

January 24, 2020

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: Consultation on Modernizing the Provincial Health Profession Regulatory Framework

Dear Mr. MacKinnon,

Thank you for the opportunity to provide feedback to the Steering Committee on Modernization of Health Professional Regulation (the "Steering Committee") on its November 2019 consultation paper.

Doctors of BC is a voluntary association of 14,000 physicians, residents and medical students in British Columbia. Our vision is to promote a social, economic, and political climate in which our members can provide the citizens of BC with the highest standard of health care, while achieving maximum professional satisfaction and fair economic reward. Achievement of this vision requires, among other things, public confidence in the delivery of health care in BC. Doctors of BC is therefore supportive of efforts to hold all health care providers to a high standard.

Doctors of BC recognizes that a number of other regulated health professions will be more significantly affected by the Steering Committee's proposed changes to the regulatory framework, particularly those subject to merger with other colleges. Nevertheless, our physician members will still be affected by many of the proposals, particularly those related to governance of the College of Physicians and Surgeons of BC (CPSBC) and the complaints and discipline process. Our Board of Directors has reviewed the Steering Committee's proposals and considered feedback gathered directly from Doctors of BC members. Overall, we are supportive of the direction of many of the Steering Committee's proposals, but we wish to raise the following key issues:

- We have concerns about the potential cost implications for physicians, and other regulated health professionals, of the new independent oversight body for all health regulatory colleges. The report indicates that the oversight body may in future collect fees from colleges, which will most likely lead to increased registration fees.
- As with the original Cayton Report, many of the proposals in the Steering Committee's consultation paper are still at a relatively high level. Our Board and members have noted that more information is required before the potential impact of these changes can be fully understood. In particular, more information is required on the guidelines/criteria for the appointment of College Board members and independent discipline panel members, and the structure and leadership of the independent oversight body. Our members would like to understand how the process will ensure that these bodies have access to the required clinical expertise. We therefore urge the Steering Committee and/or Ministry of Health to meaningfully consult with stakeholders as this takes shape and regulations are formulated. Further

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Amendments to the Health Professions Act

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Doctors of BC is generally supportive of the changes proposed to the existing Health Professions Act. However, some of the recommendations are described in the Cayton Report at a relatively high level and much more detail is required before we can provide a definitive view. We have set out Doctors of BC's initial views on each group of proposed changes to the Act using the same section headings as those set out in the Report.

Proposed Change to HPA	Doctors of BC's Initial View
A New Mandate	Doctors of BC supports amending the 'duty of regulatory Colleges' to give priority to the safety of patients.
Governance	Doctors of BC generally supports changes aimed at improving the governance of Colleges but we await further details, particularly regarding the relationship between Colleges and professional associations. There may still be instances where lines of communication between Doctors of BC and the College of Physicians and Surgeons of BC will be necessary and appropriate. It may therefore be prudent to build a formalized conduit between the organization into legislation or regulations.
Clarity of Language and Meaning within the HPA	Doctors of BC supports changes aimed at improving the clarity of language.
Complaints and Discipline	Doctors of BC generally supports changes to make the complaints and disciplinary process more effective, transparent and fair. However, we await further details, particularly regarding the Registrar's abilities to refer matters for extraordinary action and to disclose information in the public interest. We are particularly interested in whether there would be legislated criteria for when those powers could be exercised. We also await details on what the process would be for Colleges to develop shared policy on consideration of a registrant's past conduct when investigating a complaint. There would most likely need to be a backstop built in to address a scenario where the Colleges can't agree.
Increase Transparency	Doctors of BC supports the need for all Colleges to adopt best practice in terms of openness and transparency. However, we await more details on how 'maximum information possible' will be defined to ensure that information published about complaints is fair and necessary.
Develop the Role of the Health and Professions Review Board	Doctors of BC generally supports the additional roles proposed for the HPRB provided there are clear criteria for when it can review disciplinary decisions of the Colleges on its own account.

Support amendment

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Wider Regulatory Reform

As noted above, Doctors of BC considers that the Steering Committee should prioritize consideration of amendments to the existing legislation as a first step. However, if the Committee is minded to focus on wider regulatory reform, Doctors of BC is generally supportive of some of the changes put forward by Cayton. It is worth noting that this section of the Report contains even less specific detail than the section on amendments to the *Health Professions Act*. Given that these proposed changes would have a much greater impact on regulation of health professions we emphasize that significantly more detail would be needed before Doctors of BC and other stakeholders can provide definitive views on wider regulatory reform.

We have set out Doctors of BC's initial views on the four key areas of reform set out in this section of the Cayton Report. We wish to highlight that, at this stage, we are not supportive of the development of a single code of ethics for all health professions. Also, any changes to the process for adjudication of complaints must recognize the importance of the availability and application of profession specific expertise, particularly when clinical competence is in question.

Area of Reform	Doctors of BC's Initial View
Single Code of Ethics for all Health Professions	Doctors of BC considers that this proposal requires significant clarification. We question the feasibility of developing a single code of ethics given the wide variety of health professions and the differing nature of their relationships with patients. We also question how easy it would be to get all professions to agree to a single code.
New Professional Registration and Adjudication Agency	Doctors of BC generally supports the establishment of a new professional registration and adjudication agency but we have significant concerns about the development and use of a single code of ethics for all health professions (as noted above). We are encouraged by the reference to matters of clinical competence being judged against standards established by the relevant College as we strongly support the individual colleges being responsible for setting clinical standards. If this agency is established, it would need to ensure that inquiry committees/disciplinary panels contain the professional expertise required to determine whether standards of clinical competence have been met.
New Oversight Body for Health Profession Regulation	Doctors of BC generally supports the development of a new oversight body for health profession regulation in BC. However, we would like to understand the cost implications of establishing an entirely new body as opposed to expanding the role of the existing Health Professions Review Board. As noted above, we also have concerns about the feasibility of a single code of ethics, which this new body would be responsible for approving. Also, there is a reference to this body approving the range (not content) of professional standards for each College. We consider that Colleges should retain a high degree of influence over the range of professional standards so we would need to understand more about this approval process.

Amalgamation of Colleges	Doctors of BC supports the Ministry encouraging Colleges to seek partners for amalgamation, provided that such amalgamation remains voluntary.
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Doctors of BC values this opportunity to review and comment on Part Two of the Cayton Report and hopes that our feedback will assist the Steering Committee in identifying and prioritizing elements of regulatory modernization. We would welcome further opportunities to provide feedback as the work of the Steering Committee progresses.

Sincerely,

Dr. Kathleen Ross
President, Doctors of BC