



**Health Professions Regulatory  
Advisory Council  
(HPRAC)**



**Annual Report**

April 1, 2006 - March 31, 2007

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**Health Professions Regulatory  
Advisory Council**

55 St. Clair Avenue West  
Suite 806 Box 18  
Toronto ON M4V 2Y7  
Tel (416) 326-1550  
Fax (416) 326-1549  
Web site [www.hprac.org](http://www.hprac.org)  
E-mail  
[HPRACWebMaster@moh.gov.on.ca](mailto:HPRACWebMaster@moh.gov.on.ca)

**Conseil consultatif de réglementation  
des professions de la santé**

55, avenue St. Clair Ouest,  
pièce 806, casier 18  
Toronto ON M4V 2Y7  
Tél (416) 326-1550  
Télééc (416) 326-1549  
Site web [www.hprac.org](http://www.hprac.org)  
Courriel  
[HPRACWebMaster@moh.gov.on.ca](mailto:HPRACWebMaster@moh.gov.on.ca)



July 15, 2007

Hon. George Smitherman  
Minister of Health and Long-Term Care  
10<sup>th</sup> Floor, Hepburn Block, 80 Grosvenor Street  
Toronto, Ontario  
M7A 1R3

Dear Minister,

I am pleased to submit to you, on behalf of the Health Professions Regulatory Advisory Council, its Annual Report for the fiscal year 2006-2007.

Members of the Council were gratified to note that the majority of recommendations made in the report, *New Directions: A Report to the Minister of Health and Long-Term Care on Regulatory Issues and Matters respecting Health Care Practitioners, Patients and Clients*, that we submitted to you in April, 2006 were incorporated into Bill 171, and are now law. We are convinced that the new legislation will contribute to enhanced quality in professional health services in Ontario. We appreciate having been part of the most extensive change in health professional legislation since the introduction of the *Regulated Health Professions Act* in 1991, and want to acknowledge the involvement of numerous stakeholders, both during HPRAC's consultative process and subsequent to the release of our report. This strengthened our work and the legislation that was the outcome.

As Chair of HPRAC, I want to commend to you the energy, time commitment and real involvement of members of Council. They participate in consultative programs, conduct research, weigh alternatives for public policy, write and edit, and we are well served by their vigorous approach to work that takes them away from their careers on a not infrequent basis.

I would also like to recognize strongly the efforts of our four staff members. They provide the backbone for HPRAC's operations, and they have been diligent and professional in their work. They provide a notably high standard of public service.

We are anticipating an active year ahead, and thank you for involving us in these important public policy matters.

Yours truly,

A handwritten signature in cursive script that reads "Barbara Sullivan".

Barbara Sullivan  
Chair

## **2. Mandate of the Health Professions Regulatory Advisory Council**

The Health Professions Regulatory Advisory Council (HPRAC) is established under the *Regulated Health Professions Act, 1991 (RHPA)*, with a statutory duty to advise the Minister on the regulation of health professions and professionals in Ontario. That duty includes providing advice on:

- Whether unregulated health professions should be regulated;
- Whether regulated health professions should no longer be regulated;
- Amendments to the Regulated Health Professions Act (RHPA);
- Amendments to a health professions Act or a regulation under any of those Acts;
- Matters concerning the quality assurance programs undertaken by colleges; and
- Any matter the Minister refers to HPRAC relating to the regulation of the health professions.

HPRAC also has the duty under the Act to monitor each college's patient relations program and to advise the Minister about its effectiveness.

In this respect, the Minister relies on recommendations from HPRAC as an independent source of information, analysis and advice in the formulation of public policy. In providing its advice and conducting its affairs, HPRAC is independent of the Minister of Health and Long-Term Care, the Ministry of Health and Long-Term Care, the regulatory colleges, regulated health professional associations, and of stakeholders who have an interest in issues on which it provides advice.

In the conduct of its work, HPRAC is mindful of the objectives of the *Regulated Health Professions Act*:

- To ensure that the health professions are regulated and coordinated in the public interest;
- To ensure that appropriate standards of practice are developed and maintained;
- To ensure that individuals have access to services provided by the health professions of their choice; and
- To ensure that individuals are treated with sensitivity and respect in their dealings with the health professionals, the regulatory Colleges and the Health Professions Appeal and Review Board (HPRAB).

