



CPSO

Serving the people of Ontario through
effective regulation of medical doctors

***Submission on **Bill 283, Advancing Oversight and
Planning in Ontario's Health System Act, 2021*****

Standing Committee on Social Policy

May 14, 2021

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

The College of Physicians and Surgeons of Ontario (CPSO) has a legislated mandate to serve in the public interest by ensuring physicians have the proper credentials for licensing, setting standards for the profession through policy, and ensuring quality care is provided by physicians. This is in addition to our role in managing and investigating complaints from the public concerning a physician's care, conduct, and capacity to practise and referring cases to discipline, as required.

Bill 283 contains four schedules, and CPSO's attention is focused on Schedule 3, *Medicine Act, 1991*. This schedule brings forward a regulatory regime that would, if enacted, make physician assistants (PAs) a member of CPSO.

CPSO is extremely supportive of the proposed legislation and the government's approach to regulating PAs. We believe this work is aligned with our commitment to right-touch regulation and will ensure safe quality care for Ontario's patients. We look forward to joining the three other medical regulatory colleges across Canada (Manitoba, New Brunswick, and Alberta) that currently regulate PAs.

In anticipation of the introduction of this legislation and the addition of PAs as members of our College, work has been underway for some time to develop the structures needed to implement the regulation of PAs in a timely manner. While supportive of the government's proposal to regulate PAs, we request an amendment that we believe is essential to enable the expeditious implementation of PA regulation. In addition, this amendment will ensure alignment with other jurisdictions that regulate PAs and provide the necessary flexibility to adapt the regulatory structure in a timely way as the PA profession evolves.

Section (4)(b) of the proposed legislation states that a controlled act can be "ordered" by a physician. "Ordering controlled acts" is a concept that is used in multiple profession-specific acts under the *Regulated Health Professions Act, 1991* and it has a specific meaning in both practice and in terms of how health professionals are regulated. However, it is not a framework that best fits the important relationship between physicians and PAs.

Instead, the existing supervisory relationship between a PA and physician – usually referred to as delegation – is the model currently employed in Ontario as well as all three provinces that regulate PAs. In this model, a physician temporarily transfers their authority to a PA and ultimately the physician remains accountable and responsible for patient care. This model best reflects and supports how physicians and PAs work together, protects patients' best interests, and has functioned well in CPSO policy and practice to date.

We are deeply concerned that the introduction of an ordering framework and the apparent departure from the model of regulation undertaken in all other Canadian jurisdictions that regulate PAs will create significant uncertainty, cause considerable confusion both in practice and in regulation, and will compromise our ability to quickly implement the regulatory framework needed to support the enactment of this legislation.

CPSO urges the Committee to consider an amendment to the bill that aligns with our understanding of government's intended approach to regulating PAs and the oversight regime in other jurisdictions that regulate the profession. CPSO's objective is to be in a position where we can move expeditiously to implement this new regulatory framework. Making the recommended change to the proposed legislation will allow us to do that.

Specifically, CPSO recommends that subsection (4)(b) be struck from the bill and section (4) and (4)(a) be retained. This change would allow CPSO to nimbly develop the regulation necessary to both enact the regulatory structure needed today to support PA participation in the delivery of health care and to flexibly grow with evolving PA practice over the coming years. The approach would also ensure consistency with other provinces that regulate PAs and align with drafting in other profession-specific statutes under the *Regulated Health Professions Act, 1991*.

Proposed Revision to Schedule 3, Bill 283

Additional requirements for authorized acts by physician assistants

(4) A member who is a physician assistant shall not perform an act under the authority of section 4 unless,

- (a)** the performance of the act by the member is permitted by the regulations and the member performs the act in accordance with the regulations; ~~or~~
- ~~**(b)** the act is ordered by a person who is a member of the College, other than a physician assistant, and who is authorized to perform the act.~~