

NEW REGULATED HEALTH PROFESSIONS ACT PASSED FALL 2009

On June 11, 2009, Chapter 15, The Regulated Health Professions Act received royal assent. This new law changes the manner by which health professions are regulated in Manitoba.

Manitoba's current 21 statutes regulating different health professions will soon be replaced by one umbrella Act: *The Regulated Health Professions Act*. Health professions currently regulated under their own statutes will be designated by regulation as regulated health professions. The old statutes will be repealed over time, and each of the professions will then be regulated under the umbrella Act and that profession's specific regulations. These profession – specific regulations will establish each health profession regulatory body as a college.

Reserved Acts

Health care provided by health professionals will now be regulated through reserved acts instead of through exclusive scopes of practice. Reserved acts are services or procedures that are done in the course of providing health care and that present a demonstrable risk of harm to persons if they are not performed correctly and competently by a qualified practitioner. Only certain regulated health professions and qualified, skilled members of those professions are allowed to perform reserved acts. In some cases, the Bill permits the delegation of a reserved act to a person who is not a member of a regulated health profession but who is competent to perform the act.

Governance

Each health profession is regulated by a college, the duty of which is to serve the public interest. The governing body of a college is its council (previously known as Board of Directors). At least 1/3 of the council members must be public representatives. Each college has a registrar who is responsible for maintaining the college's registers and issuing certificates of registration and practice.

Registration

Every member of a regulated health profession must be registered with that profession's college. In order to practice the health profession, a registered member must also hold a valid certificate of practice. Membership in the college is divided into two broad categories:

- regulated members, who are qualified to be full practicing members of the health profession; and
- regulated associate members, who may or may not be practicing members of the health profession.

More specific classifications will be established under each of these two broad categories. The registration scheme allows for both an internal review and an appeal to court from decisions about registration or certificates of practice.

Business Arrangements

Members of the same or different regulated health professions and any other health care provider may practice in association with one another. Also, regulated members may carry on the practice of their profession through a corporation.

Title Restriction

Only certain regulated health professions may use the terms "doctor", "surgeon" and "physician". The use of the terms "registered" and "licensed" is also restricted.

Practicing the Health Profession

The practice of a health profession is to be regulated by its council through the use of standards of practice, a code of ethics, practice directions and a continuing competency program.

Professional Conduct

The Bill sets out a process to deal with complaints made about members of any regulated health profession. A separate complaints investigation committee and a separate inquiry committee are established for each profession. At least 1/3 of those committee members must be public representatives. Disciplinary measures that may be taken against a member include suspending or cancelling the member's registration or certificate of practice, censuring the member, and requiring the member to take counseling or receive treatment. Employers and others must be notified if a member is disciplined.

Other Duties and Responsibilities of a College

A college may audit the practice of a member. It may also provide the public with information about its members through practitioner profiles. A college must prepare an annual report on its activities and maintain a publicly accessible website.

The Health Professions Advisory Council

The council is created to provide advice to the minister about matters related to *The Regulated Health Professions Act*, such as changes to the list of reserved acts and health human resource planning and management. The advisory council must consult with any colleges that may be affected by its advice.

New Regulated Health Professions

The Bill sets out a process by which an unregulated health profession may become a regulated health profession. This may include an investigation into the practice of that profession either by the minister or by the advisory council, at the minister's request.

Ministerial Inquiry, Directive and Order Powers

The minister is given powers that include launching an inquiry, issuing a directive or appointing an administrator, when it is in the public interest to do so.

General Provisions

Those who employ members of a regulated health profession have a responsibility to ensure that the person is registered and is permitted to practice the profession. Employers, hospitals and regional health authorities must notify the applicable college when they suspend or terminate a member's employment.

Specific College Parts

The College of Physicians and Surgeons of Manitoba and the College of Pharmacists of Manitoba have their own separate Parts to deal with matters unique to those professions, such as the accreditation of non-hospital diagnostic and treatment facilities, and the licensing and operation of pharmacies. Part 15 also deals with interchangeable pharmaceutical products.

Regulations and By-laws

The Lieutenant Governor in Council, the minister and the councils of the colleges are given a comprehensive set of regulation-making powers. In some circumstances, they are required to consult with members of the profession or the public. The powers of a council to make by-laws are also set out.

Transitional Provisions and Consequential Amendments

The Bill also provides for the transition from regulating health professions under their individual statutes to regulating them under *The Regulated Health Professions Act*. Consequential amendments are made to several statutes, such as *The Anatomy Act*, *The Health Services Insurance Act* and *The Interpretation Act*, to make the terms used in those statutes consistent with the terms used in *The Regulated Health Professions Act*.

This article is adapted from the Explanatory Note to the Regulated Health Professions Act (06/15/09
<http://web2.gov.mb.ca/bills/39-3/b018e.php#Explanatory%20Note>)