### 3. Governance

HPRAC is, according to the *RHPA* statute, comprised of at least five and no more than seven persons who are appointed by the Lieutenant Governor in Council on the Minister's recommendation. Its members cannot be public servants or regulated health professionals. The Lieutenant Governor in Council designates one member of the Council as Chair and one as Vice-Chair. HPRAC is supported in its work by four public servants who comprise its ongoing secretariat.

The Chair is responsible under the *RHPA* for ensuring that HPRAC carries out the advisory and other responsibilities assigned to the Chair, the Secretary, the Council's Chief Operational Officer, and the Council.

The Council meets a minimum of two days each month during the course of the year, and Council committees meet on average an additional two to three days each month to provide oversight on projects. Additionally, Council members are engaged in HPRAC's public consultation process and attend public hearings, workshops, presentations and focus groups during the course of the year. Council members also participate directly in the writing and editing of reports to the Minister.

### 4. HPRAC Council

Members of HPRAC, and the terms of their appointment include:

**Barbara Sullivan**, Chair, is President of The Cheltenham Group, a company specializing in communications and corporate advisory services. She served as Member of the Provincial Parliament for Halton Centre from 1987 to 1995, during which time she chaired the government caucus, chaired the Select Committee on Energy, was parliamentary assistant to the Minister of Labour, and was Official Opposition Critic for Health and for the Environment. Active in community affairs, she is Chair of Hamilton Health Sciences, one of Canada's major academic hospitals, and is past director and vice-chair of Bird Studies Canada, and past director of Oaklands Centre for developmentally disabled adults. She was Chair of the Oakville Centre for Performing Arts, Patron of Sheridan College's Performing Arts program, and was Commissioner and Acting Chair of the Commission on Election Finances in Ontario. She lives in

Burlington, Ontario. Originally appointed in June, 2004, Ms. Sullivan has been reappointed to June, 2008.

**Peter Sadlier-Brown** serves as Vice-Chair of the Health Professions Regulatory Advisory Council. He provides strategic advice on public policy development to private and public sector clients. He has served as Assistant Deputy Minister for Environmental Economics with Ontario's Ministry of Finance, providing advice on issues relating to global climate change, air quality and public transit investment, and as Assistant Deputy Minister in the Ministry of Economic Development, where he was responsible for strategic development in innovative business growth, and led units responsible for trade, industrial, technology and business development. With the Ministry of Intergovernmental Affairs, he provided advice to the Ontario government on constitutional policy and jurisdictional issues and federal-provincial finance. He served as the Assistant Deputy Minister for Policy and Programs in the Ministry of Labour where he was responsible for Employment Standards Branch and policy development for Ministry programs including Occupational Health and Safety and Workers Compensation. He was Assistant Deputy Minister with responsibility for budget development, fiscal planning and policy, intergovernmental finance and pension policy for the Ministry of Treasury and Economics. Mr. Sadlier-Brown was appointed Vice-Chair of HPRAC in April, 2006, and his appointment has been extended to August, 2008.

**Dr. Barry Brown, Ph.D.**, before his retirement, was Associate Professor of Philosophy at St. Michael's College and the University of Toronto. He was Associate Chair (Undergraduate) of the Department of Philosophy 1993-1998. He also served as a member of the Governing Council, University of Toronto. He was a founding member of the Joint Centre for Bioethics and was Coordinator of the Bioethics program of the Department of Philosophy. He specialized in the ethics of research with human subjects. He was a reviewer for human subjects protocols for the Office of Research Services. In the 1980s he was a member of Ontario's Health Research and Development Council. He served as President of the Toronto Chapter and the National Board of the Juvenile Diabetes Foundation Canada. In 2003, Dr. Brown received the Lifetime Achievement Award for Excellence in Human Research Protection, Health Improvement Institute, Bethesda, Maryland: (Founding Sponsor: Office for Human Research Protections, U.S. Department of Health and Human Services). He is presently Chair of an independent Research Ethics Board. He lives in Toronto, Ontario. Dr. Brown served with distinction as an Advisory Council member since 1998, and he retired from Council in October, 2006.

