



**SPECIAL MEETING OF THE COUNCIL OF THE
COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO**

AGENDA

April 28, 2023

Meeting time: 12:00 – 1:00 pm

Meeting to be held via Zoom

Item	Time	Topic	Page	Purpose
*	12:00 p.m.	Welcoming Remarks and Roll Call <i>T. Stevens</i> <ul style="list-style-type: none">Land Acknowledgement statement	—	N/A
1.	12:05 p.m.	Approval of the Agenda <i>T. Stevens</i>	2	Approval
2.	12:10 p.m.	Draft Regulations to Create an Emergency Class of Registration <i>S. Yun, M. Berger, E. Ermakova</i> As per the requirement set out in Bill 106 , the College has circulated proposed amendments to its General Regulation to create an emergency class certificate of registration as provisionally approved by Council. Council is asked to review the consultation feedback and to approve the proposed amendments with any revisions Council deems appropriate based on the feedback.	3	Approval
3.	12:40 p.m.	Appointment of the Academic Representative <i>M. Berger</i> McMaster University has selected Sinéad Dufour as their university's academic representative to Council. Council is being asked to appoint Sinéad Dufour to Council effective June 26, 2023.	29	Decision
4.	1:00 p.m.	Adjournment of Meeting	—	Decision



**Special Meeting of Council
April 28, 2023**

Agenda # 1: Approval of the agenda

It is moved by

and seconded by

that:

the agenda be approved.

Motion No.: 2.0

**Special Meeting of Council
April 28, 2023**

Agenda # 2: Draft Regulations to Create an Emergency Class of Registration

It is moved by

and seconded by

Option 1:

THAT Council approve the proposed amendments to the General Regulation, made under the *Physiotherapy Act, 1991*, as amended, for submission to the Ministry of Health by May 1, 2023.

OR

Option 2: If Council does not want to adopt any of the proposed revisions, then the following motion should be made:

THAT Council approve the proposed amendments to the General Regulation, made under the *Physiotherapy Act, 1991*, for submission to the Ministry of Health by May 1, 2023.

Motion No.: 2.1

**Special Meeting of Council
April 28, 2023**

Agenda # 2: Draft Regulations to Create an Emergency Class of Registration

It is moved by

and seconded by

that:

Council direct that the amendments to the General Regulation be circulated to members and other stakeholders for 60 days or such shorter period as the Minister may approve.

Motion No.: 2.2

**Special Meeting of Council
April 28, 2023**

Agenda # 2: Draft Regulations to Create an Emergency Class of Registration

It is moved by

and seconded by

that:

Council direct the Registrar to request a waiver or abridgment of the required circulation period.

Meeting Date:	April 28, 2023
Agenda Item #:	2
Category:	Policy
Issue:	Emergency Class Regulation: Consultation Feedback and Final Approval <i>For Decision</i>
Submitted by:	Mara Berger, Director of Policy and Governance & General Counsel Evguenia Ermakova, Policy Analyst

Issue

On February 10, 2023, Council approved in principle draft regulations to create an emergency class certificate of registration. The College circulated the proposed amendments to the General Regulation for stakeholder comment for a 60-day consultation period in accordance with s.95(1.4) of the *Health Professions Procedural Code* (“the Code”).

The College received feedback around the following areas of the proposed emergency class:

- The direct and onsite supervision requirements are too restrictive,
- The inclusion of specific limitations that Council may impose during an emergency are too restrictive, and
- A longer validity period for emergency class certificates after the emergency is declared over would be preferable.

Council is now being asked to review the feedback and decide whether to revise the proposed amendments to the General Regulation to address the concerns raised or whether to adopt the proposed amendments as currently drafted.

If Council decides to revise the proposed regulation amendments, recirculation of the revised regulation amendments for another 60-day public consultation would be required under the Code, unless the Ministry of Health agrees to waive or abridge the consultation period. Since the proposed regulation amendments are meant to come into effect on August 31, 2023, Council should instruct the Registrar to seek such a waiver or abridgement to ensure that timeline can be met.

Public Interest Assessment

In emergency situations, the typical pathway to licensure as outlined in the General Regulation may not be available or accessible, or there may be a reason why additional physiotherapists are required

to support the healthcare system on an expedited basis. In these circumstances, it is important for the regulatory health Colleges in Ontario to have emergency registration provisions embedded in their regulatory structure so that public access to quality healthcare services is maintained.

Background

[Bill 106, the *Pandemic and Emergency Preparedness Act*](#), aims to ensure, among other things, that certain Ontario sectors have the human resources they need to respond to emergency circumstances. The Bill contains provisions related to the registration of healthcare providers in Ontario so that Ontarians continue to have uninterrupted access to safe and high-quality healthcare services. The new registration requirements are captured in [Ontario Regulation 508/22](#) under the *Regulatory Health Professions Act, 1991* (RHPA).

One of these requirements is that **all Ontario health regulatory Colleges develop an “emergency class” of registration**. The intent for the emergency class is to create an alternative pathway to register healthcare professionals in an expedited manner during an emergency.

Per Bill 106, the emergency class of registration must indicate the following:

- The emergency circumstances causing the class to take effect,
- The conditions for expiration and renewal of the certificate, and
- The process for which an emergency certificate holder may apply for another class of registration and create exemptions for this group of people from some of the usual registration requirements.

The Ontario Ministry of Health has requested that they be presented with the Council-approved proposed regulation amendments by May 1, 2023. As required by legislation, the proposed amendments must be circulated to stakeholders for at least 60 days before being considered by Council for final approval and submitted to the Ministry. The target date for the regulation amendments to come into effect is **August 31, 2023**, in accordance with guidance received from the Ministry.

In response to the requirements outlined in Bill 106, the CPO drafted a proposed amendment to its [General Regulation](#) adding a fourth class of registration: Emergency. The draft regulation is attached here as Appendix 1. An Emergency Class certificate would limit the holder to practice for a set time in a set circumstance or setting, with the ability by the Registrar to renew the certificate if the situation persists. Council approved the draft amendment in principle on February 10, 2023.

