



January 7, 2022

Ms. Theresa Stevens, President

Mr. Rod Hamilton, Registrar

College of Physiotherapists of Ontario  
375 University Avenue, Suite 800  
Toronto, Ontario  
M5G 2J5

Via email

Subject: Consultation on Amendments to Regulation 532/98

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Dear Ms. Stevens and Mr. Hamilton,

The Ontario Physiotherapy Association (OPA), with over 6,000 member physiotherapists, physiotherapist assistants and students, is committed to working with the College of Physiotherapists of Ontario (CPO) and other stakeholders to find and implement the most expeditious path forward to allow full registration of candidates affected by delays due to the pandemic, and those in the future, so that Ontarians can have timely access to safe and competent care.

It is important to recognize that the regulations currently allow the College's Registration Committee sufficient discretionary authority to exempt candidates from certain registration requirements. It is, therefore, encouraging that the CPO Registration Committee has begun the process of exempting certain candidates. However, it is also important to recognize that this is the first of many steps that are required in a broader, multipronged approach to create an expedited pathway to registration for the close to 1,000 (and increasing) affected candidates.

We also note that, as per discussions at the CPO Council meeting, the process to complete the proposed regulatory amendments will not address the current crisis due to the time it usually takes to pass regulations. Therefore, OPA has reviewed the proposed regulation amendments with a focus on the long-term changes needed for entry-to-practice pathways in Ontario that meet the needs for public safety, introduce needed flexibility to be responsive to events such as, but certainly not limited to, the pandemic, and allow for probable changes in entry to practice processes in the future. As a result, our feedback is focused on addressing these areas of the regulation and any proposed



changes that would create, or are reasonably perceived to create, barriers to fair, timely, and safe entry-to-practice for applicants that are not necessary for public protection.

In addition, any changes to the regulation should ensure that there is an appropriate balance between the mandate of the full Council to ensure the safety of the public and the role of the Registration Committee to interpret and apply regulations and policies, developed and approved by full Council, in making decisions regarding the registration of individual or cohorts of candidates. This balance is not enabled currently by the regulation and this situation will be further cemented should the proposed regulations go forward without the necessary changes.

*We strongly believe should the proposed regulations go forward with no changes, the foundation will be set for another crisis in registration for independent practice in the future.*

## General Recommendations

### 1. The definition of examination for the purpose of entry-to-practice

The major barrier to registration in the current situation is the explicit inclusion of the requirement for passing a 'practical component' of an examination as a condition for independent practice. **The proposed amendments do not remove explicit references to a 'practical component'** under Section 23 (1) Section 23 (2), 4, Section 23 Subsections (4), (5) and (6) and adds a reference to a 'practical component' in the new proposed subsections (4.1) and (8).

*OPA strongly recommends that the definition of an exam be left to the purview of the College Council and that the amended regulation remove any explicit reference to 'practical component' in all existing sections/sub-sections listed above and in any proposed new subsections, and be replaced with 'the examination or any component thereof as determined by Council'.* This will ensure public safety, greater responsiveness and flexibility for unforeseen events, such as but not limited to a pandemic, and allow the needed flexibility in regulation to respond to changing circumstances and requirements as the CPO and profession continue to assess the pathway for entry-to-practice.

### 2. The determination of exceptional circumstances

In reference to section 23, subsections (4.1) and (8) the inserted qualifier of "exceptional circumstance" offers only one example, such that the "practical component of the examination is not available for an extended period of time". This is unnecessary and only further restricts, in regulation, a circumstance in which the College would allow for this exemption.



*OPA recommends that in regulation, the determination of exceptional circumstance be at the discretion of the Council, and that any further qualifiers, should they be required, be set out in policy (i.e., not in regulation).* This will allow the College to be responsive to a variety of internal and external circumstances that may require this exemption to be applied that may not be currently foreseeable. In addition, inclusion of the example continues to at least imply that a practical examination will be a part of the definition of an examination into the future, which is restrictive and concerning as per the rationale provided in our first point.

