

Ministry of Health

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December 14, 2022

MEMORANDUM TO: Registrars and Executive Directors

FROM: **Dr. Karima Velji**
Chief of Nursing and Professional Practice and Assistant Deputy
Minister
Ministry of Health

RE: Ontario Regulation 508/22 (Registration Requirements) made under
the *Regulated Health Professions Act, 1991* (RHPA).

On October 27, 2022, the Lieutenant Governor in Council approved a regulation made under the RHPA that, amongst other things, requires health regulatory Colleges to develop regulations creating an emergency class of registration¹. Features of this class must include:

1. The specific emergency circumstances that will cause the class to be open for registration.
2. A time period of no more than a year duration, but renewable for the same period of time with no limit on the number of times they may be renewed as long as the emergency circumstance persists.
3. Circumstances in which a member of the emergency class must become eligible for registration in another registration class and be exempt from at least some registration requirements that would ordinarily apply to that other class of registration.

These regulations must be approved by the Lieutenant Governor in Council by August 31, 2023. To achieve this, this memo offers several considerations intended to assist in the development of your regulations whilst respecting the Colleges' authority to make these regulations.

Specifying emergency circumstances

The term 'emergency circumstance' should be broader than a declared state of emergency made under the *Emergency Management and Civil Protection Act, 1990*. For example, an emergency circumstance might include situations where:

- a. There is a significant interruption of a registration pathway leading to a lengthy delay for many applicants in their being registered.
- b. Where the Minister of Health requests the College to initiate registrations under this class based on her opinion that emergency circumstances call for it; or

¹ As required by section 16.3 of the Health Professions Procedural Code.

- c. Any other emergency circumstance where it is in the public interest to issue emergency class of registration.

To support the regulations, it is suggested that the Colleges develop the process for determining the existence of emergency circumstances, as well as the process for determining when the emergency circumstance has resolved.

Similarly, it is suggested that Colleges consider what terms, conditions and limitations should be placed upon the holder of the emergency class of registration, if any, including any supervisory requirements.

Expiry of emergency class of registration

Colleges should determine the appropriate length of time for the initial issuance emergency class certificates (up to one year). Certificates must be renewable for the same period whilst the emergency circumstances exist.

Colleges should consider the impact on employers and the broader health system for determining when emergency class certificates terminate. If the termination occurs prior to the renewal date, consideration needs to be given to the way sufficient notice of expiry will be provided to the certificate holder and their employer to avoid disruptions in patient care.

Transition from emergency class of registration to another class

This class is another tool that may be used to mitigate the potential disruption to Ontario's supply of regulated health professionals and serves as another pathway to registration when emergency circumstances exist. Those who will be practising the profession under an emergency class of registration must be provided with a route to continue to practise under a different class of registration.

Consideration may be given to such factors as the length of time an applicant has practised under an emergency class of registration and to the demonstrated ability to practise safely. Colleges might also want to consider an active practice requirement rather than relying on the length of time a person holds the emergency class certificate.

Timelines

As noted above, these regulations are required to be approved by the Lieutenant Governor in Council by August 31, 2023. To give sufficient time to secure that approval, health regulatory Colleges should submit their proposed regulations to the Ministry on or before May 1, 2023.

We understand that this is an expedited timeline, however, given the substantial nature of these changes, we are recommending that Colleges plan for a 60-day circulation period. We acknowledge that this may necessitate the scheduling additional Council meetings to seek various approvals that are required as part of your own processes and procedures. Ministry staff will work with you as you develop your proposed regulation submissions in efforts to ensure timelines are met and that any policy issues are resolved. Please contact Allison Henry (allison.henry@ontario.ca) if you have any questions.

The ministry looks forward to working with you and we would like to thank you for ensuring that the province has the supply of safe competent providers to meet the needs of our population now and in the future.

A handwritten signature in black ink, appearing to read "Karima Velji". The signature is stylized with a large initial 'K' and a long horizontal stroke extending to the right.

Dr. Karima Velji

Chief of Nursing and Professional Practice and Assistant Deputy Minister