



“Alternative Pathways to Licensure” Research Project: Overview and Opportunity to Provide Guidance and Feedback

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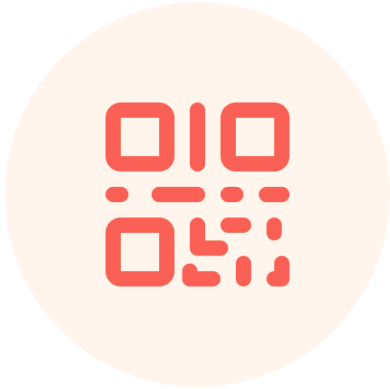
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Context | Background

In January 2022, CLEAR's Annual Conference Committee identified a desire to create an inventory of Alternative Pathways to Licensure as a resource for CLEAR Members to inform the global regulatory community.

The ultimate goal of the project will be to provide a report that will include a general discussion about the topic, why it is of interest to CLEAR, research, legislation, examples and excerpts with a view to a global compare and contrast model.

The project team has identified the following six key component parts of the project:

1. Jurisdictions
2. Definitions/nomenclature/terminology
3. Education, examination, experience & apprenticeship
4. Mobility
5. Groups engaged in the conversation and their position/ perspective
6. Noteworthy/of Interest



Objectives of Research Project

1. To overcome differences in nomenclature from nation to nation by constructing standard definitions of regulatory concepts
2. To compile a multinational compendium of alternative pathways to licensure in selected occupation
3. To provide a report that will include a general discussion about the topic, why it is of interest to CLEAR, research, legislation, examples and excerpts with a view to a global compare and contrast model.

Jurisdictions

- European Union
- United Kingdom
- Canada
- United States
- Australasia



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Is this a relevant topic for you and your work as a regulator?

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Summer Poll:

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CLEAR Regulatory Network Poll (July 2023)

CLEAR Regulatory Network

Caroline Miller
Account Executive – CloudBeeds, Inc. 12 Jul 2023

CLEAR Alternative Pathways to Licensure Research Project (APL) / Initial Guidance Questions

207 views 46 responses [See all analytics](#)

Please help us better understand how important this topic is to your work.

- This topic is very relevant to our work as a regulator 91% (+38)
- This topic is somewhat relevant to our work as a regulator 2%
- This topic is not relevant to our work as a regulator 6%

8 appreciated this 207 Views





Standard Models / Pathways in Licensure

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The Three E's

- Education
- Examination(s)
- Experience



Standard Pathways to Licensure

Standard components, some combination of the three “E’s”: **Education, Examination & Experience**

Regulatory Framework Themes Globally

- Regulatory bodies operate under the statutory mandate to protect the public
- Credentials demonstrate a level of skill or knowledge needed to perform a specific type of work
- Licenses convey a legal authority to work/ authority to practice a specific profession within that jurisdiction
- Some form of mutual recognition/reciprocity/regulatory cooperation exists in most cases



Standard Pathways to Licensure

EU Professional mobility is designed to support the growth of the Single Market and its 4 Freedoms

Free mobility of:

- People
- Capital
- Services
- Goods

The system is **intended to be permissive** i.e. a professional will be recognised in the vast majority of cases through a concept of “Mutual recognition”



Standard Pathways to Licensure

UK-EU mobility depends on agreement between the UK and the EU as a bloc, however, bilateral agreements which pre-dated the formation of the Union appear to be re-establishing and new agreements evolving in addition to new international (non EU related) agreements for the UK.

The island of Ireland represents a ‘sandbox’ for regulatory evolution. The Republic of Ireland is a member of the EU so abides by EU rules. However Northern Ireland is part of the UK.





Substantive *Alternative* Pathways in Licensure

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Substantive Alternative Pathways (cont.)

- Substitution within the same “E.” For example,
 - 1. Substitute a non-traditional form of education for traditional education:
 - Apprenticeship
 - 2. Substitute one type of exam/test for another type of exam/test:
 - Practical exam instead of a multiple-choice exam



Substantive Alternative Pathways to Licensure

Substitute elements of one “E” for elements of another “E.”

For example:

- 1. Substitute additional exam/testing, or experience, for education. e.g. use of verified practical/ LifeLong learning**
- 2. Substitute additional education or experience for exam/testing e.g. Use ‘compensation measures’ to address deficits**



Examples of *Substantive* Alternative Pathways

- **European Union/Republic of Ireland**
- **Canada**



European Union

Europe -

From Harmonisation to Mutual Recognition

It might not be the same,
but that does not make it better or worse -
find a way.....

What's in the holdall? **E**ducation and **E**xperience freely interchangeable. **N**O additional **E**xam

Eligibility in the 'Home' State is the critical factor



Systems - three key mechanisms

Sectoral System (agreed minimum standard (time + outcomes) no quals checked)

Trades system (certification by listed organisations)

General System (Qualifications checked, significant variation accommodated)



European 'Sectoral System'

- Standard checks apply but no qualifications/ skills assessment
- List based - 'Annex V'
- Doctors, Nurses, Midwives, Pharmacists, Dentists, Vets, Architects



General System

- Eligibility confirmed based on comparability and duration (major gaps allowed)
- Qualification checked
- Substantial Deficits = Check all relevant experience
- Still Deficits? = Compensation Measures
 - ❑ Aptitude Test OR
 - ❑ Period of Adaptation (placement based experience)

Based in premise that recognition **will** be achieved



Does it work though?

