

# NARA Licensing Curriculum Training

## The Balance Use of Authority in Licensing

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# Learning Objectives

- **To identify personal issues regarding authority**
- **To identify problems with professional authority (overuse and underuse) relating to the regulatory field**
- **To apply knowledge received to develop a better regulatory balance of authority**

# Life seems safer when..

- **Predictable, stable**
- **Overtly fair**
- **Respectful**
- **Representing law and natural consequences, not capricious “personal” authority**

# Best Practices

**YOU have great power and authority by virtue of your position.**

- **Know yourself!**
- **How do you react to authority?**
- **Who was the first authority figure in your life?**
- **Types of culturally based authority: Charismatic; traditional; rational-legal.**
- **How do the providers react when you arrive?**

# Balance Use of Authority

- **We do not need to show authority to use it effectively.**
- **Communication is key.**
- **You walk softly but carry a big stick.**
- **You must know how to manage your reactions and most importantly body language.**
- **What are your triggers?**
- **How do you redirect conversations?**
- **Licensing is a human endeavor – are you comfortable with your feelings?**

# **Balance: not too hard, not too soft – JUST RIGHT - “Goldilocks**

**Personal relationships with providers  
do not work.**

- **Regulatory relationships require the use of fair, objective authority that is not contaminated by the conflict of interest.**
- **All professionals have common goals; due diligence; objectivity and managing personal feelings.**
- **What are licensing reps common goals?**
- **Prevention is one of the primary regulators goals which protects the public through licensing.**

# Problems with Authority

- **Past History (ACES)**



## Personal History

- **Power imbalances**



# Limits and Latitudes

- **Equal Enforcement**
- **Real Requirement**
- **Can't Change (Rules)**



## **Vary use of authority on case-by-case basis**

- **Professional collisions – keep in mind we license facilities operated by professionals –they may feel their professional commitment may supersede what licensing does.**
- **Authority is necessary for an orderly society and accomplish tasks.**
- **The review of regulatory compliance may cause a professional collision with providers who work very hard at serving a vulnerable population.**

