



**Glossary of General Terminology
Used in Professional and Occupational Regulation**

This document provides definitions for words and phrases commonly used in the field of professional and occupational regulation. By design it is limited in scope to broad definitions, and aims to assist meaningful conversations between international regulators. This project was initiated by the International Relations Committee of the Council on Licensure, Enforcement and Regulation (CLEAR), whose members include regulators from the United States, Canada, Mexico, and the United Kingdom. Additional resources and further information about CLEAR can be located at <http://www.clearhq.org/>

Please note: this is a living document and comments and suggestions are welcomed. Please contact aparfitt@clearhq.org with your ideas.

Accreditation

A formal process by which an authorized body assesses and recognizes an organization, a program, a group, or an individual as complying with requirements, such as standards or criteria.¹

Adjudication

A judgment or legal process by a court or authorized body, based on evidence presented that decides a controversy. It also relates to the legal process by which a court or authorized body determines an issue or resolves a dispute.

Administrative agency

A government entity or an entity created by statute that administers a legal framework which governs the implementation and delivery of a public program.

Administrative code

All of the rules and regulations made by administrative agencies of the jurisdiction, brought together in one unit.

¹ Joint Commission on Accreditation of Healthcare Organizations (JCAHO) Lexicon, 1999

Administrative law

The statutes, rules, regulations, orders and decisions that determine how regulatory bodies operate procedurally and the scope of their substantive authority.

Administrative Law Judge (*also Administrative Law Counsel/Hearing Panel/Tribunal*)

The individuals delegated the authority to make a final decision regarding administrative proceedings.

Administrative Procedures Acts (APA)

A body of law that places restrictions on the activities of administrative agencies as well as codifies procedures to be used during the investigation and hearing processes.

Administrative rule or regulation

A prescriptive statement issued by an administrative agency, or a specific body within that agency, that sets standards and directs conduct, generally with the force of law.

Advocate (*see Prosecutor*)

Allegation/Complaint

The assertion, claim or declaration that an act, event or result has or has not occurred.

Annotated laws and code

All of the laws brought together in one unit, with comments and explanatory notes added to each statutory section.

Appeal

To request a review of the order or decision of a lower court or administrative agency.

Articleship (*see Internship*)

Applicant (*see also Candidate*)

A person applying for licensing/registration/certification and the right to practice a specific profession or occupation.

Bias

A subjective opinion, preference, prejudice or inclination, that influences an individual's or group's ability to evaluate a particular situation objectively or accurately; a preference for or against. Reasonable apprehension of bias exists when a

reasonable person knowing all of the relevant facts would believe that an individual or group's decision was not impartial nor based solely on the evidence or information before the decision maker(s) but rather based on or influenced by personal extraneous factors. Bias can be real, potential or merely perceived.

Board (*see Regulatory board*)

Bylaws (*see Rule*)

Candidate

An applicant for licensure, certification or registration, or the person taking an examination.

Certificant (*also Licensee and Member*)

A person who has been awarded certification and the right to practice a specific profession.

Certification

The procedure and action by which a duly authorized body evaluates and recognizes (certifies) an individual, institution, or educational program as meeting predetermined requirements, such as standards.²

Certification body

The body or agency awarding certification.

Code of Conduct

A set of behaviors that set out the rules for ethical and legal duties and obligations, of all members of a specified group, such as members of a profession or a board of directors.

College (*see Regulatory Board*)

Competence

Demonstrated ability to apply knowledge or skills, and where relevant, demonstrated personal attributes as defined in the certification requirements.³

² Joint Commission on Accreditation of Healthcare Organizations (JCAHO) Lexicon, 1999

³ International Organization for Standardization (ISO)/ International Electrotechnical Commission (IEC) 17024.

Complaint *(see Allegation)*

Compliance

The state of conforming to the guidelines on which accreditation was based.

Conditional registration *(see Probation/restriction)*

Conditions and limitations *(see Summary suspension)*

Conditions of practice *(see Probation/restriction)*

Conflict of interests

A situation in which someone in a position of trust, such as an employee, has competing professional or personal interests. Such competing interests can make it difficult to fulfil his or her duties impartially.

Consent order

A formal agreement between parties, made under the sanction of the court or regulatory body, that some action (such as ceasing an activity, correcting a practice, or paying a fine) will be taken to resolve a complaint.

Consumer member *(also, Lay member, Public appointee, or Public member)*

A member of the public on a regulatory body who represents the interests of those who are actual or possible purchasers, lessees, or recipients of consumer goods, services, realty, credit. An individual who may seek assistance or benefit from the profession being regulated.

Continuing competence

A periodic demonstration using portfolios, examinations, products, or other similar measures that a licensee, registrant or certificant has remained competent.

Continuing education

Educational and other learning opportunities beyond the formal education required for initial entry into a profession, to assist practitioners to maintain or increase competence, to become aware of new developments,

and to provide responsible, quality services.

Credentialing

The voluntary or required process of assessing and validating the qualifications of a practitioner to provide services.⁴ It equally applies to programs, facilities or products that have met established standards. Also, the administrative process of issuing specified credentials for purposes of authorizing practice of a profession.

