

## INTRODUCTION

*The primary purpose of a regulatory Board is to serve the public by ensuring competent practice within an occupation. Boards typically have substantial power, which enables them to impact individual practitioners, members of the public, and the profession as a whole. A Board is responsible for managing its credentialing program, whether the program is established at the registration, statutory certification, or licensure regulatory level. Typically, a substantial component of the credentialing program is the credentialing exam. In addition to their responsibilities for this exam, Boards also have responsibilities related to setting entrance requirements, rulemaking, disciplining, and ensuring continued competence. It is important for the Board members to know and understand their responsibilities so that they do not violate the law, professional standards related to testing and credentialing, or principles of fairness and propriety.*

## ASPECTS OF REGULATION

### The Purpose and Importance of Regulation

The primary purpose of regulation, as well as of regulatory Boards, is public protection. Regulation is intended to protect the public in such areas as life, health, safety, and economic well-being. Overall, regulation protects the public by providing assurance that the regulated individuals are competent, and by providing a means for disciplining regulated individuals when necessary. It is especially important for the members of the public to have assurance of the regulated individuals' competence when they are not likely to be able to fully evaluate the practitioners' qualifications for themselves.

By their very nature, regulated credentialing programs are high-stakes, with potentially critical consequences for the public, the candidate, and even the Board. Members of the public may have their safety put at risk through unqualified personnel, or they may have restricted access to qualified personnel. Candidates who are qualified may be prevented from practicing their profession, while unqualified candidates may be given permission to practice. The regulatory Board itself may suffer embarrassment or even censure if problems arise from its administration of the credentialing program. Thus, it is critical that the credentialing program be well managed, and that the credentialing exam be developed and maintained according to professional standards.



### Levels of Regulation

There are three primary levels of regulation: registration, statutory certification, and licensure. These three levels vary in terms of legal restrictiveness and protections; each of the levels may be the best choice for a specific situation. In general, the least restrictive level appropriate should be used, as excessive regulation can potentially create problems. These potential problems include a decrease in the availability of practitioners, higher costs of goods and services, and/or restrictions on optimal use of personnel. Furthermore, once regulation has been put in place, or increased to a higher level, it may be difficult to remove or lessen the regulatory restrictions.

### Board Responsibilities

The responsibilities of a regulatory Board encompass the entire credentialing program, from setting the entrance requirements, through developing the exam, to ensuring the practitioners' continued competence. A critical component of these responsibilities involves the development, administration, and maintenance of the credentialing exam. The Board maintains the responsibility of ensuring the quality of the exam, whether the members elect to purchase an existing exam or to have an exam developed. A credentialing exam should address the content and competencies of the profession, and it should meet established standards for test quality. Thus, a well designed credentialing exam will cover the knowledge and skills necessary for competence in the field, and it will satisfy test quality criteria such as validity, reliability, fairness, and legal defensibility. In addition to their responsibilities for the credentialing exam, regulatory Boards also have other responsibilities for the credentialing program. These additional management responsibilities include setting entrance requirements, rulemaking, disciplining, and assuring continued competence.

### Summary

The foundational responsibility of a regulatory Board is to ensure competent practice within an occupation for the purpose of protecting the public. Within that primary responsibility, Boards have a set of related, subordinate responsibilities. Their exercise of those responsibilities can have a substantial impact on individual candidates, on the public, and on the profession. While a given regulated credentialing program might be established at the registration, statutory certification, or licensure level of regulation, the appropriate level is the least restrictive level necessary to ensure public safety. Regardless of the level of regulation, the Board is responsible for the management of the



credentialing program, and in particular for the management of the credentialing exam program. While credentialing exams are clearly high-stakes for the candidate, they are undoubtedly high-stakes for the Board as well. It is critical that the program, and the exam, be maintained under high professional standards.

