

September 25, 2009

Dr. Shafiq Qaadri, MPP
Chair
Standing Committee on Social Policy
Room 1405, Whitney Block
Queen's Park
Toronto, ON M7A 1A2

Dear Dr. Qaadri:

Re: Bill 179 – The Regulated Health Professions Statute Law Amendment Act, 2009

Thank you for the opportunity to make a submission on Bill 179. This submission is made by the following health regulatory Colleges ('the Colleges'):

Ontario College of Pharmacists

College of Nurses of Ontario

Royal College of Dental Surgeons of Ontario

College of Physicians and Surgeons of Ontario

This submission will address only the supervisor and audit provisions of the bill. Each of the Colleges will be making an individual submission as will the Federation of Health Regulatory Colleges of Ontario (FHRCO).

The Colleges' position is that the supervisor and audit provisions should be removed. The Minister has sufficient authority under the current s5 of the RHPA to ensure accountability. The Colleges are also subject to numerous oversight mechanisms that further ensure accountability.

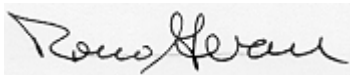
If the government believes that the Minister's existing powers under s5 are not sufficient, the Colleges are proposing revisions that would strengthen the existing s5 as an alternative to the new supervisor and audit provisions in Bill 179.

The Colleges' recommended amendments to s5 will enable the Minister to appoint a supervisor for a health regulatory college, but only when a College has failed to comply with a specific request from the Minister under section 5(1)d **and** where there is a risk to patient safety.

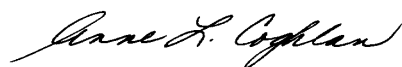
The Colleges also recommend amendments that will limit the powers of the supervisor to those issues that triggered the original concerns, and ensure fairness of the process by adding a notice period and opportunity to respond.

It is the view of the Colleges that this proposal will enable the Minister to ensure accountability, protect patients and take action when necessary. The proposal will also protect self-regulation in Ontario by ensuring there is a high, explicit threshold that must be met before a supervisor can be appointed.

Your regulatory Colleges,



Rocco Gerace, MD
Registrar
College of Physicians and Surgeons of Ontario



Anne L. Coghlan, RN, MScN
Executive Director & CEO
College of Nurses of Ontario



Deanna L. Williams, R.Ph., B.Sc.Ph., C.Dir., CAE Registrar
Ontario College of Pharmacists



Irwin Fefergard, C.S., B.A., B.C.L., LL.B
Registrar
Royal College of Dental Surgeons of Ontario

Encls.

Suggested Wording Changes
Regulated Health Professions Act, Powers of Minister (Section 5)

Powers of Minister

5.(1) The Minister may,

- a) inquire into or require a Council to inquire into the state of practice of a health profession in a locality or institution;
- b) review a Council's activities and require the Council to provide reports and information;
- c) require a Council to make, amend or revoke a regulation under a health profession Act or the *Drug and Pharmacies Regulation Act*;
- d) require a Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act, the health professions Act or the *Drug and Pharmacies Regulation Act*.

Council to comply with Minister's request

(2) If the Minister requires a Council to do anything under subsection (1), the Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

Minister may appoint a College supervisor

(2.1) If a Council does not comply with the Minister's request under subsection (1)(d), the Lieutenant Governor in Council may appoint a person as a College supervisor, on the recommendation of the Minister, for the limited purpose of fulfilling the Minister's requirement.

(2.2) In deciding whether to make a recommendation, the Minister must be satisfied that there is a risk to patient safety.

(2.3) Before the Minister makes a recommendation to the Lieutenant Governor in Council under section 2.1 of the Act in respect of an affected College, the Minister must send to the Registrar of the affected College a written notice

- (a) advising the affected College of the purpose for which the Minister is making the recommendation and the specific requirement which was not fulfilled;
- (b) advising the affected College of the powers and duties it will ask the Lieutenant Governor to bestow on the College Supervisor
- (c) inviting the affected College to provide the Minister with submissions with respect to the recommendation; and
- (d) specifying the time in which the affected College must provide its input to the Minister, which must not be less than 60 days from the date the Minister sends the notice.
- (e) On making the recommendation, the Minister must provide the Lieutenant Governor in Council with a copy of the College's submissions.

(2.4) The Lieutenant Governor in Council must specify the powers and duties of a College supervisor appointed under this section and the terms and conditions governing those powers and duties.

(2.5) The powers and duties of a College supervisor are limited to those powers and duties necessary to address the requirement identified by the Minister in his or her recommendation for the appointment of a supervisor.

(2.6) the Council continues to have the right to act respecting any matters outside the scope of the duties of the College Supervisor, and any such act of Council is valid without any approval of the College supervisor.

Regulations

(3) If the Minister requires a Council to make, amend or revoke a regulation under clause (1) (c) and the Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

Idem

(4) Subsection (3) does not give the Lieutenant Governor in Council authority to do anything that the Council does not have authority to do.

Expenses of College

(5) The Minister may pay a College for expenses incurred in complying with a requirement under subsection (1). 1991, c. 18, s. 5.