



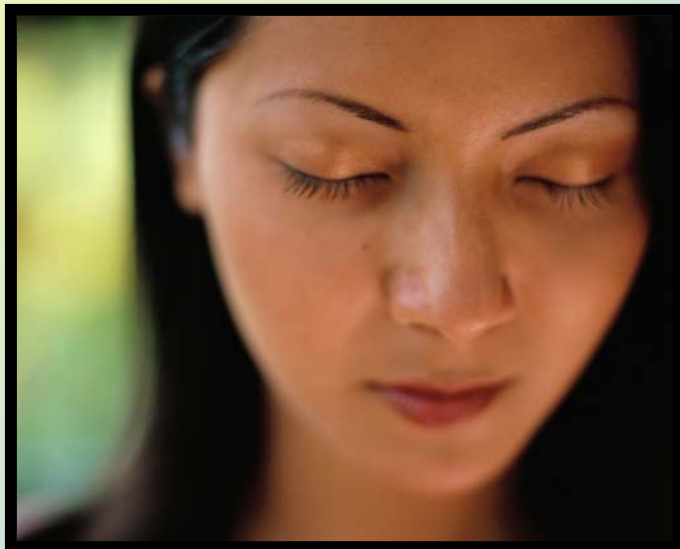
# UNDERSTANDING THE HUMAN SIDE OF LICENSING

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**Good Morning!** As you wait for the session to begin:



- If you are or ever have been a **provider of care**, think about how you would feel and react if a licenser walks through your door who...
  - has a reputation of being fair and respectful?
  - has a reputation of being rigid and looking for the tiniest things to cite in violation?



**What Feelings  
And Reactions  
Did You Think  
About?**

# Whatever The Feelings And Reactions

They are often similarly shared by both licensors and licensees.

Each anticipates:

- how he or she will be greeted and treated,
  - what he or she is going to see,
- how information will be shared and received,
  - etc.

# Each of us brings to the licensing relationship his or her..

- Own personality,
- Life experience,
- Style of interaction,
  - Temperament,
  - Expectations,
- And Level of Tolerance.

# How Do You React When



Making first impressions?



Threatened or angry?



Pressured?



Worried and frightened?



Caught doing something wrong?



You don't know what to do?

# In Short, There Is A Human Side Of Licensing That Goes Beyond The Regulatory Checklist

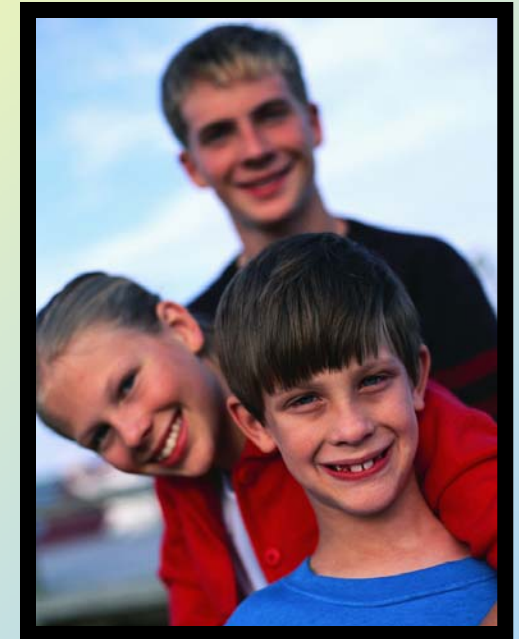
It involves daily person to person interactions. It includes all of the emotions, behaviors, attitudes and expectations that come with those interactions.



**How licensors and licensees handle these interactions can foster or weaken the protection provided to children and adults in care.**



**Children and  
Adults Are Best  
Protected and  
Cared For When..**



**Licensees and  
Licensors Form  
Positive Working  
Relationships/  
Partnerships.**



# The Need For Partnerships



To truly protect children/adults, both the licensor and the licensee are needed.

Each is a partner in protection. Each has a critical role to play.

- The licensor sets the floor of protection and monitors to see that the floor is maintained.
- The licensee is the one who actually delivers the care that builds upon the minimum floor of protection.

Working together, they can strengthen the quality of services provided in facilities and the community.