# Authority Concept

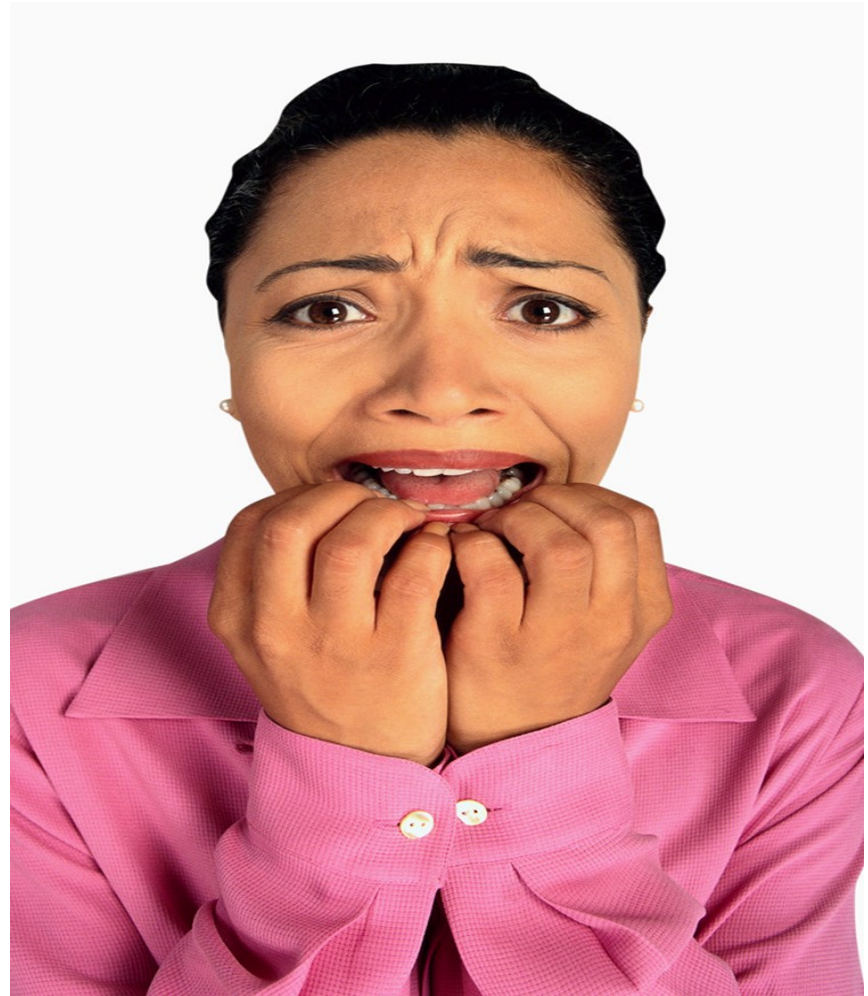
**We are not the authority**

**We are its instrument**



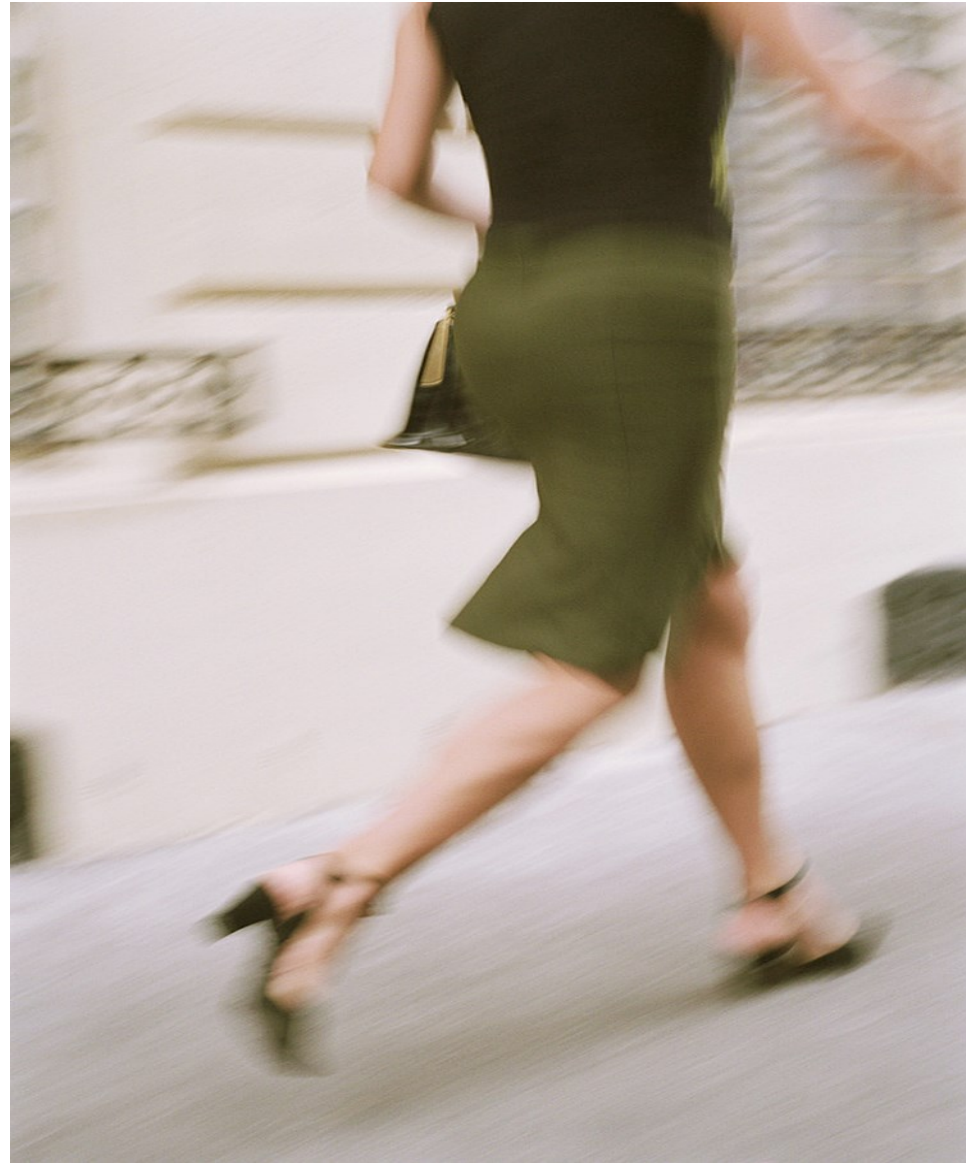
# Provider's Reactions

- **Before**
- **During**
- **After**



# Provider's Reactions

- **Fight**
- **Flee**
- **Freeze**



# Characterizations of Providers

Can you name some “stereotypes” or types of Providers???



