

2015 regional SEMINARS  
Council on Licensure, Enforcement & Regulation  
www.clearhq.org



raleigh

Openness and Transparency in Professional Regulation:  
Why is it Needed?  
Amigo R. Wade

---

---

---

---

---

---

---

---

raleigh

Setting the Scene



- Nature of professional regulation
- Regulatory “spheres of influence”
- Broad delegation of authority
  - standards of care
  - standards of practice
  - scope of practice

© CLEAR  
Council on Licensure, Enforcement & Regulation  
www.clearhq.org

---

---

---

---

---

---

---

---

raleigh

Setting the Scene

- Separation of powers
- Not “electorally accountable”
- Members of the regulated community serving on the board
- Heightened scrutiny

© CLEAR  
Council on Licensure, Enforcement & Regulation  
www.clearhq.org

---

---

---


---

---


---

---

---

  
**Setting the Scene**

- Presumption
- Public protection
- Regulation in the public interest
- Assure minimum level of competence



©CLEAR  
Council on Licensure, Enforcement & Regulation  
www.clearhq.org

---

---

---

---

---

---

---

---

  
**Board Actions**

- Transparency and openness required to cultivate confidence in the board's actions
- Current statutory provisions
- Reactive disclosure
- Proactive disclosure



©CLEAR  
Council on Licensure, Enforcement & Regulation  
www.clearhq.org

---

---

---

---

---

---

---

---

  
**Use of Nonpublic Documents**

- Confidential agreements and orders
- Rationale
- Pitfalls
  - Discretion
  - Guidelines



©CLEAR  
Council on Licensure, Enforcement & Regulation  
www.clearhq.org

---

---

---


---

---



---

---

---

  
**Striking a Balance**

- Consumer's right to know
- Informed choice
- "An informed market requires transparency"



*Adam Smith*  
© CLEAR  
Council on Licensure, Enforcement & Regulation  
[www.clearhq.org](http://www.clearhq.org)

---

---

---


---

---


---

---

---

  
**Striking a Balance**

- Privacy interests of the regulant
- Proper role of regulatory entity
- Statutory guidance



© CLEAR  
Council on Licensure, Enforcement & Regulation  
[www.clearhq.org](http://www.clearhq.org)

---

---

---


---

---

---

---

---

  
**Agency Perspective**

- What's in it for the regulatory board or agency?
- Levels
- The power of transparency!



© CLEAR  
Council on Licensure, Enforcement & Regulation  
[www.clearhq.org](http://www.clearhq.org)

---

---

---


---

---




---


---

---



### Agency Perspective

- Role for private entities? 
- Database access
- Examples  

 Council on Licensure, Enforcement & Regulation  
[www.clearhq.org](http://www.clearhq.org)

---

---

---

---

---

---

---

---



### QUESTIONS?



© CLEAR  
Council on Licensure, Enforcement & Regulation  
[www.clearhq.org](http://www.clearhq.org)

---

---

---

---

---

---

---

---



**Amigo R. Wade**  
**Senior Attorney**  
**Virginia Division of Legislative Services**  
**201 North 9th Street**  
**Richmond, VA 23219**  
**(804) 786-3591**  
[awade@dls.virginia.gov](mailto:awade@dls.virginia.gov)

 Council on Licensure, Enforcement & Regulation  
[www.clearhq.org](http://www.clearhq.org)

---

---

---

---

---

---

---

---