**Ennis Fiddler**, Member, is Chair and Board Member of the Meno-Ya-Win Health Centre in Sioux Lookout, which governs the newly created Health Centre which amalgamated Sioux Lookout Zone Hospital and Sioux Lookout

General Hospital. These responsibilities included constructing a new hospital building, and implementing a four-party agreement between the governments of Ontario and Canada, the Town of Sioux Lookout and Nishnawbe-Aski Nation. He works as a Consultant with the Sandy Lake First Nation on health issues, social assistance reform, economic development, review and development of band membership and winter transportation issues. He served as Chief of the Sandy Lake First Nation and as a member of the Band Council. He is a Founding member of the community choir, and has been a volunteer and participant in cultural activities such as Wabinoowin and other traditional ceremonies. Mr. Fiddler also serves as a member of the North West Local Health Integration Network. He lives in Sandy Lake, Ontario. First appointed to a two year term in November, 2004, Mr. Fiddler's appointment to HPRAC has been extended to November, 2008.

**Mary Mordue** provides strategic advice in business integration, communications, sales process innovation, change management and marketing for Canadian and international clients. She is currently working with the global accounting and tax services firm of Ernst & Young LLP, developing new business for their Southwestern Ontario practice. Mary has served as Director of Strategic Planning, Marketing and Communications for a major international consultancy firm with annual sales in excess of \$1 billion in Canada. As a consultant, she has advised a wide range of industries and sectors including auto parts, confectionary, home health and laboratory, provincial and municipal governments, high tech components manufacturers and third party logistics service providers. She lives with her family in Drumbo, Ontario, where she is active in family and community life. Mary was first appointed to HPRAC in November, 2004 and is currently serving her second term on Council.

**Kevin Doyle** is a career journalist, who is now Executive Director of Public Affairs and Communications at the University of Windsor, following several years as Editor of the C.D. Howe Institute. Previously, he was Canadian Editor of Bloomberg News, an international news and analytic service, for whom he built the Canadian operations with bureaus across Canada and liaised with 75 news bureaus around the world to provide a comprehensive news service. He has served as Senior Fellow for the International Institute for Sustainable Development, working to resolve disputes between business organizations and environmental organizations, particularly in the logging, technology and resource sectors. For more than 10 years, he was Editor-in-Chief of Maclean's, Canada's national news magazine, and during that period he opened bureaus in Moscow, London, Washington and New York and in cities across Canada. He has been General Editor of Newsweek Magazine, based in New York, Editor of FP News Service, Managing Editor of Maclean's, and Foreign Correspondent for the Canadian Press. Originally appointed in October, 2004, Mr. Doyle's term will end in October, 2008.

**Robert Carswell** practised law for many years with Fraser Milner Casgrain and predecessor firms, specializing in corporate and real estate law. He is now retired, but continues to do community work, serving on the national board of directors of The Nature Conservancy of Canada and as president of the Toronto Ornithological Club. Over the years he served on the boards of various environmental and other community organizations, and taught such subjects as business mathematics and environmental law. Robert joined HPRAC for his first two-year term in December, 2006.

## 5. Management Structure

HPRAC has a modest staff complement that is responsible for managing the Council's day-to-day operations and affairs according to accepted business and financial practices, and for supporting the Council by conducting consultations and research leading to formal recommendations and advice from HPRAC to the Minister. Permanent staff members are public servants employed under the Public Service Act and are eligible for all rights and benefits accorded under the Act. The Executive Coordinator may be from either the classified staff of the Civil Service or from outside the Civil Service. From time to time, HPRAC engages individuals on contract to assist with special assignments.

**Brian O'Riordan**, who joined HPRAC in late March, 2005, serves as HPRAC's Executive Coordinator. He is supported by two policy analysts, **Deanne Montesano** and **Sheila Mawji**, and administrative assistant **Barbara Thompson**.

Because specialised expertise is frequently required in HPRAC's work, Council relies on external counsel for particular and focused research studies, public consultations and documenting proposals for public policy alternatives. Project management oversight on all HPRAC external assignments is provided in-house.

Under the *RHPA*, the Council is authorized to "engage experts or professional advisors to assist it". To ensure that external advisors are appropriately selected, the following criteria are used to measure the capacity of external counsel:

1. **Conflict of Interest:** External advisors cannot have, or be seen to have, conflicts of interest through holding contracts on regulation issues either with the Minister of Health and Long-Term Care, the Ministry of Health and Long-Term Care, or continuing contracts with health regulatory colleges, with regulated health professional associations, or with stakeholder groups, organizations or individuals who have an interest in matters on which advice was requested.

2. **Body of Knowledge:** External advisors must have experience in the regulation of health professionals in Ontario and elsewhere; be familiar with the Ontario statutes relating to the regulation of health professionals; understand the role of HPRAC in providing advice to the Minister; understand the role of the professional colleges; and be knowledgeable about the evolution of health systems, the changing health delivery environment, and the impact of change on health professionals.