# A Caution



Individual relationships between licensors and licensees should never be so strong that they cause either partner to compromise their professional role.

# The Key Elements Needed To Build Positive Regulatory Partnerships

- Trust and Respect
- Professionalism
- Role Clarification
- Mutual Concern For Those In Care
- Careful Use Of Power And Authority
- Communication



# Which Have You Heard Or Personally Thought?

## Licensees ....

- Can't be trusted.
- Are more interested in making money than providing good care.
- From profit programs and chain operations are the worst.
- Want the fewest rules possible.
- Are only concerned about meeting the rules when licensing is coming .
- Act as if only they know what is best for the children/adults in their care.

# Which Have You Heard Or Personally Thought?

## Licensors...

- Can't be trusted.
- Are out to get licensees.
- Nit pick on what they require.
- Make up their own rules.
- Know very little about the care they regulate.
- Only look for problems.
- Are rigid.
- Are inconsistent.
- Act as if only they know what is best for children/adults in care.

# Beliefs Like These Often Have Some Basis In Truth.

- Some licensors and licensees have proven they can't be trusted.
- Both can have a wealth of knowledge about what children and adults need.
- Licensees do need to be financially viable to stay in business.
- Some licensors do require things that aren't in the rules.
- Inconsistency does exist between licensors.

The key is not to generalize statements like these to all licensees and licensors. Nor should one base his or her actions/supervisory directions solely on beliefs of this type.

**Regardless of whether you are a licensee or licensor, preconceived ideas and attitudes precede you.**

Your role carries attitudes and beliefs with it.



**You also carry attitudes of your own into the relationship.**

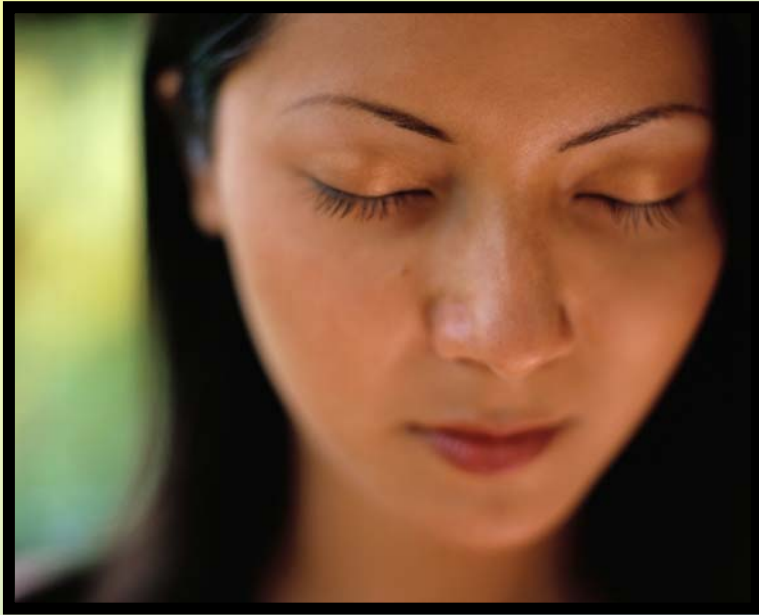
# **We need to ask how do our personal attitudes and beliefs affect...**

Our relationship and interaction with licensees/licensors?

Our expectations of what they will do?

Our willingness to look at what we do?

Individually, each of us must be aware on our own personality, limitations, attitudes and beliefs.



- Challenge and neutralize our own negative attitudes.
- Understand our own personality and emotion responses.
- Accept that we don't know all of the answers.
- Be willing to learn from licensees/licensors.

# Also, Affecting The Human Side Of Licensing Is



A love/hate relationship that many people have related to regulation and government.



# Regulation And Government—

## (Love) People want ...

- to keep bad actors from harming children and adults.
- government and regulation to be there when they need it's protection.

## (Hate) But they also want

- government and regulation to be limited in what they personally are required to do.
- to be able to do what they want without any prohibitions.

# Mutual Trust and Respect-

The most important ingredients in the regulatory relationship ...

## Licensee..

- Treat me fairly.
- Give me accurate information.
- Help me to succeed.
- If a problem exists, let me know and give me ideas to improve/correct.
- Don't set me up to fail.
- Listen to my concerns.

