



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

THE STANDARD OF CARE.

# **THE IMPACT OF THE FAIR ACCESS TO REGULATED PROFESSIONS ACT ON SELF-REGULATION AND THE COLLEGE OF NURSES OF ONTARIO (CNO)**

## **ORAL SUBMISSION TO THE STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS**

**Anne Coghlan, Executive Director  
College of Nurses of Ontario**

**November 13, 2006**

101 Davenport Road  
Toronto ON M5R 3P1  
Canada

Telephone: 416 928-0900  
Toll-free in Ontario: 1 800 387-5526  
Fax: 416 928-6507

E-mail: [cno@cnomail.org](mailto:cno@cnomail.org)  
Web site: [www.cno.org](http://www.cno.org)

## **Introduction**

Thank you for the opportunity to present to the Standing Committee on Regulations and Private Bills on Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions. My name is Anne Coghlan, and I am the Executive Director of the College of Nurses of Ontario (CNO), the regulatory body for nursing in Ontario. I am here today to reinforce that the College of Nurses is supportive of registration practices for regulated professionals that are transparent, objective, impartial and fair. CNO strives to embody these principles within its own registration practices.

My presentation today will highlight our concerns with the impact of the Bill on self-regulation and public protection. Health Regulatory Colleges will be affected by section 34 of the Bill, the proposed amendments to the *Regulated Health Professions Act*. My comments will focus on three areas: the role of the College; the authority of the new Fairness Commissioner; and the new audit of College registration processes.

## **Role of the College**

CNO's principal mandate is to protect the public interest by ensuring that Ontario nurses provide safe, effective and ethical care to clients. The College sets requirements to enter the profession, establishes and enforces standards of nursing practice, assures the quality of practice of the profession and the continuing competence of nurses, and responds to concerns about nursing practice.

Specific requirements for entry to the nursing profession have been established by CNO. They are necessary for a nurse to practise safely and effectively in Ontario. For example, to be eligible for registration with the College, applicants must complete an approved nursing or practical nursing program, or an equivalent program. Assessing the educational equivalency of out-of-province applicants to Ontario's programs is important, because the competencies embedded in Ontario's curriculum are foundational to a nurses' success in the workplace and to patient safety.

CNO recognizes that a number of additional requirements are necessary for nurses to be ready to practise in Ontario's health care system. One of these requirements is evidence of recent, safe nursing practice. Applicants must demonstrate that they have recently practised in a health care environment to ensure current knowledge and competence. Demonstration of currency may include a recent nursing program which combines theory and clinical practice or work experience in or outside of Ontario. Another requirement is the ability to communicate fluently in French or English. This is vital to successful practice in Ontario's health care system.

All applicants for registration in Ontario also write a national exam. Our role as a regulator is to ensure that all applicants are ready to practise in Ontario's complex health care environment. This role is fulfilled when all entry to practice requirements are met, ensuring the public that applicants will upon registration provide the public with safe, competent care.

### **The Authority of the Fairness Commissioner**

Bill 124 provides the Fairness Commissioner with the authority to influence the entry to practice requirements of a self-regulated profession. We believe that the entry requirements that I have described are critical to ensuring that nurses entering practice in Ontario are adequately prepared to deliver safe, effective, and ethical care to everyone, regardless of age, care setting or severity of illness. We are concerned that the new authority of the Fairness Commissioner may erode our ability to set these requirements, and to ensure that they are met.

CNO recommends that the Fairness Commissioner's authority be limited to reviewing procedural matters that relate to an applicant's right to administrative fairness. The responsibility for setting entry to practice requirements should remain with CNO, given our expertise in nursing self-regulation. When considering changes to entry to practice requirements, CNO assesses the constantly changing role of the nurse in the current health care environment. The competencies embodied in educational programs have been developed in collaboration with nurses in practice, nurse educators and administrators, and reflect the needs of today's complex practice environment.

CNO has invested considerably in ensuring the success of internationally educated nurses applying for registration in Ontario. CNO has collaborated with the Creating Access to Regulated Employment (CARE) Centre for internationally educated nurses since CARE's inception. The CARE Centre has increased the pass rate for internationally educated nurses on the national exam and helped over 700 nurses from 50 countries feel confident and prepared for a nursing career in Ontario. CNO has also worked with the Ministry of Training, Colleges and Universities and other stakeholders to develop an interactive Web-based guide for internationally educated nurses. This guide provides applicants with the information they need to assess their practice and education against requirements for registration in Ontario. A paper-based registration package is also available to those applicants who do not have access to the internet.

### **Audits**

I would like to address the issue of the regular audits proposed in Bill 124. Our governing legislation, the *RHPA*, mandates independent oversight of College registration decisions and reporting of Registration Committee activity. CNO meets these requirements by sharing registration data and policy decisions with

our Council at open meetings, in our annual report to the Minister and by making public applicant and membership statistics. Independent oversight of our registration decisions is provided by the Health Professions Appeal and Review Board, or HPARB. At no cost, an applicant can request that HPARB review a registration decision. Between 2002 and 2005, HPARB issued 39 decisions on CNO registration matters and upheld 38 of the 39 decisions that were under review.

CNO strives to ensure that our registration practices are fair and unbiased. It is our recommendation that the proposed Bill be modified to provide the Commissioner with the authority to order an audit only when a reasonable belief exists that an applicant's right to procedural fairness has not been met, or when a College is non-compliant with the principles of the legislation. Should an audit of College registration processes be warranted on such grounds, then Colleges should be provided with specific information as to the audit's scope and standards. We are requesting that that such information be provided by the Commissioner prior to any audits taking place.

On a final note, should the proposed bill become law, CNO will need time to prepare for its requirements on an operational level. For example, the way that information is collected and reported may need to be adapted depending on the assessment criteria. Our recommendation is that the enforcement of the Bill be staggered, with an initial focus on regulators who do not currently have an independent appeal mechanism for applicants.

## **Conclusion**

The College of Nurses of Ontario believes strongly in the concept of self-regulation. We believe that it is in the interest of Ontarians that self-regulation be preserved. Our main concern with Bill 124 is that it will begin to erode the College's legislated privilege and demonstrated expertise in setting entry to practice requirements for Ontario's nurses. We recommend that Health Regulatory Colleges' authority on this matter be respected, and that Colleges' expertise in establishing professional competencies be utilized. Further consultation on the impact of this Bill is welcomed and we would be pleased to work with the government on subsequent drafts. In closing, CNO is appreciative of the opportunity to provide input. I would be pleased to answer any questions you may have relating to our submission.