

2015 regional SEMINARS
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Right Touch Regulation: Applying Theory to Practice

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What is CRNBC?

- RNs and NPs have authority to oversee the professional services of their peers in order to meet a legislated public protection mandate.
- The professional self-regulation framework is part of the broader system for providing safe, appropriate and effective care.
- At its core, CRNBC sets standards, supports nurses to meet standards, and act when standards are not met. No matter how we work as a regulator, these responsibilities do not change.

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How CRNBC regulates



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Relational Regulation

...need to overcome an image of the regulatory body as *big brother* and a climate of trepidation and fear of reprisal... and, thus, unfulfilled potential for learning and improvement among nursing professionals and unfulfilled potential for significant contributions to system quality and safety.

Lillian Baynes. CRNBC Underlying Philosophies and Trends Affecting Professional Regulation, February 2012.





Right-touch regulation

- Originated with the Professional Standards Authority in the United Kingdom (Council for Healthcare Regulatory Excellence)
- The concept of right-touch regulation emerged from the five principles of good regulation from the Better Regulation Executive in 2000:
 1. Proportionate regulatory intervention
 2. Consistent application of rules and standards
 3. Targeted regulation focused on the problem and minimizing the side-effects of intervention
 4. Transparent and simple regulations and processes
 5. Accountability to all parties and open to scrutiny





The 8 elements of right-touch regulation in practice

1. Identify the problem before the solution
2. Quantify the risks
3. Get as close to the problem as possible
4. Focus on the outcome
5. Use regulation only when necessary
6. Keep it simple
7. Check for unintended consequences
8. Review and respond to change





Focus on the outcome

- Recent reforms have put public protection and patient safety at the heart of health professional regulation. This was in response to concerns that a self-regulatory approach put the needs and interests of the profession ahead of patients and the public... Staying focused on the outcome helps to identify the most appropriate solution.

Council for Healthcare Regulatory Excellence. August 2010. Right-touch Regulation. Available at: <http://www.professionalstandards.org.uk/docs/default-source/psa-library/right-touch-regulation.pdf>

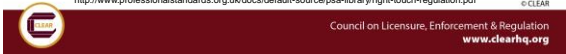




Use regulation only when necessary

- Once the problem, the risk and the context have been considered, we may begin to examine whether a regulatory change is the right proposal, evaluating this against the options of doing nothing and the risks and benefits of intervening. Making changes to regulation, especially statutory regulation, can be a slow process, so regulation should only be used as a problem solver when other actions are unable to deliver the desired results.

Council for Healthcare Regulatory Excellence. August 2010. Right-touch Regulation. Available at: <http://www.professionalstandards.org.uk/docs/default-source/psa-library/right-touch-regulation.pdf>





Keep it simple

- ... it is important for health professionals to have clear boundaries and to be confident that they know where they are. In healthcare, with such a wide variety of agencies and individuals involved, avoiding additional complexity will lead to a better functioning system... This also means using existing tools more effectively rather than inventing entirely new approaches. Where there is a choice between simple and complex solutions, the simplest is likely to be best.

Council for Healthcare Regulatory Excellence. August 2010. Right-touch Regulation. Available at: <http://www.professionalstandards.org.uk/docs/default-source/psa-library/right-touch-regulation.pdf>





Review and respond to change

- Regulators must not be seen to be managing past crises while being ignorant of new evidence that should call for change.
- A program of regular reviews, post-implementation evaluation and sunset clauses can all help here.
- Practical application at CRNBC:
 - The Professional Standards Authority is coming



Check for unintended consequences

- Assessing the impact of a particular solution is an essential step to help us avoid unintended consequences.
- It is likely that regulatory solution will have consequences and these should be considered in assessing the overall benefit of any change in regulatory (or other) approaches. Regulating to remove one risk without a proper analysis of the consequences may create new risks or merely move the risk to a different place, creating a new problem.



Right touch regulation

- Right-touch regulation means always asking what risk we are trying to regulate, being proportionate and targeted in regulating that risk or finding ways other than regulation to promote good practice and high-quality healthcare. This allows the development of the appropriate contribution of the regulatory regime to the delivery of wider aims.





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