**Defense attorney/Defence lawyer/
Defense solicitor or Defense counsel**

The individual who represents the respondent in a contested matter, usually the registrant, licensee or certificant facing disciplinary action.

Disciplinary proceedings

The legal process through which the regulatory body and the respondent present evidence and legal arguments to a panel of adjudicators so that the panel can issue a ruling and/or judgment with respect to the issues submitted before it.

Discovery/disclosure

The disclosure of information obtained in an investigation to the licensee, to assist the defense's preparation for a contested case.

Due process (*also Principles of natural justice, Duty of fairness, Fundamental justice*)

The rules and principles established through the legal system to enforce and protect the rights of the individual.

Duty of fairness (*see Due process*)

Endorsement/Mutual Recognition

The recognition by a jurisdiction of an individual's license from another jurisdiction, when the qualifications and standards required by the original licensing jurisdiction are equivalent to or higher than those of the new jurisdiction. The licensee is relieved of the full burden of obtaining a license in the new jurisdiction.

Evaluation

Assessment of an individual's fulfilment

⁴ Joint Commission on Accreditation of Healthcare Organizations (JCAHO) Lexicon, 1999

of minimum requirements for certification, licensure or registration.

Evidence

Information that may be used in a proceeding to establish or disprove any contested factual matter.

Felony

A crime of a grave or more serious nature than those designated as misdemeanors. Felonies are usually punishable by imprisonment or fines.

Fitness to Practice Proceedings

Proceedings to determine if a certificant/member/licensee/registrant is incapacitated, i.e. suffering from a physical or mental condition or disorder such that the member is unfit to continue to carry out his or her professional responsibilities

Fraudulent credentials

Documents that were not issued by a legitimate or official source or were altered.

Fundamental justice (*see Due process*)

Governance

The dynamic combination of processes and structures implemented by a Board to inform, direct, manage, and monitor the activities of the organization.

Hearing

A legal proceeding in which the parties to a dispute present evidence and make legal submissions to the adjudicator(s) so that they can make findings of fact and issue a judgment with respect to the issues submitted for determination.

Hearing panel (*see Administrative Law Judge*)

Incompetence

A lack of knowledge, skill or judgment or disregard for the welfare of clients or other individuals of a nature or extent that demonstrates that the member is unfit to continue to carry out his or her professional responsibilities without corrective action.

Indemnification	The act of securing a party who acts for the benefit or at the request of another party against future hurt, loss, or damage; the second party promises to compensate the first in such an event.
Inquiry (<i>see Investigation</i>)	
Intake	The point at which a complaint enters a formal process to resolve a matter or investigate a certificant/licensee/registrant or member.
Interim certificate/Interim license	Certificate or license for an initial period of time pending completion of additional requirement e.g. successfully writing an examination. Professional practice under an interim certificate/license may be subject to conditions.
Interim suspension/terms	Suspension of a certificant/member/registrant pending outcome of a disciplinary or fitness to practice proceeding. Interim suspensions are made when there is a serious concern of client safety and risk of harm.
Internship (<i>also Articleship, Practicum</i>)	Supervised practical experience in preparation for a profession or occupation.
Interrogation	The questioning of an individual believed to possess information or knowledge of interest in an investigation, but who is reluctant to cooperate.
Interview	The questioning of an individual believed to possess information or knowledge of interest in an investigation.
Investigation (<i>also Inquiry</i>)	A thorough and systematic examination of a matter or issue in order to determine what occurred.
Jurisdiction	The legal right by which an adjudicative body exercises its authority to receive evidence, apply the law, control its processes, make decisions and declare

judgments. The geographic area covered by this authority.

Law

The rules, standards and principles enacted by a political authority and interpreted by the courts which guide a defined jurisdiction.

Lay member (*see Consumer member*)

Legislative oversight

The periodic review of governmental agencies by a legislative committee or a division in charge of the agency.

License/Registration

The recognition of competence to practice a given occupation or profession conveyed to an individual or entity by a regulatory body. Individuals must complete various requirements prior to registration and becoming eligible to receive a license and are held accountable for practicing in accordance with established standards of safety and effectiveness.

Licensee (*see Certificant*)

Licensing of establishments/organizations

The recognition by a regulatory body for an entity to operate an establishment by conforming to specified standards. The entity in charge of the establishment assumes responsibility for all who are employed there.

Member (*see Certificant*)

Methods of resolution

The proceedings or avenues available to a regulatory body in an attempt to resolve a disputed matter. (Examples include: Consent Order, Voluntary Surrender, Settlement or Negotiated Agreement, Administrative Hearing).

Misdemeanor

Offenses of lesser severity than a felony.

Mobility

Movement of workers within and between countries.

Monitoring compliance

Oversight carried out by accreditation

bodies in order to ensure continuing compliance with accreditation standards.

Mutual recognition (*see Endorsement*)

Notice to attend and produce records (*see Subpoena*)

Out of compliance

Failure of an accredited organization to meet agreed accreditation standards.

Oversight (*see Sunrise*)

Petition

A formal request for action from an individual, group or regulatory body.

Practitioner

A person who practices a specific occupation or profession.