Consultation Summary

The College circulated a request for feedback on the draft amendments to the regulation from February 13 to April 14, 2023. The College received feedback from 21 individual respondents

throughout the 60-day timeline. Most of the respondents were physiotherapists, but there was also a response from a student as well as one response from an employer.

While some individual respondents were satisfied with the proposed regulation amendments as written, others noted some concerns. The most common concerns were:

- Requiring onsite supervision for those registered under the emergency class adversely impacts rural areas of Ontario. Since there are limited supervisors in those areas, the regulation should allow for offsite supervision so as not to leave any area underserved.
- There should be exemptions for internationally educated physiotherapists to enter practice in an emergency, such as for those who have completed the written examination but have exhausted 3 attempts of the practical examination. Currently individuals who have been unsuccessful at three attempts of the clinical exam or an alternative process to a clinical exam are no longer permitted to practice the profession.

Some respondents also provided suggestions regarding matters to address should the proposed regulation amendments be enacted. These suggestions included establishing clear registration timelines in the event of an emergency, creating guidelines for new registrants and supervisors, and highlighting next steps for emergency class certificate holders after their registration expires. The College would address all of these issues once the regulation has been approved.

The College also received one submission from the Ontario Physiotherapy Association (OPA) and one submission from the Competition Bureau of Canada.

The submission prepared by the OPA (Appendix 2) noted that while it is important for health regulatory Colleges to be prepared to effectively address health workforce issues in emergency circumstances, the proposed Emergency Registration Class may not be the best tool to do so. The OPA expressed the following concerns and recommendations:

- First, a mix of registration pathways with varied levels of registration, supervision, and practice limitations add complexity to the current Ontario physiotherapy environment, creating confusion for employers and the public. The public may also experience confusion when navigating healthcare in Ontario more broadly, as the emergency classes of all RHPA Colleges will have significant variances among the professions. For these reasons, the OPA recommends either ensuring that the emergency registration classes for all RHPA Colleges are harmonized with minimal variances, or not implementing the Class altogether.
- Second, the proposed limitations on supervision, practice setting, and performance of controlled acts by emergency class certificate holders may not be feasible in an emergency. A blanket onsite supervision requirement will not be feasible in emergency situations as there are limited available supervisors in many areas of the province, and supervisors may not be able to provide the required levels of supervision and direct patient care given their existing workload.

Applicants may also be discouraged from applying for the emergency class, as there are a greater number of limitations on their license than those with a provisional practice certificate. The OPA recommends reviewing the supervision and practice setting limitation requirements and, should they be kept, adjusting the “physiotherapist (emergency class)” title for emergency certificate holders to “physiotherapy resident (emergency class)” for public and employer coherence. It should be noted that Physiotherapy Resident is the current title used by individuals who hold a Provisional Practice certificate of registration.

The submission by the Competition Bureau (Appendix 3) highlighted the importance of considering workforce competition for Ontario’s regulatory health Colleges in preparing their regulation amendments. The Bureau recommends that Colleges create their emergency classes of registration to lower the barriers for entry where possible in order to increase competitiveness and subsequently workforce resilience. They also encourage Colleges to create pathways for emergency certificate holders to be able to join the workforce permanently after the emergency ends. The Bureau believes that an increased supply of skilled and qualified health practitioners, both in an emergency and non-emergency setting, would advance Colleges’ public interest goals. Finally, they encourage Colleges to analyze their policies for impacts to the competitiveness of the profession on an ongoing basis.

Lastly, the College received some additional guidance from the Ministry of Health. While this does not constitute official feedback as part of the consultation, the Ministry has indicated that there is a preference for the health Colleges to provide for longer validity periods of emergency class certificates of registration once an emergency has been declared over. The intention of the longer validity period is both to allow for sufficient time for the transfer of care for patients, as well as to provide individuals that hold an emergency class certificate of registration with a fair opportunity to apply for and transition to another class of registration that they may be eligible for.

Potential Revisions for Council Consideration

Given the consultation feedback above, Council should consider whether to action any of the feedback the College received as a result of the consultation.

1. Supervision Requirements

As mentioned above, concerns have been raised both by the OPA and others that the current supervision requirements are too restrictive and may negatively impact rural areas of Ontario. Since this feedback was received from multiple sources, Council should consider whether to revise the proposed supervision requirement to provide for more flexibility.

Sections s.24.1 (6)2 and s.24.1 (6)3 establish the supervision requirement as proposed in the draft regulation amendments:

24.1 (6) The following are the terms, conditions and limitations of an emergency class certificate of registration:

2. The member may only practise physiotherapy under the direct supervision of a Supervisor who works at the same practice location.
3. The member must be directly supervised by the Supervisor until the Registrar is satisfied that the member is able to practise safely and competently without supervision.

Here is an example of what the revised sections could look like to assist Council with its deliberations:

24.1 (6) The following are the terms, conditions and limitations of an emergency class certificate of registration:

2. The member may only practise physiotherapy under the supervision of a Supervisor.
3. The member must be supervised by the Supervisor until the Registrar is satisfied that the member is able to practise safely and competently without supervision.

By removing the requirement that the supervisor works at the same practice location, as well as removing the reference to direct supervision, there would be more flexibility to determine who qualifies as a supervisor in the case of an emergency without inadvertently limiting access to physiotherapy services in certain contexts. Additional guidance could also be developed by the College regarding who may qualify as a supervisor to supplement the regulation. This would ensure the ability of Council to amend who qualifies as a supervisor more easily if needed than including restrictions in the proposed amendments to the General Regulation. Council could make these decisions at the time that it declares the class to be open.

2. Potential Limitations on Emergency Class

S.24.1 (2) provides Council with the authority to determine whether the issuance of certificates of registration in the emergency class is to be limited in any manner. The section provides three examples of possible limitations that Council could choose to impose:

24.1 (2) Where the Council receives a request from the Government of Ontario or the Council determines there are emergency circumstances under subsection (1), the Council may also determine whether the issuance of certificates of registration in the emergency class is to be limited in any manner including, but not limited to, the following:

1. whether members of that class will be permitted to practise in-person, virtually or both; and/or
2. applicants who will be engaging in clinical practice in a public hospital, long-term care facility or other similar publicly funded institutions approved by the Council; and/or
3. applicants who will be engaging in clinical practice in a private practice setting.

