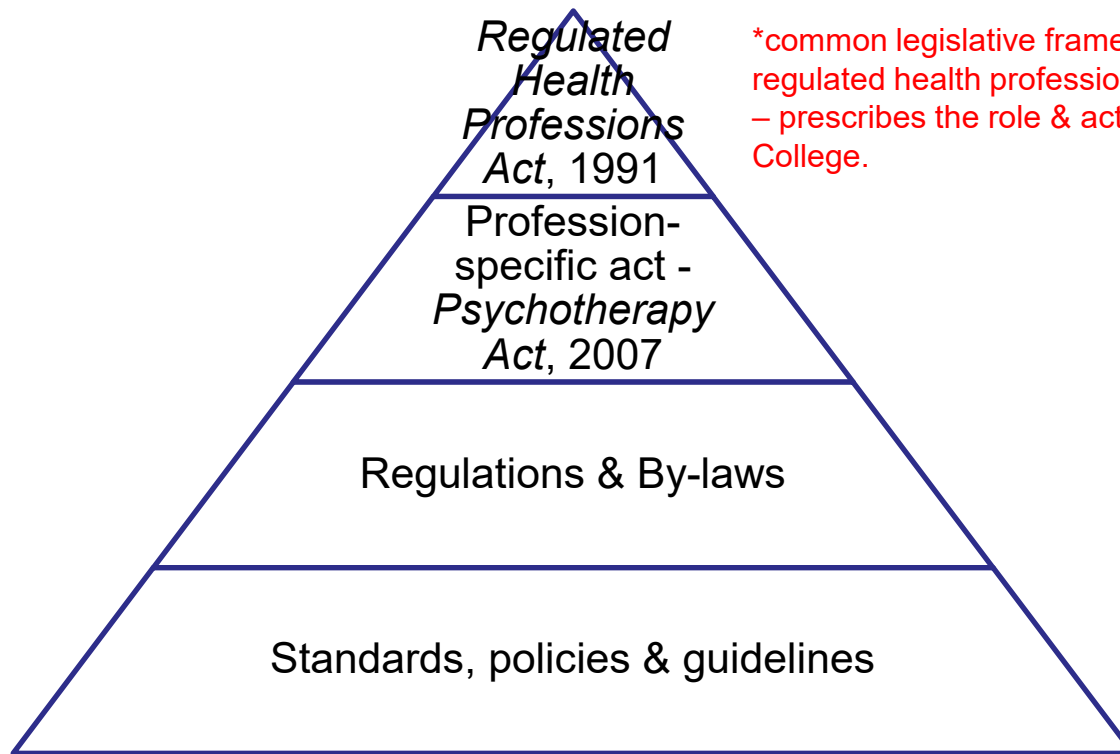


Council Pre-Candidacy Modules 1 & 2

Legislation & Governance Roles

Legislation



*common legislative framework for all regulated health professions in the province – prescribes the role & activities of the College.

Regulated Health Professions Act

The Regulated Health Professions Act sets out the governing framework for the regulated health professions in Ontario.

Regulated Health Professions Act

There are currently 26 regulatory health colleges that regulate 29 distinct professions – that's over 300,000 health care professionals in Ontario.

Regulated Health Professions Act

Major **themes** in the Regulated Health Professions Act include:

- Accountable to public interest
- Public access
- Client choice
- Eradication of sexual abuse
- Equity
- Proactive regulation

Regulated Health Professions Act

The overall **mandate** of the health regulatory colleges as prescribed by the RHPA:

The duty to serve and protect the public interest.

Regulated Health Professions Act

RHPA also lays out eleven specific objects for each college in carrying out this duty, which we will summarize into five broader objectives:

Regulated Health Professions Act

1. Comply with & administer the RHPA and Code
2. Develop, establish & maintain standards of practice
3. Develop programs to promote continuing evaluation, competence and improvement
4. Develop programs to assist individuals to exercise their rights under the RHPA and the Code
5. Collaborate with other Colleges to promote interprofessional collaboration

Regulated Health Professions Act

The RHPA has a high level of accountability.

