



College of Medical
Laboratory Technologists
of Ontario

College of Medical Laboratory Technologists of Ontario
Submission to the Standing Committee on Social Policy
Legislative Assembly of Ontario

**Proposed Amendments to Bill 283, Advancing Oversight and
Planning in Ontario's Health System Act, 2021**

May 8, 2021

Presented by:

Kathy Wilkie, BHA, MLT

Registrar & CEO

John Tzountzouris, MA, BSc, BHA, MLT, GSP

Director, Registration & Professional Practice



May 8, 2021

Standing Committee on Social Policy
c/o Tanzima Khan, Clerk
99 Wellesley Street West
Room 1405, Whitney Block
Queen's Park
Toronto, ON
M7A 1A2

RE: Bill 283, Advancing Oversight and Planning in Ontario's Health System Act, 2021

Dear Chair and Members of the Standing Committee,

The College of Medical Laboratory Technologists of Ontario (CMLTO) would like to thank the Government of Ontario and the Standing Committee on Social Policy (the Committee) for providing us with an opportunity to comment on Bill 283, Advancing Oversight and Planning in Ontario's Health System Act, 2021.

As presented in the attached material, the CMLTO hopes that the Government of Ontario will take this opportunity to enable comprehensive oversight of medical laboratory assistants and technicians in Ontario by adding additional regulatory amendments to the current bill.

We look forward to the opportunity to present to the Committee as part of its deliberation, and to work with the Government of Ontario to make the necessary changes to the medical laboratory sector in the interest of public safety.

Sincerely,

Kathy Wilkie, BHA, MLT
Registrar & CEO



Summary of Recommendations RE: Bill 283

CMLTO recommends that the Government of Ontario will take this opportunity to enable comprehensive oversight of medical laboratory assistants and technicians in Ontario by adding additional regulatory amendments to Bill 283:

Option 1: Preferred Approach

That medical laboratory assistants and technicians are regulated as a new class of members with the CMLTO via amendments to the *Medical Laboratory Technology Act, 1991*.

Option 2: Alternative Approach

That medical laboratory assistants and technicians are included, along with Personal Support Workers, as the initial group of health practitioners introduced in the oversight model provided by the proposed Health and Supportive Care Providers Oversight Authority.



Introduction

The CMLTO protects the public's right to safe, competent, ethical health care.

We do this by regulating the professionals who conduct lab tests across the province. The CMLTO is the regulatory body for approximately 7,000 medical laboratory technologists (MLTs) who practise in Ontario.

The importance of the laboratory sector has been recently highlighted to the public in response to COVID-19 testing in Ontario. The majority of the health human resources in the laboratory sector can be broken into two groups. The first is MLTs regulated by the CMLTO. The second group consists of medical laboratory assistants and technicians¹ who are not currently regulated in Ontario. The CMLTO has been pursuing comprehensive oversight of this group of laboratory practitioners since 2009, at the direction of our governing body.

Medical laboratory assistants / technicians collect blood and other samples from patients and process these samples for testing. These practitioners have a significant and increasing impact on quality patient care due to their expanding roles and broadened responsibilities in the clinical laboratory, and in many cases, are the primary source of contact between the laboratory, patients, and other

¹ Please note that this terminology is used interchangeably in the laboratory sector. One employer may call this group of practitioners "medical laboratory assistants" while another may call them "medical laboratory technicians". Regardless of the nomenclature, the scope of practice, and impact on the health care system is the same between institutions.



health care professionals, in specimen collection centres, point-of-care settings and long-term care facilities. **The public is surprised to learn, and concerned that these medical laboratory professionals are not regulated, or subject to comprehensive professional oversight in Ontario.**

The CMLTO Council, comprised of both professional and public members, has identified the regulation of medical laboratory assistants and medical laboratory technicians as one of its strategic priorities since 2009. In fact, the Council passed a motion identifying the importance of the initiative as a public interest activity under the *Regulated Health Professions Act, 1991*.

Furthermore, Council directed that the CMLTO develop a Voluntary Roster of Registered Medical Laboratory Technicians, until such time that a comprehensive model for professional oversight exists for medical laboratory assistants and technicians in Ontario. The CMLTO Voluntary Roster was launched in October 2015, and serves the public interest by confirming that medical laboratory assistants and technicians in Ontario have voluntarily met a certain level of education and professional practice criteria. However, as it is a voluntary registry, we cannot say that is meeting the intended goal of comprehensive professional oversight.



