



CPSO

Special Meeting of Council

April 14, 2023



CPSO

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REQUISITION FOR A SPECIAL COUNCIL MEETING

From: Dr. Robert Gratton, President
To: Dr. Nancy Whitmore, Registrar and Chief Executive Officer
Date: March 21, 2023

I hereby ask that a Special Meeting of Council be convened at 8:00 am on Friday, April 14, 2023, to consider approving the Emergency Class of Registration regulation.

This meeting will be held by videoconference and streamed via YouTube.

Robert Gratton, MD, FRCSC, FACOG
President



**NOTICE
OF
SPECIAL MEETING OF COUNCIL**

A special meeting of the Council of the College of Physicians and Surgeons of Ontario (CPSO) will take place virtually on April 14th, 2023 at 8:00 a.m. to consider approving the Emergency Class of Registration regulation.

The meeting will be streamed live on YouTube. Members of the public who wish to observe the meeting can access the YouTube stream that will be posted on the [CPSO's website](#) in advance of the meeting.

The meeting will convene at 8:00 am on Friday, April 14, 2023.

Nancy Whitmore, MD, FRCSC, MBA
Registrar and Chief Executive Officer

March 21, 2023

Special Council Meeting Agenda

April 14, 2023



Friday, April 14, 2023

Item	Time	Topic and Objective(s)	Purpose	Page No.
*	7:45 am	INFORMAL NETWORKING		
1	8:00 am (5 mins)	Call to Order (R. Gratton) <ul style="list-style-type: none"> Participate in roll call and declare any conflicts of interest 	Discussion	N/A
2	8:05 am (20 mins)	Revised Draft Regulation for Final Approval: Emergency Circumstances Practice Class of Registration (S. Tulipano, C. Roxborough, A. Wong, M. Fontaine) <ul style="list-style-type: none"> Feedback from the consultation is provided. Council is asked whether it approves the revised draft Emergency Circumstances Practice Class of Registration Regulation for submission to the Government 	Decision	1-6
3	8:25 am (5 mins)	Close Meeting (R. Gratton) <ul style="list-style-type: none"> Reminder that the next Council meeting is scheduled on June 8-9, 2023 	N/A	N/A

Council Briefing Note

April 2023

Topic:	Revised Draft Regulation for Final Approval – <i>Emergency Circumstances Practice Class of Registration</i>
Purpose:	For Decision
Relevance to Strategic Plan:	Meaningful Engagement System Collaboration
Public Interest Rationale:	Ensuring the timely delivery of health care needs to the public in potential emergency circumstances
Main Contacts:	Samantha Tulipano, Director, Registration & Membership Services Craig Roxborough, Director, Policy Alex Wong, Policy Analyst Mike Fontaine, Policy Analyst Danna Aranda, Government Relations Coordinator
Attachments:	Appendix A: Revised Draft <i>Ontario Regulation 865/93: Registration</i>

Issue

- As required by new government regulation, CPSO developed proposed amendments to [Ontario Regulation 865/93](#) (Registration) under the *Medicine Act, 1991*, setting out a new Emergency Circumstances Practice class of registration.
- Council is asked whether the revised draft regulation creating the Emergency Circumstances Practice class of registration can be approved for submission to government.

Background

- On October 27, 2022, the Lieutenant Governor in Council approved [Ontario Regulation 508/22](#) (Registration Requirements) under the *Regulated Health Professions Act, 1991 (RHPA)*. Section 5, which comes into force on August 31, 2023, requires Ontario health regulatory Colleges to develop regulations creating an emergency class of registration.
- On December 14, 2022, the CPSO received a memo from the Assistant Deputy Minister (ADM) of Health, Dr. Karima Velji, providing further guidance on developing the regulation and information on consultation requirements and the submission deadline.

- At February's meeting, the Executive Committee approved the draft regulation setting out the new Emergency Circumstances Practice class of registration for external consultation on behalf of Council to support meeting the government's deadline of May 1, 2023.
 - The draft regulation was released for a 60-day consultation period from February 7 to April 10, 2023, and circulated for notice to the other Canadian medical regulators in accordance with Section 22.21 of the *Health Professions Procedural Code*.
- Council reviewed the draft regulation for information at its [March 2023 meeting](#).

Current Status and Analysis

- Council is provided with an overview of the relevant feedback received and the amendments proposed in the revised draft regulation (**Appendix A**).

Consultation Feedback

- As of the Council submission deadline, the [consultation](#) is still underway and has garnered 118 responses, with physicians comprising the vast majority of respondents.¹
 - Most respondents provided positive feedback towards the proposal and expressed support for the registration of more physicians in the province.
 - However, respondents also provided feedback regarding how the regulation could be improved, including clarifying what constitutes an emergency circumstance; ensuring that standards are not being lowered by not requiring examinations, among other qualifications; and further specifying who can apply to the class.

