

INTRODUCTION

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 type of 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.

Registration

Registration is the least restrictive form of regulation. In many cases, registration consists simply of the maintenance of a roster of individuals within an occupation. At this regulatory level the only requirement typically imposed on individuals in a profession is to register their names and addresses, perhaps along with some minimal background information. In a few cases the registration requirements additionally include minimum practice standards. In general, however, this basic level of regulation is only appropriate when the occupation offers little risk to public safety.

Statutory Certification

The next level of regulation, statutory certification, can be contrasted with non-governmental certification. While both types of certification programs measure professional competence in some sense, a non-governmental certification program is typically administered by an association, corporation, or academic institution as a voluntary program, with no legal repercussions. Statutory certification, on the other hand, is legally regulated and provides title protection. The protection of a professional title means that an individual who has been certified is legally entitled to use of the designated title, while an individual who has not been certified is not allowed to use that title. Non-certified individuals, however, are still legally free to perform the same functions. The statutory certification level of regulation provides a greater degree of public protection than the registration level provides. Statutory certification provides the public with information about practitioners who have met an established standard. However, non-certified individuals are still free to practice within the profession, and members of the public are still free to use their services.



Licensure

Licensure is the most restrictive form of regulation. For this reason, it is only appropriate for an occupation to be regulated by licensure when there is significant potential for harm to the public. The licensure level of regulation involves both practice protection and title protection. That is, an individual who has been licensed is legally entitled to practice within the profession and to use the designated title, while a non-licensed individual is restricted from both of these. Given the extreme limitations imposed by licensure it should only be instituted when the two less restrictive levels of regulation seem likely to prove inadequate for protecting the public.

Summary

The levels of regulation vary in terms of the restrictions they impose and in the protections they offer. The three regulatory levels addressed here are the primary approaches to regulation, and each is most suitable for particular situations. Unfortunately, the terms that define these levels are not used with complete consistency. In at least some cases, any of these three terms might be used to refer to any of the levels, in contrast to the standard usage presented here.

