



CHAPTER 26

An Act to amend various Acts related to regulated health professions and certain other Acts

Assented to December 15, 2009

Note: This Act amends or repeals more than one Act. For the legislative history of these Acts, see the Table of Consolidated Public Statutes – Detailed Legislative History at www.e-Laws.gov.on.ca.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

COMMITMENT TO THE FUTURE OF MEDICARE ACT, 2004**1. (1) Section 8 of the *Commitment to the Future of Medicare Act, 2004* is amended by adding the following definitions:**

“College” means a College within the meaning of the *Regulated Health Professions Act, 1991*, but does not include the College of Physicians and Surgeons of Ontario; (“ordre”)

“designated service” means a service,

- (a) that has been designated by the regulations as a designated service,
- (b) that is not an insured service,
- (c) that is rendered by a member of a prescribed College while the member is engaging in the practice of his or her health profession, or, if the regulations so provide in the case of a regulation making the dispensing of a drug a designated service, a member of the College of Physicians and Surgeons of Ontario, and
- (d) that is provided under the circumstances, if any, or in accordance with the limitations and conditions, if any, that are provided for in the regulations; (“service désigné”)

“Minister” means the Minister of Health and Long-Term Care; (“ministre”)

(2) The Act is amended by adding the following section:**Designated services**

11.1 (1) Where a service has been designated as a designated service, no person or entity may charge or accept payment or other benefit for a designated service rendered to an insured person, except as permitted by and in accordance with the regulations.

Determination

(2) A prescribed person may make a determination that a charge, payment or other benefit was made or accepted contrary to subsection (1).

Application to Board

(3) Any person or entity with standing may apply to the Board,

(a) for a review to determine whether a charge, payment or other benefit was made or accepted contrary to subsection (1); or

(b) for a review of a determination made under subsection (2).

Standing

(4) For the purposes of subsection (3), “person or entity with standing” means,

(a) in clause (3) (a),

(i) a person or entity that charged or may have charged or accepted or may have accepted payment or other benefit for a designated service rendered to an insured person,

(ii) an insured person to whom a designated service was rendered or may have been rendered or who was charged or may have been charged for a designated service or who paid for or provided a benefit or may have paid for or provided a benefit for a designated service,

(iii) a prescribed person referred to in subsection (2), or

(iv) any other person or entity provided for in the regulations; and

(b) in clause (3) (b),

(i) a person or entity that has been determined to have charged or accepted payment or other benefit for a designated service rendered to an insured person,

(ii) an insured person to whom a designated service was rendered who has been determined to have been charged or determined to have paid for or provided a benefit for the designated service, or

(iii) any other person or entity provided for in the regulations.

Appeal

(5) Any party to a matter before the Board under this section may in the circumstances provided for in the regulations appeal from the Board’s determination or order to the Divisional Court in accordance with the rules of the court.

Evidence

(6) Section 23 of the *Health Insurance Act* applies to the matter before the Board as if it were a hearing under section 21 of the *Health Insurance Act*.

Filing with court

(7) A copy of a determination or order made by the Board under this section may be filed

with the Superior Court of Justice after the time in which an appeal may be made has passed, and once filed shall be entered in the same way as a judgment or order of the Superior Court of Justice and is enforceable as an order of that court.

Regulations

(8) The Lieutenant Governor in Council may make regulations governing designated services, and without restricting the generality of the foregoing, may make regulations,

- (a) designating services as designated services and, for the purposes of the definition of “designated service”,
 - (i) providing for the circumstances under which a service is a designated service,
 - (ii) providing for limitations and conditions on the provision of a designated service,
 - (iii) prescribing Colleges for the purposes of the definition of “designated service”;
- (b) limiting any charges or payments for rendering a designated service to an insured person to charges made to or payments accepted from the Crown in right of Ontario and providing for audits and for the recovery and reimbursement of amounts received contrary to this Act or the regulations;
- (c) defining “charge”, “payment”, “benefit”, “dispensing” or “drug” for the purposes of this section;
- (d) governing when, to whom, by whom, in what circumstances and in what amounts, charges may be made or payments may be accepted for rendering designated services, including establishing maximum amounts that may be charged, and prohibiting charges and payments, in full or in part;
- (e) governing the making of payments, including governing the information that must be maintained in support of such payments and the information that must be furnished in connection with them, and governing the manner in which payments must be made and the times within which they must be made;
- (f) governing the information that must be provided to a person who is charged for a designated service;
- (g) specifying services that are not designated services;
- (h) where the dispensing of a drug is designated as a designated service, clarifying the relationship between this Act and the *Drug Interchangeability and Dispensing Fee Act* or any other Act or law, including specifying which Act or law prevails in the case of a conflict;
- (i) prescribing persons for the purposes of subsection (2);
- (j) governing any matter before the Board under this section, including providing for,
 - (i) applications and the giving of notice,
 - (ii) the parties to the proceedings,
 - (iii) the manner in which the proceedings shall be conducted and the conduct of proceedings,

- (iv) when the Minister or another prescribed person is entitled to be heard or otherwise make submissions,
- (v) the powers of the Board upon making a determination,
- (vi) the circumstances in which an appeal of the determination or order of the Board may be made to the Divisional Court,
- (vii) the powers of the Divisional Court upon the appeal.

Public consultation

(9) Section 7 applies to the making of regulations under this section, with necessary modification.

(3) Subsections 16 (1) to (6) of the Act are repealed and the following substituted:

Disclosure of information

(1) The General Manager or, in the case of a determination regarding section 11.1 and if the regulations so provide, another prescribed person may require that any person or entity submit information to the General Manager or the prescribed person for the purposes of determining whether there has been a contravention of or a failure to comply with any of the following provisions, if the General Manager or prescribed person is of the opinion that such a contravention or failure may have taken place:

1. Section 10, 11.1, 13, 17 or 18 of this Act.
2. Section 15 or 15.1 of the *Health Insurance Act*.
3. Section 3 of the *Independent Health Facilities Act*.

Same

(2) The information mentioned in subsection (1) may be any information that the General Manager or prescribed person reasonably considers is necessary for the purposes mentioned in subsection (1).

Time and form

- (3) Subject to the regulations, the information shall be submitted and disclosed,
- (a) in the form required by the General Manager or prescribed person; and
 - (b) within 21 days of the receipt by the person or entity of the request by the General Manager or prescribed person.

Extension of time

(4) The General Manager or prescribed person may extend the period of time mentioned in clause (3) (b) for a time that he or she believes is reasonable in the circumstances, if the General Manager or prescribed person believes that the person or entity cannot submit or disclose the information within the period of time for reasons that he, she or it cannot control.

Suspension of payments

(5) The Minister, the General Manager or a prescribed person may suspend payments under the Plan or under the *Independent Health Facilities Act* or under any other Act, law or system of payments to a person or entity during any period when the person or entity fails to comply with subsection (1) without just cause, whether or not the person or entity is convicted of an offence.

Reporting

(6) Any person shall report to the General Manager or to a prescribed person any information relating to the administration or enforcement of this Part or the regulations, the *Health Insurance Act* or the *Independent Health Facilities Act* if the person believes it to be in the public interest to do so.

Regulations

(7) The Lieutenant Governor in Council may make regulations defining “system of payments” for the purposes of this section.

(4) Subsection 20 (3) of the Act is repealed and the following substituted:

Exemptions

(3) The Lieutenant Governor in Council may make regulations exempting any person or entity or class of persons or entities from the application of any provision of this Part, and may make such an exemption subject to any condition that may be provided for in the regulations.