The OPA expressed concerns that including the examples may result in an overly restrictive application of limitations contrary to the purposes of the emergency class. Since the examples are only illustrative, they could easily be removed without altering the intent of the provisions or limiting the Council's ability to impose limitations. The revised section would read as follows:

24.1 (2) Where the Council receives a request from the Government of Ontario or the Council determines there are emergency circumstances under subsection (1), the Council may also determine whether the issuance of certificates of registration in the emergency class is to be limited in any manner.

3. Validity Period of Emergency Class Certificate after an Emergency Ends

Another potential revision Council may wish to consider relates to the currently proposed 15-day validity period for emergency class certificates once an emergency has been declared over. While the proposed validity period did not come up directly in the consultation, the College has received guidance from the Ministry of Health that a longer validity period would be preferable to ensure sufficient time to allow for the transfer of patient care, and to also allow for the transition of emergency class certificate holders that may qualify for another class of registration prior to their emergency certificate expiring. Based on the College's current registration requirements for the other registration classes, three months should be a sufficient timeframe to allow emergency class holders to transition post emergency. If Council decides to extend the timeframe, then section 24.1(7)¹ could be revised as follows:

24.1 (7) An emergency class certificate of registration is automatically revoked on the earliest of the date on which any of the following events occur:

1. Three (3) months after receipt of notice of the Council's determination that the emergency circumstances have ended.

Next Steps

Per the *Health Professions Procedural Code*, any substantial changes made to a regulation as a result of consultation feedback require recirculation for another 60-day period. However, the Code also stipulates that "Council may, with the approval of the Minister, exempt a regulation from the requirement that it be circulated or abridge the 60-day period to such lesser period as the Minister may determine." This means that Council can direct staff to ask the Minister to either shorten or waive the 60-day consultation period, if Council decides to revise the proposed regulation amendments.

It is important to note that while the Ministry of Health has requested that all regulatory health Colleges submit their proposed regulation amendments by May 1, 2023, that deadline is set by the same authority that can also create exceptions if the need arises. If a change to a proposed regulation

amendment is in the public interest, it is preferable to recirculate the changes for comment and slightly extend our deadline rather than await an opening to make this change in the future; opportunities to amend regulation are not always easy to come by, and the process is typically lengthy and resource intensive. This lends itself to the risk of an emergency situation arising before the regulation change is made.

No other changes are being considered to the proposed regulation based on stakeholder and member feedback, for the following reasons:

- The CPO must present a regulation amendment to include an emergency registration class, per the Ministry's direction,
- Harmonizing the emergency registration classes of all RHPA Colleges is beyond the CPO's control and scope of work, and
- The titles and limitations to practice are appropriately assigned for emergency certificate holders, as this group of people completes less of the full registration process than what is required to obtain a provisional practice certificate.

Decisions Sought

The decisions sought will depend on Council's decision with respect to the feedback received and the potential revisions outlined above.

If Council wants to adopt any or all of the proposed revisions, the following motions should be made:

Motion #2.0:

THAT Council approve the proposed amendments to the General Regulation, made under the *Physiotherapy Act, 1991*, as amended, for submission to the Ministry of Health by May 1, 2023.

Motion #2.1:

THAT Council direct that the amendments to the General Regulation be circulated to members and other stakeholders for 60 days or such shorter period as the Minister may approve.

Motion #2.2:

THAT Council direct the Registrar to request a waiver or abridgment of the required circulation period.

If Council does not want to adopt any of the proposed revisions, then the following motion should be made:

Motion #2:0:

THAT Council approve the proposed amendments to the General Regulation, made under the Physiotherapy Act, 1991, for submission to the Ministry of Health by May 1, 2023.

Related Action Items

Action item description	Required by date
Registrar to contact the Ministry of Health to seek a waiver or abridgement of the 60-day circulation period.	May 1, 2023
If an abridgment is granted by the Ministry, recirculate the updated proposed regulation amendments for stakeholder comment for the specified length of time.	TBD
If a waiver is granted or following recirculation, submit proposed regulation amendments to the General Regulation to the Ministry of Health.	TBD

Attachments:

- Appendix 1: Draft Regulations to Create an Emergency Class of Registration
- Appendix 2: Consultation Submission from the Ontario Physiotherapy Association (OPA)
- Appendix 3: Consultation Submission from the Competition Bureau of Canada

Physiotherapy Act, 1991
Loi de 1991 sur les physiothérapeutes
ONTARIO REGULATION 532/98
GENERAL

Consolidation Period: From November 19, 2012 to the [e-Laws currency date](#).

Last amendment: 378/12.

Legislative History: 611/99, 68/06, 390/11, 378/12.

This Regulation is made in English only.

PART III
REGISTRATION

DEFINITIONS

11. In this Part,

“degree in physiotherapy” means,

- (a) a minimum of a baccalaureate degree in a physiotherapy education program at a Canadian university approved by a body or bodies designated by the Council, or by the Council itself,
- (b) an academic qualification from outside Canada that is considered by a body or bodies designated by the Council, or by the Council itself, to be substantially similar to the qualification in clause (a);

“examination” means an examination [or examinations](#) set or [approved by the Council which include written and practical components or such other format\(s\)](#) approved by the Council. O. Reg. 68/06, s. 1.

GENERAL

12. The following are prescribed as classes of certificates of registration:

1. Independent practice.
2. Provisional practice.
3. Courtesy.
4. [Emergency](#).

~~4.,~~5. REVOKED: O. Reg. 390/11, s. 1.

O. Reg. 68/06, s. 1; O. Reg. 390/11, s. 1.

13. A person may apply for the issue of a certificate of registration by submitting to the College a completed application for the class of certificate for which application is made together with any applicable fees. O. Reg. 68/06, s. 1.

