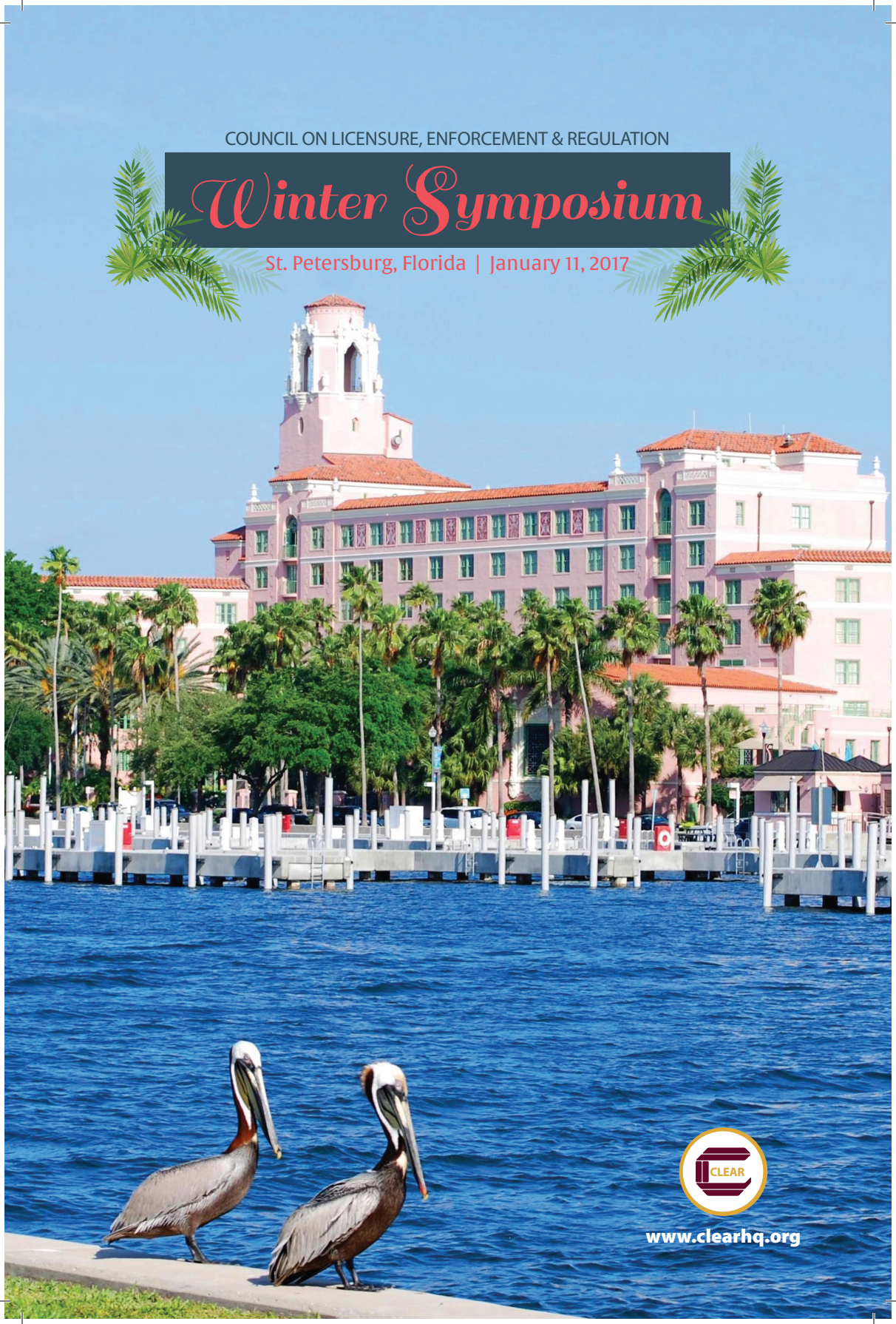
COUNCIL ON LICENSURE, ENFORCEMENT & REGULATION

Winter Symposium

St. Petersburg, Florida | January 11, 2017



CLEAR

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Risk Identification, Analysis and Treatment for Regulators: Symposium Agenda

8–9 a.m. **Registration**

9–9:30 a.m. **Welcome and Introduction of Speakers**

Cory Everett, CLEAR President-Elect

9:30–10:30 a.m. **Identifying, Analyzing and Treating Communication Risks**

Rebecca Durcan, Partner, Steinecke Maciura LeBlanc

In order to be effective, regulators need to communicate effectively to their registrants, stakeholders and the public. How can an enterprise risk management model assist regulators in ensuring this occurs? And what is the risk if communication is not clear?

10:30–10:45 a.m. **Break**

10:45–11:45 a.m. **The Bribe and the Groom: The Shaping of Behavior for Non-Consensual Misconduct**

Glenn Lipson, Professor and Program Director, Alliant International University's California School of Forensic Studies

No matter the profession being regulated, when expertise is sought by a member of the public there exists a power differential that may be exploited. In part, professions are regulated to ensure public confidence and trust; so much is at stake when there is misbehavior. Grooming involves the shaping of someone's behavior by the professional who is satiating his or her own desires. It has been evident in schools where children have been sexually exploited to fulfill the needs of a perpetrator. The culling out of a vulnerable victim, the use of secrecy enhanced by digital tools of communication, and the separation of the person from their support system are all signs that an individual has been groomed. Knowing the vulnerability factors of both the exploited and the exploiter assists in the understanding of misconduct and, hence, administrative adjudication. Not all perpetrators are alike and separating those that are sociopaths from individuals who believe they are truly in love is important for understanding the varied patterns that lead to misconduct. To successfully address misconduct, it is essential to not only understand the individual patterns involved, but to also comprehend the impact of cultural changes impacting all professions, such as social media, the internet and the changing nature of professional roles. The model that

will be presented can be used in investigations when there are actions that are exploitative. Instruction in the progression of misconduct, its prevention, and the ethical standards to which professionals are held are crucial in today's world.

