

Update on Health Profession Regulation Modernization

An overview of current Ministry of Health initiatives to prepare for implementation of the Health Professions and Occupations Act

December 20, 2023

The *Health Professions and Occupations Act* (HPOA) received royal assent in the B.C. Legislative Assembly on November 24, 2022. While the legislation has passed, it is not yet in force. It will come into force by regulation of the Lieutenant Governor in Council (LGIC) at a future date. At this time, the *Health Professions Act* (HPA) continues to be the legislation which governs health professions and regulatory colleges.

Future communications will address when the HPOA will come into force. The purpose of this newsletter is to highlight some of the progress made to date.

Establishing the new oversight body

The HPOA establishes a new oversight body known as the Office of the Superintendent of Health Profession and Occupation Oversight (the Superintendent's Office). The purpose of the Superintendent's Office is to increase accountability, transparency, and oversight of regulatory colleges, while promoting best practices and enhancing consistency where appropriate. The Superintendent's Office also includes the Director of Discipline and discipline panel members, who are integral to the new discipline tribunal process under the HPOA.

On October 18, 2023, specific sections of the HPOA were brought into force in order to stand up the Superintendent's Office. This was necessary to enable the

appointment of both the Superintendent and Director of Discipline, and subsequently allow them to begin hiring staff and consulting on policies. No sections of the HPOA have been brought into force at this time that would authorize the Superintendent to begin overseeing regulatory colleges.

The Orders in Council (OICs) can be seen here:

https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0579_2023 and [https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0580_2023/search/CIVIL_DOCUMENT_ROOT_STEM:\(health%20professions%20and%20occupations%20act\)?1#hit1](https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0580_2023/search/CIVIL_DOCUMENT_ROOT_STEM:(health%20professions%20and%20occupations%20act)?1#hit1). Please note that only the sections of the HPOA noted in the OICs are in force; other sections of the HPOA are not in force at this time.

The Ministry of Health has begun a merit-based competition to hire key positions within the Superintendent's Office. Opportunities for the Superintendent and Director of Discipline were posted publicly from October 30 to November 27, 2023, and evaluation of applicants is now underway. Once complete, the successful candidates will be recommended to the Lieutenant Governor in Council (for the Superintendent) and the Minister of Health (for the Director of Discipline) for appointment. It is anticipated recommended candidates will go forward for appointment to these positions in the new year.

Ministry of Health grant to support Regulatory College implementation of the *Health Professions and Occupations Act*

On May 30, 2023, the BC Health Regulators (BCHR) was awarded a \$4.5 million grant from the Ministry of Health to support the regulatory colleges in preparation for implementation of the HPOA. BCHR is in the process of hiring an executive lead, a project manager and legal counsel to help lead this work. The grant requires BCHR to complete the following initiatives in advance of the HPOA being brought into force in order to align with the new legislation:

- Evaluate the guiding principles (section 14) with respect to how they will apply to policies, systems, and materials of each regulatory college;
- Prepare drafts and hold consultation on the following measures to align with new requirements under the HPOA:
 - Bylaws;
 - Complaints processes;
 - Framework for complainant support programs;

- Licensing processes; and
- Quality assurance programs.
- Develop a communications plan to inform regulated health professionals and the public about progress on implementation of the HPOA;
- Amend business policies, processes, and procedures to reflect HPOA requirements for cultural safety, cultural humility, Indigenous-specific racism and anti-discrimination requirements; and
- Develop materials to educate staff, board, and committees regarding the HPOA and the Declaration on the Rights of Indigenous Peoples Act.

Regulatory College amalgamations

Reducing the number of regulatory colleges is a Ministry of Health priority. In November 2017, the *Health Profession Act* (HPA) was amended to allow colleges to amalgamate. Since then, the total number of colleges has been reduced from 22 to 15.

Eleven of the remaining 15 colleges have been tasked with amalgamating into two colleges. This was a key recommendation from the Steering Committee on Modernization of Health Professional Regulation's final report: [*Recommendations to modernize the provincial health profession regulatory framework*](#).