## Licensor..

- Care about providing good care to children/adults.
- Want to succeed.
- Have the ability to operate a program in compliance.
- Are truthful.
- Will address problems quickly.
- Listen to my ideas.

# Trust and Respect Have To Be Earned.

- They don't come with the role.
- Licensees and licensors have to prove they are trustworthy and deserve respect.
- Trust/respect is a two way proposition.
  - "If you don't trust/respect me, I can't trust/respect you."



## **Everyone Stand Up**

If you like making mistakes  
and doing things wrong,  
please.....

# Always Remember...

Individuals do not intentionally want to make mistakes.

Errors, over 90% of the time, are the result of a break down in process.

- Ex. Expecting licensees to comprehend the meaning of a rule by reading alone. (read alone online/from a booklet)
- Ex. Findings written in vague, standardized language without specifics to the situation. (fire)
- Ex. Not comprehending verbal expectations in the same manner as the giver of the expectations. (doctor)
- Ex. Inconsistency between field licensing staff. (supervisory level)



# General Principle

Always work to establish trust and respect--- unless, in a particular instance, there is a valid known reason why you should not.

# Professionalism

- The demonstration of one's expertise, knowledge and skill when carrying out a professional role.
- It requires competence, confidence, and poise.
- It puts constraints on behaviors that would be viewed as unprofessional or unethical.



Treat each other as professionals in their field or help them to become professionals.

# Unprofessional/Unethical Behaviors

- Overlooking violations
- Falsifying reports
- Ignoring policy and supervisory direction
- Maintaining compliance only when licensing is present
- Gossiping
- Cutting corners that put children/adults at risk
- Etc.

# Work to Understand Aspects Of Each Other's Role

## Licensee

- To protect children/adults.
- To provide quality care- (may not understand what is involved).
- To run a successful and viable business.
- To make a profit or have ends meet.
- To earn and maintain a good community reputation.
- To maintain full enrollment.
- Not to have problems with licensing.
- Do things correctly.



# Work to Understand Aspects Of Each Other's Role



## Licensors..

- To protect children/adults.
- To enforce rules as written.
- Can not require actions above the minimum rules.
- Must cite all rule noncompliance.
- Can not overlook violations or make exceptions not allowed by rule or statute.
- Establish a good community reputation.

**Licensees frequently indicate they have increased professional respect for licensors who have been “in the business”.**

Licensors, who do not have this experience, can make a conscious effort to learn from their licensees and other experts in the field—as to what works in programs and the needs of children/adults-- and then share that knowledge with others.

# Build On Mutual Concerns and Interests



- Ensuring the well being of children and adults in care.
- Having available safe care options in the community.
- Ensuring programs run successfully and smoothly.
- Having positive working relationships between licensing and care providers.
- Doing a good job.

# Remember...

People feel better about themselves and the job they are doing when:

- They are confident in their knowledge and skill.
- They receive recognition for what they do.
- They are aware others share mutual concerns.

Make time to learn about each other's role and responsibilities, as well as, what expertise each has to offer.



# Authority and Power

Authority is the power to influence or command thought, opinion or behavior.

Power can come from a position or it can be personal.

- Position power -it is given to a position by law, an organization, etc. Ex. Military, police, CEO's
- Personal power-comes from the knowledge, skills and leadership abilities of an individual who represents/ gains authority. Ex. Martin Luther King, Mandela



