

**Submission re proposed
regulations to the Regulated
Health Professions Act, 1991**

June 10, 2022



Introduction

The Registered Nurses' Association of Ontario (RNAO) is the professional association representing more than 48,500 registered nurses (RN), nurse practitioners (NP), and nursing students, in all roles and sectors across Ontario. Since 1925, RNAO has advocated for healthy public policy, promoted excellence in nursing practice, increased nurses' contributions to shaping the health system and influenced decisions that affect nurses and the public they serve. RNAO welcomes the opportunity to provide feedback on the proposed regulations to amend the Regulated Health Professions Act, 1991 (RHPA) as outlined in Schedule 6 of Bill 106, Pandemic and Emergency Preparedness Act, 2022.

RNAO response

Consistent with RNAO's policy regarding IEN recruitment, RNAO supports the proposed regulations. The association believes these regulations and our additional recommendations – if enacted – will facilitate fair and timely consideration of non-domestic labour mobility applicants.

RNAO does not support the recruitment of nurses abroad (“poaching”) as a strategy to solve our domestic human resources crisis. Nor does RNAO support a human resource strategy that relies on encouraging foreign nurses to come to Canada. RNAO does recognize the right of individuals to migrate, and is aware that many nurses have voluntarily chosen Ontario as the place to practice nursing. For these nurses, we seek equality of entry to – and opportunity in – Ontario's nursing workforce.

RNAO's specific responses to the proposed regulations are outlined in the table below.

Proposed regulation ¹	RNAO response
<p>Re Canadian experience: Canadian experience would be defined as: "Any period of work experience or experiential training in Canada".</p> <p>Unless an exemption is obtained, any requirement for Canadian experience as a qualification for registration with a health regulatory College would become void after implementation. Exemptions would be granted through a regulation made under the RHPA.</p> <p>A health regulatory College may continue to accept Canadian experience in satisfaction of an experience-related qualification for registration if it also accepts international experience as a viable alternative to Canadian experience.</p>	<p>RNAO supports the proposed regulations related to Canadian experience. The association is aware that the CNO currently accepts international experience as a viable alternative to Canadian experience.²</p>
<p>Re language proficiency: Health regulatory Colleges would have to accept proof of completion of a language test accepted by</p>	<p>RNAO supports the proposed regulations related to language proficiency. The association is aware that the CNO has addressed this proposed regulation</p>

Proposed regulation ¹	RNAO response
<p>Immigration, Refugees and Citizenship Canada for immigration purposes (with results satisfactory to the regulated profession) as proof of English or French language proficiency. Regulated professions may also accept (but not require) other tests or demonstrations of proficiency of their choosing.</p> <p>Language test results that are valid at the time an application is received will be deemed to remain valid for the duration of the time it takes an applicant to complete the registration process.</p>	<p>through changes to its English language proficiency requirement, effective March 7, 2022.³</p>
<p>Re timely registration decisions: The proposed regulation would prescribe the following time-limits to make and communicate registration decisions with respect to domestic labour mobility applicants.</p> <ul style="list-style-type: none"> • Initial registration decisions of the Registrar be made within 30 business days of receiving a complete application. • Decisions by panels of the Registration Committee be made within 10 business days of the deadline for receiving an applicant's submission. 	<p>RNAO supports the proposed regulations related to timely registration decisions for domestic labour mobility applicants. Further, the association urges that the same timelines be applied to decisions for non-domestic labour mobility applicants.</p> <p>RNAO recommends, in the strongest possible terms, that the CNO and other health regulatory colleges be given up to 18 months to clear backlogs in the registration process for non-domestic mobility applicants such as IENs.</p> <p>RNAO also strongly recommends that the Office of the Fairness Commission be charged with responsibility for actively monitoring and addressing timeframe infractions.</p>
<p>Re emergency class of certificates of registration: This regulation would prescribe the requirements that a regulation made by a college setting out an emergency class of registration must meet. The proposed regulation would require that regulations made by the Colleges set out the:</p> <ul style="list-style-type: none"> • circumstances in which an emergency class of registration would be used; • length of time an individual's registration in the emergency class would be valid; and • process for individuals registered in the emergency class to seek registration in the general class(es). 	<p>RNAO recommends regulation of the requirements set out by health regulatory colleges for an emergency class of registration. The association supports the specific requirements set out in the proposed regulation.</p> <p>RNAO further recommends that emergency class of registration requirements explicitly require the CNO and other health regulatory colleges to assess all applicants for registration for eligibility for emergency class of registration – whether they are domestic labour mobility applicants or non-domestic labour mobility applicants.</p>

The proposed regulations to enable Schedule 6 of Bill 106 (2022) are a matter of fairness to IENs and to Ontario’s critically understaffed nursing workforce. Ultimately, these amendments will improve the access of all Ontarians to health care.