CHIROPODY ACT, 1991

2. (1) Subsection 5 (1) of the *Chiropody Act, 1991* is amended by adding the following paragraph:

4. Administering, by inhalation, a substance designated in the regulations.

(2) Subsection 5 (2) of the Act is amended by adding the following paragraph:

5. Administering, by inhalation, a substance designated in the regulations.

(3) Section 5 of the Act is amended by adding the following subsections:

Additional requirements for authorized acts

(3) A member is not authorized to perform a procedure under paragraph 4 of subsection 5 (1) or paragraph 5 of subsection 5 (2) unless the member performs the procedure in accordance with the regulations.

Additional grounds of professional misconduct

(4) In addition to the grounds set out in subsection 51 (1) of the Health Professions Procedural Code, a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member contravenes subsection (3).

(4) Section 13 of the Act is repealed and the following substituted:

Regulations

13. (1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

(a) designating the substances that may be administered by injection or inhalation;

(b) regulating and governing the administration of substances by injection or inhalation by members and ancillary matters, including, without limiting the generality of the foregoing,

(i) setting requirements respecting the administration of substances,

(ii) governing the purposes for which, or the circumstances under which, substances

may be administered,

(iii) setting requirements for prescribing drugs and governing the purposes for which, or the circumstances under which, drugs may be prescribed,

(iv) setting prohibitions;

(c) designating the drugs that may be prescribed by members in the course of engaging in the practice of chiropody.

Individual or categories

(2) A regulation made under clause (1) (a) or (c) may designate individual drugs or substances or categories of drugs or substances.

Incorporation by reference

(3) A regulation made under clause (1) (a) or (c) may adopt, by reference, in whole or in part, and with such changes as are considered necessary, one or more documents setting out a list of individual drugs or substances or a list of categories of drugs or substances that may be prescribed or administered by injection or inhalation by members.

Rolling incorporation

(4) If a regulation provided for in subsection (3) so provides, a document adopted by reference shall be a reference to it as amended from time to time after the making of the regulation.

Must be made by expert committee

(5) A document adopted by reference under subsection (3) may only be a document created or approved by an expert committee established under section 43.2 of the *Regulated Health Professions Act, 1991* and no other body.

Availability

(6) A document adopted by reference under subsection (3) must be named in the regulation and must be available for public inspection during normal business hours in the office of the College and must be posted on the College's website or available through a hyperlink at the College's website.

CHIROPRACTIC ACT, 1991

3. Clause 6 (1) (b) of the *Chiropractic Act, 1991* is amended by striking out "seven" in the portion before subclause (i) and substituting "at least six and no more than seven".

DENTAL HYGIENE ACT, 1991

4. (1) Section 4 of the *Dental Hygiene Act, 1991* is amended by adding the following paragraph:

3. Prescribing, dispensing, compounding or selling a drug designated in the regulations.

(2) Section 5 of the Act is amended by adding the following subsection:

Additional requirements for authorized acts

(2.1) A member is not authorized to perform an act set out in paragraph 3 of section 4 unless the member performs the act in accordance with the regulations.

(3) Subsection 5 (3) of the Act is amended by striking out “subsection (1) or (2)” at the end and substituting “subsection (1), (2) or (2.1)”.

(4) Subsection 12 (1) of the Act is amended by adding the following clauses:

- (d) designating drugs that a member may prescribe, dispense, compound or sell in the course of engaging in the practice of dental hygiene;
- (e) regulating and governing the prescribing, dispensing, compounding, using and selling of drugs by members in the course of engaging in the practice of dental hygiene and ancillary matters, including, without limiting the generality of the foregoing,
 - (i) governing the purposes for which, or the circumstances under which, drugs may be prescribed, dispensed, compounded, used or sold,
 - (ii) setting requirements respecting the prescribing, dispensing, compounding, using and selling of drugs,
 - (iii) governing and regulating the storage, handling, display, identification, labelling and disposal of drugs,
 - (iv) setting prohibitions,
 - (v) requiring members to keep records respecting the prescribing, dispensing, compounding, using and selling of drugs and providing for the contents of those records,
 - (vi) requiring members to provide the College or the Minister with reports respecting the prescribing, dispensing, compounding, using and selling of drugs and providing for the contents of those reports.

(5) Subsection 12 (2) of the Act is repealed and the following substituted:

Individual drugs or categories

(2) A regulation made under clause (1) (a) or (d) may specify or designate individual drugs or categories of drugs.

Incorporation by reference

(3) A regulation made under clause (1) (a) or (d) may adopt, by reference, in whole or in part, and with such changes as are considered necessary, one or more documents setting out a list of individual drugs or a list of categories of drugs.

Rolling incorporation

(4) If a regulation provided for in subsection (3) so provides, a document adopted by reference shall be a reference to it as amended from time to time after the making of the regulation.

Must be made by expert committee

(5) A document adopted by reference under subsection (3) may only be a document created or approved by an expert committee established under section 43.2 of the *Regulated Health Professions Act, 1991* and no other body.

Availability

(6) A document adopted by reference under subsection (3) must be named in the regulation

and must be available for public inspection during normal business hours in the office of the College and must be posted on the College's website or available through a hyperlink at the College's website.

DENTAL TECHNOLOGY ACT, 1991

5. Clause 5 (1) (b) of the *Dental Technology Act, 1991* is amended by striking out "six" in the portion before subclause (i) and substituting "at least five and no more than six".

DENTISTRY ACT, 1991

6. (1) Paragraph 7 of section 4 of the *Dentistry Act, 1991* is repealed and the following substituted:

7. Prescribing, dispensing or compounding a drug.

7.1 Selling a drug in accordance with the regulations.

(2) Section 12 of the Act is repealed and the following substituted:

Regulations

12. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

(a) regulating and governing the prescribing, dispensing, compounding and selling of drugs by members in the course of engaging in the practice of dentistry and ancillary matters, including establishing requirements and setting prohibitions;

(b) requiring members to keep records respecting the prescribing, dispensing, compounding and selling of drugs and providing for the contents of those records;

(c) requiring members to provide the College or the Minister with reports respecting the prescribing, dispensing, compounding and selling of drugs and providing for the contents of those reports.

DIETETICS ACT, 1991

7. The *Dietetics Act, 1991* is amended by adding the following section:

Authorized act

3.1 In the course of engaging in the practice of dietetics, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to take blood samples by skin pricking for the purpose of monitoring capillary blood readings.

DRUG AND PHARMACIES REGULATION ACT

8. (1) The definition of "pharmacy" in subsection 1 (1) of the *Drug and Pharmacies Regulation Act* is repealed and the following substituted:

"pharmacy" means a premises in or in part of which prescriptions are compounded or dispensed for the public or drugs are sold by retail, and includes a remote dispensing location;
("pharmacie")

(2) Subsection 1 (1) of the Act is amended by adding the following definition:

"remote dispensing location" has the meaning provided for in the regulations. ("téléofficine")

(3) Subsections 118 (2) and (3) of the Act are repealed and the following substituted:

Same

(2) Nothing in this Act prevents any person from selling or dispensing a drug to a person authorized under a health profession Act as defined in the *Regulated Health Professions Act, 1991* to dispense, prescribe, administer, compound or sell drugs.

Same

(3) Nothing in this Act prevents any person from selling, to a member of the College of Chiropodists of Ontario, the College of Dental Hygienists of Ontario, the College of Midwives of Ontario or the College of Optometrists of Ontario, a drug that the member may use in the course of engaging in the practice of his or her profession.

Same

(4) Subject to the following, this Act does not apply to the practice of a person who is authorized under a health profession Act as defined in the *Regulated Health Professions Act, 1991* to compound, dispense or sell a drug while engaging in the practice of a health profession:

1. Where that person is working in a pharmacy, this Act applies to the person's work in the pharmacy to the same extent that it does to any other person.
2. Sections 149, 150, 152 and 160 apply to the person.

