

Regulation

Moving Forward -What does it all mean?

-Presented at TRO Conference 2013

Regulation

- Purpose of regulation is to protect the public by ensuring its members are competent and ethical
 - Define criteria for entry into the Profession
 - Define codes of conduct and professional standards
 - Investigate complaints
 - Discipline members
 - Issue certificates
 - Manage register

Professional Association

- Purpose is to serve the interests of its members
 - Provide information
 - Provide professional development opportunities
 - Provide networking opportunities
 - Lobby government on behalf of its members
 - Advocacy

Let's Compare

- **Association**
 - Has RTs on the board
 - Always voluntary
 - Further the interests of the profession
 - advocacy
- **Regulatory Body**
 - Has public on the board
 - Paid staff
 - Protect the public interest
 - Public protection

Why did TRO get involved in regulation?

- Asked by membership
 - Advocacy
 - Lobby government
- Typically starts at the association and then separates into a college

SWOT Analysis

- **Strengths**

- Engaged/committed Board, long history, membership loyalty
- Members employed in influential environments
- Established R/TRO designation
- Education requirements 2015 and continuing education
- Voluntary registry model
- Risk of harm report: strong case for quality standards

- **Weaknesses**

- RT lacks clear and unique scope of practice
- Small membership, financial limitations
- Lack of staff ✓
- Too singularly focussed on RHPA ✓
- Board burnout ✓
- Lack of clear value proposition for perspective members

- **Weaknesses: Internal Challenges**
 - Expectation of members for regulation
 - Long road with no instant fix
 - Sustaining the organization by solely volunteers ✓
 - Debate over need for certification
 - Differentiate recreation therapy from “like” professions
 - Deciding how to spend limited funds



- **Opportunities**

- Employers and educators as champions
- Leverage clients' knowledge of and demand for quality practitioners
- Capitalize on and mobilize board members and membership
- Capitalize on recent developments (aging population, healthy living, health promotion/prevention)

- Align with health system priorities (Action Plan for Health Care, Home Care Focus, Senior's Strategy)
- Align with other provincial RT associations
- Leverage risk of harm report
- Seek out opportunity to use/recognized existing certification
- Strengthen and promote R/TRO to public, government, employers, clients, other professionals

- **Threats**

- Provincial fiscal, policy and fiscal environment
- Fiscal challenges of membership base
- Competition of CTRS certification
- Perception that R/TRO is a cost burden for membership
- Move away from regulation of professions (beginning in US)

Other Models of Regulation in Ontario

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graph LR; A[Registration] --> B[Certification]; B --> C[Title Protection]; C --> D[Self Regulation and Licensure];
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Registration

Certification

Title Protection

Self Regulation
and Licensure

Registration

- Least restrictive form of regulation
- Provides little or no protection to the public
- The key focus is identification of those qualified to practice
- Can be voluntary or mandated by legislation
- Purpose is to identify for the public qualified people
- Can be done by either/or government and association
- We have started this process with R/TRO
- Ontario examples: PSW

Certification

- Does not require legislation
- Can be issued by private or public body
- Objective seal of approval that certain pre-determined requirements have been met
- May be accompanied by title protection
- Can be voluntary or part of a mandatory regulation
- Can be done directly by government, not necessarily by association
- Limited protection of the public
- Focussed on professional eligibility to practice

- Primary focus is to establish individual credentials to establish eligibility to practice a profession
- Focus is on individual's attainment of knowledge and skill
- Informs public on who is qualified so they can choose who they receive services from
- Protects the profession and establishes public respect for it
- Ontario examples: Certified HR Professional, Certified Technician, Certified Engineering Technician, Engineering Technologist

Title Protection

- Requires legislation
- Restrict the use of a title to those who have met the prerequisites as established by the delegated authority
- Scope of practice is not protected so some may practice using a different title
- Governing body can impose strict requirements to build credibility of the profession
- Stepping stone to full license, scope of practice protection and regulation
- Public protection is not primary focus
- Ontario examples: Registered Interior Designers, Registered Social Workers and Social Service Workers

Regulation or Licensure

- Requires legislation such as a stand alone professional act
- Regulatory authority is granted through statute
- Government delegates authority to a profession to self-manage itself in the public interest
- Requirements: standard for entry to practice, standards of practice, rules for how to discipline and remove members, implement registration and certification process, complaint mechanism for public, appeals process, authority to prosecute, self financing, elect board, government appointed public/non-profession members
- Accountable to government for adhering to their legislated mandate
- Statute defines a scope of practice for the profession
- Self-regulation usually includes title protection/restricted title