Background and rationale

A growing backlog of internationally educated nurses

The College of Nurses of Ontario (CNO) has carried a growing backlog of IEN applicants for over a decade.⁴ The evidence shows that this backlog grew significantly in the early stages of the pandemic.

IEN applications for registration with CNO

	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009
New applicants	-	6,315	4,556	4,710	3,758	2,967	1,115	3,635	4,123	5,517	4,870	3,878	3,303
Applicants actively pursuing licensing	-	14,633	14,574	13,331	9,581	12,374	11,985	13,941	19,253	14,316	11,313	9,335	7,118
"Inactive" applicants (applicants who had no contact with your organization in the reporting year)	-	5,080	4,608	3,550	4,725	1,909	3,577	3,936	4,072	4,557	3,637	2,166	4,649
Applicants who became fully registered members¹	3,235	2,220	2,040	1,989	1,461	1341	1,635	1,467	742	1,761	1,012	772	739
Applicants who became fully registered members as RNs²	1645	1163	900	855	522	338	387	423	-	-	-	-	-

The most recent report of the Office of the Fairness Commissioner⁵ shows that, as of 2020, there were approximately 26,000 IEN applicants for registration with the CNO – **excluding** any applicants educated in the United States. As applicants for registration with the CNO, these IENs have already had the documentation supporting their application validated by the National Nursing Assessment Service (NNAS). Further, NNAS will have provided the CNO with a report assessing the Canadian equivalency of the applicant’s educational experience.⁶

As illustrated by the large and growing backlog of IEN applicants, the registration process with CNO is unnecessarily long and arduous. This is of grave concern to RNAO. IENs advise RNAO that they are forced to confront significant obstacles on the path to registration that can take up to seven years and more. These include:

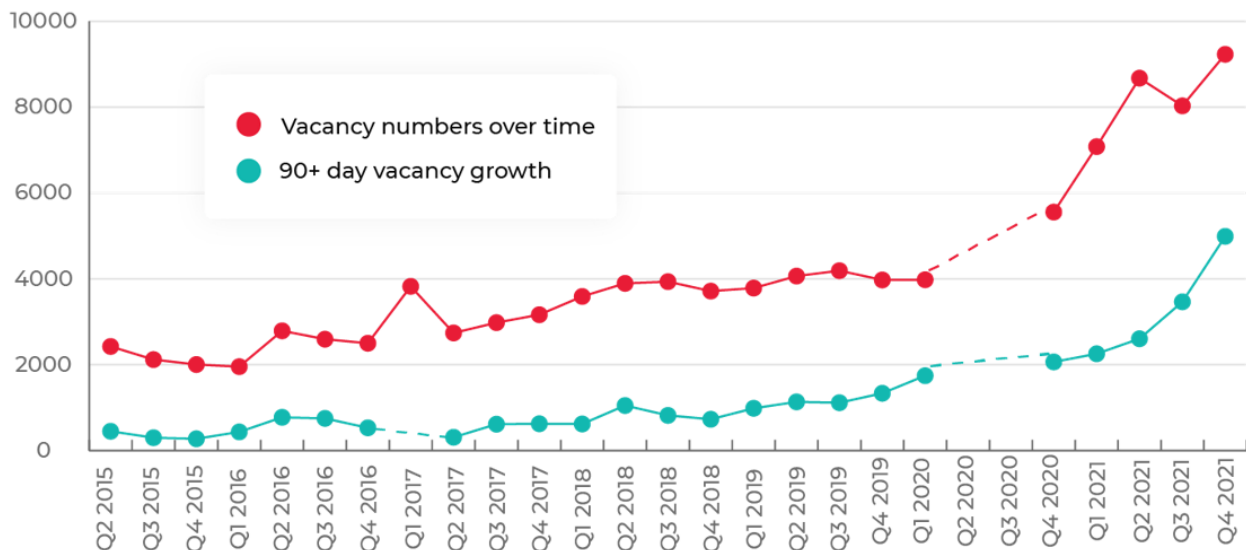
- excessive wait times
- inconsistent messaging from the numerous stakeholders involved in the process
- high economic and personal costs, including those related to time lags and lost salary due to inability to work as a professional nurse in Ontario

A need for relief for Ontario’s existing nursing workforce

IENs have always had a significant contribution to make to Ontario’s nursing workforce and to the health of Ontarians. Never has this been truer than in the context of the COVID-19 pandemic and the enormous surgical and treatment backlogs it has created. However, the CNO’s registration process appears unchanged in spite of longstanding RN understaffing in Ontario, the extant pandemic and the consequent nursing crisis.