14. A certificate of registration shall not be dated earlier than the day it was issued. O. Reg. 68/06, s. 1.

15. A member shall not hold more than one certificate of registration. O. Reg. 68/06, s. 1.

16. (1) It is a non-exemptible registration requirement for all classes of certificates of registration, [other than an emergency class certificate of registration](#), that the applicant’s past and present conduct affords reasonable grounds for belief that he or she,

- (a) is mentally competent to practise physiotherapy;
- (b) will practise physiotherapy with decency, integrity and honesty and in accordance with the law; and
- (c) can communicate effectively with, and will display an appropriate attitude towards, patients and colleagues. O. Reg. 68/06, s. 1.

(2) The following are the standards and qualifications for a certificate of registration of any class ~~except~~, [other than](#) a courtesy [and emergency class](#) certificate of registration:

1. The applicant must have Canadian citizenship, permanent resident status or an authorization under the *Immigration and Refugee Protection Act* (Canada) consistent with the class of certificate for which application is made.
 2. The applicant must be able to speak and write either French or English with reasonable fluency. O. Reg. 68/06, s. 1; O. Reg. 390/11, s. 2 (1).
 - (3) It is a term, condition and limitation of a certificate of registration of any class, other than an emergency class certificate of registration, that the certificate terminates when the holder no longer has Canadian citizenship, permanent resident status or an authorization under the *Immigration and Refugee Protection Act* (Canada) consistent with the class of certificate. O. Reg. 68/06, s. 1.
 - (4) It is a term, condition and limitation of a certificate of registration authorizing independent practice that the holder must successfully complete the College Jurisprudence Program at the first opportunity provided by the College following either initial registration or reinstatement of registration and thereafter once every five-year cycle of the Program as scheduled by the Registrar. O. Reg. 390/11, s. 2 (2).
 - (5) For the purpose of subsection (4), the College Jurisprudence Program includes an assessment of the holder's knowledge of and ability to apply jurisprudence concepts relevant to the practice of physiotherapy in Ontario. O. Reg. 68/06, s. 1.
- 17.** It is a non-exemptible registration requirement for all certificates of registration that the applicant demonstrates that he or she holds professional liability insurance in accordance with the College by-laws. O. Reg. 390/11, s. 3.
- 18.** Despite any other provision in this Regulation, an applicant who by commission or omission makes a false or misleading representation or declaration on or in connection with an application shall be deemed not to have, and not to have had, the qualifications for a certificate of any class. O. Reg. 68/06, s. 1.

INDEPENDENT PRACTICE

- 19.** (1) The following are the standards and qualifications for a certificate of registration authorizing independent practice:
1. The applicant must have received a degree in physiotherapy.
 2. The applicant must have successfully completed the examination. O. Reg. 68/06, s. 1.
- (2) An applicant for a certificate of registration authorizing independent practice who was, on December 31, 1993, qualified as a physiotherapist under a statute in a Canadian jurisdiction outside Ontario and is included on a permanent register in that jurisdiction is exempted from the standards and qualifications under subsection (1). O. Reg. 68/06, s. 1.
- (3) An applicant for a certificate of registration authorizing independent practice who was, on December 30, 1993, qualified as a physiotherapist in Ontario under the *Drugless Practitioners Act* is exempted from the standards and qualifications under subsection (1). O. Reg. 68/06, s. 1.
- (4) An applicant for a certificate of registration authorizing independent practice shall satisfy the Registrar that he or she has practised physiotherapy for at least 1,200 hours in the five years immediately preceding the application if the applicant,
- (a) is not exempted from the standards and qualifications under subsection (1) and has not successfully completed the examination within the five years immediately preceding the application; or
 - (b) is exempted from the standards and qualifications under subsection (1). O. Reg. 68/06, s. 1.
- 20.** (1) Where section 22.18 of the Code applies to an applicant, the requirements of subsections 19 (1) and (4) are deemed to have been met by the applicant. O. Reg. 390/11, s. 4.
- (2) Despite subsection (1) it is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide a certificate, letter or other evidence satisfactory to the Registrar or a panel of the Registration Committee establishing that the applicant is in good standing as a physiotherapist in every jurisdiction where the applicant holds an out-of-province certificate. O. Reg. 390/11, s. 4.
- (3) Where an applicant referred to in subsection (1) is unable to satisfy the Registrar that the applicant practised the profession to the extent that would be permitted by a certificate of registration authorizing independent practice at any time in the five years immediately before the date of that applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee. O. Reg. 390/11, s. 4.
- (4) An applicant referred to in subsection (1) is deemed to have met the requirements of paragraph 2 of subsection 16 (2) where the requirements for the issuance of the applicant's out-of-province certificate

included language proficiency requirements equivalent to those required by that paragraph. O. Reg. 390/11, s. 4.

(5) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Code. O. Reg. 390/11, s. 4.

21. (1) Subject to subsections (6), (8) and (9), it is a term, condition and limitation of a certificate of registration authorizing independent practice that, five years after the date of initial registration, and every year after that, the holder satisfy the Registrar that he or she,

- (a) has practised physiotherapy for at least 1,200 hours in the preceding five years;
- (b) has successfully completed the College Review Program within the previous 12 months at the holder's expense; or
- (c) has successfully completed the examination within the previous 12 months. O. Reg. 68/06, s. 1; O. Reg. 390/11, s. 5 (1).

(2) For the purpose of clause (1) (b), the College Review Program shall consist of an assessment of the holder's current knowledge, skill, judgment and performance and may include an individualized upgrading program based upon the results of the assessment or a reassessment upon the completion of the program. O. Reg. 68/06, s. 1.

(3) If a holder of a certificate of registration authorizing independent practice fails to satisfy the condition in subsection (1), his or her certificate of registration is suspended until the condition is satisfied except if the holder concludes a written agreement approved by the Registrar. O. Reg. 68/06, s. 1.

