

HPRAC

Annual Report

April 1, 2009 – March 31, 2010



Health Professions Regulatory Advisory Council (HPRAC)



Health Professions Regulatory Advisory Council

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**Annual Report
Fiscal Year 2009-2010
Health Professions Regulatory Advisory Council**

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1. 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.

- This includes providing advice to the Minister 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 profession's Act or a regulation under any of those Acts;
- Matters concerning the quality assurance programs and patient relations programs undertaken by health colleges; and
- Any matter the Minister refers to HPRAC relating to the regulation of the health professions.

Under the RHPA, the duty of the Minister is two-pronged: for members of the professions, the Minister's statutory obligation is to administer the RHPA and to ensure that the health professions are regulated and coordinated in the public interest, and that appropriate standards of practice are developed and maintained.

For individuals, the Minister's duty is to ensure access to services provided by the health professionals of their choice, and to make certain that individuals are treated with sensitivity and respect in their dealings with health professionals, the health colleges, and the Health Professions Appeal and Review Board. In this respect, the Minister relies on considered recommendations from HPRAC as an independent source of information and advice in the formulation of public policy.

In providing its advice and preparing its recommendations, HPRAC is independent of the Minister of Health and Long-Term Care, the Ministry of Health and Long-Term Care, the regulated health colleges, regulated health professional and provider associations and of stakeholders who have an interest in issues on which it provides advice. This ensures that HPRAC is free from constraining alliances and conflict of interest, and is able to carry out its activities in a fair and unbiased manner. The Ministry of Health and Long-Term Care provides administrative and resource support to the Council to enable it to carry out its statutory duties.

In the conduct of its work, HPRAC is mindful of the objectives of the *Regulated Health Professions Act, 1991*:

- 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 (HPARB).

2. Change in HPRAC's Mandate in 2009 – 2010

In the fiscal year 2009 – 2010, Bill 179, *Regulated Health Professions Statute Law Amendment Act, 2009* which received Royal Assent in December, 2009, changed the mandate of HPRAC significantly. Whereas in the previous statute, the Minister was obligated to refer to HPRAC any matter requested by a Council of a health college or a person concerning major issues of health professions regulation, the new statute requires that the Minister may choose to make a specific referral to HPRAC on matters arising from such requests, and may or may not refer requests to HPRAC for a review. These matters include:

- 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 profession's Act or a regulation under any of those Acts.

Additionally, while it was previously the statutory duty of HPRAC to monitor each College's patient relations program and to advise the Minister about its effectiveness, the amendments to the statute now specify that the Minister must make a specific referral to HPRAC in order to receive a report on College's patient relations programs.

These changes came into force in December, 2009.

3. Governance

As set out in the *RHPA*, HPRAC is 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. As required by the *RHPA*, members of the Council are not, nor have they ever been, members of a health profession, the Council of a health college, nor employed as a public servant in Ontario or by a Crown Agency.

The Lieutenant Governor in Council designates one member of the Council as Chair and one as Vice-Chair. The Council includes members who reflect Ontario's diversity in age, culture, geography, skills and experience. HPRAC is supported in its work by four public servants who make up 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 on average two days each month during the course of the year, and Council committees may 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. The 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 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 immediate past Chair of Hamilton Health Sciences, one of Canada's major academic hospitals, and is a former director of Country Heritage Experience. She 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's term will end in June, 2010.

Ennis Fiddler, Member, is former Chair and Board Member of the Meno-Ya-Win Health Centre in Sioux Lookout, which governs the newly created Health Centre, where his focus was the hospital's amalgamation of native and non-native services in Sioux Lookout and the planning of a new hospital. He was also involved in the development of the Sioux Lookout Health Authority and the Tikinagan Child and Family Services. He served as Chief of the Sandy Lake First Nation, and as a member of the Band Council. Currently, he is a board member of the North West Local Health Integration Network. He works as a consultant with the Sandy Lake First Nation on health issues, winter transportation issues and governance. 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, 2010.

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. Ms. Mordue was first appointed to HPRAC in November, 2004 and is currently serving her third term on Council.

Kevin Doyle, a career journalist, has recently completed a posting as 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 has been reappointed to October, 2010.

