

June 14, 2019

Mr. Mark MacKinnon
Executive Director, Professional Regulation and Oversight
Ministry of Health
1515 Blanshard Street
Victoria BC

By e-mail: PROREGADMIN@gov.bc.ca

Re: Cayton Report

Dear Mr. MacKinnon,

Thank you for the opportunity to provide feedback on Part Two of *An Inquiry into the Performance of the College of Dental Surgeons of British Columbia and the Health Professions Act* (the Cayton Report). Part Two of the Cayton Report proposes a range of changes to existing legislation as well as wider reform of the overall regulatory framework for health professions in British Columbia. In essence, all of these proposed changes are aimed at protecting the health and safety of patients – a goal that aligns with Doctors of BC's Strategic Framework. Our goals as an association include 'achieving the highest standard of health care' which requires, among other things, a system that focuses on quality. Our goals also include 'achieving a favourable social, political and economic environment' which requires, among other things, public confidence in the medical profession. Doctors of BC is therefore supportive of efforts to hold physicians and allied health care providers to a high standard.

Given the relatively short timeframe for providing comments on the Cayton Report, we have not had an opportunity to canvass all of our members for their feedback. However, our Board of Directors has considered the Report and developed initial views on the suggestions put forward by Mr. Cayton. The Government Steering Committee considering the Cayton Report has indicated it may take a phased approach to consultation which may include future consultation on specific decisions or options. Doctors of BC strongly encourages the Steering Committee to adopt such an approach as this will give stakeholders more clarity on the direction the government is likely to take and will allow for more comprehensive and definitive feedback.

The first group of recommendations in Part Two of the Cayton Report relates to changes to the existing *Health Professions Act*. At this stage it is not clear whether the Steering Committee intends to consider these changes or whether it will focus on the second group of recommendations proposing wider regulatory reform. Doctors of BC considers that the Steering Committee should prioritize reviewing Cayton's proposed amendments to the *Health Professions Act* as this would be the least time consuming and most cost effective option. A timeframe could be set for reviewing whether these changes have achieved the goal of improved safety and public protection and, if not, the government could then consider making wider reforms. For the purposes of this submission we have considered both groups of recommendations separately.

engagement with the registrants of the various professions will also serve as a useful education opportunity for when the new rules come into effect.

- In our response to the proposals in the Cayton Report we stated that Doctors of BC does not support the development of a single code of ethics for all health professions. We questioned the feasibility of developing a single code given the wide variety of health professions and the differing nature of their relationships with patients. While these concerns remain, we are pleased to see that the Steering Committee is proposing that individual colleges can add unique provisions to their standards of ethics. It is important to ensure that all health professions are held to a similarly high code of ethics as is currently in place with CPSBC.
- In relation to the proposed complaints and discipline process, we question the efficiency of the CPSBC referring all complaints to an independent disciplinary panel. Instead, we propose that the College should be able to rule on low level complaints and order remediation as necessary. Frivolous and vexatious complaints should also be fully addressed by the College without the need for involvement by the independent disciplinary panel. A number of our members raised concerns about publication of all complaints that lead to disciplinary action, even those that are minor in nature. Distinguishing between low level complaints and those that are referred to an independent disciplinary panel would also allow for a distinction to be made regarding which complaints are disclosed.
- Although it does not directly affect our physician members, we do have some concerns about the wide variety of health professions that will be regulated by the College of Health and Care Professions. It may be difficult for a single college to develop comprehensive guidelines and bylaws, and for its Board to fully represent these professions, when there is variation in the degree to which various professions take an evidence-based approach to their delivery of care. We stress the importance of ensuring that all health professions are held to the same high standard with respect to the application of evidence in their approach to care.
- Finally, we agree with the Steering Committee's proposal that any new health professions be regulated by an existing regulatory college or the new College of Health and Care Professions. In 2013, Doctors of BC developed policy which supports the establishment and deployment of Physician Assistants in BC and recommends that they be recognized as a regulated profession, with oversight by CPSBC. We consider that now would be an opportune time for the government to consider this proposal, given the potential for Physician Assistants, as physician extenders, to increase access to quality care in British Columbia.

As noted above, Doctors of BC members were provided with an opportunity to comment on the Steering Committee's proposals. Through an online survey, members were invited to express their level of support for individual proposals and also provide comments if they had specific concerns. Given the Steering Committee's timeframe for stakeholder submissions, and the holiday period, the consultation period was limited to 2 weeks. 56 responses were received which is a relatively low number, likely due to the timing of the consultation. It is therefore difficult to judge whether the feedback received is representative of our entire membership. Most of the feedback received is captured above, but to ensure we are fulsome in our response we wanted to pass on the following additional comments:

- The proposals related to college governance further erode the autonomy of the profession.
- The profession should continue to have a say in how the College is governed, especially considering it is mandatory to pay fees to the College.

- Appointing rather than electing Board members has the potential to politicize Board decisions.
- The appointment process could still allow for the profession to elect a pool of potential Board members, with final appointments being made by the Minister of Health.
- The oversight body will add an unwarranted layer of bureaucracy and expense.

Doctors of BC values this opportunity to review and comment on the Steering Committee's consultation paper on modernizing the provincial health profession regulatory framework. We would welcome further opportunities to provide feedback as the work of the Steering Committee progresses.

Sincerely,



Dr. Kathleen Ross
President, Doctors of BC

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AGREE
FOR FINAL
APPOINTMENT
BY MINISTER
OF HEALTH