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[www.naralicensing.org](http://www.naralicensing.org)

# “Victim”

- **Expects and wants to be the victim**
- **Looks for signs of slight**
- **Blames others**

# “Attorney”



- **Argues technicalities**
- **Looks for loopholes**
- **Demonizes authority**
- **Survives by wit and verbal skills**

# **“Social Justice Advocate”**

- **Takes on righteous defense of others**
- **Paints the licenser as the bully or bigot**
- **A safe way to challenge authority**



# “Perfectionist”

- **Strives for perfection**
- **Wards off disapproval**
- **Avoids criticism by learning to be perfect**



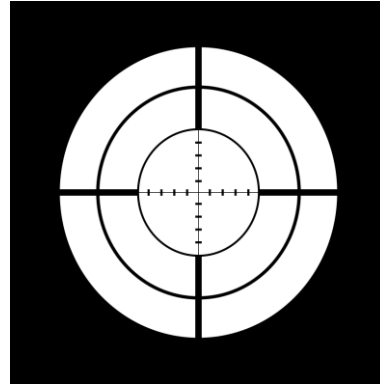
# Choreographer/Stage Mgr”



**Obsessed with controlling  
all the details**

**Making mistakes means  
vulnerability**

# “Sniper”



- **Attacks authority**
- **Aggressive verbal skills**
- **Sees authority as the bully**

# “Lapdog”

- **Overly  
submissive**
- **Unassertive**
- **Confesses to false errors**



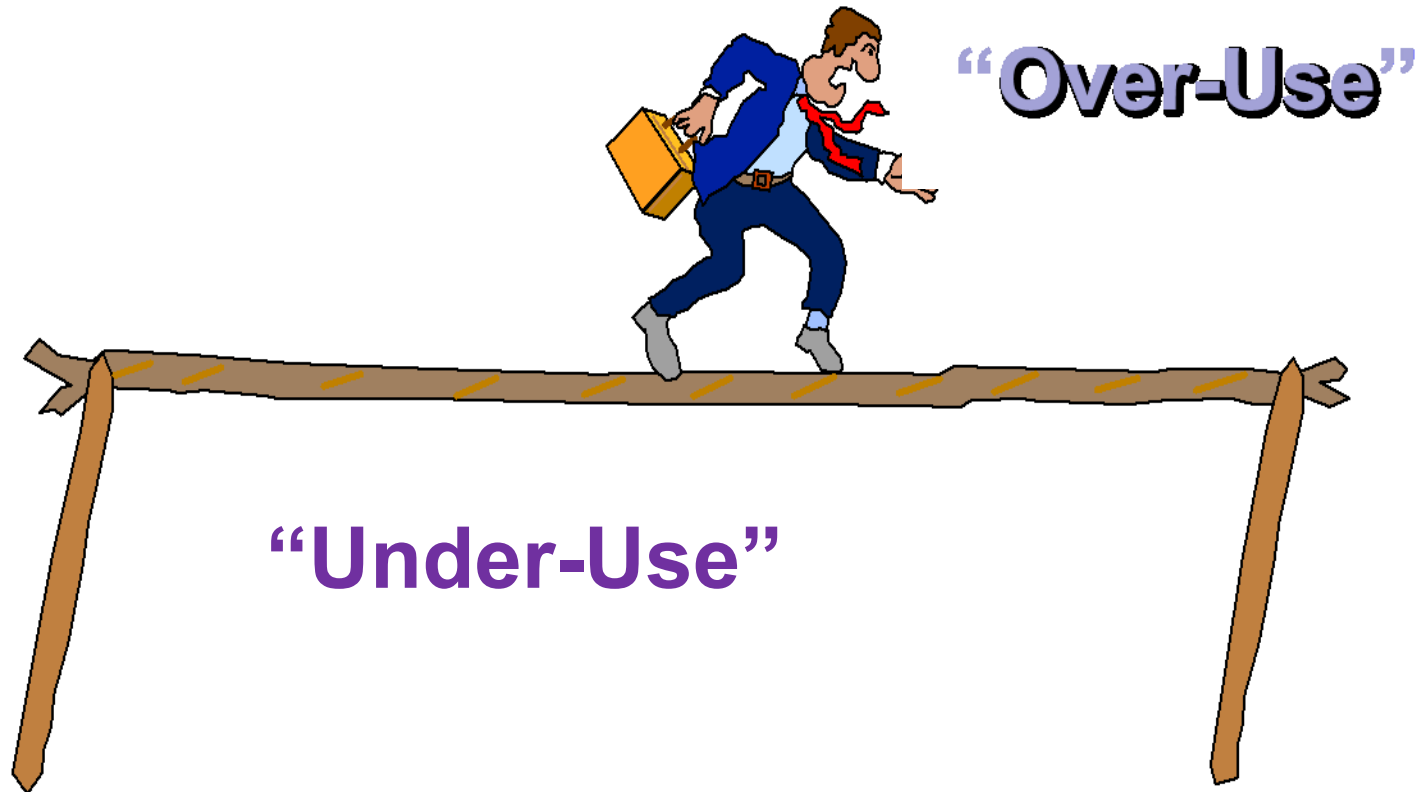
# “Junk-Yard Dog”

