

# Proposed Regulatory Amendments to Regulate Physician Assistants Consultation Backgrounder



## Background

In June 2021, Bill 283, *Advancing Oversight and Planning in Ontario's Health System Act, 2021* was passed. Schedule 3 of the *Act* amends the *Medicine Act, 1991* to regulate Physician Assistants (PA) under the College of Physicians and Surgeons of Ontario (CPSO). However, four regulatory amendments are needed to create the necessary framework to enable PAs to register with CPSO and practise as a PA.

In developing the draft regulations, CPSO recognizes and maintains that the existing relationship between physicians and PAs, anchored in the delegation framework, is well-established and working effectively. Simultaneously, CPSO also acknowledges that the PA profession is in a state of growth and, as such, the proposed regulatory amendments have been drafted in a way that would allow CPSO to act nimbly and thoughtfully as the profession evolves.

## Summary of Proposed Amendments under the *Medicine Act, 1991*

### 1) *Enabling Mechanism (Delegation) – General Regulation Amendments*

Bill 283 excluded PAs from the provision in the *Medicine Act, 1991* that grants members of the CPSO authority to perform controlled acts. However, the bill did include a provision for PAs to perform controlled acts as long as they are performed according to the regulations.

The existing [O. Reg. 114/94: General](#) regulation is being amended to set out the enabling mechanism for PAs. The draft regulation retains the ability of PAs to perform controlled acts through delegation. In keeping with well-established principles of delegation, the draft regulation stipulates:

- That a PA may only perform a controlled act if delegated to by a physician, with the exception of psychotherapy, which cannot be delegated;
- That a PA may not sub-delegate an act that has been delegated to them; and
- The conditions in which a physician may delegate an act and the conditions in which the PA may accept the delegation of the act.

Unlike other Canadian jurisdictions where PAs are regulated, this approach does not contemplate specifying a supervisory relationship between a physician and a PA (i.e., through a supervisory contract). Rather, and in keeping with the current delegation framework, it enables greater flexibility for PAs to support multiple physicians in

multiple settings. CPSO's [Delegation of Controlled Acts](#) policy can then support PA's practice by setting more detailed expectations and can be updated to reflect changes in the environment that might take place over time.

### *Clarifying No Sub-delegation*

The draft enabling regulation bars a PA from sub-delegating a controlled act that has been delegated to them. This does not preclude PAs and other health professionals from working collaboratively throughout the continuum of care under the supervision and direction of physicians, vis-à-vis a direct order or a medical directive. Moreover, it does not preclude PAs from being involved in training or performing aspects of care that are not controlled acts.

## *2) Registration Regulation Amendments*

### *Entry-to-Practice*

The existing [O. Reg 865/93: Registration](#) regulation is being amended to set out entry-to-practice requirements for PA members. The general non-exemptible standards and qualifications for physician members will also apply to PAs and therefore do not need to be amended. Among the standards and qualifications that will apply equally to PAs are:

- being mentally competent to practise medicine;
- practising medicine with decency, integrity, and honesty and in accordance with the law;
- possessing sufficient knowledge, skill and judgment to engage in the kind of medical practice authorized by their certificate;
- communicating effectively and displaying an appropriately professional attitude;
- payment of relevant fees; and
- having professional liability protection.

A new draft section has been added to the regulation setting out the additional required standards and qualifications for practice as a PA in Ontario, stipulating that an applicant:

1. Be a graduate of an accredited or approved degree-granting program designed to train PAs; and
2. Obtain either Canadian certification or the equivalent American certification, or another certification as approved by Council.