The CMLTO has been communicating the need for the regulation of medical laboratory assistants and technicians to the Government of Ontario for over a decade. In fact, the CMLTO was in conversation with the MOH leading up to the introduction of Bill 283 in hopes of finally providing the public of Ontario with comprehensive oversight of medical laboratory assistants and technicians in Ontario, and we were very surprised to see that regulatory amendments to support this were not included in Bill 283.

The Case for Regulation of Medical Laboratory Assistants and Technicians in Ontario

Medical laboratory testing is high impact, low visibility health care for Ontarians. Every day in Ontario, medical laboratory assistants and technicians, and medical laboratory technologists (MLT) work closely together, performing nearly half a million lab tests on blood, body fluids and tissues.

Medical laboratory assistants and technicians are an integral part of the medical laboratory health care team and have tremendous impact on patient care, as the first line of contact between a patient and the laboratory, but are unregulated health practitioners. Currently, medical laboratory assistants and technicians are accountable to their employer and to the Ministry of Health (MOH) for their practice. With the sheer volume of interactions between medical laboratory



assistants and technicians and patients, the numerous steps involved in clinical laboratory testing, and the heterogeneity of knowledge, skills and judgement between practitioners it is clear that a risk of errors that would affect patient care is high. Statistics derived from literature reports support these concerns. The CMLTO's Position Paper (attached as Appendix A²) further describes the five main reasons for this Council directed regulatory initiative.

In the past year, the laboratory sector has been under a tremendous amount of strain to accommodate the introduction of COVID-19 testing. The volume of daily COVID-19 testing has increased 10 fold over the past year. Employers have noted that to manage these test volumes, they have relied much more heavily on medical laboratory assistants and technicians, in the absence of a supply of regulated MLTs. This further supports and highlights the importance of this group of practitioners to the health care system, and the risk to the public as they continue to take on more and more responsibility within the laboratory sector. Suggested improvements to the laboratory sector have been highlighted previously, including most recently by the Ontario Long-Term Care Commission's final report. Interestingly, the CMLTO also provided a submission to the Commission on the topic of medical laboratory assistant and technician

² Please note that the current Position Paper is under review to update the names of organizations, which currently may be outdated.



regulation, however, our recommendations were not included in the Commission's final report.

The CMLTO believes that employing self-regulatory processes to transfer accountability and liability for practice onto medical laboratory assistants and technicians, across all practice settings, is in the public's best interest.

CMLTO's Journey

Since 2009, CMLTO Council included the regulation of medical laboratory assistants and technicians as one of its strategic priorities based on member and stakeholder feedback. CMLTO has made great strides to date in pursuing the regulation of medical laboratory assistants and technicians through a well-thought out and intentional approach. For example, during the period from 2010 to 2015, in support of the development of a CMLTO Voluntary Roster and eventual regulation of medical laboratory assistants and technicians in Ontario, CMLTO Council approved a Scope of Practice, Standards of Practice and a Code of Ethics for these practitioners. Additionally, CMLTO Council made the establishment of a Voluntary Roster for medical laboratory assistants and technicians a public interest activity under paragraph 3 (1), 11 of the Procedural Code of the *Regulated Health Professions Act, 1991*.



The CMLTO has discussed the proposed regulatory amendments described in this submission with the MOH on numerous occasions over the past few years. Unfortunately, in every instance, these discussions have culminated with inactivity on the part of the Ministry, which we believe stems from a lack of understanding of these issues at the political level. We believe that it is simply a matter of time before these issues become apparent to the public, and we have been trying to address them in a proactive, as opposed to a reactive manner.

The Changing Regulatory Landscape in Ontario

It is apparent that the Ontario government has been considering professional regulatory models and mechanisms outside of the *Regulated Health Professions Act, 1991* framework, informed, in part, by the United Kingdom (UK) concepts of “right touch regulation”.

Seeing these changes over the past few years, the CMLTO felt it prudent to compare the CMLTO’s Voluntary Roster for medical laboratory assistants and technicians to an external standard. In May 2016, CMLTO completed a self-assessment of the Voluntary Roster against the eleven (11) standards for Accredited Registers published by the Professional Standards Authority (PSA) for Health and Social Care in the UK.