This includes:

- Structural (i.e., public members)
- Political (Minister of Health)
- Internal (governance processes)
- External review of individual decisions (i.e., Health Professions Appeal & Review Board)
- Program scrutiny (i.e., by the Office of the Fairness Commissioner)
- The profession
- The public

Health Professions Procedural Code

The Health Professions Procedural Code (“the Code”) is Schedule 2 of the RHPA.

The Code defines a set of rules that all regulatory health colleges must follow in relation to registering registrants, investigating complaints, disciplining members and components of the quality assurance program.

Psychotherapy Act, 2007

- Provisions that are specific to the practice of psychotherapy
- With this Act, the profession became a regulated health profession in the province of Ontario

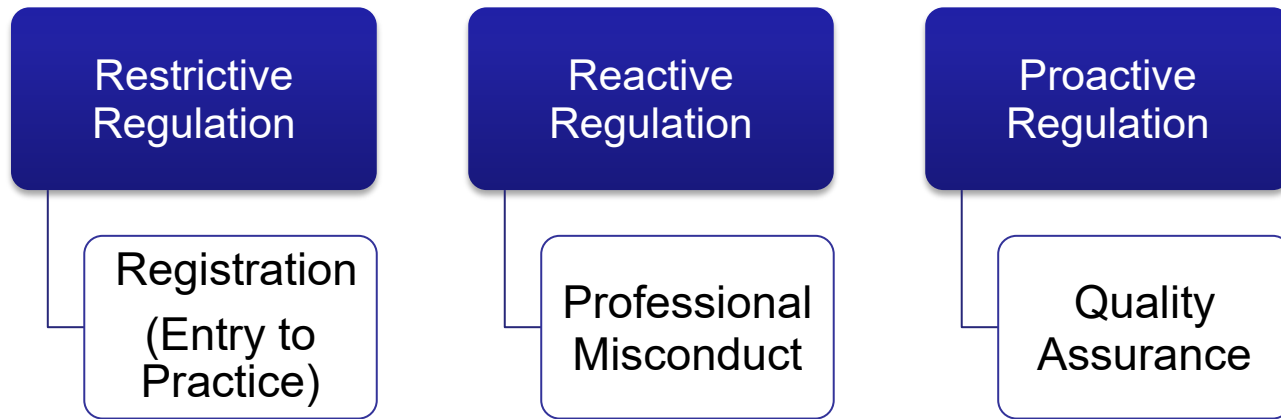


Psychotherapy Act, 2007

On December 30, 2017, the government of Ontario proclaimed into force the **controlled act of psychotherapy**.

Controlled acts are particularly high-risk acts that can cause harm if performed by unqualified persons. Other controlled acts include communicating a diagnosis, prescribing drugs, managing labour. RPs only have access to the controlled act of psychotherapy.

Psychotherapy Act Regulations



Professional Misconduct Regulation

The Professional Misconduct Regulation provides a list of acts that are considered professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code (schedule 2 of the RHPA).

There are 55 acts of professional misconduct noted in the regulation.

Quality Assurance Regulation

- All registrants of the profession are required to participate in the Quality Assurance Program.
- The Quality Assurance Regulation defines the goals and components of the program.
- Part of the College's mandate is to assure the quality of the practice of the profession and to promote continuing evaluation, competence and improvement among the registrants.

Quality Assurance Regulation, *cont'd*

As such, the Quality Assurance program focuses on:

- Excellence instead of minimum standards
- Systemic change, emerging trends in the profession
- Being supportive rather than punitive
- Remediating issues to improve quality of practice

Quality Assurance Program

There are three components in CRPO's Quality Assurance program:

- Professional Development
- Peer & Practice Review (review of registrants' practices by a trained peer assessor)
- Professional Improvement (participation in a remediation program, as deemed necessary by the QA Committee)

Registration Regulation

The Registration Regulation defines the requirements that an applicant must meet to be issued a certificate of registration with the CRPO.

The regulation also defines criteria for suspensions, revocations and reinstatement of CRPO registration.