(4) Subsection 146 (1) of the Act is amended by striking out “No person” at the beginning and substituting “Subject to subsection (1.0.1), no person”.

(5) Section 146 of the Act is amended by adding the following subsection:

Remote dispensing locations

(1.0.1) The requirement under clause (1) (a) that a pharmacist be physically present in a pharmacy does not apply with respect to a remote dispensing location, as long as,

- (a) a certificate of accreditation has been issued permitting the operation of the remote dispensing location; and
- (b) the remote dispensing location is operated in accordance with the regulations.

(6) Subsection 149 (1) of the Act is amended by striking out “Subject to subsection (2)” at the beginning and substituting “Subject to subsections (2) and (3)”.

(7) Section 149 of the Act is amended by adding the following subsection:

Remote dispensing locations

(3) The requirement in clause (1) (d) that a pharmacist be physically present to supervise does not apply with respect to a remote dispensing location, as long as a pharmacist is actively supervising the pharmacy technician mentioned in that clause and,

- (a) a certificate of accreditation has been issued permitting the operation of the remote dispensing location; and
- (b) the remote dispensing location is operated in accordance with the regulations.

(8) Subsection 161 (1) of the Act is amended by adding the following clauses:

- (m.1) defining and governing the meaning of “remote dispensing location” for the purposes

of this Act and the regulations or any provision of this Act or the regulations;

(m.2) prescribing standards for accreditation applicable to remote dispensing locations, including their operation and the maintenance, space, equipment and facilities required therefore;

(m.3) establishing requirements for and governing remote dispensing locations, their owners and operators and their operation, and clarifying the application of this Act with respect to remote dispensing locations, their owners and operators;

HEALING ARTS RADIATION PROTECTION ACT

9. (1) Subsection 6 (1) of the *Healing Arts Radiation Protection Act* is amended by striking out “or” at the end of clause (d), by adding “or” at the end of clause (f), and by adding the following clause:

(g) a member of the College of Nurses of Ontario who holds an extended certificate of registration under the *Nursing Act, 1991*.

(2) Subsections 6 (2) and (3) of the Act are repealed and the following substituted:

Same

(2) Despite subsection (1), a person may operate an X-ray machine for the irradiation of a human being if the irradiation is prescribed in a manner permitted by the regulations by a member of the College of Physiotherapists of Ontario.

HEALTH CARE CONSENT ACT, 1996

10. (1) The definitions of “evaluator” and “health practitioner” in subsection 2 (1) of the Health Care Consent Act, 1996 are repealed and the following substituted:

“evaluator” means, in the circumstances prescribed by the regulations,

- (a) a member of the College of Audiologists and Speech-Language Pathologists of Ontario,
- (b) a member of the College of Dietitians of Ontario,
- (c) a member of the College of Nurses of Ontario,
- (d) a member of the College of Occupational Therapists of Ontario,
- (e) a member of the College of Physicians and Surgeons of Ontario,
- (f) a member of the College of Physiotherapists of Ontario,
- (g) a member of the College of Psychologists of Ontario, or
- (h) a member of a category of persons prescribed by the regulations as evaluators;
 (“appréciateur”)

“health practitioner” means a member of a College under the *Regulated Health Professions Act, 1991*, a naturopath registered as a drugless therapist under the *Drugless Practitioners Act* or a member of a category of persons prescribed by the regulations as health practitioners;
 (“praticien de la santé”)

(2) The definition of “health practitioner” in subsection 2 (1) of the Act, as re-enacted by subsection (1), is amended by striking out “a naturopath registered as a drugless

therapist under the *Drugless Practitioners Act*.”

(3) Clause 85 (1) (b) of the Act is repealed and the following substituted:

- (b) for the purpose of the definition of “evaluator” in subsection 2 (1), prescribing categories of persons as evaluators and prescribing the circumstances in which those persons or other persons described in the definition may act as evaluators;

HEALTH INSURANCE ACT

11. (1) Section 1 of the *Health Insurance Act* is amended by adding the following definitions:

“general requisition number” means the unique identifying number issued by the General Manager to a practitioner or health facility to identify that a service rendered by another practitioner or health facility or by a physician, hospital or independent health facility was requested by the practitioner or health facility; (“numéro de demande général”)

“independent health facility” means an independent health facility within the meaning of the *Independent Health Facilities Act*; (“établissement de santé autonome”)

(2) Subsection 6 (1) of the Act is amended by adding the following paragraph:

6. Such other practitioner review committees as may be prescribed, composed of such members or classes of members as may be prescribed.

(3) The Act is amended by adding the following section:

Practitioners and health facilities

18.2.1 If the General Manager is of the opinion that a service performed by a physician, practitioner, health facility, hospital or independent health facility is not medically necessary, or is rendered in other prescribed circumstances, and that service was requested by a practitioner or health facility,

- (a) the practitioner or health facility who requested the provision of the service is liable to pay to the Plan the amount paid by the Plan to the physician, practitioner, health facility, hospital or independent health facility that performed the service; and
- (b) the General Manager may make a direction requiring the amount owing to be paid to the Plan, and recover the amount through any method permitted under this Act.

(4) Subsection 20 (1) of the Act is amended by adding the following paragraph:

5. A practitioner or health facility required by the General Manager to make a payment under section 18.2.1 may appeal the direction.

(5) Subsection 37 (1) of the Act is amended by striking out “physician and practitioner” in the portion before clause (a) and substituting “physician, practitioner, health facility, hospital and independent health facility”.

(6) Section 37.1 of the Act is amended by adding the following subsection:

Practitioners and health facilities

(3.1) For the purposes of this Act, every practitioner and health facility shall maintain such records as may be necessary to establish whether a service the practitioner or health facility

requests is medically necessary or is rendered in the prescribed circumstances mentioned in section 18.2.1.

(7) Subsection 37.1 (5) of the Act is repealed and the following substituted:

Prompt preparation

(5) The records described in subsections (1), (2), (3), (3.1) and (4) must be prepared promptly after the service is requested or provided as the case may be.

(8) Subsection 37.1 (5) of the Act, as re-enacted by the Statutes of Ontario, 2007, chapter 10, Schedule G, subsection 23 (5), is repealed and the following substituted:

Prompt preparation

(5) The records described in subsections (1), (2), (3), (3.1), (4) and (4.1) must be prepared promptly after the service is requested or provided as the case may be.

(9) Section 37.1 of the Act is amended by adding the following subsection:

Same

(6.1) If there is a question about whether a service requested by a practitioner or health facility is medically necessary or is rendered in the prescribed circumstances mentioned in section 18.2.1,

- (a) the practitioner or health facility shall provide the General Manager with all relevant information within his, her or its control; and
- (b) in the case of a service rendered by another practitioner or health facility, or by a physician, hospital or independent health facility, the practitioner, health facility, physician, hospital or independent health facility shall provide the General Manager with all relevant information within his, her or its control.

(10) Section 37.1 of the Act is amended by adding the following subsection:

Same

(7.1) In the absence of a record described in subsection (3.1), it is presumed that the service requested was not medically necessary or was rendered in the prescribed circumstances mentioned in section 18.2.1.

(11) Paragraph 4 of section 38.1 of the Act is repealed and the following substituted:

- 4. A direction to pay the Plan given by the General Manager under clause 18 (13) (b) or 18.2.1 (b).

