

Criteria Review

During 2003, the Health Professions Regulatory Advisory Council initiated a review of the process and criteria to be used by HPRAC in providing its advice to the Minister regarding the regulation of health professions and to consider requests for changes in scopes of practice for professions regulated under the *RHPA*.

The review was prompted by changes in technology, demographics, economics, professional education and development since the original nine criteria were adopted. The Council and many stakeholders agreed it was appropriate to assess whether the criteria, (which were originally developed by the Health Professions Legislative Review team, and subsequently endorsed and adopted by HPRAC in 1994), continued to be germane close to 15 years after their first acceptance.

Many Colleges, professionals, organizations and individuals worked with HPRAC in its consultative program, and provided thoughtful submissions and presentations. While the work was completed by January of 2004, a report on HPRAC's conclusions was never presented to stakeholders.

At the December, 2004 meeting of HPRAC, the newly constituted Council considered the previous Council's work, and adopted two sets of criteria which will be used as a guide in our analyses, examinations and deliberations as we formulate our advice to the Minister. You will note that while they are not substantially different from previous criteria, there is an affirmation of the need for criteria, and that the approach taken by the HPLR and successive HPRAC Councils is still valid. Some components have been added which reflect changes in the regulatory environment since the HPLR process.

The criteria adopted by HPRAC follow:

**Criteria for
Regulating a New Profession
under the *RHPA***

Health Professions Regulatory Advisory Council
January 2005

Criteria for Regulation under the *RHPA*

Based on the *RHPA* public interest principles, the Health Professions Legislative Review (HPLR), a literature review and consultation program undertaken in 2003, HPRAC has adopted the following criteria for regulating a new profession under the *RHPA*:

1. Risk of Harm

A substantial risk of physical, emotional or mental harm to individual patients/clients arises in the practice of the profession.

2. Sufficiency of Supervision

A significant number of members of the profession do not have the quality of their performance monitored effectively, either by supervisors in regulated institutions, by supervisors who are themselves regulated professionals, or by regulated professions who assign this professions' services.

3. Alternative Regulatory Mechanism

Regulation under the *RHPA* must be a more appropriate means to regulate the profession than other means.

4. Body of Knowledge

The members of this profession must call upon a distinctive, systematic body of knowledge in assessing, treating or serving their patients/clients. The core activities performed by members of this profession must be discernible as a clear and integrated whole and must be broadly accepted as such within the profession.

5. Educational Requirements for Entry to Practice

To enter the practice of the profession, the practitioner must successfully complete a post-secondary program offered by a recognized educational institution. The educational program must be available in Canada.

6. Leadership's Ability to Favour the Public Interest

The profession's leadership has shown that it will distinguish between the public interest and the profession's self-interest and in self-regulating will favour the former over the latter.

7. Membership's support and willingness to be regulated and likelihood of complying with regulation

The members of the profession support self-regulation for themselves with sufficient numbers and commitment that widespread compliance is likely. The practitioners of the profession are sufficiently numerous to staff all committees of a governing body with committed members and are willing to accept the full costs of regulation. At the same time, the profession must be able to maintain a separate professional association.

8. Economic impact of regulation

The profession must demonstrate an understanding and appreciation of the economic impact of regulation on the profession, the public and the health care system.

9. Public need for regulation

The profession must demonstrate that a significant public need would be met through regulation.

**Criteria for Including
a New Controlled Act
in the *RHPA***

**Health Professions Regulatory Advisory Council
January 2005**

Criteria for the inclusion of a new controlled act in the *RHPA*

Based on the *RHPA* public interest principles, the HPLR criteria, the criteria used in other Canadian jurisdictions and past HPRAC reports, HPRAC has adopted the following criteria for the inclusion of a controlled act in the *RHPA*:

1. Risk of Harm

- The nature and extent of harm either inherent in the act or when the act is applied to select populations must be significant

2. Alternative Regulatory Mechanism

- Including the act in the *RHPA* must be a more appropriate response than institutional or other controls

3. Sufficiency of Supervision

- The act must be practiced without direct supervision or supervision exercised through institutional and/or agency protocols

4. Appropriate Enforcement

- The restriction on the act must be enforceable

5. Education and Training

- Practitioners must be adequately trained in current educational programs to perform the act

6. Economic considerations

- Prohibitive costs or unreasonable rigidities should not be imposed on the health care delivery system by controlling the act