(4) If a holder of a certificate of registration authorizing independent practice ceases or fails to hold professional liability insurance in accordance with the College by-laws, his or her certificate of registration is deemed to be suspended until the Registrar is satisfied that he or she has acquired the professional liability insurance. O. Reg. 68/06, s. 1; O. Reg. 390/11, s. 5 (2).

(5) A person who held a certificate of registration authorizing academic practice or an inactive status certificate of registration on December 14, 2011 shall be issued a certificate of registration authorizing independent practice. O. Reg. 390/11, s. 5 (3).

(6) A certificate of registration authorizing independent practice issued under subsection (5) is subject to the same terms, conditions and limitations that applied to the class of the member's previous certificate of registration authorizing academic practice or inactive status certificate of registration, as the case may be, until the member satisfies the Registrar that he or she is in compliance with the terms, conditions and limitations specified in subsection (1). O. Reg. 390/11, s. 5 (3).

(7) For greater certainty, nothing in subsection (6) affects the expiry of any term, condition or limitation that was imposed on the member's previous certificate of registration authorizing academic practice or inactive status certificate of registration, as the case may be, by the Registrar pursuant to,

- (a) an order of Council or Executive Committee or a panel of the Registration Committee, Discipline Committee or Fitness to Practice Committee;
- (b) a direction of the Quality Assurance Committee; or
- (c) the approval of a panel of the Registration Committee. O. Reg. 390/11, s. 5 (3).

(8) A member referred to in subsection (5) who held a certificate of registration authorizing academic practice on December 14, 2011 must comply with the terms, conditions and limitations specified in subsection (1) within six months of being issued a certificate of registration authorizing independent practice under subsection (5). O. Reg. 390/11, s. 5 (3).

(9) A member referred to in subsection (5) who held an inactive status certificate of registration on December 14, 2011 must comply with the terms, conditions and limitations specified in subsection (1) within three years of being issued a certificate of registration authorizing independent practice under subsection (5), and if he or she does not do so, his or her certificate of registration authorizing independent practice is deemed to have expired on the date that is three years immediately after the date of issuance. O. Reg. 390/11, s. 5 (3).

22. REVOKED: O. Reg. 390/11, s. 6.

PROVISIONAL PRACTICE

23. (1) ~~The~~ Subject to paragraph i of subsection 24.1 (12), the following are the standards and qualifications for a certificate of registration authorizing provisional practice:

1. The applicant must have received a degree in physiotherapy.
2. The applicant must have successfully completed the written component of the examination.

3. The applicant must have registered to take the practical component of the examination at the next available opportunity after the application. O. Reg. 68/06, s. 1.
- (2) The following are the terms, conditions and limitations of a certificate of registration authorizing provisional practice:
 1. The holder may practise physiotherapy only under the terms of a written agreement with a member holding a certificate of registration authorizing independent practice who monitors him or her in accordance with the written agreement. For the purposes of this paragraph, both the written agreement and the member must be approved by the Registrar.
 2. The holder shall hold himself or herself out only as a physiotherapy resident.
 3. If the member in paragraph 1 is unable to maintain the terms of the agreement due to resignation, illness or other circumstances, the provisional practice certificate of the holder is suspended until a new written agreement with the same or different member is approved by the Registrar.
 4. The certificate expires on the earlier of the date that the holder receives notification that he or she has failed the practical component of the examination or 12 weeks after the date that the holder is registered to take the practical component of the examination. O. Reg. 68/06, s. 1.
- (3) If a holder of a certificate of registration authorizing provisional practice ceases or fails to hold professional liability insurance in accordance with the College by-laws, his or her certificate of registration is deemed to be suspended until the Registrar is satisfied that he or she has acquired the professional liability insurance. O. Reg. 68/06, s. 1; O. Reg. 390/11, s. 7.
- (4) A person who has failed the practical component of the examination is not entitled to apply for a certificate of registration authorizing provisional practice. O. Reg. 68/06, s. 1.
- (5) A person who previously obtained a certificate of registration authorizing provisional practice is not entitled to apply for another one unless the person did not fail the practical component of the examination but was unable to complete it successfully because of illness or some other reason beyond the control of the person. O. Reg. 68/06, s. 1.
- (6) A person who previously obtained what was formerly known as a certificate of registration authorizing supervised practice is not entitled to apply for a certificate of registration authorizing provisional practice unless the person did not fail the practical component of the examination but was unable to complete it successfully because of illness or some other reason beyond the control of the person. O. Reg. 68/06, s. 1.
- (7) If the Registrar receives concerns relating to the member's knowledge, skills or judgement in the practice of physiotherapy during the period that the member held a certificate of registration authorizing provisional practice, the Registrar may refer the member to the Quality Management Committee. O. Reg. 68/06, s. 1.

COURTESY

24. (1) The following are the standards and qualifications for a courtesy certificate of registration:
 1. The applicant must have received a degree in physiotherapy, unless the applicant, if applying for a certificate of registration authorizing independent practice, would be exempt from meeting the requirement of paragraph 1 of subsection 19 (1) by virtue of subsection 19 (2) or (3).
 2. The applicant must be registered to practise as a physiotherapist by an authority responsible for the regulation of physiotherapists in a jurisdiction outside Ontario that is approved by the Registration Committee as having a scheme for the regulation of physiotherapists that is reasonably equivalent to that in Ontario.
 3. The applicant must have practised physiotherapy for at least 1,200 hours in the preceding five years.
 4. The applicant must certify that he or she is making the application solely for reason of,
 - i. teaching an educational course,
 - ii. participating in an educational program,
 - iii. participating in research activities, or
 - iv. participating in a specific event of limited duration. O. Reg. 390/11, s. 8.
- (2) The following are the terms, conditions and limitations of a courtesy certificate of registration:
 1. The holder may practise physiotherapy only for the purpose that he or she certified under paragraph 4 of subsection (1) as the reason for making the application for the courtesy certificate of registration.

