prohibited from promoting or enforcing principles that assign moral value, privilege, disadvantage, bias, or responsibility based on personal characteristics like race, sex, gender identity, religion, or political belief. That has significant implications for regulatory instruments that reference things like inherent bias, systemic privilege or equity-based differential treatment, codes of ethics, standards of practice, competency frameworks, and internal policies. All of these may, or I would say will, need to be reviewed for language that is consistent with the restrictions placed by Bill 13.

Bill 13 also places firm limits on what regulators can require by way of mandatory education and training. Mandatory education, if it's required, has to directly be tied to professional competence or minimum ethical standards. It has to be necessary, and it cannot dictate or even imply what beliefs or opinions are acceptable on political, social, cultural, or historical issues. The legislation goes further and expressly prohibits mandatory education or training on certain topics altogether, including cultural competency on unconscious bias and DEI, even if a regulator believes those topics relate to competence or ethics. I should mention that voluntary education is still allowed, but mandatory use of these frameworks is not. For many regulators in Alberta, this will mean untangling professional competence from broader social or cultural objectives that they may have in place or are already currently working on.

As well, Bill 13 requires all regulators to have a process for registrants to request exemptions from any mandatory training required by the regulator. Remember that DEI training cannot be made mandatory, so this process will only apply to other mandatory training. Some examples might be record keeping or CPR training within a health profession. We are hoping that this new requirement doesn't result in expensive and time consuming processes, because those costs ultimately are passed directly to registrants.

One important final piece that I should mention is oversight. Bill 13 establishes correctness as the standard of review or compliance on charter related issues. That's a significant shift away from the usual reasonableness standard in administrative law. And in practical terms, it means less deference to the regulators, higher scrutiny of decisions, and increased risk if action specific to Bill 13 aren't tightly grounded in statutory authority.

So going forward, what does this mean for regulators in Alberta? Bill 13 doesn't eliminate the public interest mandate of regulators, but it absolutely redraws some boundaries. Many regulators in Alberta are already reviewing standards and codes of conduct, reviewing mandatory education programs, and reassessing policies that may conflict with the new requirements. And the challenge ahead, I believe, is going to be navigating those boundaries carefully and continuing to protect the public through

standards of practice, competence, and ethics. And that balance is going to be part of professional regulation in Alberta going forward. With that, I thank you for the opportunity to shed some light on this issue of Bill 13 that we're experiencing in Alberta right now.



Excellent. It's always beneficial to open the discussion of what's happening in the world of professional regulation, and we'd love to continue this conversation with our members on the CLEAR Regulatory Network. This podcast episode will be posted there for your comments and discussion. Did any of these topics from our committee environmental scans resonate with what you're seeing in your jurisdictional organization? What other issues are at the top of your list today? The CLEAR Regulatory Network is all about sharing challenges and best practices, so we encourage your questions, comments, and discussion.

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. 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, also 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 <https://www.clearhq.org> for additional resources and a calendar of upcoming programs. Finally, I'd like to thank our CLEAR staff, specifically Stephanie Thompson. She's our 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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