11:45 a.m.–1 p.m. **Lunch and Networking**

1–2 p.m. **Mitigating Regulatory and Reputational Risk—A Case Study**

Deanna Williams, President and Principle Partner, Dundee Consulting Group Ltd.

This presentation will contemplate key contributing factors that can increase potential risks to professional and occupational regulators across jurisdictions. What constitutes regulatory risk, its potential effect on reputation, and why good governance principles matter will be explored, enriched through learnings from one regulator's loss of self-regulatory privileges.

2–2:15 p.m. **Break**

2:15 – 3:15 p.m. **Risk-Based Regulation in Action—One Case Study but Many Lessons Learned**

Kym Ayscough, Executive Director, Regulatory Operations, Australian Health Practitioner Regulation Agency

A tragic health system failure in Australia has informed a number of refinements in regulatory risk assessment and responses. Do we consider all the relevant dimensions of risk when assessing complaints? What can a professional regulator do when a single case points to system failures? How can you respect the limits on disclosing protected information and still engage employers, governments and others to manage risk?

3:15 – 3:30 p.m. **Break**

3:30–4:30 p.m. **Experts Troubleshoot Your Problems—What Keeps You Up All Night?**

All Presenters

4:30–5 p.m. **Lessons Learned & Concluding Remarks**

Cory Everett, CLEAR President-Elect

Risk Identification, Analysis and Treatment for Regulators: Speakers

Kym Ayscough

Kym Ayscough, Executive Director, Regulatory Operations came to the Australian Health Practitioner Regulation Agency (AHPRA) in March 2010 after seven years as CEO and Registrar of the Pharmacy Board of New South Wales. After four years as NSW State Manager, Kym took on the role of Executive Director on July 1, 2014. In this role, she has accountability for national delivery of the core regulatory functions of registration, notifications, compliance and legal services. Kym is a solicitor and holds Bachelor of Laws and Masters of Law and Management degrees. She has more than 17 years of experience in professional regulation and thrives on the challenges of building a transparent, efficient, effective and fair system of regulator for health practitioners.

Rebecca Durcan

Rebecca Durcan is a partner at Steinecke Maciura LeBlanc, a law firm in Toronto focusing on professional regulation and health law. Rebecca acts as general counsel, prosecution counsel and independent counsel to several Ontario regulators. Rebecca obtained her law degree in 2000 from the University of Windsor and her Masters in Laws in 2006 from Osgoode Hall, York University. In 2016, Rebecca obtained a Certificate in Risk Management from the University of Toronto.

Rebecca recently co-wrote an updated version of the Annotated Statutory Powers Procedure Act with her partner Julie Maciura.

Glenn Lipson

Dr. Glenn Lipson is a full Professor and Program Director at Alliant International University's California School of Forensic Studies. Dr. Lipson has achieved Diplomate status in Forensic Psychology through the American Board of Forensic Psychology, part of the American Board of Professional Psychology. His work often involves high profile cases, starting with his Doctoral Dissertation on the impact on law enforcement of the San Ysidro Massacre. His specialties include all forms of employee and employer concerns including risk management and fitness for duty evaluations.

For decades he has been doing presentations both nationally and internationally, including New Scotland Yard, England and the Ontario College of Teachers, Canada.

In 2008, his involvement as an expert in employee misconduct cases resulted in an offer to create online misconduct prevention courses for schools. SELF JPA, a major excess liability carrier in the State of California, has endorsed these courses.

Dr. Glenn Lipson's work in the area of risk management and employee health led to an opportunity to assemble a group that created prevention and correction courses that are now offered through the NASDTEC Academy. His most recent work with law enforcement involves creating protocols for obtaining digital evidence in threat assessment cases, an initiative spearheaded by the San Diego County Attorney's office and presented to the public and law enforcement professionals at the End Violence Against Women Conference International in March 2016.

Deanna Williams

Deanna Williams is the President of Dundee Consulting Group and the Risk Officer for the Retirement Homes Regulatory Authority (RHRA).

She is a pharmacist with experience in both hospital and community practice, policy work within Ontario's Ministry of Health and Long Term Care and most recently regulatory leadership within the Ontario College of Pharmacists (1994–2011). In 2012, Deanna was appointed by Ontario's Minister of Health & Long Term Care as Supervisor to the College of Denturists of Ontario, a post she held until regulatory authority was granted back to the College in late 2013.

Deanna has served on the Finance and Audit Committee, St. Michaels College, University of Toronto, and on the Board of Directors of CLEAR (serving as President in 2003–2004). She is a member of Ireland's International Advisory Committee on Pharmacy and current Chair of the Board of Haldimand War Memorial Hospital in Dunville, Ontario.

2017 Calendar: What's Next at CLEAR

January 11–13	CLEAR Midyear Business Meetings | St. Petersburg, Florida
March 13–15	NCIT Basic | Raleigh, North Carolina
March 13–15	NCIT Specialized | Raleigh, North Carolina
September 13–16	2017 Annual Educational Conference | Denver, Colorado
November 14–16	NCIT Basic | Toronto, Ontario
November 14–16	NCIT Specialized | Toronto, Ontario
November 16–17	Fifth International Congress on Professional and Occupational Regulation | Melbourne, Australia

About CLEAR

CLEAR promotes regulatory excellence through conferences, educational programs, webinars, seminars and symposia. The organization provides networking opportunities, publications and research services for those involved with, or affected by, professional and occupational regulation. As a neutral forum to encourage and provide for the sharing of best practices, CLEAR serves and supports the international regulatory community and its vital contribution to public protection.

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