The self-assessment report included three key recommendations based on the underlying assumption that some form of standardized province wide regulation of medical laboratory assistants and technicians in Ontario is in the public's best interest. Further, the self-assessment made it clear that the current iteration of the CMLTO Voluntary Roster, while strategically planned to enable the further evolution of the overall regulatory initiative, has limited utility in ensuring comprehensive public protection. CMLTO has recommended a complementary regulatory approach for medical laboratory assistants and technicians in Ontario that focusses on better protecting the public by ensuring that:

- A. Only qualified medical laboratory assistants and technicians are authorized to practice;
- B. Medical laboratory assistants and technicians are required to maintain their competence; and
- C. Medical laboratory assistants and technicians are accountable for their conduct.

In fact, senior staff at the MOH have not only commended the CMLTO for our thoughtful work in this area, we have provided consultation to the organizations that established the initial Personal Support Worker Registry, as well as to the Health Professions Regulatory Advisory Council, all at the request of the MOH.

The CMLTO does note, however, that Bill 283 also proposes the regulation of Physician Assistants (PA) and Applied Behavioral Analysts (ABA) under the RHPA model.

As noted in the CMLTO's recommendations below, we have actively been preparing for the regulation of medical laboratory assistants and technicians in Ontario either under the current RHPA model, or through an alternative form of comprehensive oversight that addresses the three components of oversight described above.

CMLTO Recommendations RE: Bill 283

Option 1: Preferred Approach

That medical laboratory assistants and technicians are regulated as a new class of members with the CMLTO via amendments to the *Medical Laboratory Technology Act, 1991*.

The required regulatory amendments to enable regulation of medical laboratory assistants and technicians in Ontario under the RHPA model have already been drafted by the CMLTO. These proposed amendments can be provided to the Government of Ontario, the Ministry of Health, and the Committee upon request.



While do understand the introduction of the under Bill 283 signals the Government of Ontario's intention to enable alternative forms of health professional oversight, the CMLTO feels that regulation of medical laboratory assistants and technicians in Ontario under the RHPA would be the most effective method of comprehensive oversight since:

1. The CMLTO has already developed entry-to-practice criteria, a scope of practice, standards of practice and code of ethics for medical laboratory assistants and technicians. Further, regulation of this group of health care practitioners under the CMLTO would enable greater interprofessional collaboration between currently regulated MLTs and medical laboratory assistants and technicians in Ontario.
2. Regulation under the RHPA is, in our opinion, congruent with the risk posed by the professional activities of this group of health care practitioners to the public.



Option 2: Alternative Approach

If the Government of Ontario is not willing to recommend that medical laboratory assistants and technicians be regulated under the current RHPA model, then the CMLTO recommends that all medical laboratory assistants and technicians working in a licensed laboratory or specimen collection centre, as defined by the *Laboratory and Specimen Collection Centre Licensing Act, 1991* (LSCCLA) be included, along with Personal Support Workers, as the initial group of health practitioners introduced in the oversight model provided by the proposed Health and Supportive Care Providers Oversight Authority.

Concluding Thoughts

Many other aspects of the CMLTO's journey to regulate medical laboratory assistants and technicians have not been included in this submission. Most notably, the support from stakeholders in the laboratory sector. Briefly, the CMLTO has the support of:

- The public, as evidenced by information received from the Citizens' Advisory Group, and numerous complaints received by the CMLTO from the public regarding the professional activities of medical laboratory assistants and technicians;
- MLTs, as evidenced by registrant surveys and ongoing engagement;



- Employers, as evidenced by many large laboratories in Ontario, including Public Health Ontario, having the inclusion of medical laboratory assistants and technician being on the CMLTO Voluntary Roster as a preferred asset for new hires;
- Professional Associations, as evidenced by a formal position statement on the importance of this regulatory initiative, from the Canadian Society for Medical Laboratory Science;
- Medical laboratory assistant and technician educational programs, as evidenced by presentations made to these programs and their students by CMLTO staff;
- Medical laboratory assistant and technicians themselves, as evidenced by support for the CMLTO Voluntary Roster, as well through presentations made to laboratories in both the private and public laboratory sectors.

In summary, the CMLTO has been working toward the comprehensive oversight of medical laboratory assistants and technicians for over a decade. We see the regulatory amendments included in Bill 283 as a signal that the Government of Ontario is willing to support the regulation of new health care practitioners at the current time, in the public interest. The CMLTO hopes that the Government of Ontario will take this opportunity to enable comprehensive oversight of medical



laboratory assistants and technicians in Ontario by adding additional regulatory amendments to the current bill.

