

NOTICE TO MEMBERS

Proposed **Quality Assurance** **Regulation**



COLLEGE OF NURSES
OF ONTARIO
ORDRE DES INFIRMIÈRES
ET INFIRMIERS DE L'ONTARIO

THE STANDARD OF CARE.

Proposed Quality Assurance Regulation

The College is circulating to members and stakeholders its proposed Quality Assurance (QA) regulation. The regulation begins on page 4.

In June 2009, amendments to the *Regulated Health Professions Act, 1991 (RHPA)* come into effect. The amendments specify mandatory minimum requirements for QA programs. These requirements include continuing education and/or professional development to promote continuing competence and continuing quality improvement among members. QA programs must address changes in practice environments and incorporate standards of practice, advances in technology and changes to entry-to-practice competency requirements. As well, they must include self-, peer- and practice-assessment components, and a mechanism for regulatory colleges to monitor their members' participation in, and compliance with, the program.

The proposed regulation provides the College with a broad framework for developing a new QA Program that meets both legislative obligations and member needs.

For more information on the new requirements for QA programs, refer to page 12 in the Fall issue of *The Standard*, which is in the polybag with this document. The 2008 Spring and Summer issues of *The Standard* also have articles on changes to the College's QA Program to meet the RHPA amendments.

If approved by Council and then by the Ontario government, the QA regulation in this document will replace the College's current regulation.

The following is an overview of the proposed regulation.

Section 23 outlines the three components of the College's QA Program: Member Assessment, Practice Assessment and Remediation.

Sections 24 to 27 outline the College's proposed Member Assessment process, which will require all members to develop and maintain an ongoing learning plan. Learning plans will have to be specific and relevant to each member's practice.

The proposed regulation allows the College to ask members to confirm completion of their learning plans during the annual renewal process and to require selected members to submit their learning plans to the College for review.

Sections 28 to 30 refer to the Practice Assessment component of the QA Program. Practice Assessment is designed to assess the member's knowledge, skill and judgment. The regulation has been written to allow flexibility in the methods used to select members to participate in Practice Assessment, and in the types of assessment tools that can be used to evaluate a member's practice.

Section 31 outlines the process for remediation activities if an assessor decides that further evaluation is needed or that the member did not demonstrate satisfactory knowledge, skill and judgment in her or his Practice Assessment. It specifies the authority of the QA Committee to take additional steps, such as asking for further assessment and/or recommending remedial activities. It also gives members the opportunity to address areas identified in their learning plans or areas that assessors have identified as requiring additional education, skill development or review.

Member and stakeholder feedback will be presented to Council in December. At that time, Council will be asked to decide whether to approve the proposed QA regulation for submission to government.

Send your comments by Dec. 1, 2008, to:

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Proposed Revisions to the Quality Assurance Regulation

NOTE: *This Regulation has been prepared to replace PART IV of the College's General Regulation, Ontario Regulation 275/94, as amended.*

PART IV QUALITY ASSURANCE

21. (1) In this Part,
“assessor” means an assessor appointed under section 81 of the *Health Professions Procedural Code*;
- “Committee” means the Quality Assurance Committee of the College;
- (2) Unless otherwise specified, this Part only applies to members holding a general, transitional or extended class certificate of registration.
22. (1) The Committee shall administer the quality assurance program of the College.
- (2) Any of the powers of the Committee under this Part may be exercised by a panel of the Committee appointed under this section.
- (3) The chair of the Committee may select a panel of at least three members from the members of the Committee.
- (4) A panel shall include
- (a) at least one member who is both a member of the Council and a member of the College; and
 - (b) at least one person who is a member of the Council appointed to the Council by the Lieutenant Governor in Council.
- (5) Three members of a panel constitute a quorum.

23. The quality assurance program shall include the following components
1. Member assessment.
 2. Practice assessment.
 3. Remediation.

MEMBER ASSESSMENT

24. (1) The purpose of the member assessment component shall be to assist each member to promote continuing competence and continuing quality improvement of the member's practice by assisting the member in
- (a) identifying the extent to which his or her practice meets current standards of practice of the profession;
 - (b) identifying changes in entry to practice competencies, practice environments and technology and the relevance of those changes to the member's practice; and
 - (c) identifying actions which the member should take to maintain continuing competence and to continue quality improvement of the member's practice.
- (2) Each member to whom this Part applies shall participate in the member assessment component in accordance with a program and guidelines approved by Council, published by the College and distributed to the members.
- (3) The member assessment component shall include the preparation of a written learning plan and may include the completion of written questionnaires and other documentation.