(12) Subsection 45 (1) of the Act is amended by adding the following clause:

- (a.2) governing the issuance and use of general requisition numbers, including, without being limited to,
 - (i) requiring their use, and governing the circumstances in which they are to be used,
 - (ii) respecting applying for them, and the information that must be supplied in an application, and
 - (iii) specifying that a general requisition number may be the same as the billing number defined in subsection 16 (5);

(13) Clause 45 (1) (b) of the Act is repealed and the following substituted:

- (b) defining “resident”, “dependant”, “spouse”, “member of the Canadian Forces” and “requested by a practitioner or health facility” for the purposes of this Act or any provision of this Act;

(14) Subsection 45 (3.1) of the Act is repealed and the following substituted:**Exemptions**

(3.1) The Lieutenant Governor in Council may make regulations exempting any person, facility or entity or class of persons, facilities or entities from the application of any provision of this Act, and may make such an exemption subject to any condition that may be provided for in the regulations.

LABORATORY AND SPECIMEN COLLECTION CENTRE LICENSING ACT

12. (1) The definition of “specimen collection centre” in section 5 of the *Laboratory and Specimen Collection Centre Licensing Act* is amended by striking out “or” at the end of clause (b) and by adding the following clauses:

- (b.1) a place where a member of the College of Dietitians of Ontario is engaged in the practice of dietetics,
- (b.2) a place where a member of the College of Midwives of Ontario is engaged in the practice of midwifery, or

(2) The definition of “specimen collection centre” in section 5 of the Act, as re-enacted by the Statutes of Ontario, 2007, chapter 10, Schedule P, section 18, is amended by striking out “or” at the end of clause (b) and by adding the following clauses:

- (b.1) a place where a member of the College of Dietitians of Ontario is engaged in the practice of dietetics,
- (b.2) a place where a member of the College of Midwives of Ontario is engaged in the practice of midwifery, or

MASSAGE THERAPY ACT, 1991

13. (1) Clauses 5 (1) (a) and (b) of the *Massage Therapy Act, 1991* are repealed and the following substituted:

- (a) at least six and no more than nine persons who are members elected in accordance with the by-laws;
- (b) at least five and no more than eight persons appointed by the Lieutenant Governor in Council who are not,
 - (i) members,
 - (ii) members of a College as defined in the *Regulated Health Professions Act, 1991*, or
 - (iii) members of a Council as defined in the *Regulated Health Professions Act, 1991*.

(2) Subsections 7 (1) and (2) of the Act are repealed and the following substituted:

Restricted titles

(1) No person other than a member shall use the title “massage therapist” or “registered massage therapist”, a variation or abbreviation or an equivalent in another language.

Representations of qualifications, etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a massage therapist or registered massage therapist or in a specialty of massage therapy.

MEDICAL RADIATION TECHNOLOGY ACT, 1991

14. Sections 3, 4 and 5 of the *Medical Radiation Technology Act, 1991* are repealed and the following substituted:

Scope of practice

3. The practice of medical radiation technology is the use of ionizing radiation, electromagnetism and other prescribed forms of energy for the purposes of diagnostic and therapeutic procedures, the evaluation of images and data relating to the procedures and the assessment of an individual before, during and after the procedures.

Authorized acts

4. In the course of engaging in the practice of medical radiation technology, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Administering substances by injection or inhalation.
2. Tracheal suctioning of a tracheostomy.
3. Administering contrast media, or putting an instrument, hand or finger,
 - i. beyond the opening of the urethra,
 - ii. beyond the labia majora,
 - iii. beyond the anal verge, or
 - iv. into an artificial opening of the body.
4. Performing a procedure on tissue below the dermis.
5. Applying a prescribed form of energy.

Additional requirements for authorized acts

5. (1) A member shall not perform a procedure under the authority of paragraphs 1 to 4 of section 4 unless the procedure is ordered by a member of the College of Physicians and Surgeons of Ontario.

Same

(2) A member shall not perform a procedure under paragraph 5 of section 4 unless the procedure is ordered by a member of the College of Physicians and Surgeons of Ontario or a member of any other College who is authorized to order the procedure.

Professional misconduct

(3) In addition to the grounds set out in subsection 51 (1) of the Health Professions

Procedural Code, a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member contravenes subsection (1) or (2).

MEDICINE ACT, 1991

15. Section 12 of the *Medicine Act, 1991* is repealed and the following substituted:

Regulations

12. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

- (a) regulating and governing the prescribing, dispensing, compounding and selling of drugs by members in the course of engaging in the practice of medicine and ancillary matters, including establishing requirements and setting prohibitions;
- (b) requiring members to keep records respecting the prescribing, dispensing, compounding and selling of drugs and providing for the contents of those records;
- (c) requiring members to provide the College or the Minister with reports respecting the prescribing, dispensing, compounding and selling of drugs and providing for the contents of those reports.

MIDWIFERY ACT, 1991

16. (1) Section 4 of the *Midwifery Act, 1991* is repealed and the following substituted:

Authorized acts

4. In the course of engaging in the practice of midwifery, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Communicating a diagnosis identifying, as the cause of a woman's or newborn's symptoms, a disease or disorder that may be identified from the results of a laboratory or other test or investigation that a member is authorized to order or perform on a woman or a newborn during normal pregnancy, labour and delivery and for up to six weeks post-partum.
2. Managing labour and conducting spontaneous normal vaginal deliveries.
3. Inserting urinary catheters into women.
4. Performing episiotomies and amniotomies and repairing episiotomies and lacerations, not involving the anus, anal sphincter, rectum, urethra and periurethral area.
5. Administering, by injection or inhalation, a substance designated in the regulations.
6. Prescribing drugs designated in the regulations.
7. Putting an instrument, hand or finger beyond the labia majora or anal verge during pregnancy, labour and the post-partum period.
8. Administering suppository drugs designated in the regulations beyond the anal verge during pregnancy, labour and the post-partum period.
9. Taking blood samples from newborns by skin pricking or from persons from veins or by skin pricking.

10. Intubation beyond the larynx of a newborn.

11. Administering a substance by injection or inhalation as provided for in subsection 4.1 (2).

Additional requirements for authorized acts

4.1 (1) A member is not authorized to perform a procedure under paragraph 10 of section 4 unless the member performs the act in accordance with the regulations.

Same

(2) A member is not authorized to perform a procedure under paragraph 11 of section 4 unless the procedure is ordered by a member of the College of Physicians and Surgeons of Ontario.

Professional misconduct

(3) In addition to the grounds set out in subsection 51 (1) of the Health Professions Procedural Code, a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member contravenes subsection (1) or (2).

(2) Clause 11 (1) (b) of the Act is repealed and the following substituted:

(b) designating the drugs that may be prescribed or the suppository drugs that may be administered by members in the course of engaging in the practice of midwifery;

(3) Subsection 11 (1) of the Act is amended by adding the following clauses:

(d) governing the performance of the procedure under paragraph 10 of section 4, including establishing requirements for performing the procedure and the circumstances in which the procedure may be performed;

(e) regulating and governing the prescribing, administering or using of drugs by members and ancillary matters, including, without limiting the generality of the foregoing,

(i) setting requirements respecting the prescribing, administering or using of drugs,

(ii) governing the purposes for which, or the circumstances under which, drugs may be prescribed, administered or used,

(iii) setting prohibitions.

(4) Subsection 11 (2) of the Act is repealed and the following substituted:

Individual drugs or categories

(2) A regulation made under clause (1) (a), (b) or (c) may designate or specify individual substances or drugs or categories of substances or drugs.

Incorporation by reference

(3) A regulation made under clause (1) (a), (b) or (c) may adopt, by reference, in whole or in part, and with such changes as are considered necessary, one or more documents setting out a list of individual drugs or substances or a list of categories of drugs or substances.

Rolling incorporation

(4) If a regulation provided for in subsection (3) so provides, a document adopted by reference shall be a reference to it as amended from time to time after the making of the regulation.

Must be made by expert committee

(5) A document adopted by reference under subsection (3) may only be a document created or approved by an expert committee established under section 43.2 of the *Regulated Health Professions Act, 1991* and no other body.