The CMLTO would welcome the opportunity to work with the Committee, the Government of Ontario and the Ministry of Health, to include regulatory amendments to Bill 283 to support comprehensive oversight of medical laboratory assistants and technicians in Ontario.

We thank the Committee for considering our submission.



Regulation of Medical Laboratory Assistants & Medical Laboratory Technicians

36 TORONTO STREET SUITE 950
TORONTO ONTARIO M5C 2C5
T 416 861 9605 1 800 323 9672 F 416 861 0934
www.cmlto.com

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A. Position Statement

Medical laboratory assistants and medical laboratory technicians have a significant impact on quality patient care, and that impact is increasing. Regulating medical laboratory assistants and medical laboratory technicians under the same legislative framework as medical laboratory technologists will provide the public with greater protection through the assurance of high-quality clinical laboratory services.

Discussions with medical laboratory technologists, assistants and technicians have clarified and confirmed five reasons for pursuing the regulation of medical laboratory assistants and medical laboratory technicians. Each pertains to better serving the public interest.

These reasons are:

- The impact of medical laboratory assistants and medical laboratory technicians on patient care –

In many cases, medical laboratory assistants and medical laboratory technicians are the primary source of contact between the laboratory, patients, and other health care professionals through the provision of phlebotomy services and many of the pre-analytical functions for the laboratory.

- An increased reliance on medical laboratory assistants and medical laboratory technicians in clinical laboratory testing –

Medical laboratory assistants and medical laboratory technicians are increasingly the principal interface between the medical laboratory systems and the public in specimen collection centres, point of care settings and long-term care facilities. Members of the public who experience a misadventure as a result of a medical laboratory assistants' or medical laboratory technicians' actions do not have recourse to a public complaints and disciplinary process.



- The expansion of medical laboratory assistants' and medical laboratory technicians' roles in clinical laboratory practice –

As the number of medical laboratory assistants and medical laboratory technicians increases, tasks are downloaded from medical laboratory technologists to medical laboratory assistants and medical laboratory technicians to maximize efficiencies, leading to an expanded role and broadened responsibilities.

- The need for standardized and transparent educational preparation –

Medical laboratory assistants and medical laboratory technicians have diverse educational and preparatory backgrounds as they come into the clinical laboratory, which can lead to various challenges.

- The impact of changes in the health care system on medical laboratory technologists' professional practice –

The CMLTO believes the regulation of medical laboratory assistants and medical laboratory technicians is critically important to support effective human resource analysis and planning in the sector.

B. Background

The College of Medical Laboratory Technologists of Ontario (CMLTO) is the regulatory body for the province's 7700 medical laboratory technologists. In 1993, medical laboratory technologists, like nurses, doctors, dentists, physiotherapists and 19 other health care professions, became regulated under Ontario's *Regulated Health Professions Act, 1991*. Regulatory Colleges, such as the CMLTO, exist to serve and protect the public interest and ensure the highest standards of health care through regulation of these professions.

The CMLTO views the non-regulation of medical laboratory assistants and medical laboratory technicians as an anomaly that is not consistent with the goal of public protection. **Through discussions with medical laboratory technologists, assistants and technicians over the last three years, the College has heard that this issue has grown in importance.** The CMLTO has engaged stakeholders in the government, the profession, the clinical laboratory sector, and other professions in the health care environment to seek ways to ensure the protection of the public interest by regulating medical laboratory assistants and medical laboratory technicians. Over the last ten years, the CMLTO has corresponded on multiple occasions with the Government of Ontario, including responding to requests for information from the Health Professions Regulatory Advisory Council (HPRAC). HPRAC recommended a detailed investigation of regulation within the clinical laboratory:

*"A more complete review of whether all individuals employed in laboratory services should be part of a regulated profession"*¹

In response, the CMLTO made a referral request to the Minister on the regulation of medical laboratory assistants and medical laboratory technicians, or the regulation of "all individuals employed in laboratory services". The Ministry has deferred HPRAC's existing review schedule, postponing reviews that were supposed to be completed by March 31, 2010 to March 31, 2012.

¹ Health Professions Regulatory Advisory Council (2009) "Critical Links Report", Retrieved from http://www.hprac.org/en/reports/resources/hpraccriticallinksenglishjan_09.pdf

Barring unforeseen circumstances, no "new" reviews to HPRAC are anticipated until at least 2012.