Practicum (*see Internship*)

Presenting officer (*see Prosecutor*)

Principles of natural justice (*see Due process*)

Probable cause/grounds (*also Reasonable grounds, Reasonable and probable grounds and Reasonable suspicion*)

Reasonable grounds for a belief in the existence of more evidence for, than against the facts asserted, in a complaint proceeding.

Probation/Restriction (*also Conditional registration, Conditions of practice, and Terms, conditions or limitations attached to a certificate or registration or practice*)

An order that allows an individual to begin or continue to practice subject to certain conditions or stipulations.

Promulgate (*also Proclaim*)

To issue and publicize the terms of a law; used especially with reference to rules and regulations. To put a law into effect by formal declaration.

Prosecutor (*also Advocate, Solicitor, Counsel for the regulator, Presenting officer*)

The attorney/counsel representing the government or regulatory body in a contested matter.

Public comment

Comments concerning an issue that are gathered by holding hearings and/or inviting written public response.

Public interest	An unbiased concern for society.
Quasi-judicial	"Like a court"; the kind of activity in which a regulatory body acts like a court, making judgments on a contested matter and issuing decisions that affect the rights and obligations of the parties.
Quorum	The number of members of a body that must be present in order to conduct official business.
Recertification (or Revalidation)	The requirement for periodic re-evaluation or reporting of activities designed to provide assurance that the knowledge and skills of the practitioner are current. Generally more stringent than renewal requirements.
Reciprocity	An agreement between jurisdictions allowing practitioners from either jurisdiction to be recognized by the other without having to demonstrate any degree of competence. Licensure may or may not be required by the other jurisdiction.
Register	An official list of licensees/members/registrants maintained by the regulatory body. Registers contain specific categories of information about licensees/members/registrants.
Registrant	A person or entity that has been placed on a register and is accountable for meeting registration standards.
Registration	See License/Registration
Regulatory board/College	A governmental or publicly-mandated body that has the authority to make and carry out statutory rules.
Renewal	Requirement for periodic contact between licensees/registrants and the regulatory body to maintain the license or certification. Usually requires updating contact information and payment of a fee and may include demonstration of continuing competence.

Reprimand	To reprove severely or to censure formally.
Restitution	The act of making good, or of giving the equivalent for any loss, damage, or injury.
Revocation	Removing the registration or license; to prohibit the practice of a profession or use of a designation.
Rule/Regulation/Bylaws	A statement that defines how a law will be implemented; it has the force of law. It is written by an administrative agency and adopted in accordance with the prescribed process.
Sanction	A penalty imposed in a disciplinary process.
Scope of practice	The range of responsibilities and accountabilities that define a profession's practice. It is generally limited by education and training received and the competencies that members of the professions are able to demonstrate. Typically, scopes of practice are set out in legislation.
Standard of practice (practice standards)	The rules, requirements, responsibilities and conditions that describe the minimal level of expected performance of a profession in the provision of safe, high quality services and against which actual performance can be compared.
Standard of proof	The degree of evidence (for example preponderance of evidence, clear and convincing, balance of probabilities) required to demonstrate that a specific act occurred.
Statute	A law that governs conduct within its scope. A bill passed by the legislature becomes a statute.
Statutory authority	The boundaries of a regulatory body's lawful responsibility as defined by the statute that created it.

Statutory requirements	Requirements of or related to statutes.
Stipulation/Restriction	A condition, requirement, or item of an agreement.
Subpoena (<i>also summons, notice to attend and produce records, witness summons</i>)	Literally, "under penalty." It is a legally enforceable writ commanding the appearance of a witness or production of documents at a judicial, quasi-judicial or administrative proceeding; the witness may be subjected to penalties if he/she fails to attend or to produce documents, if so directed.
Summary action	A sanction taken by a jurisdiction based on the outcome of another jurisdiction's disciplinary proceedings.
Summary suspension (<i>also interim suspension, interim terms, conditions and limitations</i>)	An emergency action by a regulatory body to immediately and temporarily revoke the right to practice prior to the completion of a hearing. Most jurisdictions require the expeditious commencement of a hearing.
Sunrise (<i>see also oversight</i>)	A process by which an occupation or profession wishing to receive certification or licensure must propose the components of the legislation, along with cost and benefit estimates of the proposed regulation. The profession must then convince legislators that consumers will be unduly harmed if the proposed legislation is not adopted.
Sunset	Term commonly used in the United States to denote laws requiring the legislature, after a periodic review, to re-authorize a board's existence; otherwise, it terminates (hence, the sun sets).
Suspension	A temporary stop or delay, an interruption or cessation of an individual's ability to practice that is imposed by the regulator.
Telepractice	A technique whereby services are provided via electronic means.

Unfair or deceptive practice

Any practice used by merchants or trades people that misleads or cheats consumers.

Violation (*also professional misconduct*)

To break a law, rule or regulation intentionally or unintentionally.

Witness

An individual who provides information regarding a specific situation that is being investigated or adjudicated.

Work product (of attorneys)

A legal term relating to the information that is provided by an attorney in the course of the attorney-client relationship. This information is usually privileged and protected against discovery in a contested case.