PRACTICE ASSESSMENT AND REMEDIATION

- (4) The learning plan shall be prepared in accordance with the program and guidelines referred to in subsection (2) and record the specific actions which the member has determined to be appropriate to promote continuing competence and continuing quality improvement of the member's practice.
- 25.** (1) The member shall maintain the learning plan as well as any written materials required to be completed as part of the member assessment in accordance with the program and guidelines referred to in subsection 24 (2) for at least two years.
- (2) The member shall, upon written request of the Committee, submit the learning plan and any written materials required to be completed as part of the member assessment within thirty days of receipt of that request.
- (3) In addition, each member shall at the time of payment of his or her annual fee, if requested, confirm whether or not he or she has completed the member assessment and prepared a learning plan in the previous twelve months.
- 26.** (1) Subject to section 27, the Committee may require a member who fails to comply with any one or more of the requirements set out in sections 24 or 25 to undergo a practice assessment within a time specified by the Committee.
- (2) Where the Committee requires a member to undergo a practice assessment in accordance with subsection (1), the member shall pay the required fee for that practice assessment.
- 27.** If the Committee is considering taking action under subsection 26(1), it shall notify the member in writing of the reason why it is considering taking that action and provide the member with at least fourteen days from the date of the notice to make written submissions to the Committee as to why it should not require the member to undergo a practice assessment.
- 28.** The purpose of the practice assessment component is to assess the knowledge, skill and judgment of the member.
- 29.** (1) The practice assessment component shall include any reasonable mechanism approved by the Committee to determine whether the member has satisfactory knowledge, skill and judgment and may include any one or more of the following components:
1. Requiring the member to complete one or more questionnaires.
 2. Assessing the records required to be maintained by the member relating to the member assessment component.
 3. Requiring the member to answer questions relating to the standards of practice of the profession.
 4. Requiring the member to demonstrate the application of standards of practice in clinical simulations.
 5. Reviewing the member's records of care of patients or the member's clinical practice or both.
 6. Inspecting the member's records of care of patients or the member's clinical practice, or both.
- (2) Nothing herein shall be interpreted as preventing the Committee from having different assessment components for
- (a) members holding the same class of certificate of registration; or
 - (b) members holding different classes of certificate of registration.
- (3) The Committee shall be entitled to add additional components to a member's practice assessment, either with or without the recommendation of the assessor, where, in the Committee's opinion, additional information is reasonably required to determine whether the member has satisfactory knowledge, skill and judgment.

- (4) Where the Committee determines that a review or inspection of the member's records of care of patients or a review or inspection of the member's clinical practice or any of them is required as part of the member's practice assessment, the member shall pay the required fee for that practice assessment component, if the Committee determines that the need to include that component was due in any part to the member's failure to co-operate with the Committee or the assessor.
- 30.** (1) A member shall undergo a practice assessment
- (a) if required to do so by the Committee under subsection 26(1); or
 - (b) if the member's name is selected in accordance with a process approved by Council.
- (2) For greater clarity, Council may approve different processes for selection under subsection (1) for members holding different classes of certificate of registration.
- 31.** (1) Where a member is required to undergo a practice assessment, the member shall co-operate fully with any assessor appointed by the Committee.
- (2) Subject to subsection (3), where a member is required to undergo a practice assessment, the assessor shall submit a written report of the assessment to the Committee which report shall include the assessor's opinion as to whether the member demonstrated satisfactory knowledge, skill and judgment.
- (3) Where the assessor believes that he or she has insufficient information to determine whether the member has demonstrated sufficient knowledge, skill and judgment, the assessor shall submit a written report to the Committee containing that belief, the reasons for that belief and what steps, if any, the assessor recommends in order for the assessor to obtain sufficient information to form a valid opinion respecting the member's knowledge, skill and judgment.
- (4) Where the assessor determines that the member did not demonstrate satisfactory knowledge, skill and judgment, the assessor shall provide in the assessor's written report details of the nature of the inadequacies and recommendations as to the appropriate remedial measures to correct those inadequacies.
- (5) The Committee shall provide to the member
- (a) a copy of any report made under subsection (2), (3) or (4); and
 - (b) notice of the member's right to give the Committee a written response with respect to the assessor's report within fourteen days of receipt of the notice or such greater period of time as shall be approved by the Committee.
- (6) Where the Committee receives a report under subsection (3), the Committee shall determine what steps shall be taken to complete the practice assessment and, without limiting the generality of the foregoing, the Committee may do either or both of the following:
1. Appoint a new assessor.
 2. Require the member to complete the practice assessment using such practice assessment components as the Committee shall direct and which may include different practice assessment components from those initially directed under subsection (1).
- (7) The provisions of subsection 29 (4) apply to a practice assessment under subsection (6).
- (8) After considering all of the assessor's reports, any other relevant material in its possession and any written submission made by the member, the Committee shall determine if the member has demonstrated satisfactory knowledge, skill and judgment.
- (9) Where the Committee determines that the knowledge, skill and judgment of the member is unsatisfactory, the Committee may, in addition to any other action permitted under the *Health Professions Procedural Code of the Regulated Health Professions Act, 1991*,
- (a) make recommendations to the member on ways to correct the inadequacies;

- (b) recommend that the member participate in continuing education or remediation programs specified by the Committee; or
 - (c) direct the member to participate in continuing education or remediation programs specified by the Committee.
- (10) Where the Committee makes a direction under clause (c) of subsection (9), the Committee shall specify the period of time in which the member shall comply with that direction.
- (11) Where the Committee makes a direction under subsection (10), it may also do either or both of the following:
1. Require the member to provide evidence satisfactory to the Committee that the member has complied with the direction.
 2. Require the member to undergo a practice reassessment.
- (12) The provisions of sections 28, 29 and 31 apply with necessary modifications to a practice reassessment provided that the Committee shall not require the member to undergo more than two practice reassessments without the member's written consent.
- (13) The assessor chosen by the Committee to conduct a practice reassessment may have previously conducted an assessment or reassessment in respect of the member unless the member objects in writing to the appointment of that assessor and the Committee agrees to appoint another assessor.
- (14) An assessor who is performing a practice reassessment shall be entitled to review any and all assessment reports previously obtained in respect of the member as well as any other material considered relevant by the Committee.



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