- **Aggressor**
- **Bully**
- **Bigot**
- **Fight for survival**
- **Mounting an attack feels safe**

# How would you handle these ?

- **Victim**
- **Attorney**
- **Social justice advocate**
- **Perfectionist**
- **Choreographer / Stage manager**
- **Sniper**
- **Lapdog**
- **Junk-yard dog**

# Staying Balanced



# Under-Use of Authority

- **Weakens requirements**
- **Unsafe environment**
- **Parents think we assure safety**



# Under-Use of Authority

- **The consultant –TA/TA/TA**
- **The Social worker**
- **The go along**
- **The eternal optimist**
- **The over identifier**
- **The apologist**
- **The slipshod**

# “Consultant”

- **Avoids enforcement**
- **Wants only to  
“consult”**
- **Easier role**

I don't  
work here,  
I'm a  
consultant

# “Social Worker”

- **Confuses role of regulator with therapist**
- **Views regulation is too negative**
- **Not comfortable working within policy/regulation**

# “Go-Along”

- **Allows licensee to take control**
- **Weak**
- **Go along to get along**



MATT GROENING

# **“Eternal Optimist”**

- **“Everything is alright”**
- **Avoids unpleasantness**
- **Taken in by outward appearances**

# “Over-Identifier”

- **Over-involved with licensee**
- **Emotionally caught up in circumstances**
- **Loses objectivity**

# “Apologist”

- **Blames rules on others**
- **Offers no rationale for certain rules**
- **May fail to require compliance**

# “Slipshod”

- **No effort to learn rules**
- **Wants to get along**
- **Lazy**





# Overuse of Authority

- **I Gotcha**
- **The Pessimist**
- **The Masked Aggressor**
- **The Midnight Raider**
- **The Bigot**
- **The Loner**
- **The Crusading Advocate**
- **The Unannointed Manager**

# ““I Gotcha”

- **Determined to catch them**  
**being bad**
- **Overreacts**  
**before getting**  
**facts**



# “Pessimist”

- **Expects licensee is covering up violations**
- **Expects licensee cannot succeed/improve**
- **Lack of faith in licensee**



# Masked Aggressor”

- **Polite face to face**
- **Lowers the boom**  
**in writing**
- **Passive aggressive**



# “Midnight Raider”

- **Expects to catch them “being bad”**
- **Suspicious and wary of licensees**
- **Overuses non-business-hours inspections**



# “The Bigot”

- **Possesses various biases**
- **Hides biases behind professionalism**
- **Plays favorites**

# “The Loner”

- **Uses personal judgment only**
- **Loose cannon**
- **Expects blind support from management**

# “Crusading Advocate”

- **Duty to person in care overrides other duties**
- **Oversteps bounds**
- **Consultation obligatory**



# “Unannointed Manager”

- **Confuses roles**
- **Dictates action to be taken**
- **Takes over managerial role  
for the facility**

# Misuse of Authority

- **Misuse of Authority is destructive for you, your agency, the provider and most importantly the children and families we serve.**
- **The authority of law is what binds us together.**
- **Licensing reps should be respectful, friendly and courteous but not friends with the providers.**
- **Remember your role.**
- **Regulating authority is conceptually and emotionally stressful to most providers.....even before a violation is issued or enforcement action taken.**
- **Overuse of authority – abuse. Underuse or abdication of proper authority.**

# Concept of Prevention Protection

- **Licensing comes first to prevent danger. Regulators issue violations which gives providers the opportunity to correct or prevent harm.**
- **Don't feel guilty if the provider hasn't maintained compliance.**
- **Violations should be viewed as prevention and a positive process not punitive. Violations are licensing's method of protection!**

# **Rules apply equally to ALL providers**

- **Regulators cannot substitute our professional opinions as the rules are the rules.**
- **Licensing authority begins and ends with the rules.**
- **If you are on a power trip this may be the wrong profession for you!**

# Distorted Relationships

- **Providers perceiving themselves in danger; fight, flee or freeze.**
- **Knowing yourself will help understand/anticipate the providers reaction.**
- **Think about a time when a violation was cited the provider disagreed with or became aggressive?**
- **What was the cause of the providers reaction?**
- **Do you see yourself in the providers shoes?**