The College surveyed members and organized meetings, called 'linkage sessions', with medical laboratory technologists, assistants and technicians, as well as other stakeholders in the health care system. The CMLTO has received extensive feedback from medical laboratory technologists, assistants and technicians pointing to the need for broader regulation of health care professionals involved in the provision of clinical laboratory services. For example, in the 2008 Member Survey, 76% of medical laboratory technologists surveyed demonstrated strong interest in this topic by responding to the two questions related to regulation of medical laboratory assistants and technicians.² Additionally, there were 211 comments submitted by medical laboratory technologists regarding the regulation of medical laboratory assistants and medical laboratory technicians.

The regulation of medical laboratory assistants and medical laboratory technicians is continually an area of interest by members during CMLTO linkage sessions. In addition to feedback received by Council and CMLTO staff members during formal linkage sessions, the College continues to receive informal feedback from medical laboratory technologists on a regular basis.

Overall, medical laboratory technologists, assistants and technicians, and other stakeholders are very supportive of regulating medical laboratory assistants and medical laboratory technicians. Based largely on member feedback, CMLTO Council made the regulation of medical laboratory assistants and medical laboratory technicians one of its priorities in the 2009-2011 Strategic Plan.

Through the CMLTO's linkage sessions, College staff has met medical laboratory professionals who are referred to as 'technicians', 'assistants', and 'attendants' in their workplaces. Currently, to be inclusive, the CMLTO refers to this group of health professionals as medical laboratory assistants and medical laboratory technicians. The CMLTO believes that understanding what a

² Of the 1255 MLTs that responded to the 2008 Members Survey, 959 (76.4%) responded to questions relating to the regulation of medical laboratory assistants and technicians.

certain cadre of laboratory professionals does (i.e. scope of practice) and what impact this has on patient care is more important than the nomenclature used to describe these professionals. Furthermore, the College believes that increased access to a broader range of regulated health professionals in the clinical laboratory is in the public's best interest. A similar conclusion was reached by the Ontario College of Pharmacists through their successful initiative in regulating Pharmacy Technicians. The importance of regulating medical laboratory assistants and medical laboratory technicians is also recognized by the national professional society, the Canadian Society for Medical Laboratory Science³.

The CMLTO is aware there are some medical laboratory technologists, medical laboratory assistants, medical laboratory technicians, and other stakeholder organizations that have opposing viewpoints regarding to the regulation of medical laboratory assistants and medical laboratory technicians. However, the CMLTO believes the rationale for regulating medical laboratory assistants and medical laboratory technicians offered by this position paper is sound, and in the public's best interest.

³ <http://www.csmls.org/en/news/238-medical-laboratory-professionals-applaud-government-of-newfoundland-and-labrador-for-regulation-of-medical-laboratory-technologists-to-improve-patient-safety.html>

C. The Role of the CMLTO

The CMLTO has certain legislated requirements assigned to it under the *Regulated Health Professions Act, 1991*, as does every other health regulatory College. Two specific requirements of health regulatory Colleges are of particular importance to the regulation of medical laboratory assistants and medical laboratory technicians initiative; engaging stakeholders and promoting the ability of members to respond to changes in practice environments.

The CMLTO has a legislated requirement to engage stakeholders to meet its obligations in relation to interprofessional collaboration. Through the College's linkage with medical laboratory technologists, we have heard about the important relationship between medical laboratory technologists, medical laboratory assistants and medical laboratory technicians, as well as many persuasive reasons for undertaking the regulation of medical laboratory assistants and medical laboratory technicians.

Over the last three years, the CMLTO has repeatedly heard from medical laboratory technologists about changes in the laboratory practice environment. A recurring theme has been the increased involvement that medical laboratory assistants and medical laboratory technicians have in the provision of medical laboratory services.

Understanding the impact that medical laboratory test results have on patient care underscores the importance of regulating the health practitioners involved in the key phases of clinical laboratory testing through the same legislative framework that protects the public via the regulation of medical laboratory technologists.

The CMLTO has a legislated requirement to promote the ability of members to respond to changes in practice environments. The increased impact and participation of medical laboratory assistants and medical laboratory technicians in the clinical laboratory have clear effects on the provision of

safe and effective medical laboratory services. Medical laboratory technologists have informed the College of how these changes have affected their professional practice.