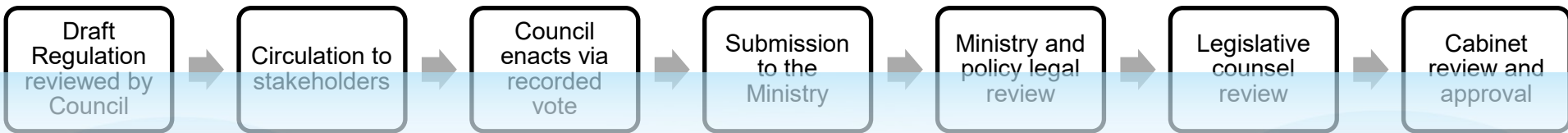
Registration Regulation, *cont'd*

The Registration Regulation provided a grandparenting route that would allow experienced practitioners already working prior to the existence of the CRPO to have their experience recognized.

As of April 2017, all registrations are completed through the regular route process.

Regulation-making process

Regulation making is a lengthy process and can take months or years to be approved by Cabinet. Here's a snapshot of the process.



By-laws

Most by-laws deal with internal and administrative matters, e.g., elections, fees, committee composition, public register.



- Not all by-laws require circulation to registrants and stakeholders
- Ministry approval is not required

Standards, Policies & Guidelines

- Do not have the force of law.
- Do not require approval by provincial Cabinet.
- Cannot demand compliance, except to the extent that they are incorporated into a regulation.
- Purpose of standards, policies and guidelines is to provide direction.

Governance Roles

How the College Regulates

CRPO Council makes decisions that affect how psychotherapists practise and are regulated in the province of Ontario, with a focus on the public interest.



How the College Regulates, *cont'd*

As noted in the previous module regarding the RHPA & the Code, regulatory colleges must follow a prescribed set of rules in relation to:

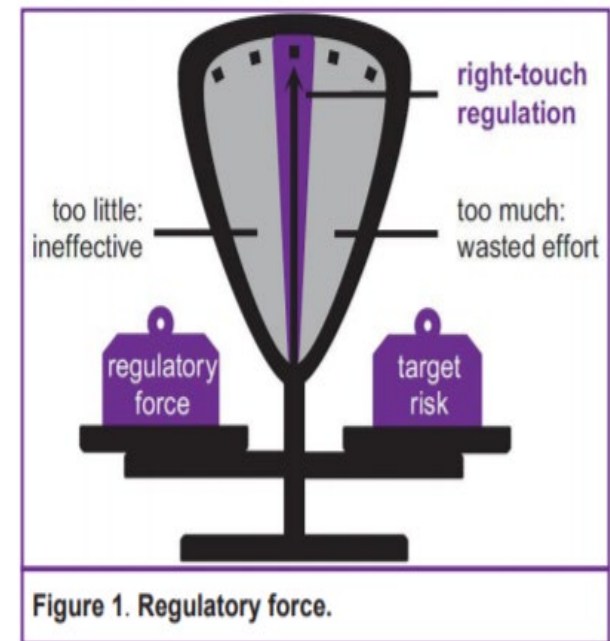
- Developing, establishing and maintaining registration and renewal requirements
- Developing professional practice standards
- Ensuring ongoing competence of registrants through the Quality Assurance Program
- Investigating and addressing all complaints made against registered members

Right Touch Regulation

The CRPO has adopted the right touch approach to regulation – understanding the problem before jumping to a conclusion.

“... the minimum regulatory force required to achieve the desired result.”

The Professional
Standards Authority, UK



What is the “Right Touch”?

The right touch approach to regulation was developed in the UK by the Professional Standards Authority. Under this approach, the role of professional regulation means working in the public interest when it supports professionalism and allows it to flourish.

It does this:

- through promotion of standards of competence and conduct
- by taking action where these standards are breached
- through quality assuring education
- does not seek to address all aspects of risk
- cannot prevent every possible thing that could go wrong
- over-regulation can give a false level of assurance and lead to increased risk

Right Touch Approach

Right-touch regulation forces us to be certain that the costs of regulation are worth the benefits they also bring.