2. The certificate expires 30 days after the date of initial registration, on the date on which the purpose referenced in paragraph 1 is attained or when the member is no longer engaged in attaining that purpose, whichever is the earliest. O. Reg. 390/11, s. 8.
- (3) If a holder of a courtesy certificate of registration ceases or fails to hold professional liability insurance in accordance with the College by-laws, his or her certificate of registration is deemed to be suspended until the Registrar is satisfied that he or she has acquired the professional liability insurance. O. Reg. 390/11, s. 8.

EMERGENCY

24.1 (0.1) In this section, “Supervisor” means,

(a) holds a certificate of registration authorizing independence practice, and

(b) has been approved by the Registrar to supervise a member who holds an emergency class certificate of registration.

(1) In order for the College to issue an emergency class certificate of registration, the Government of Ontario must request or the Council must determine that it is in the public interest to register physiotherapists in the emergency class to address emergency circumstances.

(2) Where the Council receives a request from the Government of Ontario or the Council determines there are emergency circumstances under subsection (1), the Council may also determine whether the issuance of certificates of registration in the emergency class is to be limited in any manner including, but not limited to, the following:

1. whether members of that class will be permitted to practise in-person, virtually or both; and/or
2. applicants who will be engaging in clinical practice in a public hospital, long-term care facility or other similar publicly funded institutions approved by the Council; and/or
3. applicants who will be engaging in clinical practice in a private practice setting.

(3) The following are the standards and qualifications for an emergency class certificate of registration:

1. The applicant must satisfy the Registrar that the applicant meets one of the following:
 - i. The applicant has a degree in physiotherapy;
 - ii. The applicant is enrolled in a program in physiotherapy as referred to in paragraph (a) of section II and has completed at least 820 clinical practice hours associated with that program;
 - iii. The applicant is or was in the past five years registered to practise physiotherapy in Ontario with a certificate of registration authorizing independent practice or registered or licenced to practise physiotherapy in another province or territory in Canada with a certificate or licence which the Registrar is satisfied is equivalent to a certificate of registration authorizing independent practice in Ontario;
 - iv. The applicant is or was in the past five years registered or licenced to practise physiotherapy in a jurisdiction outside of Canada that has been approved by the Council for the purpose of issuing emergency class certificates of registration; or
2. The applicant must satisfy the Registrar that the applicant has completed at least 1200 clinical practice hours in the five years immediately preceding the application.
3. The applicant must satisfy the Registrar that the applicant’s past and present conduct affords reasonable grounds for the belief that:
 - i. the applicant will practise with decency, integrity and honesty and in accordance with the law;
 - ii. the applicant has sufficient knowledge, skill and judgement to competently practise physiotherapy within the scope of practise of the emergency class certificate of registration;
 - iii. the applicant is mentally competent to practise physiotherapy; and
 - iv. the applicant can communicate effectively and will display an appropriate professional attitude towards the College, patients and colleagues.
4. The applicant must have Canadian citizenship, permanent resident status or an authorization under the *Immigration and Refugee Protection Act* (Canada) consistent with the emergency class certificate.
5. The applicant must be able to speak and write either French or English with reasonable fluency.
6. The applicant must have successfully completed the College Jurisprudence Program.

7. Where the Council limits the issuance of emergency class certificates under subsection 24.1 (2), the Registrar must be satisfied that the applicant will be using the emergency class certificate in a manner consistent with that limitation.
8. The applicant must not have failed the written component of the examination.
9. The applicant must not have failed the practical component of the examination on two or more occasions.

(4) The requirements set out in paragraphs 1, 3, 4, 5, 6, 7, 8 and 9 of subsection (3) are non-exemptible.

(5) Where the applicant is or was registered or licensed to practise physiotherapy in another jurisdiction, or any other profession in any jurisdiction, the information referred to in paragraph 3 of subsection (3) may include any information that the jurisdiction has with regard to the past and present conduct of the applicant, including but not limited to, findings of professional misconduct, incompetence or incapacity.

(6) The following are the terms, conditions and limitations of an emergency class certificate of registration:

1. The member must only hold themselves out as a “physiotherapist (emergency class)” or the abbreviation “PT (emergency class)” or its equivalent in French.
2. The member may only practise physiotherapy under the direct supervision of a Supervisor who works at the same practice location.
3. The member must be directly supervised by the Supervisor until the Registrar is satisfied that the member is able to practise safely and competently without supervision.
4. The holder is not entitled to perform a controlled act authorized to a physiotherapist under subsection 4(1) of the *Physiotherapy Act, 1991* unless the member is otherwise authorized to do so by a medical directive or the controlled act is delegated to the member by a regulated health professional who is themselves authorized to delegate that controlled act.

(7) An emergency class certificate of registration is automatically revoked on the earliest of the date on which any of the following events occur:

1. 15 days after receipt of notice of the Council’s determination that the emergency circumstances have ended.
2. The expiry of 12 months from the date the certificate was issued, unless the Registrar extends the certificate under subsection (8).
3. The date to which the Registrar extended the certificate under subsection (8).
4. The date on which the Registrar revoked the certificate under subsection (9).
5. 15 days after the member receives notification that the member failed the written component of the examination.
6. 15 days after the member receives notification that the member failed the practical component of the examination for the second time.

(8) The Registrar may extend an emergency class certificate of registration for one or more periods, each of which is not to exceed 12 months, if, in the opinion of the Registrar, it is advisable or necessary to do so, provided the Council has not determined that the emergency circumstances have ended.

(9) The Registrar may revoke an emergency class certificate of registration if, in the opinion of the Registrar, it is in the public interest to do so.

(10) If a holder of an emergency class certificate of registration ceases or fails to hold professional liability insurance in accordance with the College by-laws, the member’s certificate of registration is deemed to be suspended until the Registrar is satisfied that the member has acquired the professional liability insurance.

(11) If a holder of an emergency class certificate of registration no longer has Canadian citizenship, permanent resident status or an authorization under the *Immigration and Refugee Protection Act (Canada)* consistent with the emergency class certificate of registration, that certificate is terminated.

