



A Historical Perspective of Regulation



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- ▶ AAVSB
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- ▶ ARBO
- ▶ ASPPB
- ▶ ASWB
- ▶ FARB
- ▶ FCLB
- ▶ FSBPT
- ▶ FSMTB
- ▶ ICFSEB
- ▶ JRCERT
- ▶ NABP
- ▶ NABPF
- ▶ NMTCB
- ▶ Others...

Governmental Agency

A governmental body created in the private sector by legislative act to

- (a) establish standards within its legislative grant, in a specific field of activity or operation
- (b) adjudicate issues that come before the body and
- (c) enforce standards

Administrative Agencies have been around since ancient times



U. S. Constitution

Article I:

All legislative Powers shall be vested in Congress of the United States which shall consist of a Senate and House of Representatives.

Section 8 of Article I reads in part as follows:

The Congress shall have the Power ...to make all laws necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States...

Federal Agencies

Interstate Commerce Commission (ICC)

- Established in 1887
- First permanent agency

Department of War

Federal Bureau of Investigation

Securities and Exchange Commission

Environmental Protection Agency

National Labor Relations Board

Commission on Civil Rights

Central Intelligence Agency

State Agencies

- ▶ Tenth Amendment reserves all powers to the states that are not otherwise prohibited by the Constitution
- ▶ Normally Governor appoints board members
- ▶ Parameters set by statute

PUBLIC PROTECTION

First Regulatory Laws in U.S.

- ▶ **Architects**
 - Illinois, first state to license architects (1857)
- ▶ **Accounting**
 - New York, first state to license accountants (1896)
- ▶ **Medicine**
 - New Jersey Medical Society founded in 1766
 - North Carolina, first medical licensing board (1859)
 - State's rights to license/discipline physicians upheld *Dent v. West Virginia* (1889)
 - By 1910...virtually all states had boards and licensure by examination
- ▶ **Veterinary Medicine**
 - Dates back to 4000BC
 - Veterinary College of Philadelphia founded in 1862
- ▶ **Pharmacy**
 - Territory of Orleans, first to require licensure of pharmacists, (1808)
 - South Carolina provided for examination and licensure (1817)
 - Many organizations starting with U.S. Pharmacopeia (1820)
- ▶ **Psychology**
 - Georgia, first state to license psychologists (1951)
- ▶ **Social Work**
 - Columbia University graduated first social work class in 1898

Licensure Process

- ▶ Controls incompetence and abuse by professionals
- ▶ Regulates education, experience, competence through examination, and acceptable moral character
- ▶ Amendments have been necessary to meet expansion of practices and development of technology

License Exams

- ▶ The first medical examinations date back to the 1700's in Great Britain.
- ▶ Pharmacy in the 1960's
- ▶ “Blue Ribbon Examinations”
- ▶ National organizations and professional testing agencies
- ▶ Advances in technology

Boards and the Courts

1. Proper notice to an accused
2. Proper notice on proposed regulations and the hearing for adoption of regulations
3. Recusal by reason of conflict of interest
4. Recusal by reason of prior knowledge
5. Use of out of state disciplinary action
6. Misdemeanor, nolo contendere pleas, probation, conviction of applicants for licensure and conviction of existing licentiates
7. Unauthorized practice
8. Improper delegation of authority by legislators
9. Number of board members necessary to proceed with hearing
10. Necessity of subpoenas for inspections