3. **Credibility with Stakeholders:** External advisors must exhibit through previous work impartial, thorough and proficient analysis, the ability to work with a broad range of stakeholders, and to engage stakeholders in the decision-making and consensus-building process. There has to be a large measure of trust.

4. **Technical Competence:** Consultants must exhibit considerable technical skills in issue analysis, in literature and jurisdictional reviews and analyses, in developing consultative processes and making judgments about appropriate processes for the project, in the synthesis and analysis of submissions, in facilitation, in logistical procedures, and in report-writing and presentations. Work must be thorough and complete.

5. **Capacity:** Consultants must be able to demonstrate that their companies or organizations have the depth of skilled, knowledgeable and experienced people to complete the project to high standards and to deliver their work on time.

6. **Board Experience:** External advisors must have worked with Boards and be comfortable with reporting to Board committees in addition to an executive and staff complement.

7. **Competitive Rates:** External advisors must provide rates that are competitive for the elements of the project to be undertaken, and to have processes in place to track rates against deliverables.

8. **Understanding of the Public Policy Process:** External advisors must understand the public policy process, and be able to explain the process to stakeholders as required in the course of the project work. Consultants must also comprehend both the governance process and the resource intensity required for stakeholders to be involved in the participatory process.

9. **Commitment to the Public Interest:** The Regulated Health Professions Act and the profession-specific Acts emphasize the public interest in the regulation of health professions, a commitment to public safety and high standards of professional service. Consultants engaged on any project must comprehend this commitment, and reflect these principles in their work.

**10. Communications Skills:** External advisors must have facility in communication and experience with a variety of communication techniques to engage stakeholders in the consultative process, prepare briefs and discussion materials, write and present reports, and make presentations as required to a variety of audiences. Facility in English and French is preferable.

**11. Ontario Base:** Consultants should have an Ontario base, and be readily accessible to HPRAC and to stakeholders who are involved in the process.

**12. Vendors of Record:** Whenever possible, external advisors should be pre-approved Ontario government Vendors of Record (VOR).

During the 2006-2007 fiscal year, HPRAC engaged external advisors through the Ministry of Health and Long-Term Care to undertake research, report writing, health law policy analysis, jurisdictional and literature reviews, analysis, public consultations and other tasks to inform the Council and assist in formulating recommendations to the Minister. Their work assignments required both expertise in the health sector and public policy analysis, along with proven experience in the consultation process. The synthesis and examination of written and oral submissions and presentations was a key element of the work of external advisors, along with participation at workshops, meetings and hearings.

## **6. Activities in 2006-2007**

HPRAC began the 2006-2007 fiscal year completing the *New Directions* report to the Minister of Health and Long-Term Care. The 720 page report in two volumes in English and in French contained some 150 recommendations for changes and updating of health professional legislation in Ontario. The report, prepared in response to the Minister's referral letter to HPRAC in February, 2005, addressed deficiencies in the *RHPA, 1991*, recommended the regulation of the new professions of kinesiology, homeopathy and psychotherapy, and that the profession of naturopathy be moved from the archaic *Drugless Practitioners Act* into the *RHPA*. HPRAC recommended changes in the scope of practice of Optometry, and that Hearing Instrument Practitioners be regulated in a College with the currently regulated Audiologists and Speech-Language Pathologists. The Council also recommended that a new class of pharmacy technicians be regulated within the College of Pharmacy.

The report was presented to the Minister April 27, 2006. Due to the complex nature of the advice requested relating to personal support workers, HPRAC included an interim report in the April, 2006 document, and submitted a final report to the Minister in September, 2006. This final report on personal support

workers will be posted on HPRAC's website following the Minister's consideration.

Following the transmittal of the *New Directions* report, HPRAC was called upon to provide extensive briefings and backgrounders to the Ministry of Health and Long-Term Care on its recommendations. HPRAC's Chair also provided briefings on the report to the Health Critics of the Opposition Parties in the Legislature, and made presentations to numerous stakeholder organizations. The report was posted on HPRAC's website, and was circulated to a broad mailing list. Staff was engaged in responding to questions and comments of those with an interest in the matters included in the report.