# Authority and Power

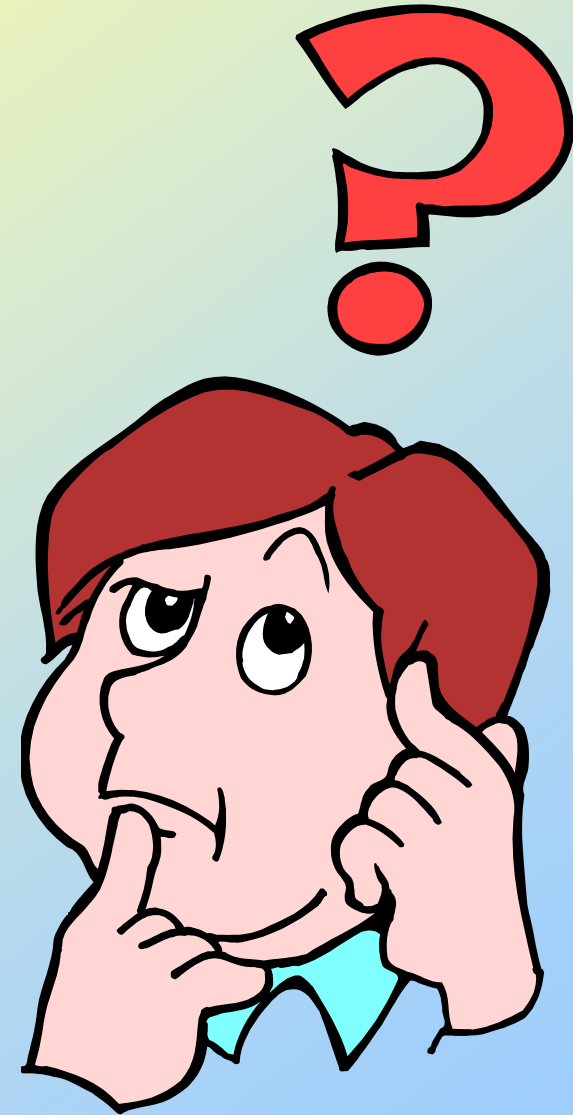
- Authority and power are inherent in licensing. They are given by statute.
- Licensing's authority and power can not be denied or ignored.
- Licensors have the positional authority of the office, the role and the law.
- If licensors have the:
  - knowledge of the law, rules, child/adult development and care, community resources, and the dynamics of human behavior;
  - the skills to share that knowledge in positive ways;
  - and respected leadership abilities,----- they can also have personal power in the eyes of their licensees.

Licensors who have both position and personal power will find that their Licensees will seek their assistance and guidance.



Licensees trust the information and guidance given and will more willingly follow the direction of those licensors.

How do you react  
to authority that  
you don't  
respect?



# Ways To Reduce Resistance To Authority

Resistance can be reduced when licensees:

- Feel part of the licensing process—seeking a licensee's feelings, ideas and suggestions gives you valuable information. (directors groups, rules causing problems, etc.).
- Understand how licensing study reports can help them provide improved services.
- Are involved in all aspects of the licensing process. (rule making, addressing regional issues, input on interpretative guides, identifying system problems and developing solutions, etc.).
- Are encouraged to be part of provider associations--- then work with those associations to address their desires, differences and concerns with licensing.

# Always Use Power and Authority With Care

Licensees and Applicants have rights that licensors always need to respect when using their power and authority.

# Communication-- Listen to Each Other!

- Others will tell you where your rules, processes, procedures, and interactions need improvement.
  - While you may not always agree, licensees and licensors can provide extremely valuable insight on the licensing program.
- Listen without being defensive.
  - ex. Inconsistency, requests for fewer licensors coming into a large provider agency, bottle necks in the process

# Teach the Rules And Don't Assume!

Licensees And Their Staffs Must Be Able To...

1. Understand the rules.
2. Correctly apply each rule to their situation.
3. Analyze what they are doing to prevent situations from occurring.
4. Know they can rely on licensing as a resource related to the above.

## Be Very Clear -Is It Consultation Or Technical Assistance?

- **Technical Assistance (TA)** relates to the floor of protection. It is to be given when violations exist and when an applicant/ licensee needs assistance understanding/ applying a rule.
- **Consultation** is to be offered but it can be refused by licensees. It can give ideas on improving one's program above the floor of protection. The ideas given can not be required by licensing.

(EX. Equipment, pencils on easels)

# Communication

- Work to make it a two way process.
- Make it truthful. (Ex. Police car)
- Be open to each other's ideas and suggestions.  
There is usually more than one way to come into compliance.
- Be willing to serve as a resource with information and advise on best practices, community resources, etc.

**In Summary...**



# When We Address the Human Side of Licensing...



- Licensees' trust of licensing increases.
- Licensing staff can be energized and grow professionally.
- Limited agency resources can be freed up as compliance increases.
- Community support for the critical role of licensing increases.
- Children and adults receive a higher level of care.



**With  
Licensors and  
licensees  
pulling  
together for  
better  
protection  
and care.**

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