


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**



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Life seems safer when..

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



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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 relationship’s 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



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Limits and Latitudes

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



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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.



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Authority Concept

We are not the authority

We are its instrument



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Provider's Reactions

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



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Provider's Reactions

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



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Characterizations of Providers

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



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“Victim”

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

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“Attorney”

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



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“Social Justice Advocate”

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



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“Perfectionist”

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



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Choreographer/Stage Mgr”



Obsessed with controlling all the details

Making mistakes means vulnerability



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“Sniper”



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

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“Lapdog”



- Overly
submissive
- Unassertive
- Confesses to false errors

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“Junk-Yard Dog”

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

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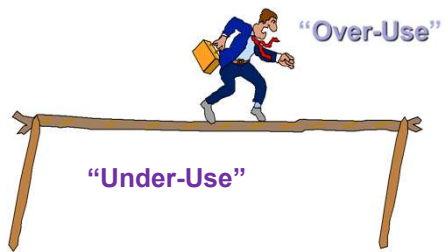
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How would you handle these ?

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

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Staying Balanced



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Under-Use of Authority

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

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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

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“Consultant”

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

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

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“Social Worker”

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

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“Go-Along”

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



MATT GROENING

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“Eternal Optimist”

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

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“Over-Identifier”

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

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“Apologist”

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

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“Slipshod”

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



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Overuse of Authority

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

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“I Gotcha”

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



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“Pessimist”

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



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“Masked Aggressor”

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



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“Midnight Raider”

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



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“The Bigot”

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

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“The Loner”

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

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“Crusading Advocate”

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

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“Unannointed Manager”

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

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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.

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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!**



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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!**



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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?**



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Tips for a Good Balance

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

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Tips for a Good Balance

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

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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.**

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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.



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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”



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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



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