



FAIRNESS COMMISSIONER

COMMISSAIRE À L'ÉQUITÉ

THE OFC NEWSLETTER

JULY - AUGUST 2024

**INTRODUCING NEW REGULATED PROFESSIONS,
HEALTH COLLEGES AND AUTHORITIES IN ONTARIO**



Since the government first enacted the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (FARPACTA) and Schedule 2 of the *Regulated Health Professions Act, 1991* (RHPA), the number of professions and occupational groupings over which the Office of the Fairness Commissioner (OFC) has been granted oversight has expanded.

The OFC, therefore, thought it useful to identify the new groups that have recently, or will shortly, obtain this status and to comment on some key underlying themes.

These new groupings are:

Behaviour Analysts

On July 1, 2024, the *Psychology and Applied Behaviour Analysis Act, 2021* (the “Act”) and its regulations come into force, creating a new category of regulated health professional in Ontario, known as Behaviour Analyst.

Under the Act, the College of Psychologists of Ontario has now been renamed as the [College of Psychologists and Behaviour Analysts of Ontario](#) (CPBAO). The title “Behaviour Analyst” is, in turn, restricted to those individuals registered with the CPBAO.

Behaviour Analysts are generally involved in teaching individuals more effective ways of behaving through positive reinforcement to impact the social consequences of their behavior. Applied behaviour analysis is used in many healthcare related contexts, such as treating autism and other developmental conditions, acquired brain injury, and gerontological issues.

Many professionals registered with other regulatory colleges, including psychologists, nurses, social workers, occupational therapists, speech language pathologists and educators, may use behavioural techniques in their practices.

If, however, a practitioner wishes to use the title “Behaviour Analyst” they will be required to also register with the CPBAO.

Under the Act, there will be a 24-month transition period to allow qualified individuals to apply to join the profession. Since July 1, 2024, the college has pre-registered 1,350 applicants under its fast-tracking route.

Personal Support Workers

In June 2021, the Ontario legislature enacted the *Advancing Oversight and Planning in Ontario’s Health System Act, 2021*. Schedule 2 of this bill, in turn, enacts the *Health and Supportive Care Providers Oversight Authority Act, 2021* to create the Health and Supportive Care Providers Oversight Authority (HSCPOA).

Personal Support Workers (PSWs) provide health and supportive care services to individuals in their homes, hospitals, long-term care facilities or similar environments. This may include assistance with activities of daily living.

Beginning December 1, 2024, more than 100,000 PSWs in Ontario will have the option to register with the HSCPOA. This new regulatory model is designed to provide oversight of PSWs in Ontario’s health care system by registering and holding those who choose to register, accountable for safe, quality and ethical care offered to Ontario residents. Registration is voluntary and there is no fee for registration at this time.

Significantly, the HSCPOA is not classified as a regulated health college, but rather a standalone regulatory body that may, in the future, be asked by the government to oversee other health care providers in addition to PSWs. The HSCPOA is also subject to FARPACTA rather than the RHPA. This new model recognizes that not all health care and supportive care occupations need to be regulated in the same way and that regulation should be proportionate, consistent, targeted, transparent, accountable and agile.

You are invited to visit www.HSCPOA.com for more information and to register for updates. Information Sheets and handouts are available at [Info Sheets Handouts - HSCPOA](#).

Physician Assistants

As part of its *Advancing Oversight and Planning in Ontario's Health System Act, 2021*, Schedule 3 of the legislation amends the *Medicine Act, 1991* to regulate Physician Assistants (PAs) under the College of Physicians and Surgeons of Ontario (CPSO). To bring PAs under CPSO's oversight, the government subsequently approved amendments to three regulations under the *Medicine Act, 1991*.

PAs function as key members of health care teams and provide a variety of health services to patients. These professionals may take histories, conduct physical examinations, order and interpret tests, diagnose and treat illnesses, provide counsel on preventive health care and/or assist with surgeries.

They essentially act as physician-extenders to complement existing services and assist in improving access to health care. PAs currently work under the supervision of a physician and perform controlled acts via delegation. This operational model will be retained under the new system.

The CPSO will begin accepting applications for registration into the profession in early 2025 and commence regulating PAs on April 1, 2025.

Veterinary Technicians

In June 2024, the government updated the regulation of veterinary medicine through the *Veterinary Professionals Act, 2024*. These updates are designed to help manage the risks involved in the practice of veterinary medicine in Ontario and reduce the potential for harm to animals and people.

The revised legislation enables the development of a framework to regulate Veterinary Technicians (VTs). As integral members of the veterinary team, VTs can be involved with performing diagnostic radiographs and laboratory tests, administering of medications and treatments as ordered by the veterinarian, assisting with anesthetic delivery and surgical preparation.

The incorporation of VTs into the current regulatory model is designed to better recognize their knowledge and training and encourage full mobilization of their skill set within veterinary teams.

The [College of Veterinarians of Ontario](#) (CVO) is working closely with the Ontario Ministry of Agriculture, Food and Agribusiness as well as many stakeholders, including the Ontario Veterinary Medical Association and the Ontario Association of Veterinary Technicians, in developing these provisions. For more information, please visit CVO's web page on [Moving towards new legislation](#).

Work towards implementing the new legislation will occur in two stages. Stage one has begun with the establishment of a Transition Council that will draft a first set of enabling regulations, including licensure, for ministry consideration. These regulations are expected to be finalized by 2026.

Once complete, stage two will engage the veterinary technician licensing process. During this stage, the college will be renamed the College of Veterinary Professionals of Ontario, which will reflect its new role in overseeing two categories of veterinary professionals within a single veterinary profession. This is the same approach taken for the psychology profession.

Some Key Trends and Takeaways

The OFC would first like to acknowledge the willingness of the colleges that regulate psychologists, veterinarians and physicians and surgeons for agreeing to take on these new roles. This willingness demonstrates their commitment to furthering the public interest.

In the four cases identified above, the key challenge has been how to integrate technicians, sub-specialties, and new groupings of professional staff into broader regulatory frameworks.

In three cases, these individuals have been absorbed by regulated professions or colleges overseeing professions in which these individuals participate. There are some obvious advantages to this approach, including the maintenance of cohesion within the profession.

The HSCPOA represents a new, innovative framework where the nature of the regulatory approach can be tailored to the characteristics of the occupational grouping that wishes to seek more formalized status. It recognizes that the traditional regulated profession model may be too complex and not suitable in all situations. It will be interesting to compare the success of the two regulatory approaches in transitioning the four groups mentioned in this article.

COMMISSIONER RE-APPOINTMENT

Announcing a Third Mandate for Commissioner Glasberg



We are pleased to announce that the Government of Ontario has re-appointed Irwin Glasberg to a third term as Fairness Commissioner. Since his initial appointment to the role, Commissioner Glasberg has worked to migrate the OFC to the status of a modern regulator, implement a risk-informed compliance framework and to provide strategic advice to government regulators and other stakeholders.

His key priority remains to work with his team to proactively reduce registration barriers for internationally trained professionals and tradespersons.

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