On December 12, 2006, the Minister presented Bill 171, the *Health Systems Improvement Act, 2007* for First Reading. This omnibus bill included the majority of recommendations made to the Minister by HPRAC in the *New Directions* report, including major changes to the *RHPA* framework, the regulation of new professions of kinesiology, psychotherapy, homeopathy, and the changing of the regulatory structure of naturopathy to the *RHPA*. The Bill proposed the regulation of pharmacy technicians as a class within the College of Pharmacy, and changes in the scope of practice for Optometry to enable members of the profession to prescribe therapeutic pharmaceutical agents. The Bill also changed the scope of practice for the profession of dental hygienists, previously recommended by HPRAC. At the end of the fiscal year, the Bill had been debated at second reading, and was to go to public hearings in April, 2007. HPRAC was asked for advice and clarification during the course of the debate.

In January, 2006, HPRAC received a second referral from the Minister of Health and Long-Term Care concerning the use of the doctor title in Traditional Chinese Medicine. Its recommendations to the Minister were submitted in September, 2006. The report will be posted on HPRAC's website following the Minister's consideration, and will be available to the new College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario when it is established.

As a result of matters raised during consultations leading to the *New Directions* report, HPRAC reviewed the question of titles in the profession of psychology. The Council investigated the matter, and presented a report to the Minister on November 1, 2006, that will be posted on HPRAC's website following consideration by the Minister.

During the consultations that were a vital part of the *New Directions* report, it became clear that HPRAC's website needed to be revamped. Stakeholders had difficulty finding material on the site, and it was not strong enough to efficiently handle registration for consultative events or to adequately manage a robust database. In December, 2006, the Council embarked on a new website design

that would incorporate features that would make it more readily usable, and the first phase of the redesign was launched in March, 2007. The second phase will proceed in the next fiscal year.

The Council also began developing project plans to meet its statutory mandate to monitor health regulatory Colleges patient relations programs. An introductory workshop, involving professional members of College Councils, public appointees to Councils, and College staff was scheduled for April, 2007.

HPRAC has continued to review matters associated with the regulation-making process, and will present additional recommendations to the Minister when the project is completed.

The Council completed an internal strategic, financial and organizational review during the fiscal year and has held discussions with the Ministry concerning approaches to organizational effectiveness.

During the course of the fiscal year, both the Chair and the Vice-Chair have made a number of presentations to organizations regarding the regulation of health professions in Ontario. Council members and staff have also participated in a number of health professions conferences and meetings respecting health professionals and emerging trends that impact regulation.

In October, 2006, Dr. Barry Brown, who has served as a member of the Council since 1998, retired from HPRAC. Dr. Brown made significant contributions to the work of HPRAC in his eight years of tenure, and brought his particular demand for precision and excellence to the HPRAC table in the consideration of any issue. He became a specialist in the field of complementary and alternative medicine, and engaged in extensive personal research into the theory, ethics, risk of harm, evidence and efficacy of various practices and modalities. These insights greatly assisted Council in its work. As Chair of the New Professions Committee, Dr. Brown ensured that there was rigorous analysis and debate concerning the background and options that might be put before the Minister. He participated fully in public consultations on all projects, and represented the Council at many meetings and presentations. He knew that there were many layers to any matter to be considered, and encouraged Council to be aware that "*Nihil umquam simplex aut facile*". The Council will miss Barry's commitment, integrity, enquiring mind and unending good humour.

## 7. Financial Report

The Ministry of Health and Long-Term Care provides quarterly expenditure reports to the Health Professions Regulatory Advisory Council. The Council's budget is contained within the Ministry's Health Human Resources Division. For the fiscal period ending March 31, 2007, HPRAC's expenditures were:

*Fiscal year April 1, 2006 to March 31, 2007*

<b>Salaries and Wages</b>	<b>\$ 334,473</b>
<b>Benefits</b>	<b>\$ 37,410.</b>
<b>Operating expenses</b>	<b>\$ 1,224,233</b>
<b>Total:</b>	<b>\$ 1,596,116</b>

**Health Professions Regulatory Advisory Council**

55 St. Clair Avenue West  
Suite 806, Box 18  
Toronto, Ontario, Canada M4V 2Y7

Telephone: 416-326-1550

Toll-Free: 1-888-377-7746

Fax: 416-326-1549

Website: [www.hprac.org](http://www.hprac.org)

E-mail: [HPRACWebMaster@moh.gov.on.ca](mailto:HPRACWebMaster@moh.gov.on.ca)



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