- Identify the problem before the solution
- Quantify and qualify the risks
- Get as close to the problem as possible
- Focus on the outcome
- Use regulation only when necessary
- Keep it simple
- Check for unintended consequences
- Review and respond to change

Council & Staff

The Registrar, partnered with Council, ensures that the College's mission, vision and strategic plan are implemented and ensures that the College's mandate of public protection is being fulfilled.

When performing statutory functions, as noted in the Health Professions Procedural Code and the Psychotherapy Act, the Registrar acts independently (e.g. launching a Registrar's investigation)

Council & Staff: Registrar

- The Registrar is Council's official link to the day-to-day operations of the College and its staff. The performance of the Registrar is synonymous with Council's performance.
- Registrar is the Council's only employee.
- It is the role of the Registrar to effectively manage staff to deliver the objectives of Council.

Role of Council

Council's role is to provide strategic direction, manage risk and provide an oversight role.

Fiduciary Duty

Council members have the duty to act **honestly**, in **good faith** and with a view to the **best interests** of the Council.

With that comes the responsibility to act in the best interests of the College.

Fiduciary Duty, *cont'd*

Fiduciary duties also include:

- Being prepared by reviewing materials prior to meetings
- identifying anything that is missing
- identifying and considering issues
- Participating in discussion
- Voting on motions
- Adhering to the Code of Conduct (Schedule 3 of CRPO by-laws)

Code of Conduct

Council members must act respectfully with courtesy and civility. The Code of Conduct is included in the [CRPO by-laws](#).

Includes:

- Paying attention (e.g., mobile devices) and being prepared
- Require genuine listening and consideration
- Do not make up mind before arriving
- Preserving confidentiality
- Declaring any conflicts of interest

Code of Conduct, *cont'd*

Ethical behavior expected of Council members

- Must not be subject to inappropriate influence (e.g. lobbying by professional organizations)
- Must not attempt to inappropriately influence decisions (e.g. approaching staff, committee or panel members)
- Post-decision discussions with others is high risk behavior (e.g. unfair characterization of reasons for decision)

Conflict of Interest

A conflict of interest may be defined as any financial, personal, professional or emotional interest that could reasonably be perceived as interfering with the exercise of a person's public duties, for example as a CRPO Council, committee or panel member.

Declaring Conflict of Interest

Declaring a conflict of interest may result in influencing the way other panel, committee or Council members will consider the matter and could result in an unfair decision.

The other panel, committee or Council members may feel 'tainted' or unable to render a decision starting with an open mind.

Conflict of Interest Process

1. Staff pre-screening

Prior to deliberations, staff reviews files to determine if a conflict exists.

Conflict of Interest Process, *cont'd*

2. Self-reflection

Ask yourself:

- Because of my position, should I be involved in this discussion?
- Because of my relationship with X, should I be involved in this discussion?
- Because of my position, should I be saying this?

If your answer is no, you may wish to continue with a courtesy declaration to support staff.

Conflict of Interest Process, *cont'd*

3. Consult staff or legal counsel

If you are unsure, inform support staff prior to the meeting with a generic 'heads-up'. They will consult with legal counsel, if necessary. This lessens the risk of 'tainting' other decision-makers.

Conflict of Interest Process, *cont'd*

4. Disclose conflict to Chair

If there is any doubt about whether the Council member may have or be perceived to have a conflict, prior to any consideration of the matter, declare the potential conflict to the Chair, or if not possible in the circumstances, the Council, Committee or panel, and accept Council's or the Committee's direction as to whether there is an appearance of a conflict.

If a Conflict of Interest Exists...

If a conflict of interest is determined to exist, the general nature will be recorded in minutes, if reasonably possible in the circumstances.

The member with the conflict will not take part in the decision and must excuse themselves from the meeting during discussion. They must also be mindful to not do anything that might be perceived as attempting to influence others.

Next Steps

Thank you for completing the CRPO Council pre-candidacy modules.

Please ensure you complete all required sections of the Candidate Nomination Package and submit your nomination to elections@crpo.ca before the deadline.