Furthermore, for most referring practitioners and members of the public, laboratory testing is a 'black box'. Neither practitioners nor patients know, or have the option to direct, whether the person performing their lab tests is regulated or not. Members of the public don't know who is involved in performing their lab tests, nor their competencies. Due to the absence of system transparency and consumer choice, the CMLTO believes that there is a special duty to ensure the public is protected.

The legislated requirements of the College, when combined with feedback received by the College from medical laboratory technologists indicates the need to pursue the regulation of medical laboratory assistants and medical laboratory technicians in line with the legislated requirements of the CMLTO under the *Regulated Health Professions Act, 1991* and the *Health Professions Procedural Code*.

D. Rationale Supporting Position Statement

Engagements with medical laboratory technologists, assistants and technicians have clarified and confirmed five reasons to pursue the regulation of medical laboratory assistants and medical laboratory technicians:

1. Impact of medical laboratory assistants and medical laboratory technicians on patient care

Medical laboratory assistants and medical laboratory technicians have an impact on patient care as an integral part of the health care team in the clinical laboratory. In many cases, medical laboratory assistants and medical laboratory technicians are the primary source of contact between the laboratory, patients, and other health care professionals through the provision of phlebotomy services and many of the pre-analytical functions for the laboratory. Published research reports suggest a high proportion of medical errors occur during the pre-analytical phase of medical laboratory testing, where medical laboratory assistants and medical laboratory technicians predominate. The College recognizes that other factors and professionals external to the participation of medical laboratory assistants and medical laboratory technicians in the pre-analytical phase of laboratory testing may also contribute to this situation.

Under the Ontario Laboratory Accreditation (OLA) standards, as well as Regulation 682 under the *Laboratory and Specimen Collection Centre Licensing Act, 1990*, the Laboratory Director's responsibilities include ensuring that medical laboratory assistants and medical laboratory technicians have the appropriate education and preparation to practice. Nevertheless, consultations with the Ministry clearly indicate gaps in the Ministry's regulatory oversight. The Ministry has been unable to indicate how many medical laboratory assistants and medical laboratory technicians are actually employed as such in Ontario, what their competencies are, or whether or not they are functioning within their legislated scope of practice.

The College believes that applying the current legislative framework to all regulated health professionals, whose practice could have a detrimental effect on patient care, is an acceptable and effective process and mechanism for public protection. The College also believes statutory self-governance of a health profession ensures professionals are accountable to the public.

2. Increased reliance on medical laboratory assistants and medical laboratory technicians in clinical laboratory testing

Some clinical laboratories are replacing or converting vacant medical laboratory technologist positions to medical laboratory assistant and medical laboratory technician positions; others are only adding new medical laboratory assistants and medical laboratory technician positions.

This trend is partially prompted by the aging demographic of medical laboratory technologists – the College has heard of numerous cases in which medical laboratory technologists who leave clinical practice through attrition are being replaced by medical laboratory assistants and medical laboratory technicians.

Medical laboratory assistants and medical laboratory technicians are increasingly the principal interface between the medical laboratory systems and the public in specimen collection centres, point of care settings and long-term care facilities. Members of the public who experience a misadventure as a result of a medical laboratory assistants' or medical laboratory technicians' actions do not have recourse to a public complaints and disciplinary process. Since 2005 the CMLTO has received 42 complaints relating to medical laboratory assistants and medical laboratory technicians⁴. The CMLTO refers these complaints to the Ministry, but has no information as to what action the Ministry takes in response. Regulation would put medical laboratory assistants and medical laboratory technicians on exactly the same footing as medical laboratory technologists in dealing with the public and in matters of public protection.

⁴ The CMLTO receives complaints regarding medical laboratory assistants and technicians despite not regulating them. In contrast, since 2005 the CMLTO has received 14 complaints relating to medical laboratory technologists.

3. Expanded roles of medical laboratory assistants and medical laboratory technicians

As the number of medical laboratory assistants and medical laboratory technicians increases, tasks are downloaded from medical laboratory technologists to medical laboratory assistants and medical laboratory technicians to maximize efficiencies, leading to an expanded role and broadened responsibilities. Further, the College has been informed that medical laboratory assistants and medical laboratory technicians are increasingly involved in all phases of clinical laboratory testing. Delineating the responsibilities of these laboratory practitioners is decided by the local laboratory, in some cases through interpretation of what tasks are most acceptable for a regulated medical laboratory technologist versus a non-regulated health practitioner to perform.

