

NEW GOVERNANCE AND HEALTH CARE REGULATION

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ABSTRACT

This paper explores a new approach to health care regulation, referred to generally as new governance. New governance is not a unitary theory of law but rather is a collection of approaches to regulation which lie between an open market system and a very prescriptive regulatory regime, often characterized as command and control regulation. Originally developed in Australia, the various approaches to new governance have been implemented in Europe and North America as well, generally in highly technical arenas in matters concerning safety and the environment. The paper considers the application of new governance in health care, primarily in the context of medical errors, but also considers application so this doctrine to licensure as well.

KEYWORD: *new governance; health care regulation; regulatory reform; responsive regulation; meta-regulation*

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