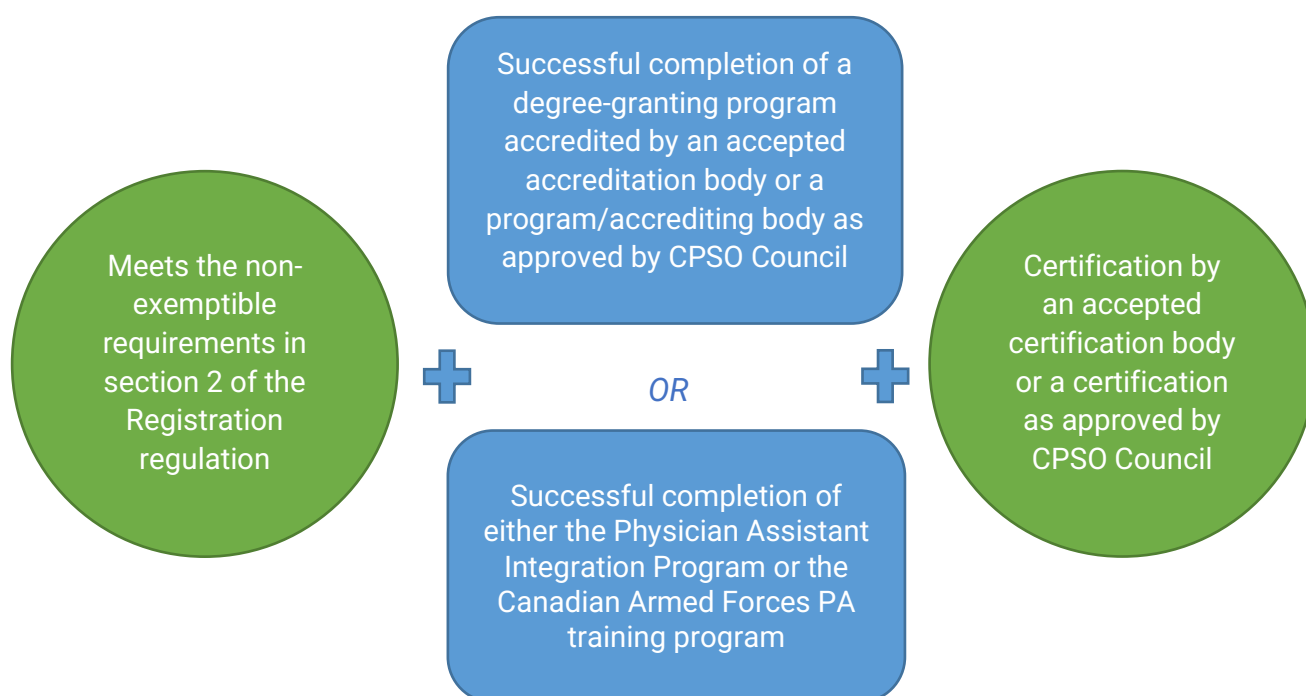
The proposed regulation, as drafted, will enable Canadian and US-trained individuals who meet the registration requirements to register with the College. However, the regulation is also drafted such that CPSO's Council will have the ongoing power to act flexibly and respond to changes in educational programs and accreditation bodies as the PA profession expands and as equivalencies from other international jurisdictions

are established. This will also allow Council to consider and support the inclusion of internationally educated PAs over time.

The regulation also includes a new draft transitional or “grandparenting” provision to capture two specific cohorts of individuals who have certification and have meaningfully trained as PAs through programs that have since ceased to exist. The grandparenting provision aims to capture:

- Individuals who have successfully completed the Canadian Armed Forces Physician Assistant program. This includes those who have completed the program prior to the program becoming degree-granting and accredited by the Canadian Medical Association; and
- Individuals who have successfully completed the Physician Assistant Integration Program with the Centre for the Evaluation of Health Professionals Educated Abroad.

#### *Route to Registration: PA General Class*



Of note, the draft registration regulation only captures individuals who are duly qualified—through their education and certification—to practice as PAs in Ontario. This means that those who do not meet the standards and qualifications set out in the registration regulation will not be able to register for this class. Moreover, the draft amendment to s. 9(1) of the *Medicine Act, 1991* will protect and reserve the title “Physician Assistant” for registered members of the CPSO who successfully meet the standards and qualifications set out in the regulation.

### *Emergency Circumstances Practice Class of Registration for PAs*

A recent amendment to the *Regulated Health Professions Act, 1991 (RHPA)* requires health regulatory colleges to make regulations creating an emergency class of registration. This would be used for emergency circumstances, for example, where typical registration requirements such as examinations are disrupted. As such, a new Emergency Circumstances Practice class of registration for Physician Assistants is included in the draft regulation and does the following:

- Specifies when the Emergency Circumstances Practice class can be opened;
- Grants Council the power to determine the necessary standards and qualifications to address the emergency circumstances and establish corresponding terms, conditions, and limitations on the certificates;
- Specifies that the applicant must have completed a degree-granting program either from an accepted accrediting body or a program/accrediting body approved by Council;
- Indicates the terms for renewal and expiry of the certificate; and
- Exempts an applicant from paying the application fee when transferring into the general class within the specified period.

### *3) Quality Assurance (CPD) – General Regulation Amendments*

The *Health Professions Procedural Code* under the *RHPA* sets out the minimum requirements for a quality assurance program. These requirements will apply equally to PA members of the College as it does to physician members. Thus, the core requirements of the program, as set out in the Quality Assurance sections in [O. Reg. 114/94: General](#) regulation, will be the same: peer and practice assessments, continuing professional development (CPD), and self-assessment.

The new provisions which have been drafted:

- Distinguish the PA CPD program and the program that exists for physicians;
- Requires PAs to participate in the program; and
- Creates a mechanism for tracking PA CPD.

### *4) Professional Misconduct Regulation Amendments*

The existing provisions under [O. Reg. 856/93: Professional Misconduct](#) regulation will apply equally to PA members of CPSO. One minor amendment was drafted to add “physician assistant” to the existing, “conduct unbecoming of a physician.”

## **Purpose of the Consultation**

Regulation development follows a formal process and, as set out in s. 95(1)(1.4) of the *Health Professions Procedural Code*, the College is required to circulate proposed Regulations for a minimum of 60 days. Prior to finalizing the proposed amendments for submission to the Ministry of Health, CPSO's Council will carefully consider all comments, approve amendments as necessary, and approve a final package to be submitted to the government. The government will have to support and approve the regulations after the final package of regulations has been submitted.