- Key focus is individual's competency and accountability
- Key goal is to protect the public
- This is the most independent form of self-regulation
- Provides and protects an activity and makes it exclusive to a profession
- Very costly and onerous
- Profession must be able to sustain it financially
- Requires separation from the association
- Requires legislation
- Risk of harm to the public has to be apparent

- Primary purpose is the protection of the public from incompetent or unethical practitioners; not pursuing the interests of the profession or enhancing the profession
- Attests to a person's attainment of a degree of competency required to ensure protection of the public's health, welfare or safety
- Ontario examples: Lawyers, architects, engineers, accountants, veterinarians, paralegals, etc.

RHPA

- Regulated Health Professions Act
- 28 professions under this act to date
- There are 13 controlled acts to date. Only those registered under RHPA can perform a controlled act

What Changed?

- HPRAC – new criterion; through Minister only
- Political Environment – minority government
- Fiscal Environment – government priorities, cost to RT's

HPRAC Updates

- Aug 2012 recommended Physician Assistants not be regulated under RHPA but a compulsory registry be initiated by College of Physicians and Surgeons of Ontario
- Dec 2013 Paramedics and Emergency Medical Attendants: denied
- Dec 2013: Dental Assistants: denied
- Aug 2015 Diagnostic Sonographers: accepted (2000 then 2015)
- 2013 Paramedics and Emergency Medical Attendants: denied
- Aug 2015 Podiatry and Chiroprody: report submitted, no response yet

- Our letter of intent submitted in 2010 was for regulation under RHPA
 - We were not to be looked at until after 2013

What have we done to move forward

- Extensive report on Risk of Harm
- Standardization of educational requirements in Ontario (2015, TREPSC, ECF)
- Maintenance of competency (July 2016)
- R/TRO as platform to regulation
- Job description standardized for RT and RTA
- Standards of practice combined RT and RTA
- Essential Competency Framework
- Meetings held with government, HPRAC
- Consultants

Risk of Harm Report

- Positive comments from our consultants
 - Makes a case that not just anyone can be an RT
 - Speaks to risk for public if not trained to be an RT
 - Speaks to need for standards
 - Risk associated with our practice that are distinct
 - Excellent examples of how we work with other professions

What does our Risk of Harm Report not show

- Considerations

- If we have no controlled acts, should we be regulated under RHPA?
- Report reads to meet objectives of profession more so than protection of public
- There are other things we can do to meet objectives of the profession besides RHPA (needs to be developed)
- Our numbers are low for a business case for a college (if we can't afford an ED, we can't afford regulation). We now have an ED; what does that mean?

Value of R/TRO

- A voluntary credential that demonstrates a level of excellence
- Demonstrates that RTs have the knowledge and competency required to practice in the field
- Enhances credibility to employers and consumers
- Contributes to the advancement of the profession in Ontario
- Ensures RTs maintain currency in the field through ongoing maintenance of the credential

- Demonstrates integrity as a professional
- Represents the minimum credential for advancement of the profession
- Demonstrates the achievement of a minimum level of eligibility criteria

Benefits of R/TRO to Employers

- Meet a specified level of education requirements
- Work within TRO Standards of Practice
- Have extensive knowledge and skill-based training to enhance quality of care
- Supports an inter-professional approach to care
- Have training and demonstrated abilities in core therapy skills (assessment, treatment, evaluation, documentation, etc.)
- Have training in group-oriented processes

- Provide quality therapeutic interventions
- Assess and manage risk management
- Possess diversified skills
- Participate in ongoing professional development
- Have responsibility for mentoring and supervising Therapeutic Recreation students
- Demonstrate ongoing professional development and contributions every 5 years

Next Step Considerations

- TRO to research, investigate and seek advice for next steps
- Look at what is happening across Canada and North America
- Asking membership for feedback and direction on what they want us to do and which direction we need to go
- Work on further development of strategic plan (ongoing)

Strategic Plan 2012-13

- Increase Membership
- Communication
- Strengthen Organization

What about CTRS?

- Students are asking for placements under CTRS staff
- Schools are marketing that their students will be qualified to write the exam upon graduation
- CTRS is a certification; R/TRO is designation
- CTRS emphasizes education and demonstration of skills and knowledge to write the exam; R/TRO emphasizes professional contribution and work experience
- CTRS is an international certification; R/TRO is an Ontario designation

Final Thoughts

- We continue down a path that elevates the profession
- Today is our opportunity to make decisions around our strategic planning and direction for the next year(s)