Exemptions

(12) A member who holds or a former member who held an emergency class certificate of registration within two years of applying for a certificate of registration authorizing provisional practice and who practised physiotherapy for at least 1200 hours while in the emergency class is exempt from any examination fees which would otherwise be payable to the College for the practical component of the examination.

TRANSITIONAL, TEACHING PRACTICE CERTIFICATE

25. Where, immediately before December 15, 2011, a member held a certificate of registration authorizing teaching practice, the certificate continues, subject to the same terms, conditions and limitations it was subject to when issued, until it expires in accordance with section 25 of this Regulation as it read before that date. O. Reg. 390/11, s. 8.

26. REVOKED: O. Reg. 390/11, s. 8.

Document comparison by Workshare Compare on February 2, 2023 4:48:33 PM

Input:	
Document 1 ID	iManage://im10.weirfoulds.com/ACTIVE/18647232/1
Description	#18647232v1<im10.weirfoulds.com> - CPO General Regulation - Emergency Class
Document 2 ID	iManage://im10.weirfoulds.com/ACTIVE/18647232/4
Description	#18647232v4<im10.weirfoulds.com> - CPO General Regulation - Emergency Class
Rendering set	Standard

Legend:	
Insertion	
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Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	75
Deletions	4
Moved from	0
Moved to	0
Style changes	0
Format changes	0
Total changes	79

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April 6, 2023

Health Workforce Regulatory Oversight Branch
Nursing and Professional Practice Division
Via email: Regulatoryprojects@Ontario.ca

College of Physiotherapists of Ontario
Via email: consultation@collegept.org

Subject: General Regulation Emergency Class Registration – Consultation

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).



**ONTARIO
PHYSIOTHERAPY
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



April 14, 2023

Competition Bureau comments on the Creation of Emergency Class Certificate of Registration

Thank you for the invitation to comment on the creation of emergency classes of registration as required by Ontario Regulation 508/22 under the *Regulated Health Professions Act, 1991* (Amendments).

The Competition Bureau (Bureau), as an independent law enforcement agency, ensures that Canadians prosper in a competitive and innovative marketplace. As part of its mandate, the Bureau promotes and advocates for the benefits of competition.

Why competition matters

Ontario's health regulatory Colleges (Colleges) play a critical role in protecting the public by making sure healthcare professionals are safe, ethical and competent.¹ Pro-competitive policies can help to advance these goals, as described in our market study: [Empowering health care providers in the digital era](#). The study explained how policymakers can leverage technology to gain the benefits of competition including improved quality of care, access to care and fostering innovation and its adoption. Pro-competitive policies can have other benefits in healthcare, including contributing to the resilience of the workforce by lowering barriers to entry. As made evident by the COVID-19 pandemic, this is particularly important during emergencies, which can create additional shortages and pressures on healthcare workers.

The Bureau recommends that the Colleges create these emergency classes of registration to maximize the benefits of competition, such as increasing the supply of qualified healthcare workers, and advance their goal of protecting the public. Further, the lessons learned in the process may also be used to benefit competition and public safety during times of non-emergency.

Competition assessment in policymaking

The Bureau's [Competition Assessment Toolkit](#) was designed to assist policymakers in identifying competition issues and tailoring policies to maximize the benefits of competition. Once a policy is identified for assessment, the policymaker should consider whether it has the potential to restrict competition. This may be the case if it makes it difficult for businesses to emerge or compete, or for consumers to make informed choices or switch products or services.

The policymaker should then consider whether a feature in the policy that could restrict competition is necessary, narrowly cast and proportionate. If there is an alternative that

¹ Health Profession Regulators of Ontario (2023). [Professions and their Regulatory Bodies](#).



achieves their policy goal in a more competition friendly manner, they should implement it accordingly and monitor its effects moving forward for any unintended consequences.

Restrictions and alternatives

The various registration requirements set out by the Colleges for healthcare workers to practice are barriers to entry for future workers. Such barriers are intended to keep the public safe by ensuring that healthcare workers are ethical and competent to practice. During an emergency though, increased demand for healthcare services and strains on healthcare workers can result in labor shortages that may present their own risk to public safety.² Temporarily easing these registration requirements with an emergency class of registration (and thereby increasing or speeding up the entry of healthcare workers) can balance these risks.

By setting up the emergency class of registration to only be as restrictive as necessary during times of emergency, the Colleges can maximize the benefits of competition (i.e. a more resilient healthcare workforce and patient safety). The Amendments require the Colleges to establish registration requirements for individuals joining the emergency class. These requirements can be used to lower barriers to enter the profession. For example, by allowing for competent healthcare students, recent graduates or accredited workers from other jurisdictions to register and by exempting certain requirements for emergency class registrants to move to another class. To strike the right balance between the risks and benefits associated with temporarily lowering these barriers requires the medical expertise of the Colleges. The Bureau hopes that the framework of a competition analysis presented in the Competition Assessment Toolkit may be helpful in doing so.

The Bureau also encourages the Colleges to consider how pro-competitive policies can benefit patients and healthcare workers outside of times of emergency as well. The Amendments require the Colleges to specify a path for healthcare workers in the emergency class to move into other classes of practice and to be exempted from certain registration requirements in doing so. Such exemptions will lower barriers to entry for those workers on a more permanent basis. These lowered barriers are likely to result in faster entry and more licensed healthcare providers, and as a result, a more resilient workforce. As such, the competitive benefits of the emergency class certification extend outside of times of emergency. We encourage the Colleges to use their expertise to make these exemptions as broad as possible to maximize the benefits of competition, while still meeting the central health and safety objectives of registration requirements.

In making these decisions, as in performing any competition assessment, the Colleges should base their decision to the greatest extent possible on objective empirical evidence.³ To the extent data on the effects of similar exemptions in other jurisdictions or during the COVID-19 pandemic are available, this could inform their decision. It may also be beneficial to track data on worker entry and patient safety for healthcare workers operating under the emergency class provisions going forward. This data could be used to make future adjustments to the exemptions provided for under the emergency class, relaxing or

² Canadian Institute for Health Information (November 2022). [Health workforce in Canada: In focus \(including nurses and physicians\)](#).

