



May 12, 2021

Mr. Irwin Glasberg, Fairness Commissioner
Office of the Fairness Commissioner
Suite 1201, 595 Bay St.
Toronto, ON
M7A 2B4

Dear Commissioner Glasberg;

Re: Registration Process Issues College of Physiotherapists of Ontario

The Ontario Physiotherapy Association (OPA) represents more than 6000 member physiotherapists, physiotherapist assistants and students, including those in the University of Toronto's Ontario Internationally Educated Physical Therapy Bridging Program.

I am writing to you on behalf of the close to 1000 (and growing) number of candidates in Ontario, both Canadian and internationally trained, who have faced unprecedented barriers to timely, transparent and fair processes for registration for independent practice in physiotherapy over the last year and a half. As such, their predicament falls within your mandate under the Fair Access to Regulated Professions and Compulsory Trades Act, 2006 to assess the registration practices of the regulated professions.

The College of Physiotherapists of Ontario (CPO) pursuant to the current Registration Regulation (Ontario Regulation 532/98) requires for independent practice that each candidate completes an examination set or approved by Council. Currently the Council has designated the Physiotherapy National Examination provided by the Canadian Alliance of Physiotherapy Regulators which has both a written component and a clinical component as the required examination. Under section 23 of Regulation 532/98, graduates with a degree in physiotherapy who have passed the written component may be granted a Provisional Practice certificate if they have registered to challenge the next-scheduled clinical exam (known as the Physiotherapy Competency Exam or PCE). Should they fail the PCE, they may no longer practise provisionally until they are able to pass the PCE at a future date.

The last PCE was held in November 2019 with three subsequent exams cancelled due to restrictions imposed by the pandemic and technical issues with the contracted online platform provider. There are no exams currently scheduled.

As a consequence, through no fault of their own, the approximately 77 candidates who failed in November 2019 have not been able to challenge the clinical examination a subsequent time and have lost their Provisional Practice certificates of registration. The over 650 candidates (including 346 internationally educated candidates) who hold Provisional Practice certificates have not been able to be registered for an Independent Practice certificate and remain under supervision, limiting their ability to practise fully. There are many others who have chosen not to practise provisionally and are waiting for the next available PCE to be scheduled to complete their requirement for full independent practice. They are all in limbo with no clarity as to the next steps and are unable to fully practise the profession they have invested in and trained for. This number will soon be much higher as the 2021 cohort of graduating students from the five Ontario university physiotherapy programs becomes eligible to challenge the exam shortly.

These delays have resulted in significant cumulative personal and professional hardships for candidates, including social and financial issues and in the case of those that are internationally educated belies the expectations given to them by Immigration Canada.

Though within its mandate to do so, the CPO has not acted to implement an alternate approach and has not provided any clarity or communicated to the candidates on what process will be deemed acceptable to be registered, nor what the timelines would be that would fulfill a standard of reasonableness.

The OPA has brought this issue to the attention of the CPO on multiple occasions, including in letters dated December 1st, 2020 for which we received no response and May 5th, 2021 (letter and response attached to this correspondence). Based on the public record of the CPO Council meeting held March 23rd, 2021, the Council directed the CPO staff to research and develop recommendations for consideration by Council at its next meeting to be held in June 2021, a timeline that does not reflect the urgency of a situation. This urgency has been recognized by other professions including pharmacists who have found alternate approaches to addressing these challenges and most recently by the College of Physical Therapists of British Columbia that has expedited a change in its bylaws with support from the Ministry of Health for an alternate approach for their entry-level competency examination.



As a consequence of the above we question whether the CPO is fully compliant with its duty of transparency and fairness in their registration process by;

- Falling short of a reasonable standard in the provision of information to the affected candidates as to progress towards a solution, what that solution(s) might be, or what the timelines for implementation might be.
- Lack of response to and engagement with the profession and components of the profession that have the expertise and willingness to work towards solutions.
- Unnecessarily limiting the scope of potential solutions citing limitations imposed by the Registration Regulation, notwithstanding options to address them being readily available.

We also note that in the Fairness Commission's 'Risk-Informed Compliance Framework and Policy' there is a duty by the Colleges to ensure that risk is mitigated when there is a material dependence on a third-party service provider to complete the registration process and to reengineer processes to make them more resilient to disruptions such as the pandemic.

We request a meeting with you at your earliest opportunity to discuss this urgent situation on behalf of the candidates who have been affected and on behalf of the public and health system needs for ready and safe access to health human resources during this time.

Sincerely,

A handwritten signature in black ink that reads "D. Sauvé".

Dorianne Sauvé
Chief Executive Officer

Enclosures: Letter OPA CPO Entry to Practice May 5, 2021
CPO Letter May 11, 2021