THE ROLE OF THE REGULATORY BOARD

Regulatory boards have two main roles: a corporate role, which is shared by all boards, and a regulatory role, specific to professional regulation.

THE CORPORATE ROLE OF THE BOARD

The corporate role is about transparent stewardship of the organization. All governing bodies are expected to provide general oversight, to set the strategic direction, ensure financial and operational viability, and set policy. There are seven basic roles for any board:

1. Establish and evaluate the organization’s vision, mission, and strategic direction
2. Ensure the financial health of the organization
3. Ensure the organization has sufficient and appropriate human resources
4. Direct organizational operations
5. Maintain effective relations with the community and other stakeholders
6. Ensure the effectiveness of the board itself
7. Hire and evaluate the chief executive officer (CEO) where the regulatory body/council is autonomous

In order to carry out its role, the council must be effectively staffed with sufficient human resources (HR), including having functioning, ethical HR policies; providing a positive work environment; and having effective board members.

Directing operations does not mean the board manages the staff; that is the job of the CEO—who may also be the registrar. Boards are expected to govern, while staff are expected to manage the day-to-day affairs of the organization according to the direction set by the board. Such direction is provided through the mission, vision, values, strategic plan, and budget, and through policy, oversight, and counsel.

The board employs the same tools to guide its own behaviour. Regular evaluation of its processes and outcomes and ongoing board development are also important in ensuring its effectiveness.

A seminal Harvard Business Review article outlined key characteristics of “board work that matters”:
1. The board concerns itself with do-or-die issues central to the institution’s success
2. The board is driven by results that are linked to defined timetables
3. The board has clear measures of success
4. The board requires the engagement of the organization’s internal and external constituencies.

See Section 2: Implementing Regulations

THE REGULATORY ROLE OF THE BOARD

The regulatory role of the board is to provide transparent stewardship of the regulations. The role of the regulatory board/council is to safeguard the public by promoting good practice; preventing poor practice; and intervening in unacceptable practice. (For more information, Section 1: Quality Assurance and Section 3: Mechanisms and Tools of Professional Regulation.) This is accomplished by:

- Setting/promoting/monitoring/enforcing standards of education and practice
- Setting conditions for registration/licensure
- Maintaining a register of those who meet council standards
- Taking action in cases of violation of the provisions of the law (including issues related to a registrant’s conduct, competence, or health)
- Recognizing/monitoring education programs
- Advocating for effective public policy

The key regulatory functions are set out in law and can be quite specific. For example, the 2010 Tanzania Nursing and Midwifery Act sets out the following functions for the Tanzania Nursing and Midwifery Council, which is a parastatal (controlled or owned wholly or partly by the government) organization:

- Register and enrol duly qualified applicants
- Advise the minister on nursing and midwifery matters and make recommendations on policy matters
- Ensure the register and roll are accurate and up to date
- Establish standards of proficiency for admission to the register and roll
- Collaborate with other relevant authorities on matters related to nursing and midwifery
- Evaluate and approve nursing education programs
- Issue, renew, replace, and cancel practicing licenses
- Approve the annual council budget
- Establish and monitor standards of conduct, performance, and ethics and provide guidance as needed
- Caution, censure, suspend, remove, and restore names to the register and roll
- Prescribe standards and conditions for uniforms and badges
- Prescribe professional oaths
Prescribe standards and conditions for establishing private nursing and midwifery services

Grant licenses to establish private services and schools

Develop, conduct, and regulate examinations;

Perform any other functions prescribed by the Act or directed by the minister

In New Zealand where the Nursing Council operates in accordance with the Health Practitioners Competence Assurance Act (2003), all regulated health profession councils have the follow functions:

- To prescribe the qualifications required for scopes of practice within the profession, and, for that purpose, to accredit and monitor educational institutions and degrees, courses of studies, or programmes
- To authorise the registration of health practitioners under the Act, and to maintain registers
- To consider applications for annual practising certificates
- To review and promote the competence of health practitioners
- To recognise, accredit, and set programmes to ensure the ongoing competence of health practitioners
- To receive and act on information from health practitioners, employers, and the Health and Disability Commissioner about the competence of health practitioners
- To notify employers, the Accident Compensation Corporation, the Director-General of Health, and the Health and Disability Commissioner that the practice of a health practitioner may pose a risk of harm to the public
- To consider the cases of health practitioners who may be unable to perform the functions required for the practice of the profession
- To set standards of clinical competence, cultural competence, and ethical conduct to be observed by health practitioners of the profession
- To liaise with other authorities appointed under this Act about matters of common interest
- To promote education and training in the profession
- To promote public awareness of the responsibilities of the authority
- To exercise and perform any other functions, powers, and duties that are conferred or imposed on it by or under this Act or any other enactment

Regulation of Education

It is the council’s role to set education standards for the profession, along with practice standards. Together these guide development of curricula and examinations for education institutions for both school-level and initial licensure exams. Some regulators set or are involved in development of curricula; many approve these and/or the program itself; and others set the criteria for curricula development. Other regulatory instruments that guide curricula and exams include the scope of
practice for the profession, required competencies, code of ethics, code of conduct, and entry to practice competencies. In some countries government and parastatal groups (e.g., ministries of health or education, higher education commissions) may also be involved in regulating education. In these instances, councils need to establish good working relationships and ensure all parties understand each role.

**EXAMPLES OF REGULATION OF EDUCATION**

In Lesotho, the Council on Higher Education (CHE), an agency of the Ministry of Education, has a mandate to accredit education programs in all higher education institutions. This means that nursing schools are jointly accredited (approved) by CHE and the Lesotho Nursing Council (LNC). Via a memorandum of understanding, CHE incorporates LNC standards in its accreditation of nursing and midwifery programs and includes representatives of the CHE on the accreditation team. CHE accreditation is for a period of five years. In addition, LNC regularly monitors education programs through the work of the Credentials Committee.

In Canada, health and education are provincial responsibilities. In some provinces the nursing council accepts the accreditation results of the Canadian Association of Schools of Nursing’s voluntary accreditation program as sufficient for approval of the schools and does not repeat the process.

**Registration and Licensure**

The council determines the registration requirement for entry to practice, as well as those for initial and ongoing licensure. Councils in some countries develop or purchase a licensing exam while others accept graduation from an approved school as sufficient. Many countries are moving towards meeting mandatory continuous professional development for license renewal. Usually, this is in combination with one or more other requirements such as a minimum number of hours of work in a specified period, written references from supervisors, maintenance of a portfolio, etc.

**Regulation of Nursing Practice**

The council also sets standards and competencies that guide nurses’ practice. These are used in combination with a code of ethics, which may be developed by the council or the national association, or the two together. Many councils also issue a code of conduct, which provides detailed expectations of nurses’ behaviour. As well as guiding practice by the individual nurse, they are also a basis for decision-making in disciplinary cases that come before the council.

The regulatory board has tremendous power—it shapes the education of nurses, prescribes their licensing requirements, and guides practice throughout their professional work life. Council decisions affect the nurse, the profession and the public. It is critical therefore that the board ensures that efficient and effective policy, processes, and systems are in place.

**REFERENCES**


RESOURCES

- Arts BC. Responsibilities of Not-for-Profit Boards.