Ontario entered into this pandemic with a 22,000 RN deficit on an RN-per-capita basis compared to the rest of Canada.⁷ That RN shortage has grown into a full-blown nursing crisis through the COVID-19 pandemic as Ontario’s overburdened nursing workforce has had to care for others and for their families with no respite and while under wage restraint legislation.⁸ Statistics Canada data⁹ shows the enormous growth of RN vacancy rates in Ontario during the pandemic – illustrated in the graph below – putting a great strain on health organizations.

Evidence of a human resources crisis in Ontario



The CNO backlog of IEN applicants provides an opportunity to fulfill the desire of internationally educated nurses to practice in their fields of expertise while responding to the nursing human resource crisis and the health system backlog.

Existing oversight of the registration process

In 2006, new legislation was enacted – the Fair Access to Regulated Professions and Compulsory Trades Act – in response to concerns about unfair treatment of internationally educated professionals and tradespeople. The persistence and growth of an enormous backlog of IEN applicants has exposed the shortcomings of the existing legislation for regulated health professions. The existing RHPA scheme, even as overseen by the Office of the Fairness Commissioner, has completely failed to ensure a fair and timely

consideration of IEN applications. And, with a backlog of well over 20,000 IEN applicants in the context of a nursing human resource crisis, it is clear that the current legislative regime is not meeting the public interest. Indeed, today's nursing human resource crisis threatens the effective functioning of Ontario's health care system.

Conclusion

RNAO applauds the government for taking these steps to ease registration processes in the health professions, especially for non-domestic labour market applicants. We have an obligation to ensure that the IEN applicants for CNO registration, who have chosen to bring their expertise and skills to our health system at a moment of great need, have access to a fair and timely registration process. We have the same obligation to our exhausted nursing workforce yearning for support and relief - to ensure that the entry of qualified IENs into Ontario's nursing workforce is fair and timely. We strongly endorse the regulations associated with Schedule 6 of Bill 106 and provide additional recommendations and timelines that, if implemented, will begin addressing IEN backlogs and ameliorate the nursing human resources crisis.

¹ Ontario's Regulatory Registry. Regulations under the Regulated Health Professions Act, 1991 (RHPA) - Registration Barriers for Regulated Health Professionals. Retrieved from: <https://www.ontariocanada.com/registry/view.do?postingId=41707>

² College of Nurses of Ontario Language Proficiency Requirement. (2022). Retrieved from <https://www.cno.org/en/become-a-nurse/registration-requirements/language-proficiency/>

³ College of Nurses of Ontario Evidence of Practice. (2022). Retrieved from <https://www.cno.org/en/become-a-nurse/registration-requirements/evidence-of-practice/>

⁴ College of Nurses of Ontario. Fair Registration Practices Reports to the Office of the Fairness Commissioner 2009-2020. Retrieved from <https://www.cno.org/en/become-a-nurse/fair-registration-practices-report/>.

⁵ Office of the Fairness Commission Report. (2020). Office of the Fairness Commissioner: Toronto, Ontario.

⁶ National Nursing Assessment Service (NNAS). Annual Report (2020/21). Retrieved from <https://www.nnas.ca/wp-content/uploads/2021/10/NNAS-2021-Annual-Report-EN.pdf>

⁷ Registered Nurses' Association of Ontario. (2020). Ontario's Nursing Crisis: Your health, your health system. Technical backgrounder. Retrieved from <https://rnao.ca/sites/default/files/2022-01/Platform%20Tech%20Backgrounder%20-%202022.pdf>

⁸ Registered Nurses' Association of Ontario. (2022). Nursing Through Crisis: A Comparative Analysis. Retrieved from <https://rnao.ca/sites/default/files/2022-05/Nursing%20Through%20Crisis%20-%20A%20Comparative%20Analysis%202022.pdf>

⁹ Statistics Canada. (2022). Job vacancies, fourth quarter 2021. Retrieved from <https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=1410035601>