Historical Perspective and Recent Trends

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Speakers
Objectives

• Present the history of government regulation
• Identify trends in government regulation
• Discuss how history and past regulation ties to current trends, and
• Predict future state and provincial regulation of social work
Speak up

• Speak up with questions and comments
Historically: United States Regulation

- 25% regulated today
  - Manufacturing heavy to now service heavy

- 13th-14th centuries – first forms of medical licensing in Germany, Italy, Spain
- Columbia – first school with medical training (1767)
- William & Mary – first law professorship (1779)
- Mid-1600s – a few states started regulating medicine (VA, MA, NY); those were re: who could charge what and depended on education
Historically: United States Regulation

- Medical societies started pushing for regulation in late 1700s because of quality control and reputation
- First comprehensive medical practice act – NJ in 1772 – board of laypersons
- 13 other states quickly regulated and empowered medical societies’ authority to examine and license
- Other professions began early 1900s incl. accountants, nurses, architects
- Dent case – SCOTUS upholds physician licensing and recognizes states’ rights
- State may adopt a licensing scheme in order to protect public health and safety
United States: Social Work Regulation

- California 1929 (defeated)...eventually registration 1945
- Puerto Rico 1934
- 1960s: 8 jurisdictions enacted SW laws
- 1970s: 14 jurisdictions enacted SW laws
- 1980s: 27 jurisdictions enacted SW laws
- Today: All United States jurisdictions regulate social work
Historically: Canadian Social Work Regulation

- Social work in Canada was influenced heavily by American traditions
- Council of Social Work Education (CSWE) accredited Canadian schools of social work as recently as 1970
- Canadian social workers in the past relied mainly on American social work associations and conferences for their professional growth
- Some Canadian jurisdictions continue to use the ASWB exam
- Canadian Association of Social Workers was founded in 1926 to monitor employment conditions and establish standards within the profession
Provincial Jurisdiction

• Regulation of professions in Canada is within provincial jurisdiction
• 10 provinces and 3 territories in Canada
• Prior to statutory regulation, voluntary provincial associations existed across Canada
Regulation in Canada

• BC was one of the earliest Canadian jurisdictions to regulate social work (1969)
• Ontario was one of the last (2000)
• Yukon and Nunavut currently do not require registration
• First schools of social work were established at U of Toronto in 1914 and McGill University in Montreal in 1918
• Now over 40 schools of social work in Canada (14 in Ontario alone)
Internal Mobility

• Despite differences in regulation of social workers across Canadian jurisdictions, interprovincial mobility exists because of the Canada Free Trade Act (previously Agreement on Internal Trade)

• Social workers currently registered in good standing in one jurisdiction who have engaged in the practice of the profession for a prescribed period can be registered in another without additional training or assessment
Recent Trends – Governance Reform

- Smaller Councils/Boards
- Competency-based appointments (rather than elections)
- 50/50 split public/professional Council
- Enforceable Code of Conduct
- College of Nurses of Ontario Vision 20/20 leading the way
- Alberta Model for Regulatory Excellence
Recent Trends – Oversight of Regulators

• Direct by government – Ministerial directives in Ontario for RHPA colleges
• Office des professions du Québec
• Fairness Commissioners in numerous provinces
• Professional Standards Authority (United Kingdom)
• British Columbia *Professional Governance Act*
Recent Trends – Increased Transparency

• Information on public registers about individual practitioners
  • remedial outcomes (e.g., cautions), criminal charges and bail conditions, etc.
• Toronto Star newspaper articles illustrating information that can be obtained from US medical regulators versus Canadian regulators
• Social Work England Secondary Legislative Framework
• McMaster Health Forum (Ontario) – citizen participation in developing competencies and performance measures
• Increased public education about professional expectations
Perceptions

• Ask yourself:
  • Why is there government regulation of the occupations and professions?
  • Is government regulation even necessary? Why?
  • Is there too much government regulation? Why? Why not?
  • Does government regulation create unnecessary barriers to:
    • Practitioners?
    • Consumers?
    • Economic growth?
Perceptions Create Trends
Trends: United States Perspectives

Regulatory Evolution
According to the Institute for Justice

The most regulated states are:

1. 
2. 
3. 
4. 
5. 

The least regulated states are:

1. 
2. 
3. 
4. 
5.
According to the Institute for Justice

The most regulated states are:
- Hawaii
- Nevada
- California
- Arizona
- Florida

The least regulated states are:
- Nebraska
- Pennsylvania
- North Dakota
- Washington
- Alabama
Trends/Realities: United States Perspectives

- Regulation of the **occupations** will continue to be scrutinized
  - Differentiate between an occupation and a profession
- Politics is politics
- Academics will continue to pound the economic arguments
- Boards will be evaluated with an emphasis on efficiencies
- State-based regulation will remain viable
  - 10th Amendment
Trends/Predictions: United States Perspectives

• Specifics:
  • Criteria for licensure will be fine-tuned
    • Veterans and military spouses
    • Limits on use of criminal convictions
Trends/Predictions: United States Perspectives

• Specifics:
  • Administrative procedures will be expanded to provide more rights to respondents
    • More formal administrative proceedings
Trends/Predictions: United States Perspectives

• Specifics:
  • State legislation will address substantiation of need for regulation
    • Necessary for public protection
    • Least restrictive means
Trends/Predictions: United States Perspectives

• Specifics:
  • Government oversight will be emphasized
    • May result in new board structures
Trends/Predictions: United States Perspectives

• Specifics:
  • State-based regulation will remain viable
    • 10th Amendment
A Given.....

• There will continue to be chatter...
• If you have always done it that way, it is probably wrong.

Charles Kettering