The CMLTO is also aware of cases where medical laboratory assistants or medical laboratory technicians are working in medical laboratories without the "direct supervision" that Regulation 682 requires. Furthermore, there is ample evidence that medical laboratory assistants and medical laboratory technicians are being required by their employers to perform laboratory tests that demand more than the "limited technical skill and responsibilities" specified by Regulation 682, under the *Laboratory and Specimen Collection Centre Licensing Act, 1990*.

This is creating a situation through which the role and responsibilities of medical laboratory assistants and medical laboratory technicians is increasing, the impact of which is being neither effectively monitored nor analyzed. The CMLTO strongly believes that the competency of medical laboratory assistants and medical laboratory technicians must be evaluated prior to any expansion of their role and responsibilities to ensure safety and effectiveness. Finally, the expansion of a medical laboratory assistant's and medical laboratory technician's role and responsibilities to include duties normally performed by regulated medical laboratory technologists presents a self evident case for the regulation of medical laboratory assistants and medical laboratory technicians.

4. Standardized educational preparation is required

Medical laboratory technologists and employers have advised the College that standard criteria for employment may be either Canadian Society for Medical Laboratory Science (CSMLS) or Ontario Society of Medical Technologists (OSMT) “certification”. There is no certainty around the number of medical laboratory assistants and medical laboratory technicians who are currently employed as such in Ontario, whether full or part-time. Statistics Canada figures indicate that about 10,000 Ontario residents voluntarily categorize themselves as medical laboratory assistants or medical laboratory technicians. The Ontario Society of Medical Technologists’ *2009 Annual Report* notes that “Up to 2009, over 9,500 individuals have successfully challenged the OSMT examination and have achieved Medical Laboratory Assistant/Technician (MLA/T) status.” The best estimate from the industry, however, is that between 7,000 and 8,000 individuals are actually employed as such in Ontario.

While information does exist as to how many medical laboratory assistants and medical laboratory technicians who are currently employed in Ontario have either a CSMLS or OSMT certification⁵, there is no information as to how many medical laboratory assistants and medical laboratory technicians are working in Ontario without any recognized certification. Employers inform the College that in the absence of regulation, these certification ‘credentials’ are sometimes used to assess applicants. Also it is known that medical laboratory assistants and medical laboratory technicians have diverse educational and preparatory backgrounds as they come into the clinical laboratory, which can lead to various challenges.

One benefit of the regulation of medical laboratory assistants and medical laboratory technicians would be to require educational institutions to meet Canadian Medical Association accreditation guidelines, and would serve to standardize the educational preparation of these laboratory practitioners. The Canadian Society for Medical Laboratory Science has partnered with the

⁵ CSMLS 2009 Annual Report notes that society membership includes 560 Active Lab Assistants and 96 Inactive Lab Assistants in Canada, with 175 Active Lab Assistants and 60 Inactive Lab Assistants in Ontario. OSMT 2009 Annual Report notes that society membership includes 46% (or approximately 1075) MLA/Ts.

Conjoint Accreditation Services of the Canadian Medical Association to offer accreditation of Medical Laboratory Assistant and Medical Laboratory Technician educational programs. The outcome of this process will enable more effective collaboration between medical laboratory assistants, medical laboratory technicians and medical laboratory technologists.

5. Impact of changes in the health care system on medical laboratory technologist professional practice

Realities within the clinical laboratory have led to an increased role for medical laboratory assistants and medical laboratory technicians. To the medical laboratory technologist this means a greater need for supervision of laboratory staff, as well as the lingering question of where to draw the line between appropriate work for a technologist and an assistant or technician. With the high variability of roles and responsibilities of medical laboratory assistants and medical laboratory technicians in the lab, along with the need for medical laboratory technologists to sign off and double check medical laboratory assistants' and medical laboratory technicians' work, medical laboratory technologists are becoming increasingly concerned about their responsibility and liability related to the professional practice of medical laboratory assistants and medical laboratory technicians.

The Ministry of Health and Long-Term Care has clearly indicated that Health Human Resources planning is critically important in fulfilling the Minister's duties under section 3 of the RHPA and in achieving the government's broader objectives and priorities with respect to the health care delivery system. Recent amendments to the *Health Professions Procedural Code* (subsection 2.1) added an additional "Duty" for Colleges:

"... to work in consultation with the Minister to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated health professionals."

