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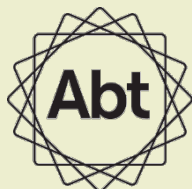
Strengthening Health Outcomes  
*through* the Private Sector

# Regulation of Private Health Providers Tools for Improvement

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**SHOPS is funded by the U.S. Agency for International Development.**

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Banyan Global

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# Learning from Developed Countries

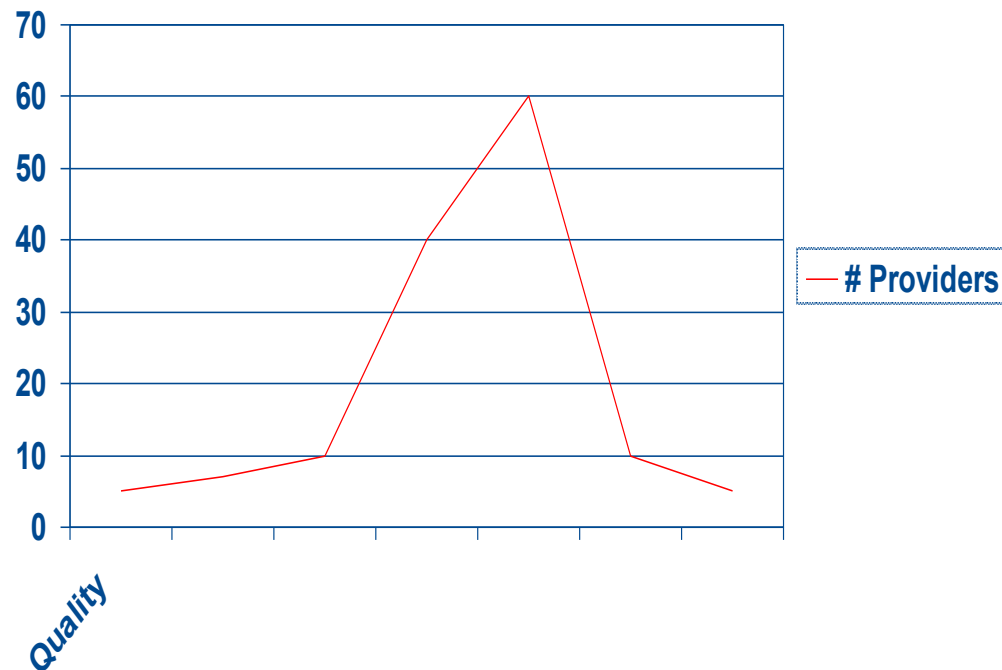
- Licensing Laws Have Only a Limited Impact on Average Quality
  - But they can protect the public
- Consumer Voice is Necessary
  - Consumer Reps in Licensing Process
  - Effective Complaint Mechanism
- Clear but Adjustable Scopes of Practice
  - Facilitate Task Shifting

# Learning from Developed Countries

- Enforcement Requires Concerted Effort
- National Standards are Necessary
  - But Recognize Resource Variation
- “Non-licensing” Alternatives May Be More Flexible Weapons
  - Contracts governing provider status
  - Accreditation of specialty and specialty services

# Regulation and Quality Distribution

- Regulation can cut the tail off the quality curve, if:
  - Motivated
  - Legally empowered
  - Well Informed
  - Adequate resources
- Not good at shifting the quality curve to the right



# And Applying the Lessons Elsewhere?

- Experience from Legal Reform and Regulatory Review in:
  - Vietnam
  - Kenya
  - Zambia
  - Ethiopia
  - Nigeria
  - Russia

# Some Reforms are Moving Forward

- Periodic License Renewal
  - The end of the “lifelong” license?
- Continuous Professional Education Requirements
- Accreditation of Targeted Services

## BUT MINISTRIES OF HEALTH ARE SLOW TO EVOLVE

- Role for Consumers?
- Can They “Row” and “Steer” at the Same Time?
- Enforcement Mechanisms Inadequate

# Diagnostic Tools

## Reviewing Laws and Regulations

- Are there Separate Systems for Facilities and Professionals?
- Are Facility Standards Outmoded or Irrelevant?
  - Differentiate consulting rooms and facilities
    - If the doctor is licensed, why license his office?
      - If no invasive procedures
  - Do the standards require staffing/facilities that the Ministry of Health does not require of itself?
    - If a supervised pharm tech is adequate in a public facility, why not in private
- Are The Really Important Requirements Clear?
  - Sterilizers and Sterile Technique
  - Basic Patient Records

# Diagnostic Tools

## Reviewing Laws and Regulations

- Redundant Information Requirements?
  - Accept drug marketing approvals from other jurisdictions?
- How is Service Specific Accreditation Linked to Licensing?
- How is Scope of Practice Defined?
  - Clear
  - Parallel in public and private settings
  - Linked to training
  - Mechanism to resolve disputes
    - A regulatory council that includes all professions?
- Are There Constraints on High Tech Capacity---Certificate of Need?
  - The explosion of under-used technology
  - Force public private partnerships?



# The Most Basic Tool: Improving Enforcement

- Complaints as an early warning system
  - Cell phones can overcome barriers
  - Inspector access to medical records
- Budgets for inspections
  - Good stewardship may require spending more than license fees
- Consider corruption potential
  - Data systems
  - Clear standards
    - Don't sweat the small stuff
  - Supervision and rotation

# The Most Basic Tool: Improving Enforcement

- Avoid multi-step hearing process
  - Public health emergency powers?
- Assure Legal Support
  - Dedicated lawyer for health regulation?
  - Special unit in Ministry of Justice
  - Dealing with the unlicensed
    - Co-ordinate with the local police
- Range of sanctions
  - Fines
  - Suspension



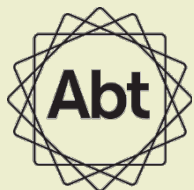
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