³ Competition Bureau (2020). [Strengthening Canada's economy through pro-competitive policies](#). See Step 3: Identify alternatives to address policy goals, if necessary.



tightening them as needed.⁴ Perhaps more importantly, this same data could also be used to determine whether the regular registration requirements are as necessary, narrowly cast and proportionate as can be. Having identified how much these barriers to entry can be safely lowered to offset the risk of worker shortages during times of emergency, those lessons may be used to maximize the benefits of competition in ordinary times.

We're here to help

The Bureau's goal is to promote the benefits of competition across the Canadian economy. On the other end, policymakers, as subject matter experts and authorities, are in a unique and critical position to seize upon these benefits. By incorporating competition analysis into your policy assessment, you can maximize the benefits of competition while still achieving your policy goals.

Such competition analysis can be complex, but is worthwhile and the Bureau can help. If you would like to discuss the Competition Assessment Toolkit, or have questions about particular policy proposals or the suggestions above, please contact our Competition Promotion Branch.

Yours Truly,

Bradley Callaghan
Associate Deputy Commissioner
Competition Promotion Branch
Competition Bureau

⁴ *Ibid.* See Step 5: Conduct an ex-post assessment.



**Special Meeting of Council
April 28, 2023**

Agenda # 3: Appointment of the Academic Representative

It is moved by

and seconded by

that:

Council ratify the appointment of Sinéad Dufour as an academic councillor from McMaster University to Council, effective June 26, 2023 to June 2026.

Meeting Date:	April 28, 2023
Agenda Item #:	3
Category	Governance
Issue:	Appointment of the Academic Representative to Council
Submitted by:	Mara Berger, Director, Policy, Governance & General Counsel

Issue:

McMaster University has selected Sinéad Dufour as their university's academic representative to Council. Council is being asked to appoint Sinéad Dufour to Council effective June 26, 2023.

Public Interest Assessment:

In keeping with legislative requirements Council must have a composition that includes two academic representatives. Academics provide a unique perspective that supports Council in decision-making that is grounded in the public interest.

Background:

The Physiotherapy Act defines the composition of Council. It is to include at least 7 and no more than 8 elected members of the profession, at least 5 and no more than 7 members who are appointed by the Lieutenant Governor in Council (public members) and one or two members of a faculty from a PT program in Ontario.

Additional criteria regarding the academic Council member can be found in the College's By-Laws. The eligibility criteria can be found in Appendix A.

The academic representatives are appointed for three-year terms. The appointments are based on a rotating schedule of the five academic programs for Physiotherapy/Physical therapy in Ontario.

On June 25, 2023, the term of Sharon Gabison, the representative from the University of Toronto, will expire.

In accordance with the bylaws, our next academic member will be from McMaster University. This individual's term will run from June 26, 2023, to June 2026 (exact date to be confirmed).

In keeping with the process outlined in the Bylaws and governance policies, staff provided McMaster University with information regarding the role of the academic representative in July 2022 and again in February of this year:



- An overview of the requirements outlined in the College By-laws
- Requirements for the position
- Role description for Academic Members
- Anticipated workload
- Appointment process
- Overview of committees

Following our initial communication, staff received notification that McMaster University had received the information and that it would be circulated to members of their faculty. In March 2023, staff received confirmation that the academic representative selected to represent McMaster University is Sinéad Dufour.

Staff confirmed Sinéad Dufour has met the eligibility requirements as listed in the College by-laws.

To align more efficiently with the orientation and onboarding of new Council members in June, Council is being asked to appoint Sinéad Dufour at the Special Meeting of Council in April to ensure Sinéad Dufour is able to participate in upcoming onboarding and orientation activities with other new members of Council.

Decision Sought:

In keeping with the requirements of the College's by-laws, which indicate in section 3.2 that the Council must appoint academic members of Council, Council is being asked to ratify the appoint Sinéad Dufour as the academic councillor representing McMaster University effective June 26, 2023.

Attachments:

- Cover letter & CV of Sinéad Dufour (confidential)
- LinkedIn Profile: <https://ca.linkedin.com/in/sinead-dufour-38772974>

Appendix A – Eligibility Criteria

- (2) A Member is eligible to serve on Council as an Academic Councillor if:
- (a) the Member holds a certificate of registration authorizing independent practice;
 - (b) the Member is not in default of any obligation to the College under the Regulations or the By-laws;
 - (c) the Member is not the subject of a Discipline or Fitness to Practise proceeding;
 - (d) the Member has not been found guilty of professional misconduct, to be incompetent, or to be incapacitated at any time in the six years before the date of the selection;
 - (e) the Member has not been found to be mentally incompetent under the *Substitute Decisions Act, 1992* or the *Mental Health Act*;
 - (f) in the six years before the selection, the Member's certificate of registration has not been subject to a term, condition or limitation other than one prescribed by regulation;
 - (g) the Member has not been found guilty of an offence under the Criminal Code or the Health Insurance Act that is relevant to the Member's suitability to serve as a Councillor, unless a pardon or record suspension has been granted with respect to the finding;
 - (h) the Member has not been disqualified or removed from Council in the three years before the selection;
 - (i) the Member is not and has not been in the last 12 months before the appointment a director, officer, committee member, employee or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession;
 - (j) the Member is not a participant (other than on behalf of the College) in a legal action or application against the College;
 - (k) the Member does not have a current notation on the register of an interim order, caution, undertaking or specified continuing education or remediation program directed by the Inquiries, Complaints or Reports Committee;
 - (l) the Member does not hold and has not held in the last 12 months before the appointment a position with any organization or group whose mandate or interests conflict with the mandate of the College; and
 - (m) the Member discloses all potential conflicts of interest in writing to the Registrar within five business days of being nominated and either does not have a conflict of interest to serve as a Councillor or has agreed to remove any such conflict of interest before taking office: and
 - (n) the Member has completed an orientation about the College's mandate, and their role and responsibilities prior to attending their first Council or committee meeting.