There are particular human resource challenges in the medical laboratory sector. The Canadian Institute for Health Information (CIHI) data indicates that the number of MLTs practising in Ontario actually decreased (-4%) during the period 1998-2006⁶. While the CMLTO acknowledges that most health care professions face human resource challenges, according to CIHI the MLT profession was the only regulated profession in Ontario to actually shrink during this time period. While the situation has marginally improved over the last three years, according to the CSMLS, by 2015 half of MLTs and medical laboratory assistants and medical laboratory technicians will be 55 years of age or over⁷. If laboratory tests are to be completed on a timely basis and with due diligence and skill, the human resource challenges in the sector have to be addressed as a priority.

The CMLTO believes the regulation of medical laboratory assistants and medical laboratory technicians is critically important to support effective human resource analysis and planning in the sector. The regulation of medical laboratory technologists, assistants and technicians by the CMLTO would assist in human resources planning as is required of the College by subsection 2.1 of the Health Professions Procedural Code.

The CMLTO also acknowledges that some stakeholder groups are concerned that the regulation of medical laboratory assistants and medical laboratory technicians may actually exacerbate the human resource situation, by potentially reducing the numbers of assistants and medical laboratory technicians available for employment, or by increasing the salary and benefit costs of assistants and technicians. To the first point, the CMLTO is prepared to discuss these issues with employers and other stakeholder groups, with the goal of mitigating any potential adverse human resource impact during the transition to regulation and thereafter. To the second point, there is no evidence that regulation in and of itself increases salary or benefit costs for the profession being regulated.

⁶ "Medical Laboratory Technologists and their Work Environment" Retrieved from http://secure.cihi.ca/cihiweb/dispPage.jsp?cw_page=PG_2971_E&cw_topic=2971&cw_rel=AR_3271_E

⁷ "Medical Laboratory Technologists National Human Resources Review – 2002 Update" Retrieved from http://www.csmls.org/images/csmls/Publications_and_Research/Research/2002review-eng.pdf?phpMyAdmin=a6kPtchE085LBF37InVWnu6z3M8



E. Future Directions

The regulation of medical laboratory assistants and medical laboratory technicians will be the outcome of a multi-year process of planning and activity enabled, in the short term, by:

1. Continued outreach to medical laboratory technologists, medical laboratory assistants, and medical laboratory technicians by the CMLTO, in order to fully inform and engage them.
2. Sustainable planning, led by the CMLTO that includes proactive engagement with a wide variety of other stakeholders.
3. Establishment of a Regulation of Medical Laboratory Assistants and Medical Laboratory Technicians Advisory Working Group.
4. Establishment of a voluntary roster for medical laboratory assistants and medical laboratory technicians.
5. Continued consultation with the Ontario Ministry of Health and Long-Term Care to advance the CMLTO's request for a referral to HPRAC on the regulation of medical laboratory assistants and medical laboratory technicians.

The Regulation of Medical Laboratory Assistants and Medical Laboratory Technicians Advisory Working Group will contribute to the goal of regulating medical laboratory assistants and medical laboratory technicians in the best interest of public protection. Members of the Advisory Working Group will influence the process of regulating medical laboratory assistants and medical laboratory technicians, and will be guided by specific objectives, which are set for each phase of the initiative. The Advisory Working Group will be comprised of medical laboratory technologists, medical laboratory assistants, medical laboratory technicians, CMLTO representatives, with representation from other stakeholders.

Until the time that medical laboratory assistants and medical laboratory technicians are regulated health professionals in Ontario, a voluntary roster for medical laboratory assistants and medical laboratory technicians will serve the public interest by confirming that medical laboratory assistants and medical laboratory technicians meet a certain level of educational and professional practice criteria.

The regulation of medical laboratory assistants and medical laboratory technicians is an important Council initiative that continues to resonate with the medical laboratory technology community and beyond. The CMLTO encourages medical laboratory technologists, medical laboratory assistants, medical laboratory technicians, and other stakeholders in the health care system to become, and remain, engaged. The most up-to-date information on this initiative can be found on the new Regulation of Medical Laboratory Assistants and Medical Laboratory Technicians website, accessible from www.cmlto.com, which is dedicated to sharing information and gathering feedback about the regulation of medical laboratory assistants and medical laboratory technicians in Ontario.