Catherine Smith is an Ottawa-based consultant, policy analyst and writer. As Partner with Information Ecosystems Group Inc., she has provided consulting expertise in information management, marketing, and strategic planning to a wide range of public and private sector clients. A former international marketing and trade policy analyst within government, and later a communications advisor, career counsellor, market trends researcher, and social marketing specialist, Catherine is now writing on aspects of consumer behaviour. Within the Ottawa IT sector, Catherine serves annually as a primary judge for government and industry technology awards. Her other longstanding, community based voluntary activities includes membership in the Health Working Group of Team Ottawa Orleans and social policy advocacy with such organizations as the Canadian Federation of University Women. Ms. Smith was appointed to HPRAC in May 2007, and her appointment has been extended to 2011.

A Lamented Departure

In December of 2009, HPRAC lost a good friend and colleague, Peter Sadlier-Brown, who succumbed after a brave fight with cancer. Mr. Sadlier-Brown, who was appointed as Vice-Chair of the Health Professions Regulatory Advisory Council in 2006, served the Council by sharing his good judgment, energy and commitment, and he is sorely missed. In his working life, he provided strategic advice on public policy development to private and public sector clients. He had 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 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. Peter is sadly missed by members of the Council, its staff, and the many people who worked with HPRAC during his time with us.

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. Four permanent staff members, including an Executive Coordinator, two policy analysts and an administrative assistant are public servants employed under the *Public Service of Ontario Act, 2006*, S.O. 2006, Chapter 35, Schedule A, and are eligible for all rights and benefits accorded under the *Act*. The Executive Coordinator may be from either the classified staff of the Public Service or from outside the Public Service.

Brian O’Riordan, who served as HPRAC’s Executive Coordinator and had joined HPRAC in late March, 2005, left HPRAC in December, 2009 to become Registrar of the College of Audiologists and Speech Language Pathologists of Ontario. HPRAC was grateful for the collaboration and support of the Ministry and its agreement to the temporary appointment of **Frank Schmidt**, who served as Interim Executive Coordinator while HPRAC conducted a search for a new chief operating officer.

Policy analysts **Marc Jacquin** and **Susanna Tam** work with the Executive Coordinator and administrative assistant **Barbara Thompson**. Ms. Tam began a maternity leave in December, 2009, and by the end of the fiscal year, HPRAC had engaged **Margaret Drent**, a policy analyst in the Legislative Assembly of Ontario on a secondment to fill her position during her absence.

Because specialised expertise is frequently required in HPRAC’s work, Council relies on highly qualified 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”. This expertise is selected through provincial government procurement policies, and must meet additional HPRAC tests concerning conflict of interest, body of knowledge, stakeholder credibility, technical competence, corporate capacity, experience in dealing with boards, competitive rates, understanding of the public policy process, commitment to the public interest, communications skills, and accessibility to HPRAC and stakeholders. Where possible, external advisors hold vendor of record designations.

During the 2009-2010 fiscal year, HPRAC engaged external advisors through the Ministry of Health and Long-Term Care to undertake research, report writing, health law policy analysis, project support, jurisdictional and literature reviews, policy 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. Reports to the Minister

On June 28, 2007, the Minister of Health and Long-Term Care, Hon. George Smitherman, requested HPRAC’s advice on a number of matters impacting the regulation of health professions in Ontario. His request included questions relating to:

- mechanisms to facilitate and support interprofessional collaboration between regulated health colleges and their members;
- the scope of practice of registered nurses in the extended class;
- regulations concerning non-physician professions who prescribe and/or use drugs in the course of their practice;
- framework and process for changes to drug regulations for non-physician prescribers;
- the regulation of diagnostic sonographers;
- consideration of an association model for personal support workers;
- the regulation of dental assistants;

- the regulation of paramedics and emergency medical attendants; and
- the regulation of chiropody and podiatry, and a foot-care model for Ontario.

The Council submitted *An Interim Report to the Minister of Health and Long-Term Care on Mechanisms To Facilitate and Support Interprofessional Collaboration among Health Colleges and Health Professionals* on March 31, 2008. This report included discussion of collaboration issues relating to the professions of psychotherapy, traditional Chinese medicine and acupuncture and initial observations on the eye care professions. It was released to the public on January 26, 2009.

As part of the project on interprofessional collaboration, in February, 2008 HPRAC issued a *Consultation Discussion Guide on Issues Related to the Ministerial Referral on Interprofessional Collaboration among Health Colleges and Professionals*. Numerous individuals, organizations and health colleges responded to HPRAC's invitation to comment, and submissions were analyzed and additional interviews and focus groups held during the course of the fiscal year 2008-2009 to obtain a clear picture of concerns and support for possible mechanisms to enhance collaboration among the colleges and their members.

