



Tuesday September 7, 2021

HRPA PROFESSIONAL REGULATION SECTOR WATCH

Below is the September 2021 issue of the monthly *Professional Regulation Sector Watch*, capturing regulatory news hand-searched by the HRPAs Policy Development Team.

Ontario

College of Physicians and Surgeons of Ontario (CPSO): Enhancements to Discipline Committee

<https://dialogue.cpso.on.ca/2021/03/discipline-committee-changes/>

CPSO Council approved two enhancements to the Discipline Committee: changing the name of the Discipline Committee to the Ontario Physicians and Surgeons Discipline Tribunal (OPSDT); and adding four to five experienced adjudicators as Committee members.

Law Society of Ontario Competence Task Force issues call for comment on its post-licensure competence framework

<https://lso.ca/news-events/current-consultations>

On June 23, 2021, the Competence Task Force's Report: *Renewing the Law Society's Continuing Competence Framework* was included as an Information Item to Convocation. The Report details the Law Society's mandate to regulate the competence of lawyers and paralegals and provides an overview of how competence regulation has evolved to keep pace with regulatory best practices. Pursuant to this Report, the Competence Task Force has issued a call for comment.

Professional Engineers Ontario Council make public a report entitled, Anti-Racism and Anti-Discrimination: A Bridge to PEO's More Successful Future

<https://www.peo.on.ca/sites/default/files/2021-06/AREWGCConsultantsReport.pdf>

On June 25th, 2021, the PEO Council received and accepted the Report, which was prepared by independent consultants under the direction of PEO's Anti-Racism and Anti-Discrimination Exploratory Working Group (AREWG). The Report details an assessment of whether the PEO has risks in relation to systemic racism and discrimination and recommendations to address the vulnerabilities which fall within PEO's mandate.

Bill 283, Advancing Oversight and Planning in Ontario's Health System Act, 2021 receives Royal Assent

<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-283>

On June 3, 2021, Bill 283, Advancing Oversight and Planning in Ontario's Health System Act, 2021 receives Royal Assent. The Bill contained several acts.

Health and Supportive Care Providers Oversight Authority Act, 2021

This Act establishes the Health and Supportive Care Providers Oversight Authority (the "Authority"). The Authority is governed by a board composed of directors appointed by the Lieutenant Governor in Council and directors appointed by the members of the board. The objects of the Authority include administering the Act and the regulations and governing the health services and supportive care services provided by registrants. The Authority is a delegated administrative authority and not a self-regulating professional regulatory body. The Authority will regulate personal support workers. The *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* is amended so that the Authority is a regulated profession for the purposes of that Act.

Psychology and Applied Behaviour Analysis Act, 2021

The *Psychology and Applied Behaviour Analysis Act, 2021* is enacted. The *Psychology Act, 1991* is repealed, and the College of Psychologists of Ontario is continued under the name College of Psychologists and Behaviour Analysts of Ontario. The new Act establishes the regulation of two separate and distinct professions, Psychology and Applied Behaviour Analysis. 'Behaviour analyst' will become a new protected title. The current College of Psychologists of Ontario will be the regulator for both professions and will be renamed the College of Psychologists and Behaviour Analysts of Ontario to reflect its expanded role.

National:

Alberta

College and Association of Registered Nurses of Alberta (CARNA) appoints Harry Cayton to conduct a third-party review of all areas of CARNA

<https://nurses.ab.ca/separation>

The College and Association of Registered Nurses of Alberta (CARNA) is currently undergoing a third-party review by Mr. Harry Cayton. The review, which encompasses all areas of CARNA, will be completed in 2022.

College of Registered Nurses of Alberta (CRNA) College Trade Name Approved

<https://nurses.ab.ca/news/news-story/2021/03/31/college-trade-name-approved>

At its March 2021 meeting, the Council of the College and Association of Registered Nurses of Alberta (CARNA) approved a new trade name for the College. The College will now be operating as the College of Registered Nurses of Alberta (CRNA) until it can legally change our name when the Health Professions Act is updated. The College is also beginning work to change its brand identity, along with the new trade name. The new brand launches in Fall 2021.

British Columbia

Law Society of BC appoints Harry Cayton for governance review

<https://www.lawsociety.bc.ca/about-us/news-and-publications/news/2021/law-society-appoints-harry-cayton-for-governance-r/>

The Law Society announces that it has engaged Harry Cayton to conduct a review of its governance.

Office of the Superintendent of Professional Guidance (OSPG) Info Bulletin: the Professional Guidance Act comes into force

<https://professionalgovernancebc.ca/2021/01/26/info-bulletin-pga-comes-into-force/>

The Professional Governance Act and supporting regulations come into force on Feb. 5, 2021. The current legislation governing the designated professions will be officially repealed at that time.

International:

Professional Standards Authority publishes research on cognitive biases in discipline proceedings

<https://www.professionalstandards.org.uk/publications/detail/advice-on-biases-in-fitness-to-practise-decision-making>

The report sets out the different types of bias that could be present for different models of decision making in discipline proceedings. The report also outlines how the regulators could mitigate against potential bias in each approach to dealing with fitness to practise cases, including checklists and mindsets.

Does consistency between regulators matter?

<https://www.professionalstandards.org.uk/publications/detail/does-consistency-between-regulators-matter>

The research identified five kinds of argument made by participants for making regulation the same across different groups. Ultimately, the report finds that for patients, the public and registrants, advocating for consistency between regulators rarely means asserting that regulators should operate identically. It instead involves balancing the value of different kinds of sameness – reflecting assumptions about regulators’ roles – with arguments for justifiable difference.