Availability

(6) A document adopted by reference under subsection (3) must be named in the regulation and must be available for public inspection during normal business hours in the office of the College and must be posted on the College's website or available through a hyperlink at the College's website.

NATUROPATHY ACT, 2007

17. (1) Subsection 4 (1) of the *Naturopathy Act, 2007* is amended by adding the following paragraph:

7. Prescribing, dispensing, compounding or selling a drug designated in the regulations.

(2) Section 11 of the Act is amended by adding the following clause:

(g) designating the drugs that a member may prescribe, dispense, compound or sell for the purpose of paragraph 7 of subsection 4 (1), prescribing the purposes for which, or the circumstances in which, the designated drugs may be prescribed, dispensed, compounded or sold and prohibiting the prescribing, dispensing, compounding or selling of drugs other than the ones designated.

(3) Section 13 of the Act is amended by adding the following subsection:

Same

(4.1) Where, after section 6 comes into force, a complaint is filed with the Registrar regarding the actions or conduct of a member or an allegation is made that a member committed an act of professional misconduct or was incompetent or some other discipline matter is alleged, and the complaint or allegation relates to the time before section 6 came into force, when the member was a person registered to practise under the *Drugless Practitioners Act*,

- (a) the procedure and any investigation or proceeding established under this Act and the *Regulated Health Professions Act, 1991* applies respecting the member; and
- (b) in the recovery or enforcement of penalties or sanctions, the *Drugless Practitioners Act* continues to apply despite its repeal.

NURSING ACT, 1991

18. (1) Section 4 of the *Nursing Act, 1991* is amended by striking out the portion before paragraph 1 and substituting the following:

Authorized acts

4. In the course of engaging in the practice of nursing, a member, other than a member described in section 5.1, is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

.....

(2) Section 4 of the Act is amended by adding the following paragraph:

5. Dispensing a drug.

(3) Section 5.1 of the Act is repealed and the following substituted:

Authorized acts by certain registered nurses

5.1 (1) In the course of engaging in the practice of nursing, a member who is a registered nurse and who holds an extended certificate of registration in accordance with the regulations, is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Communicating to a patient or to his or her representative a diagnosis made by the member identifying, as the cause of the patient's symptoms, a disease or disorder.
2. Performing a procedure below the dermis or a mucous membrane.
3. Putting an instrument, hand or finger,
 - i. beyond the external ear canal,
 - ii. beyond the point in the nasal passages where they normally narrow,
 - iii. beyond the larynx,
 - iv. beyond the opening of the urethra,
 - v. beyond the labia majora,
 - vi. beyond the anal verge, or
 - vii. into an artificial opening of the body.
4. Applying or ordering the application of a prescribed form of energy.
5. Setting or casting a fracture of a bone or dislocation of a joint.
6. Administering a substance, by injection or inhalation, in accordance with the regulations.
7. Administering a substance by injection or inhalation as provided for in subsection (2).
8. Prescribing, dispensing, selling or compounding a drug in accordance with the regulations.

Further restrictions on authorized act

(2) A member shall not perform a procedure under paragraph 7 of subsection (1) unless the procedure has been ordered by a member of the College of Physicians and Surgeons of Ontario or a member of any other College who is authorized to order the procedure.

(4) Subsection 5.1 (1) of the Act, as re-enacted by subsection (3), is amended by adding the following paragraph:

9. Treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual's serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgment, insight, behaviour, communication or social functioning.

(5) Clause 9 (1) (b) of the Act is amended by striking out "eighteen" in the portion before subclause (i) and substituting "at least 14 and no more than 18".

(6) Subsections 11 (5) and (6) of the Act are repealed and the following substituted:

Representations of qualification, etc.

(5) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a nurse, registered nurse, practical nurse or nurse practitioner or in a specialty of nursing.

Exception

(6) Despite subsection (5), a person may hold himself or herself out as a Christian Science nurse.

(7) Section 14 of the Act is repealed and the following substituted:**Regulations**

14. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

- (a) prescribing procedures for the purpose of paragraph 1 of section 4;
- (b) permitting a member to perform a procedure under clause 5 (1) (a) and governing the performance of the procedure, including, without limiting the foregoing, prescribing the class of members that can perform the procedure and providing that the procedure may only be performed under the authority of a prescribed member or a member of a prescribed class;
- (c) regulating and governing the administering of substances by members by injection or inhalation under paragraph 6 of subsection 5.1 (1), the prescribing, dispensing, compounding and selling of drugs by members in the course of engaging in the practice of nursing and ancillary matters, including, without limiting the generality of the foregoing,
 - (i) governing the purposes for which, or the circumstances under which substances may be administered by injection or inhalation and drugs may be prescribed, dispensed, compounded or sold,
 - (ii) setting requirements respecting the administration of substances by injection or inhalation and the prescribing, dispensing, compounding and selling of drugs,
 - (iii) governing and regulating the storage, handling, display, identification, labelling and disposal of substances that may be administered by injection or inhalation and of drugs,
 - (iv) setting prohibitions, including prohibitions respecting the substances that may be administered by injection or inhalation and the drugs that may be prescribed, dispensed, compounded and sold,
 - (v) requiring members to keep records respecting the administering of substances by injection or inhalation and the prescribing, dispensing, compounding and selling of drugs and providing for the contents of those records,
 - (vi) requiring members to provide the College or the Minister with reports respecting the administering of substances by injection or inhalation and the prescribing, dispensing, compounding and selling of drugs and providing for the contents of those reports;

- (d) prescribing standards of practice respecting the circumstances in which registered nurses who hold an extended certificate of registration should consult with members of other health professions.

ONTARIO DRUG BENEFIT ACT

19. (1) The *Ontario Drug Benefit Act* is amended by adding the following section:

Billing privileges

4.1 (1) If an operator of a pharmacy or a physician wishes to receive payment from the executive officer under this Act, the operator or physician shall apply to the executive officer for billing privileges.

Granting of privileges

(2) The executive officer may grant billing privileges to an operator or physician who has applied under subsection (1) where the executive officer is of the opinion it is in the public interest to do so, after considering any matter that he or she considers to be appropriate.

Agreements

(3) The executive officer may make it a condition of granting billing privileges under subsection (2) that the operator or physician enter into an agreement with the executive officer containing any provisions that the executive officer considers necessary or desirable in the public interest in the particular case.

Transitional

(4) Where an operator of a pharmacy or a physician received payment from the executive officer under this Act before the coming into force of this section, the following rules apply:

1. The operator is deemed to have been granted billing privileges under subsection (2), but only in respect of a pharmacy that, before the coming into force of this section, supplied drug products for which the operator received payment, and only if, immediately before the coming into force of this section, there was no order under section 11.1 in effect respecting the operator.
2. The physician is deemed to have been granted billing privileges under subsection (2).
3. The executive officer may require the operator or physician to enter into an agreement described in subsection (3) as a condition of continuing to receive payment from the executive officer under this Act.

(2) Subsection 5 (1) of the Act is repealed and the following substituted:

Payment of claim of operator

(1) Subject to subsection (2), an operator of a pharmacy who has been granted billing privileges under subsection 4.1 (2) and who submits to the executive officer a claim for payment in respect of supplying a listed drug product for an eligible person pursuant to a prescription is entitled to be paid by the executive officer the amount provided for under section 6.

(3) Subsection 5 (3) of the Act is amended by adding “who has been granted billing privileges under subsection 4.1 (2) and” after “physician”.

(4) Paragraph 3 of subsection 6 (1) of the Act is repealed and the following substituted:

3. The applicable prescribed mark-up on that price.

(5) Subclause 6 (2) (c) (i) of the Act is amended by striking out “the dispensing fee” and substituting “the applicable dispensing fee”.