- Familiarity, Differing service profiles
- “Desk Based”/ Transparency
- Speed
- “Barrier” free, but limited attraction outside ‘automatic’ regime
- Language variation is significant in the EU



BUT

- Passage of time = more evolved 'reading' of the legislation
- Lighter systems emerging where outcomes are known (evidence based recognition: HCPC (UK) CORU (Ireland))
- Shift away from identikit processes and towards efficiencies
- Driven by EU consolidation or need for staff?
- ? The third 'E' - would examinations be more attractive to some for certainty, speed, capacity to prepare, no need to move?





Professional Migration - Issues arising.....

Alternative Pathways

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Ontario Doing More to Expand Health Workforce

TORONTO — The Ontario government is making additional **changes that will break down barriers so that more health professionals can work in Ontario**. Doing more to expand the province's health workforce is a key part of the Plan to Stay Open: Health System Stability and Recovery to ensure people can continue to access the health care services they need, when they need them.

Changes that will come into effect immediately, include:

Allowing internationally educated nurses to register in a temporary class and begin working sooner while they work towards full registration;

Making it easier for non-practicing or retired nurses to return to the field by introducing flexibility to the requirement that they need to have practiced nursing within a certain period of time before applying for reinstatement; and

Creating a new temporary independent practice registration class for physicians from other provinces and territories, making it easier for them to work for up to 90 days in Ontario.

Further changes, which come into effect on January 1, 2023, include:

Requiring health regulatory colleges to comply with time limits to make registration decisions;

Prohibiting health regulatory colleges from requiring Canadian work experience for the purpose of registration, with some exceptions such as when equivalent international experience is accepted; and

Accepting language tests approved under the Immigration and Refugee Protection Act (Canada) to reduce duplicate language proficiency testing for immigrants to Canada.

Finally, on August 31, 2023, health regulatory colleges will be required to have a new category of registration that can be used to facilitate quicker registration to help safeguard the health workforce supply in the event of future emergencies.



Canada opens doors for US physicians in Ontario and Nova Scotia

In a recent move to address the shortage of physicians in Canada, **Ontario and Nova Scotia provinces announced that US board-certified doctors can now practice medicine in these provinces without obtaining a Canadian license first.** This change in policy aims to encourage more US doctors to consider moving to Canada, where they can benefit from a streamlined work permit process and a more straightforward healthcare system.

Canada faces a significant shortage of licensed physicians, with an estimated deficit of 44,000 doctors by 2028. Family doctors account for 72% of this shortfall. By allowing US board-certified physicians to practice in Ontario and Nova Scotia without additional licensing requirements, the Canadian government hopes to attract more American doctors to help bridge the gap and provide better access to healthcare for Canadian residents.



Health Workers Leaving Poorer Nations

- “Zimbabwe has announced plans to pass a law that would criminalise the recruitment of health workers by other countries. The country wants to stop the brain drain in the health sector and believes this move could be a game changer. The Vice-President Constantino Chiwenga who is also the health minister, likened drain of health care professionals to human trafficking. More than 4,000 nurses and doctors have left Zimbabwe since February 2021 for better working conditions abroad, local media has reported. The UK’s National Health Service has been an attractive destination for such Zimbabwean doctors and nurses.” *Africa Feeds*; April 6, 2023



The Philippines' 'critical brain drain' as nurses leave their home country for jobs abroad

- “The Philippines is the biggest exporter of nurses in the world. It’s not a boast, it’s more of a burden for a heavily populated, developing nation where poverty, drug abuse, and unemployment are major issues. Remittances sent home from its large overseas population account for 10% of GDP, and much of that comes from nurses. The classes at the nurse’s training college we visited in Manila were full. There’s no problem attracting students into the healthcare professions, but it is difficult to get them to stay and work in the Philippines.”
- *ITV News*; April 13, 2023



The East African; April 11, 2023

- **“Healthcare worker migration to wealthier countries from Africa, particularly at the height of the Covid-19 pandemic, left a gaping hole in health workforce numbers, the World Health Organisation has said. “This serious shortage of health workers in Africa is undermining access to and provision of health services”, says the agency. Nearly all African countries that were already chronically suffering from low health workforce densities even before the pandemic have been left with increasing vulnerabilities,” added the health agency based on a report by the Expert Advisory Group titled WHO Global Code of Practice on International Recruitment of Health Personnel.”**





Public Policy Rationales for Alternative Pathways

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Public Policy Rationales for Alternative Pathways

1. There should not be unjustified legal “barriers to entry” for competent individuals wanting to work in another nation.

Caveat: Equity questions of “brain drain” from poorer nations to wealthier nations.

Alliance for Ethical International Recruitment Practices

CGFNS International

www.cgfnsalliance.org

2023 Recruitment Guide for Health Professionals Seeking to Work in the United States



Public Policy Rationales for Alternative Pathways (cont.)

