

April 6, 2023

Health Workforce Regulatory Oversight Branch  
Nursing and Professional Practice Division  
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College of Physiotherapists of Ontario  
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## Subject: General Regulation Emergency Class Registration – Consultation

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To Whom It May Concern:

The Ontario Physiotherapy Association (OPA), with over 5,600 member physiotherapists, physiotherapy residents, physiotherapist assistants and students, is committed to working with the government, the College of Physiotherapists of Ontario, and all stakeholders to ensure that Ontarians have equitable, timely access to essential, high-quality healthcare that is delivered by qualified regulated health professionals, especially in times of emergency such as the most recent pandemic.

We feel strongly it is important to ensure that during a time of emergency, the Province and regulatory Colleges have tools in place to address health workforce issues in an effective and expedited manner. It is also important, however, to ensure that any proposed regulatory amendments not add complexity that negatively impacts on the safety of the public, or creates confusion for employers and health system managers. With this in mind, we offer the following feedback and recommendations:

### *General*

#### *1. Existing and proposed regulation changes impacting timely registration to practice*

Candidates for registration as a physiotherapist in Ontario already have access to a provisional class of registration, which has a well-established process for supervision and a pathway to registration in the Independent Practice class. Furthermore, Regulation 508/22 under the Regulated Health Professions Act, which was enacted pursuant to Bill 106, already places strict and tight deadlines on processing applications for registration.



It is also important to note that should the “As of Right” provisions under Bill 60, be expanded to include physiotherapists, the mix of pathways to registration will create multiple levels of registration and varied levels of supervision and other restrictions to practice, that will add complexity and create confusion for the public and employers.

Patients must be the central consideration when assessing the impact of the proposed Emergency Class regulations. Of special concern is the overlap and potential confusion among emergency class registration, provisional registration, and changes that could be applied if the Bill 60 provisions on protected title and holding out provisions are extended to physiotherapy.

*OPA recommends that the existing regulation 508/22 be the policy instrument to speed registration processes and that the Emergency Class Registration not be implemented at this time.*

## *2. Variances between professions*

Each College under the RHPA has been tasked to draft an Emergency Class Regulation. This has led to significant variances among professions. This again adds complexity to the regulatory system, creates confusion for the public and employers and can lead to unintended impacts of having different thresholds for entry to practice among professions.

*OPA recommends that should an Emergency Class Registration regulation be deemed necessary to address timely access to entry to practice in Ontario during an emergency a more coordinated and uniform approach be taken allowing variances only to address profession-specific risk profiles for public safety.*

### *Comments specific to the proposed Emergency Class Regulation for physiotherapists:*

#### *Supervision and restrictions for practice settings and title*

The proposed regulation includes provisions for supervision and restricted practice settings that could negate the objective of attracting new registrants to increase system capacity and health human resources during “emergency circumstances.” Of particular note are the following:

- Reserving the right to limit emergency class registrants to specific practice settings as per subsection 24.1 (0.1) (2) including whether they can practise in-person, virtually, or both, and/or in clinical practice in publicly-funded institutions approved by Council and/or private practice. These limitations placed on different practice settings imply that varying levels of risk exist among settings, versus risk being related to the competencies and practice of the individual.



- Individuals must be under the direct supervision of a supervisor who works at the same location and direct supervision must continue until the Registrar determines that the registrant can practise safely and competently without supervision. This is a requirement above what is currently in place for those in provisional registration.
- A holder of emergency class registration is not entitled to perform a controlled act authorized to a physiotherapist unless by medical directive or delegated by someone who is authorized to perform that act.

Imposing this level of restriction may well negate the objective of the regulation and have negative consequences on the health care delivery system, which can be particularly problematic under emergency circumstances. With limited health human resources already, it is likely that during an emergency the capacity to provide the level of supervision proposed would not be feasible, practitioners capable to act as supervisors may simply not be available on site, or the requirements might reduce the supervisor's capacity to provide direct patient care themselves. It is important to ensure that the proposed regulations add meaningful net capacity to the system under an emergency circumstance, rather than reduce it.

Though supervision, as determined on a case-by-case basis, may be required in the public interest, a blanket requirement will have significant adverse implications. Registrants in the Emergency Class will practise under more restrictions than those in the provisional registration category, even though they may have equal or better training than provisional category registrants or their supervisor, or they may have practised a wider scope in their home jurisdiction than what is authorized to their supervisor in Ontario. This would discourage registration via the Emergency Class to address any emergency HHR requirements, which is the objective of the exercise.

From the perspective of the public, the level of limitations will not likely be understood, especially given that the limitations will vary, and could vary substantially, from Emergency Class registrant to registrant. In addition, the use of the full title 'physiotherapist' even with the modifier of 'emergency class' elevates the practitioner above those with provisional registration who must use the title 'Physiotherapy Resident', even though their practice restrictions are less onerous and they have no restriction as to practice venues or virtual care.

*We recommend that, should this class of registration proceed, careful consideration be made as to the level of supervision required and the limitations on practice settings. In addition, should these limitations persist and they are at a level above what is required for those with provisional registration, then the title assigned to those in the Emergency Class reflect that and be adjusted, for public and employer coherence, to physiotherapy resident (emergency class).*



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ASSOCIATION**

We thank you for this opportunity to provide feedback and look forward to future dialogue and engagement on this and other consultations pertaining to the regulation of health professions in Ontario.

Sincerely,

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

Dorianne Sauvé  
Chief Executive Officer