### 3. The roles of Council and Registration Committee

It is the role of Council to ensure public safety and to propose and approve regulations and policies to fulfill this mandate, including those associated with the entry-to-practice processes for independent practice. The role of the Registration Committee, as defined in RHPA Schedule 2 Health Professions Procedural Code, is to determine whether an applicant referred by the Registrar may be registered and the determination of any terms, conditions or limitations. Both roles are critical to ensure timely, fair, and safe entry-to-practice by applicants.

*OPA strongly recommends that any amendments to the regulation must ensure that the roles for both Council and the Registration Committee are appropriate and balanced.*

### 4. The criteria for exemptions

The proposed addition of a subsection 23 (8) has introduced language into regulation that outlines very specific additional criteria to permit the issuance of an Independent Practice certificate of registration to individuals who currently hold Provisional Practice certificates of registration, but are unable to obtain an Independent Practice certificate because there isn't a process by which one may do so (i.e., clinical exam unavailable).

There is insufficient rationale provided as to how and why these criteria were established. They create barriers for some (e.g., those who have multiple supervisors/employments that are otherwise completely acceptable within the policy of provisional practice, or in circumstances where an applicant or applicant's supervisor experiences an interruption in employment due to circumstances, such as illness or parental leave) and may disproportionately impact internationally educated candidates who often have multiple positions to achieve full-time employment as they begin their careers in Ontario.

*OPA strongly recommends that such criteria be established by the College in policy and not in regulation where it is more restrictive and inflexible to respond to a variety of readily foreseeable and completely acceptable scenarios where such an exemption should apply.*



## Specific Recommended Changes to Draft Amendments to Regulation

*In light of the general points made above, OPA strongly recommends the following changes to the proposed amendments (red font denotes changed or additional language, whereas the strike out denotes removal of proposed language):*

Section 23 (1); Section 23 (2), 4; Section 23 Subsection (4), (5) and (6) be amended to remove and replace 'practical examination' with **'the examination or any component thereof as determined by Council'**.

Proposed Section 23 (4.1) be amended to remove reference to 'practical examination' and edited for clarity:

Subsection (4) does not apply to a ~~person~~ **an applicant** who has failed ~~practical component of~~ **the examination, or any component thereof as determined by Council**, only one time ~~where Council, at its sole discretion, has determined that exceptional circumstances exist~~ and the ~~person~~ **applicant fulfils** such additional requirements and is subject to such terms, conditions and limitations as may be specified by a panel of the Registration Committee. **For purposes of this subsection, "exceptional circumstances" includes, but is not limited to, situations where the examination or any component as determined by Council is not available within a reasonable period of time.**

Proposed Section 23 (8) be amended to remove reference to 'practical examination', edited for clarity and state that criteria for waving requirement of the exam or any component of the exam should lie within the purview of the Council and reflect best practices in professional regulation at the time:

Paragraph 2 of subsection 19(1) does not apply in respect of the ~~practical component of the examination, or~~ **any component thereof as determined by Council**, where the ~~person~~ **applicant** has **fulfilled whatever conditions or requirements that have been specified by Council at its sole discretion and such other** engaged in clinical practice under a certificate of registration authorizing provisional practice for at least twelve months and 1200 practice hours, with at least six months and 600 practice hours of which are with one employer or in one setting where the applicant's supervisor also works, without any concerns arising, ~~where there are exceptional circumstances, such as the practical component of the examination is not available for an extended period of time, and where the person meets such additional requirements and is subject to such terms, conditions and limitations as may be specified by a panel of the Registration Committee.~~



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The OPA continues to offer all our available resources to assist the College to move this critical work forward and implement solutions that expedite the path forward to allow full registration of all competent candidates to provide safe and competent care to Ontarians. We would be pleased to meet with you to discuss these recommendations if you should have any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Gardiner Millar".

Paulette Gardiner Millar  
President

A handwritten signature in black ink, appearing to read "D. Sauvé".

Dorianne Sauvé  
Chief Executive Officer