

February 23, 2022

Sean Court
Assistant Deputy Minister
Strategic Policy, Planning and French Language Services Division
Ministry of Health
438 University Avenue, 10th Floor
Toronto ON M7A 2A5

Re: Governance Reform and Regulatory Modernization Consultation

Dear Assistant Deputy Minister Court,

A coalition of nineteen regulated health professional associations is writing to you today to provide feedback on the Ministry of Health's (MOH) proposals for governance reforms of Ontario's health regulatory Colleges. Each association is appreciative of being solicited for feedback and understands the spirit of the proposed reforms – to improve decision-making, bolster transparency, and further support high-quality health care for Ontarians. We support these aims, and the broader objectives of the *Supporting People and Businesses Act* and the Ontario government's red tape reduction initiative.

It is unclear if certain proposals, as presented, will effectively achieve the aims of the Ontario government. We also strongly believe that a model of self-regulation, with a clear partnership between each profession and the public, is the best way to support the provision of high-quality health care for Ontarians. Some of the proposed changes would significantly undermine self-regulation of health care professions in Ontario, and even increase the administrative and financial burden to each College.

Most significantly, we question the utility to patients and registrants of the proposals that would add to the already comprehensive financial and administrative oversight of Colleges:

- The proposal to make each College subject to the *French Language Services Act* may have limited utility. A person already has the right to use French in all dealings with a College under subsection 86(1) of Schedule 2 (Health Professions Procedural Code) of the *Regulated Health Professions Act, 1991*. We would encourage the MOH consider dedicated financial and other supports so that each College can fully comply with their existing legal requirements.
- The proposal to add a role for the Patient Ombudsman or another body in overseeing complaints will add an unnecessary and confusing administrative layer, replicating clear processes that are already in place for the public and registrants –including the statutory complaint and investigation process at each College, and an existing appeal process through the *Health Professions Appeal and Review Board*.
- Empowering the Office of the Auditor General of Ontario (OAGO) to conduct financial audits of the Colleges is a significant change to the mandate of the OAGO, which normally provides detailed scrutiny of *public* spending¹. Colleges are not funded by the public and are statutorily required to provide detailed audited financial statements and to report to the Minister of Health on their financial affairs.

Many of our Colleges have already moved to enact or prepare for the core governance proposals. We would caution the MOH from completely removing the democratic principle from the process used to populate each Council. The best way to achieve appropriate geographic representation, and to ensure the confidence

¹ Office of the Auditor General of Ontario. *What We Do*. Retrieved from: <https://auditor.on.ca/en/content/aboutus/whatwedo.html>.

and trust of registrants, is for registrants to vote and populate their Council based on prescribed electoral districts. This does not necessarily preclude the establishment of a statutory committee to oversee a process to populate Council and committees, and to set criteria to ensure appropriate competencies, knowledge and experience. It is our understanding that the MOH is only proposing a process to oversee the selection of professional members of Council, and not public members.

The MOH has also proposed the removal of Canadian experience requirements for internationally trained applicants. We understand the MOH's intent to ensure that regulated professions, and individuals applying for registration, are governed by practices that are transparent, objective, impartial and fair. We are fully supportive of the principle that internationally trained individuals should have a clear pathway to receive their license and have access to jobs that match their qualifications and skills. Within health care, it is important that this clear pathway holds paramount the interests of patients by ensuring a means to evaluate the expertise of internationally trained applicants, which can include an accredited qualifying program or equivalency process.

We anticipate that many of the proposed changes would be enabling in nature, meaning that, if passed, they would require the development of regulations that would also be proposed for consultation. Given the potential financial and administrative impact of the proposals, we would encourage the Ministry of Health to undertake a comprehensive regulatory impact analysis and to include the results of this analysis in any regulatory proposals.

Thank you for the opportunity to provide feedback and meeting with regulated health professional associations to explain the changes and receive initial feedback. We anticipate you will receive additional feedback from professional associations included and beyond this coalition. We look forward to continued consultation regarding governance reform and modernization.

Endorsed By:

Association of Dental Technologists of Ontario
Association of Ontario Midwives
Medical Laboratory Professionals' Association of Ontario
Nurse Practitioners' Association of Ontario
Ontario Association of Mental Health Professionals
Ontario Association of Naturopathic Doctors
Ontario Association of Optometrists
Ontario Chiropractic Association
Ontario Dental Association
Ontario Dental Hygienists' Association
Ontario Kinesiology Association
Ontario Opticians Association
Ontario Pharmacists Association
Ontario Society of Occupational Therapists
Ontario Society of Chiropractists
Registered Massage Therapists' Association of Ontario
Respiratory Therapy Society of Ontario
The Denturist Association of Ontario
The Ontario Association of Speech-Language Pathologists & Audiologists

c The Hon. Christine Elliott, Deputy Premier and Minister of Health
The Hon. Victor Fedeli, Minister of Economic Development, Job Creation and Trade
The Hon. Nina Tangri, Associate Minister of Small Business and Red Tape Reduction