# Tips for a Good Balance

- **Good communication**
- **Use least enforcement needed**
- **Use technical assistance appropriately**

# Tips for a Good Balance

- **Show respect**
- **Use organizational resources**
- **Observe limits and latitudes**
- **Gather facts fully and objectively**

# Handling Challenging Situations

- **You will encounter offensive situations so be consistent in mood and behavior.**
- **Being vigilant in knowing your own issues with authority – know yourself.**
- **Stay out of traps.**



# Handling Challenging Situations

- **Take deep breaths; visualize yourself in a calm state; count backward slowly; redirect the conversation; concentrate on similarities/common interest in providing good care for the residents; practice good listening skills; all violations observed must be cited; use TA to explain possible POC; teach the intent of the regulation; be fair and objective/specific; gather facts fully; provide findings promptly – no gotcha’s; learn and practice good verbal and nonverbal communications.**

# Handling Challenging Situations

A smile, courtesy, respect, and manners go a long way. (please, thank you, may I?)

- **Human Interactions – authority is defined as a bond between people who are unequal. Like parent/child; student/teacher; employer/employee; license rep/provider.**
- **You hold something providers want/need – “the license” no reason to misuse the “Balance of Authority”**

# Life's a Great Balancing Act

So be sure when you step.

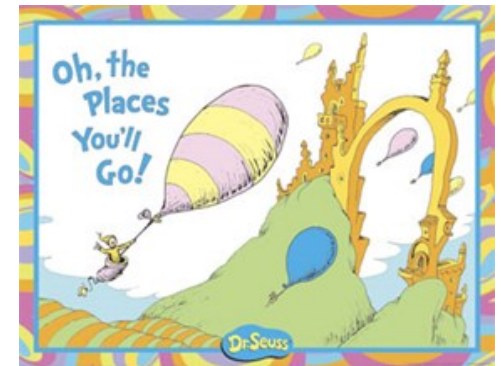
Step with care and great tact

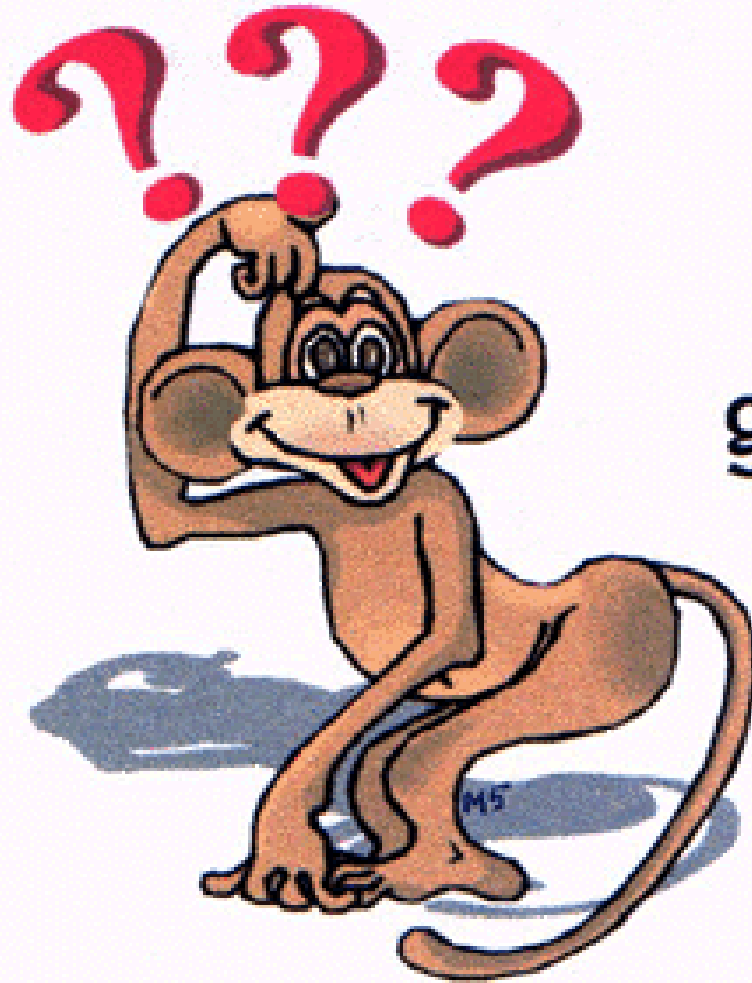
and remember that life's a great balancing act.

Just never forget to be dexterous and deft.

And never mix up your right foot with your left.

Dr. Seuss





Questions  
are  
guaranteed in  
life;  
Answers  
aren't.