On March 31, 2008, *A Report to the Minister of Health and Long-Term Care on the Review of the Scope of Practice for Registered Nurses in the Extended Class (Nurse Practitioners)* was delivered to the Minister. This report was prepared in response to the Minister's request for advice in his letter of June 28, 2007 on the scope of practice of nurse practitioners. It was released to the public on January 26, 2009.

This report contained an extensive analysis of the evolving role of nurse practitioners in Ontario, with significant recommendations for expanding the scope of practice for the profession. Subsequent to its presentation to the Minister, HPRAC was engaged in extensive briefing sessions with Ministry personnel as part of the Ministry post-report consultation, and provided additional background documents and analysis for the Ministry's use.

A Report to the Minister of Health and Long-Term Care on the Health Profession Regulatory Colleges' Patient Relations Programs was presented to the Minister in May, 2008. This report was prepared in response to HPRAC's statutory duty under section 11(2) of the *Regulated Health Professions Act, 1991*, to monitor each health college's patient relations program and to advise the Minister about its effectiveness. It reported on work over some 14 months with the health colleges to define the goals and elements of patient relations programs, develop monitoring tools, and gather information and analysis. It found that the health colleges and their members are making significant attempts to provide patients with information, and to treat patients with sensitivity and respect. It noted several best practices that could be shared with other health colleges, and that all health colleges needed to put sophisticated information systems in place as required under the *Health Systems Improvement Act, 2007*. This has added to their capacity to further meet patient needs.

An Interim Report to the Minister of Health and Long-Term Care on Mechanisms to Facilitate and Support Interprofessional Collaboration among Health Colleges and Health Professionals, Phase II was submitted to the Minister in September 8, 2008. It was released to the public on January 26, 2009. This report included recommendations to ensure that the regulatory framework for health professionals is flexible and adaptable, while strengthening the accountability of

health regulatory colleges and their members. It also reviewed and proposed changes to the scope of practice of the professions of pharmacy, midwifery, dietetics and physiotherapy. HPRAC's recommendations were intended to enable members of these professions to work to the utmost of their knowledge and skills, advance professional teamwork, and provide better results for patients. Enabling these professions to perform controlled acts independently, consistent with their competence, HPRAC reported, will enhance their ability to work with others as part of a health care team. Hundreds of people and organizations provided information and analysis for this report and participated in HPRAC's extensive consultations and meetings in various locations through the province.

On January 31, 2009 HPRAC presented ***Critical Links: Transforming and Supporting Patient Care. A Report to the Minister of Health and Long-Term Care on Mechanisms to Facilitate and Support Interprofessional Collaboration and a New Framework for the Prescribing and Use of Drugs by Non-Physician Regulated Health Professions.*** This report was prepared in response to the Minister's questions relating to interprofessional collaboration among health colleges and the prescribing and use of drugs by non-physician health professionals, and was released to the public on February 2, 2009.

It includes scope of practice reviews for the professions of medical radiation technology and medical laboratory technology, along with an examination of the prescribing and use of drugs in the professions of chiropody and podiatry; dental hygiene; dentistry; midwifery; naturopathy; nursing; optometry; pharmacy; physiotherapy; and respiratory therapy. It put forward an important and far-reaching series of recommendations to change the regulation approvals process for those health professions that are authorized to prescribe, compound, dispense, sell, administer or use drugs in the course of their practice. The proposals were developed to respond to a cumbersome regulation-making process by authorizing drug approvals by class or category in the regulations, and specific agents to be approved for each profession – with terms, limits and conditions as necessary - by an expert external committee. HPRAC saw a revised system as one that would enable health colleges to respond in a nimble way to changing practice patterns and patient care needs.

Critical Links also proposed a new framework for oversight and support of change management in Ontario's health regulatory colleges by integrating HPRAC's current roles into a new agency with additional responsibilities for increasing collaboration and excellence among Ontario's health colleges and health professionals.

To complete its response to the Minister's request for advice mechanisms to facilitate and support interprofessional collaboration between regulated health colleges and their members, in the fiscal year 2009-2010, HPRAC embarked on a more extensive review of the eye care professions.

