THE FUNDAMENTAL CONCEPTS OF PROFESSIONAL AND OCCUPATIONAL REGULATION

INTRODUCTION

Regulation is everywhere. Our food, travel, education, banking system, birth, marriage, and death are just a fraction of what is regulated in modern society. Regulation occurs in many arenas and on multiple levels and takes a variety of forms, which may be complex and quite variable.

Regulation serves many purposes. In this regulatory tool kit, we are examining regulation of a whole range of people who deliver health care services, including physicians, pharmacists, nurses, midwives, as well as medical laboratory technicians, public health inspectors, and practical nurses, to name just a few of the cadres delivering health services. The fundamental concepts that underlie regulation apply to all types of regulation, however minimal or extensive the regulation may be.

Broadly speaking, occupational regulation refers to the whole range of health care workers; professional regulation applies to the health care professions, which require study of a specific body of knowledge and the acquisition of competencies related to the practice of the health care profession.

The process of regulation and the key environmental factors that may impact it are summarized in the Conceptual Framework, which was developed by the International Council of Nurses as a result of studying the way nurses are regulated worldwide.

Figure 1. Conceptual Framework
Let us start by defining what we mean by regulation of the persons who are responsible for the delivery of health care services whether it be to the individual, family, groups, or the community. The definition (below) adopted by the International Council of Nurses (ICN) has been widely used and in a few lines delineates the key components of regulation.

Professional regulation is the legitimate and appropriate means—governmental, professional and private—whereby order, consistency, identity and control are brought to the profession. The profession and its members are defined; the scope of practice is determined; standards of education and of ethical and competent practice are set; and systems of accountability are established through these means.

If we look at this definition closely it tells us a lot about the nature of occupational or professional regulation. It tells us:

Who can carry out the regulation—the government, professional or occupational organizations, or through a private organization

Desired outcome—order, consistency, identity, and control.

How to reach the outcome—defining the occupation or profession and its members, setting a number of standards, and clarifying systems of accountability

REFERENCES