(6) Subsection 11 (1) of the Act is amended by adding “who has been granted billing privileges under subsection 4.1 (2)” after “pharmacy”.

(7) Subsections 11.3 (1) and (2) of the Act are repealed and the following substituted:

Claim from eligible person

(1) Where an eligible person obtains a listed drug product from a pharmacy or a physician and, for any reason, the operator of the pharmacy or the physician is not entitled to payment from the executive officer under this Act, the eligible person may submit to the executive officer a claim for payment in respect of the supply of a listed drug product and is entitled to be paid by the executive officer the amount the executive officer would have otherwise paid to an operator of a pharmacy or a physician who was entitled to payment.

Same

(2) The entitlement of an eligible person under subsection (1) is subject to this Act and the regulations to the same extent as the entitlement of an operator of a pharmacy or a physician would be, subject to any necessary modification.

(8) Section 18 of the Act is amended by adding the following subsection:

Distinguishing mark-ups, dispensing fees

(4.1) Without restricting the generality of clauses (1) (g.1) and (g.4), regulations under those clauses may establish different classes of pharmacies or operators of pharmacies and may provide for different mark-ups or dispensing fees with respect to different classes of pharmacies or operators of pharmacies.

OPTOMETRY ACT, 1991

20. (1) Subsection 12 (1) of the *Optometry Act, 1991* is amended by adding the following clause:

- (c) regulating and governing the prescribing or using of drugs by members and ancillary matters, including, without limiting the generality of the foregoing,
 - (i) governing the purposes for which, or the circumstances under which, drugs may be prescribed or used,
 - (ii) setting requirements respecting the prescribing or using of drugs, and
 - (iii) setting prohibitions.

(2) Subsection 12 (2) of the Act is repealed and the following substituted:

Individual drugs or categories

(2) A regulation made under clause (1) (a) or (b) may specify or designate individual drugs or categories of drugs.

Incorporation by reference

(3) A regulation made under clause (1) (a) or (b) may adopt, by reference, in whole or in part, and with such changes as are considered necessary, one or more documents setting out a list of

individual drugs or a list of categories of drugs that may be prescribed by members.

Rolling incorporation

(4) If a regulation provided for in subsection (3) so provides, a document adopted by reference shall be a reference to it as amended from time to time after the making of the regulation.

Must be made by expert committee

(5) A document adopted by reference under subsection (3) may only be a document created or approved by an expert committee established under section 43.2 of the *Regulated Health Professions Act, 1991* and no other body.

Availability

(6) A document adopted by reference under subsection (3) must be named in the regulation and must be available for public inspection during normal business hours in the office of the College and must be posted on the College's website or available through a hyperlink at the College's website.

PHARMACY ACT, 1991

21. (1) Section 3 of the *Pharmacy Act, 1991* is repealed and the following substituted:

Scope of practice

3. The practice of pharmacy is,

- (a) the custody, compounding, dispensing and prescribing of drugs;
- (b) the provision of health care aids and devices;
- (c) the provision of information and education related to the use of anything mentioned in clauses (a) and (b); and
- (d) the promotion of health, prevention and treatment of disease, disorders and dysfunctions through monitoring and management of medication therapy.

(2) Section 4 of the Act is repealed and the following substituted:

Authorized acts

4. (1) In the course of engaging in the practice of pharmacy, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

- 1. Dispensing, selling or compounding a drug or supervising the part of a pharmacy where drugs are kept.
- 2. Administering, by injection or inhalation, a substance specified in the regulations.
- 3. Prescribing a drug specified in the regulations.
- 4. Prescribing a drug, other than a drug mentioned in paragraph 3, in accordance with the regulations.
- 5. Performing a procedure on tissue below the dermis.

Additional requirements for authorized acts

(2) A member is not authorized to perform a procedure under the authority of paragraph 2, 3,

4 or 5 of subsection (1) unless the member performs the procedure in accordance with requirements established by the regulations.

Professional misconduct

(3) In addition to the grounds set out in subsection 51 (1) of the Health Professions Procedural Code, a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member contravenes subsection (2).

(3) Section 6 of the Act is amended by adding the following paragraph:

1.1 To exercise the powers and duties of the College under the *Drug Interchangeability and Dispensing Fee Act*.

(4) The Act is amended by adding the following section:

Regulations

13. (1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

- (a) specifying substances that may be administered by injection or inhalation in the course of engaging in the practice of pharmacy;
- (b) specifying drugs that a member may prescribe in the course of engaging in the practice of pharmacy;
- (c) regulating and governing the performance of any act set out in paragraph 2, 3, 4 or 5 of subsection 4 (1) and ancillary matters, including, without limiting the generality of the foregoing,
 - (i) establishing requirements for the performance of the act,
 - (ii) governing the purposes for which, and the circumstances under which, the act must be performed,
 - (iii) setting prohibitions.

Individual or categories

(2) A regulation made under clause (1) (a) or (b) may designate individual drugs or substances or categories of drugs or substances.

Incorporation by reference

(3) A regulation made under clause (1) (a) or (b) may adopt, by reference, in whole or in part, and with such changes as are considered necessary, one or more documents setting out a list of individual drugs or substances or a list of categories of drugs or substances.

Rolling incorporation

(4) If a regulation provided for in subsection (3) so provides, a document adopted by reference shall be a reference to it as amended from time to time after the making of the regulation.

Must be made by expert committee

(5) A document adopted by reference under subsection (3) may only be a document created or approved by an expert committee established under section 43.2 of the *Regulated Health Professions Act, 1991* and no other body.

Availability

(6) A document adopted by reference under subsection (3) must be named in the regulation and must be available for public inspection during normal business hours in the office of the College and must be posted on the College's website or available through a hyperlink at the College's website.

PHYSIOTHERAPY ACT, 1991

22. (1) Section 3 of the *Physiotherapy Act, 1991* is repealed and the following substituted:

Scope of practice

3. The practice of physiotherapy is the assessment of neuromuscular, musculoskeletal and cardio respiratory systems, the diagnosis of diseases or disorders associated with physical dysfunction, injury or pain and the treatment, rehabilitation and prevention or relief of physical dysfunction, injury or pain to develop, maintain, rehabilitate or augment function and promote mobility.

(2) Section 4 of the Act is repealed and the following substituted:

Authorized acts

4. (1) In the course of engaging in the practice of physiotherapy, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Communicating a diagnosis identifying a disease, a physical disorder or dysfunction as the cause of a person's symptoms.
2. Moving the joints of the spine beyond a person's usual physiological range of motion using a fast, low amplitude thrust.
3. Tracheal suctioning.
4. Treating a wound below the dermis using any of the following procedures:
 - i. cleansing,
 - ii. soaking,
 - iii. irrigating,
 - iv. probing,
 - v. debriding,
 - vi. packing,
 - vii. dressing.
5. For the purpose of assessing or rehabilitating pelvic musculature relating to incontinence or pain disorders, putting an instrument, hand or finger,
 - i. beyond the labia majora, or
 - ii. beyond the anal verge.
6. Ordering the application of a prescribed form of energy.

7. Administering a substance by inhalation.

Certain procedures subject to regulations

(2) A member is not authorized to perform a procedure set out in paragraph 1, 2, 3, 4, 5 or 6 of subsection (1) unless the member complies with any applicable regulations respecting those paragraphs.

Additional requirement for certain procedures

(3) A member shall not perform a procedure under paragraph 7 of subsection (1) unless the procedure has been ordered by a member of the College of Physicians and Surgeons of Ontario, or a member of any other College who is authorized to perform the procedure.

Professional misconduct

(4) In addition to the grounds set out in subsection 51 (1) of the Health Professions Procedural Code, a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member contravenes subsection (2) or (3).