On March 31, 2010, HPRAC completed ***A Report to the Minister of Health and Long-Term Care on Interprofessional Collaboration Among Eye Care Health Professions.*** Its recommendations call for changes to regulations under the *Opticianry Act, 2001* and the *Optometry Act, 2001* and for action by the Minister outside of legislation or regulation to promote collaboration among the eye health colleges and professions through an Eye Health Council. It notes decades of discord among the professions, and recommends that these professions transcend historical antagonisms to together address an escalating crisis in the rapid growth of eye diseases and conditions.

7. Next Steps

On March 26, 2010, HPRAC received a letter from Hon. Deb. Matthews, Minister of Health and Long-Term Care, acknowledging the work of Council in its current project on the eye care professions, altering the content and timelines of the original referral from Hon. George Smitherman in 2007, and amending the timelines requested in a letter to HPRAC from Hon. David Caplan in March 2009.

The letter from Minister Matthews indicates that HPRAC's work on personal support workers will not continue, and the Ministries of Training, Colleges and Universities and Health and Long-Term Care will be engaged in work associated with the education, practice and organizational issues relating to these health workers.

The Minister advised that advice on the regulation of diagnostic sonographers, dental assistants, and paramedics and emergency medical attendants which was scheduled to be provided by March 2012 will now be required by December 31, 2013.

Additionally, the Minister stated that "with respect to issues relating to chiroprody and podiatry, regulation is currently in place which is effective". She asked that work on this project not begin until the advice on the other three professions has been submitted to the Minister.

During the next immediate period, therefore, HPRAC will develop and post a revised multi-year plan and work schedule for consideration of the request for advice on the regulation of Dental Assistants, Diagnostic Sonographers and Paramedics and Emergency Medical Attendants for reports to be submitted to the Minister by December 31, 2013. As well, it will begin initial work on the request for advice on the regulation of chiroprody and podiatry, and a foot-care model for Ontario.

During the 2009-2010 fiscal year, HPRAC began steps to review its current criteria for regulation of a new health profession and for changes to the scope of practice of an existing profession. It will continue this work in the next fiscal year. This work will incorporate HPRAC's experience in its work in preparing the *Critical Links* report and in its advice on Nurse Practitioners, along with changes to labour mobility provisions and other legislative changes regarding matters such as registration of foreign health professionals.

8. Presentations and Communications:

During the course of the fiscal year, the Chair has made frequent presentations to organizations and participated in numerous health conferences and consultative meetings regarding the regulation of health professions in Ontario and associated issues.

These presentations highlighted the process for regulation of health professions, and offered summaries of HPRAC's reports, its criteria for regulation of a health profession, and criteria for change in scope of practice of a profession. 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.

Additionally, the Chair and members of Council prepared and participated in briefings and analysis and made presentations to the Ministry and the Minister and numerous other organizations concerning the **Critical Links** report, which led substantively to Bill 179, the *Regulated Health Professions Statute Law Amendment Act, 2009*. The Chair and members of Council also participated in Legislative Assembly of Ontario Committee hearings on Bill 179 as observers, and prepared and presented briefings to the Minister and Ministry on the Bill.

The Chair and members of Council conducted an extensive consultation program as part of its work in preparing advice to the Minister on interprofessional collaboration in the eye care sector, and oversaw the preparation of literature, jurisdictional and jurisprudence reviews and other analysis leading to recommendations to the Minister.

HPRAC also approved and began initiatives to conform to new requirements pursuant to the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, Chapter 11. Further work on this will be completed in the next fiscal year.

HPRAC manages a website (www.hprac.org), where it provides information about projects currently underway and how to participate in its reviews. The website also includes information about legislation impacting regulated health professionals, and posts HPRAC's advice to the Minister when the reports are released by the Minister.

9. 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, 2010, HPRAC's expenditures were:

Salaries and benefits	\$	335,796
Operating expenses	\$	<u>580,571</u>
Total	\$	916,367

10. Acknowledgements

The Advisory Council wishes to acknowledge the commitment of health regulatory colleges, in Ontario and in other jurisdictions, along with patients and their families, and professional and provider organizations, all of whom have put significant resources and thoughtful comment and analysis in the preparation of oral and written submissions on the many complex issues on which the Minister has requested advice. Along with attending numerous meetings and responding to HPRAC's queries, these individuals and organizations worked in partnership with HPRAC to share their ideas, and to engage their own membership in consideration of the questions posed. This was truly a collaborative effort, and we are grateful for the contributions made by so many. Ontarians are well served by the generous work of those who have contributed so much to positive change in public policy.