Proposed Revisions

- In response to further analysis and feedback received, a substantive change is proposed to ensure that eligibility to the class is restricted to those who are either impacted by the emergency circumstances (e.g., by a delay in registration processes) or who can respond to the emergency circumstances (e.g., addressing a health human resource shortage).
 - The revision grants Council the power to set any further standards and qualifications needed to address the emergency circumstances that have been determined to exist and to establish corresponding terms, conditions, and limitations on the certificates.

¹ Organizational respondents included the World Education Services (WES) and Internationally Trained Physicians Access Coalition (ITPAC).

- The intention was to avoid a situation where any individual meeting the minimum requirements could apply to the class when opened by enabling Council to circumscribe the type of applicants to only those related to the specific emergency.
- Additional revisions are proposed when transitioning into the independent practice class:
 - Ensuring alignment with the Federation of Medical Regulatory Authorities of Canada [Model Standards for Medical Registration in Canada](#), the draft exemption to the Medical Council of Canada Qualifying Examination requirement has been removed.
 - To reduce barriers and support smooth transitions to the independent practice class, a new exemption from paying an additional application fee has been included.
- Staff considered the key themes and suggestions that emerged from the feedback but have not proposed amendments in response to these.
 - Consistent with direction from the ADM, the meaning of “emergency circumstances” was left purposefully broad to ensure the new class could flexibly adapt to any future circumstances where its use was needed. A policy will be developed to identify factors relevant to Council’s decision-making in this regard, including whether the Minister of Health has requested that the class be opened.
 - As many classes of registration already include exemptions from various registration requirements and physicians in the proposed class will practice under supervision, no changes are proposed in response to the concern that this class lowers the requirements for registration.

Next Steps

- As the consultation closes on April 10, 2023, Council will be informed of any additional substantive feedback and changes that may be proposed prior to approving the final version of the revised regulation.
- Subject to Council’s approval, the revised draft regulation will be finalized and submitted to the Ministry of Health by May 1, 2023.
- Following submission to government, the Ministry of Health may propose some changes in response to feedback or questions that arise as the regulation is formally drafted. Council will be kept apprised of any significant changes.

Questions for Council

1. Does the Council approve the revised draft regulation for submission to government?

Appendix A

Emergency Circumstances Practice

s. 6.2 (1) The standards and qualifications for a certificate of registration authorizing practice in emergency circumstances are as follows:

1. Council has determined that there are emergency circumstances, and that it is in the public interest that the College issue emergency certificates of registration to address the emergency circumstances.
2. The applicant must have a degree in medicine.
3. The applicant must have completed a year of postgraduate medical education at an accredited medical school.
4. A member who is a physician holding a certificate of registration authorizing independent practice must give an undertaking to supervise the applicant and be responsible for providing continuing care for patients attended by the applicant in Ontario.
5. The applicant must have any other standard or qualification that Council has identified as necessary in order for emergency certificates of registration to assist in addressing the determined emergency circumstances.

(2) The requirements of paragraphs 1, 2, 3 ~~and~~, 4, and 5 of subsection (1) are non-exemptible.

(3) It is a term, condition and limitation of a certificate of registration authorizing practice in emergency circumstances that:

1. The holder practice under the supervision of a member who is a physician;
2. The certificate expires the earlier of:
 - (a) one year from the date the certificate was issued or renewed; or
 - (b) the ninetieth day after Council declares that the emergency circumstances have ended.
3. The holder must adhere to any other terms, conditions and limitations that Council has identified as necessary in order for emergency certificates of registration to assist in addressing the determined emergency circumstances.

(4) The Registrar may renew a certificate of registration authorizing practice in emergency circumstances for one or more periods, each of which is not to exceed one year, provided that Council has not declared that the emergency circumstances have ended.

Proposed addition to Independent Practice class

3.2 (1) An applicant who has held a certificate of registration authorizing practice in emergency circumstances issued by the College in the year immediately preceding his or her application for a certificate of registration authorizing independent practice is exempt from the standards and qualifications required under paragraphs 2, 3 and 4 of subsection 3(1) if the applicant satisfies the following standards and qualifications:

1. The applicant must have certification by the Royal College of Physicians and Surgeons of Canada or by the College of Family Physicians of Canada.

3.2(2) An applicant who has held a certificate of registration authorizing practice in emergency circumstances issued by the College in the year immediately preceding his or her application for a certificate of registration authorizing independent practice is exempt from the standards and qualifications required under paragraph (c) of subsection 2(2), only in respect of payment of the relevant application fee and not, for greater certainty, in respect of payment of the annual membership fee.

DRAFT

Council Motion

Motion Title	Revised Draft Regulation for Final Approval – <i>Emergency Circumstances Practice Class of Registration</i>
Date of Meeting	April 14, 2023

It is moved by _____, and seconded by _____, that:

The Council of the College of Physicians and Surgeons of Ontario approves making an amendment to Ontario Regulation 856/93: Registration, regarding an Emergency Circumstances Practice class of registration (a copy of which amendment forms Appendix “ ” to the minutes of this meeting) and submitting it to the Ontario Minister of Health for review and the approval of the Lieutenant Governor in Council.