(3) The Act is amended by adding the following section:

Regulations

11.1 Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations regulating and governing the performance of any act set out in paragraph 1, 2, 3, 4, 5 or 6 of subsection 4 (1) and ancillary matters, including, without limiting the generality of the foregoing,

- (a) establishing requirements for the performance of the act;
- (b) governing the purposes for which, and the circumstances under which, the act must be performed;
- (c) setting prohibitions.

PSYCHOTHERAPY ACT, 2007

23. (1) The definition of “College” in section 1 of the *Psychotherapy Act, 2007* is repealed and the following substituted:

“College” means the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario; (“Ordre”)

(2) The definition of “College” in subsection 2 (2) of the Act is repealed and the following substituted:

“College” means the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario; (“ordre”)

(3) Section 5 of the Act is repealed and the following substituted:

College established

5. The College is established under the name College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario in English and Ordre des psychothérapeutes autorisés et des thérapeutes autorisés en santé mentale de l’Ontario in French.

(4) Subsections 8 (1) and (2) of the Act are repealed and the following substituted:

Restricted titles

(1) No person other than a member shall use the title “psychotherapist”, “registered psychotherapist” or “registered mental health therapist”, a variation or abbreviation or an equivalent in another language.

Representations of qualifications, etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a psychotherapist, registered psychotherapist or registered mental health therapist.

REGULATED HEALTH PROFESSIONS ACT, 1991

24. (1) Clauses 5 (1) (c) and (d) of the *Regulated Health Professions Act, 1991* are repealed and the following substituted:

- (c) require a Council to make, amend or revoke a regulation under a health profession Act, the *Drug and Pharmacies Regulation Act* or the *Drug Interchangeability and Dispensing Fee Act*;
- (d) require a Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act, the health profession Acts, the *Drug and Pharmacies Regulation Act* or the *Drug Interchangeability and Dispensing Fee Act*.

(2) The Act is amended by adding the following section:

College supervisor

5.0.1 (1) The Lieutenant Governor in Council may appoint a person as a College supervisor, on the recommendation of the Minister, where the Minister considers it appropriate or necessary and where, in the Minister’s opinion, a Council has not complied with a requirement under subsection 5 (1).

Factors to be considered

(2) In deciding whether to make a recommendation under subsection (1), the Minister may consider any matter he or she considers relevant, including, without limiting the generality of the foregoing,

- (a) the quality of the administration and management, including financial management, of the College;
- (b) the administration of this Act or the health profession Act as they relate to the health profession; and
- (c) the performance of other duties and powers imposed on the College, the Council, the committees of the College, or persons employed, retained or appointed to administer this Act, the health profession Act, the *Drug and Pharmacies Regulation Act* or the *Drug Interchangeability and Dispensing Fee Act*.

Notice

(3) At least 30 days before recommending to the Lieutenant Governor in Council that a College supervisor be appointed, the Minister shall give the College a notice of his or her intention to make the recommendation and in the notice advise the College that it may make written submissions to the Minister.

Review of submissions

(4) The Minister shall review any submissions made by the College and if the Minister makes a recommendation to the Lieutenant Governor in Council to appoint a College supervisor, the Minister shall provide the College's submissions, if any, to the Lieutenant Governor in Council.

Term of office

(5) The appointment of a College supervisor is valid until terminated by order of the Lieutenant Governor in Council.

Powers of College supervisor

(6) Unless the appointment provides otherwise, a College supervisor has the exclusive right to exercise all the powers of a Council and every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act, the *Drug and Pharmacies Regulation Act* or the *Drug Interchangeability and Dispensing Fee Act*.

Same

(7) The Lieutenant Governor in Council may specify the powers and duties of a College supervisor appointed under this section and the terms and conditions governing those powers and duties.

Additional powers of College supervisor

(8) If, under the order of the Lieutenant Governor in Council, the Council continues to have the right to act respecting any matters, any such act of Council is valid only if approved in writing by the College supervisor.

Right of access

(9) A College supervisor has the same rights as a Council and the Registrar in respect of the documents, records and information of the College.

Report to Minister

(10) A College supervisor shall report to the Minister as required by the Minister.

Minister's directions

(11) The Minister may issue one or more directions to a College supervisor regarding any matter within the jurisdiction of the supervisor, or amend a direction.

Directions to be followed

(12) A College supervisor shall carry out every direction of the Minister.

(3) Section 6 of the Act is amended by adding the following subsections:

Additional audits

(7) The College and the Advisory Council shall be subject, at any time, to any other audits relating to any aspect of its affairs as the Minister may determine to be appropriate, conducted by an auditor appointed by or acceptable to the Minister.

Auditor to submit results

(8) The auditor shall submit the results of any audit performed under subsection (7) to the Minister and the College.

(4) Section 11 of the Act is repealed and the following substituted:

Duties of the Advisory Council

11. (1) The Advisory Council's duties are to advise the Minister and no other person on any issue from the matters described in clauses (2) (a) to (f), but only if the Minister decides to refer the issue to the Advisory Council in writing, seeking its advice, and in no other circumstances.

Matters that may be referred

- (2) The matters that the Minister may refer to the Advisory Council are,
- (a) whether unregulated professions should be regulated;
 - (b) whether regulated professions should no longer be regulated;
 - (c) suggested amendments to this Act, a health profession Act or a regulation under any of those Acts and suggested regulations under any of those Acts;
 - (d) matters concerning the quality assurance programs undertaken by Colleges;
 - (e) each College's patient relations program and its effectiveness; and
 - (f) any matter the Minister considers desirable to refer to the Advisory Council relating to the regulation of the health professions.

(5) Section 12 of the Act is repealed and the following substituted:

Referrals to the Advisory Council

12. (1) The Minister may refer any issue within the matters described in clauses 11 (2) (a) to (e) to the Advisory Council that a Council or person asks the Minister to refer, and the Minister may refer any other issue to the Advisory Council that the Minister determines is appropriate.

Advice for Minister only

(2) Unless the Minister or this Act provides otherwise, the Advisory Council shall provide its advice to the Minister and no other person, and shall not provide advice on any issue other than the issue referred to it by the Minister.

Form and manner

(3) If the Minister refers an issue to the Advisory Council for advice, the Advisory Council shall provide its advice to the Minister only in the form and manner specified by the Minister.

(6) The Act is amended by adding the following section:

Psychotherapist title

33.1 (1) Despite section 8 of the Psychotherapy Act, 2007, a person who holds a certificate of registration authorizing him or her to perform the controlled act of psychotherapy and is a member of one of the following Colleges may use the title "psychotherapist" if he or she complies with the conditions in subsections (2), (3) and (4):

1. The College of Nurses of Ontario.
2. The College of Occupational Therapists of Ontario.
3. The College of Physicians and Surgeons of Ontario.
4. The College of Psychologists of Ontario.

Oral identification

(2) A person mentioned in subsection (1) shall not describe himself or herself orally as a "psychotherapist" to any person unless the member also mentions the full name of the College

where he or she is a member and identifies himself or herself as a member of that College or identifies himself or herself using the title restricted to those who are members of the health profession to which the member belongs.

Written identification

(3) A person mentioned in subsection (1) shall not use the title “psychotherapist” in writing in a way that identifies the member as a psychotherapist on a name tag, business card or any document, unless the member sets out his or her full name in writing, immediately followed by at least one of the following, followed in turn by “psychotherapist”:

1. The full name of the College where he or she is a member.
2. The name of the health profession that the member practises.
3. The restricted title that the member may use under the health profession Act governing the member’s profession.

In accordance with regulations

(4) A person mentioned in subsection (1) shall use the title “psychotherapist” in accordance with the regulations made under subsection (5).