2. There should not be unjustified legal “barriers to entry” for competent individuals wanting to work in another sub-jurisdiction of a nation.

- **Canadian provinces**
- **United States sub-jurisdictions**



Public Policy Rationales for Alternative Pathways (cont.)

3. Spouses of government employees reassigned to another sub-jurisdiction within the country should not face unjustified “barriers to entry” to working in a regulated occupation.

▪ Spouses of military personnel





Procedural Alternative Pathways to Licensure

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Procedural Alternative Pathways to Licensure

- **1. Procedural reforms within an occupation/profession**
- **2. Procedural reforms across all or many occupations/professions**



Procedural Alternative Pathways (Reforms) within an Occupation

- **Procedural licensing reforms can be implemented between sub-jurisdictions within a nation.**
- **Procedural licensing reforms can also be implemented between nations.**



Procedural Reforms within an Occupation

- **LICENSURE BY ENDORSEMENT**

- **“A licensure by endorsement...model allows states to consider the qualifications of an individual licensed in another jurisdiction in respect to its own requirements. At what level these qualifications are recognized can at times vary by state and the discretion of a licensing board.”**

Council of State Governments, *Promising Practices on Occupational Licensing Requirements and Portability Options*



Procedural Reforms within an Occupation (cont.)

· RECIPROcity AGREEMENTS

· “A reciprocity agreement does not necessarily mean the licenses granted by the participating states are interchangeably recognized like in a driver’s license type model. Rather, it sets up a formalized process and understanding between the states of how recognition is to occur. This can reduce the time it takes for licensed individuals to be granted to work in a participating state. It is common for states to statutorily allow licensing boards to enter into these agreements at their discretion.”

· Council of State Governments, *Promising Practices on Occupational Licensing Requirements and Portability Options*



Procedural Reforms within an Occupation (cont.)

· INTERSTATE COMPACTS

“Interstate compacts work to improve licensure mobility by establishing a multi-state agreement between member states that sets common standards. While each interstate compact is unique in its design, generally states agree to the universal set standards for the requirements of individuals wishing to receive a compact license and for the states participating in the compact. States are able to preserve the aspects of their licensure process and scope of practice which are not addressed by the compact’s universal standards. For example, a licensee who is working in a remote compact state must adhere to the scope of practice standards set in place by that state.”

Council of State Governments, Promising Practices on Occupational Licensing Requirements and Portability Options



Procedural Reforms within an Occupation (cont.)

- Model laws
- Model laws often consist of proposed statutory language and separate proposed language for rules/regulations. The language attempts to reflect legal provisions for an occupation/profession that are best for public protection and consistency within the occupation.





Other Procedural Reforms

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Other Procedural Reforms

- Expedited licensing
- Temporary licensing
- Partial Access



Expedited Licensing

- Expedited licensing
- Expedited licensing policies instruct the appropriate licensing entity to prioritize the processing of an out-of-state license holder's application. Some state policies allow the board discretion on what constitutes an expedited process, while others have established a certain maximum threshold of days.
- Council of State Governments



Temporary Licensing

- Temporary licensing
- “States may also employ temporary licensure provisions to grant individuals the authority to work under certain conditions, such as meeting additional licensing requirements.”
- Council of State Governments



Expedited Licensing - Europe

The European Professional Card (EPC)

- Faster than standard approach
- validation done by 'Home' State
- less scope for barriers



Temporary Licensing Europe

Provision of Services on a Temporary and Occasional basis (cross border)-

Parameters -

Duration; Frequency; Regularity; Continuity

All assessed after the fact

New - Pressure to end qualification checks



Partial Access - Europe

2013 Amendment based on ECJ decision

- fully qualified to exercise in Home State
- differences so great = new qualification
- activity is objectively separable from comprehensive practice of the profession



Procedural Alternative Pathways to Licensure across Occupations

▪ Universal Licensing Recognition

–Arizona law

–Pennsylvania law



Arizona Universal Licensing Recognition

- “Arizona's new universal licensing recognition law makes it easier for people who are already licensed in another state to get licensed at the same level in Arizona. Under the new law, Arizona's licensing boards will recognize out-of-state occupational licenses for people who have been licensed in their profession for at least one year, are in good standing in all states where they are licensed, pay applicable Arizona fees, AND meet all residency, testing, and background check requirements.” State of Arizona document



Pennsylvania Universal Licensing Recognition

- **“A review of the state’s processes related to licensure portability resulted in legislative action, specifically the signing of Act 41 of 2019, which provides for the endorsement of licensed professionals credentialed in other states, with substantially equivalent requirements and no disciplinary history, so they may acquire a Pennsylvania license. The act also provides for the use of provisional licenses based upon each licensing board’s discretion.”**
- ***New Pennsylvania Licensure Survey; Pennsylvania Department of State, 2021***



In Conclusion / Observations

Group Discussion

- Is there anything included in this research project you believe is not relevant to its objectives?
- Is there anything you would like to see added to the research that would make it more meaningful?





Thank You

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