Regulations

(5) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council of a College mentioned in paragraphs 1 to 4 of subsection (1) may make regulations governing the use of title “psychotherapist” by members of the College.

(7) Subsection 36.1 (2) of the Act is repealed and the following substituted:

Unique identifiers

(2) A unique identifier shall be assigned by the Minister or a person designated by the Minister for each member of a College from whom information is collected under subsection (1).

Form and manner

(2.1) The unique identifier shall be in the form and manner specified by the Minister.

(8) Section 38 of the Act is amended by striking out “the Minister, an employee” and substituting “the Minister, a College supervisor appointed under section 5.0.1 or his or her staff, an employee”.

(9) The Act is amended by adding the following section:

Expert committees

43.2 The Lieutenant Governor in Council may make regulations,

- (a) establishing one or more expert committees for the purposes of this Act, the Code and health profession Acts;
- (b) specifying the functions, duties, powers and membership of a an expert committee;
- (c) requiring an expert committee to provide reports and information to the Minister and providing for the content of such reports and information;
- (d) requiring information to be provided by a College or Council to an expert committee, and governing the content of the information and the form and manner and time within which the information is to be provided to the committee.

(10) The definition of “incapacitated” in subsection 1 (1) of Schedule 2 to the Act is amended by striking out “member’s practice” and substituting “member’s certificate of registration”.

(11) Subsection 3 (1) of Schedule 2 to the Act is amended by adding the following paragraph:

4.1 To develop, in collaboration and consultation with other Colleges, standards of knowledge, skill and judgment relating to the performance of controlled acts common among health professions to enhance interprofessional collaboration, while respecting the unique character of individual health professions and their members.

(12) Section 10 of Schedule 2 to the Act is amended by adding the following subsection:

Same

(1.2) Where a regulation made under the *Regulated Health Professions Act, 1991* or a health profession Act that was made before the coming into force of subsection 21 (1) of Schedule M to the *Health System Improvements Act, 2007* refers to the Complaints Committee, the reference shall be deemed to be to the Inquiries, Complaints and Reports Committee.

(13) Schedule 2 to the Act is amended by adding the following section:

Professional liability insurance

13.1 (1) No member of a College in Ontario shall engage in the practice of the health profession unless he or she is personally insured against professional liability under a professional liability insurance policy or belongs to a specified association that provides the member with personal protection against professional liability.

Insurance requirements

(2) A member mentioned in subsection (1) shall comply with the requirements respecting professional liability insurance or protection against professional liability specified by the College and prescribed in the regulations made under the health profession Act governing the member’s health profession or set out in the by-laws.

Professional misconduct

(3) In addition to the grounds set out in subsection 51 (1), a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member fails to comply with subsection (1) or (2).

(14) Clause 80.1 (a) of Schedule 2 to the Act is amended by adding the following subclause:

(i.1) promote interprofessional collaboration,

(15) Subsection 85.6.1 (1) of Schedule 2 to the Act is amended by adding “with the Registrar” after “in writing”.

(16) Subsection 85.6.2 (1) of Schedule 2 to the Act is amended by adding “with the Registrar” after “in writing”.

(17) Subsection 93 (1) of Schedule 2 to the Act is amended by striking out the portion before clause (a) and substituting the following:

Offences

(1) Every person who contravenes an order made under subsection 7 (3) or section 45 or 47, or who contravenes subsection 76 (3), 82 (2) or (3), 85.2 (1), 85.5 (1) or (2) or 85.14 (2) or section 92.1 is guilty of an offence and on conviction is liable,

.....

RESPIRATORY THERAPY ACT, 1991

25. (1) Section 4 of the *Respiratory Therapy Act, 1991* is amended by adding the following paragraph:

5. Administering a prescribed substance by inhalation.

(2) The Act is amended by adding the following section:

Regulations

12. (1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

(a) prescribing procedures for the purpose of paragraph 1 of section 4;

(b) prescribing substances for the purpose of paragraph 5 of section 4.

Individual or categories

(2) A regulation made under clause (1) (b) may designate individual substances or categories of substances.

Incorporation by reference

(3) A regulation made under clause (1) (b) may adopt, by reference, in whole or in part, and with such changes as are considered necessary, one or more documents setting out a list of individual substances or a list of categories of substances that may be prescribed or administered by injection or inhalation by members.

Rolling incorporation

(4) If a regulation provided for in subsection (3) so provides, a document adopted by reference shall be a reference to it as amended from time to time after the making of the regulation.

Must be made by expert committee

(5) A document adopted by reference under subsection (3) may only be a document created or approved by an expert committee established under section 43.2 of the *Regulated Health Professions Act, 1991* and no other body.

Availability

(6) A document adopted by reference under subsection (3) must be named in the regulation and must be available for public inspection during normal business hours in the office of the College and must be posted on the College's website or available through a hyperlink at the College's website.

SOCIAL WORK AND SOCIAL SERVICE WORK ACT, 1998

26. (1) The *Social Work and Social Service Work Act, 1998* is amended by adding the following section:

Psychotherapist title

47.2 Despite section 8 of the *Psychotherapy Act, 2007*, a member of the College who is authorized to perform the controlled act of psychotherapy may use the title “psychotherapist” if the member complies with the following conditions, as applicable:

1. When describing himself or herself orally as a psychotherapist, the member must also mention that he or she is a member of the Ontario College of Social Workers and Social Service Workers, or identify himself or herself using the title restricted to him or her as a member of the College.
2. When identifying himself or herself in writing as a psychotherapist on a name tag, business card or any document, the member must set out his or her full name, immediately followed by at least one of the following, followed in turn by “psychotherapist”:
 - i. Ontario College of Social Workers and Social Service Workers,
 - ii. the title that the member may use under this Act.
3. The member may only use the title “psychotherapist” in compliance with this Act, the regulations and the by-laws.

(2) The Act is amended by adding the following section:

“Doctor” title

47.3 (1) Despite subsection 33 (1) of the *Regulated Health Professions Act, 1991*, a person who is a member of the College and holds an earned doctorate may use the title “doctor”, a variation, abbreviation or an equivalent in another language if he or she complies with the following conditions:

1. The member may only use the title “doctor” in compliance with the requirements under this Act, the regulations and the by-laws.
2. When describing himself or herself orally using the title “doctor”, the member must also mention that he or she is a member of the Ontario College of Social Workers and Social Service Workers, or identify himself or herself using the title restricted to him or her as a member of the College.
3. When identifying himself or herself in writing using the title “doctor” on a name tag, business card or any document, the member must set out his or her full name after the title, immediately followed by at least one of the following:
 - i. Ontario College of Social Workers and Social Service Workers,
 - ii. the title that the member may use under this Act.

Definition

(2) In this section,

“earned doctorate” means a doctoral degree in social work that is,

- (a) granted by a post-secondary educational institution authorized in Ontario to grant the degree under an Act of the Assembly, including a person that is authorized to grant the degree pursuant to the consent of the Minister of Training, Colleges and Universities

under the *Post-secondary Education Choice and Excellence Act, 2000*,

- (b) granted by a post-secondary educational institution in a Canadian province or territory other than Ontario and that is considered by the College to be equivalent to a doctoral degree described in clause (a), or
- (c) granted by a post-secondary educational institution located in a country other than Canada that is considered by the College to be equivalent to a doctoral degree described in clause (a).

Commencement

27. (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

Same

(2) Sections 1, 8 and 9, subsection 10 (2), section 11, subsection 12 (2), sections 14, 16, 17, 18, 19, 22 and 23, subsections 24 (6), (13) and (14) and section 26 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

28. The short title of this Act is the *Regulated Health Professions Statute Law Amendment Act, 2009*.

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