Four of the 11 regulatory colleges will amalgamate into one college with a proposed name of the College of Complementary Health Professionals of BC. These include:

- College of Chiropractors of BC
- College of Massage Therapists of BC
- College of Naturopathic Physicians of BC
- College of Traditional Chinese Medicine Practitioners and Acupuncturists of BC

The other seven regulatory colleges will amalgamate into one college with a proposed name of the College of Health and Care Professionals of BC. These include:

- College of Dietitians of BC
- College of Occupational Therapists of BC
- College of Opticians of BC

- College of Optometrists of BC
- College of Physical Therapists of BC
- College of Psychologists of BC
- College of Speech and Hearing Health Professionals of BC

Amalgamations of both colleges will happen on June 28, 2024.

On May 30, 2023, the Ministry of Health awarded a grant of \$4 million to support this amalgamation into two multi-professional colleges.

Allan Seckel, with a background in the public service, private legal practice, and working in the not-for-profit sector, has been appointed by the Ministry of Health with specific authorization to make the necessary decisions to lead the amalgamation.

The Ministry is [currently seeking public feedback](#) on the proposed names of the future amalgamated colleges. The proposed names are the College of Complementary Health Professionals of BC and the College of Health and Care Professionals of BC. The opportunity to provide feedback will close on January 12, 2024.

Update on exemptions for regulator colleges from public sector requirements

A key change under the HPOA is the transition to a fully appointed board model for regulatory health colleges, which was recommended in Harry Cayton's report ([An Inquiry into the Performance of the College of Dental Surgeons of British Columbia and the Health Professions Act](#)) and in the All-Party Steering Committee's report ([Recommendations to modernize the provincial health profession regulatory framework](#)). Under this model, recommendations for board positions will be made by an independent Superintendent following a transparent, merit-based selection process.

Moving to fully appointed boards of colleges means that colleges would be subject to various other Acts that apply to broader public sector organizations. These other Acts could impose various new requirements on the colleges. The Ministry of Health has been working with the relevant ministries to coordinate potential exemptions to these Acts to ensure that colleges continue to be independent in

their role of protecting the public from harm and to ensure that they are not subject to any unnecessary requirements.

There are five pieces of legislation where the Ministry of Health (MoH) is pursuing exemptions. This includes:

- *Public Sector Employers Act (PSEA)*
 - The Minister of Finance supports exempting the regulatory colleges from the definition of “public sector employer” under the PSEA.
 - This will exempt the regulatory colleges from following government’s standards around compensation plans, bargaining mandates, employee termination standards, public reporting requirements, etc.
 - The regulatory colleges will be required to annually disclose specific executive compensation information to PSEC Secretariat.
- *Budget Transparency and Accountability Act (BTAA)*
 - The Ministry of Finance has approved the MoH’s recommendation to exempt health regulatory colleges under the BTAA.
 - This will exempt the regulatory colleges from requirements that they create publicly available annual service plans and annual service plan reports under that Act, as well as certain forecasts and supplementary schedules regarding staff utilization.
- *Financial Administration Act (FAA)*
 - The MoH is working with the Ministry of Finance to have regulatory colleges exempted from the requirements of the Indemnities and Guarantees Regulation.
 - This will exempt the regulatory colleges from requiring prior Ministry of Finance approval when giving indemnities and guarantees.
- *Climate Change Accountability Act (CCAA)*
 - The MoH is working with the Ministry of Environment and Climate Change Strategy to have the regulatory colleges exempted from the definition of “public sector organization” under the CCAA.
 - This will exempt the regulatory colleges from requirements that they be carbon neutral as per the CCAA and that they create climate change accountability reports.
- *Lobbyist Transparency Act (LTA)*

- The MoH is working with the Ministry of Attorney General to explore potential exemptions under the LTA for organizations who communicate with the regulatory colleges.
- The exemptions, if adopted, would address requirements for these groups to register and report their communications with the regulatory colleges in the Lobbyists Registry.

Updated Q&A document on the HPOA

The Professional Regulation and Oversight webpage on the Ministry of Health website has been updated with a refreshed Q&A document, which can be viewed by [clicking here](#). We encourage you to review and share the document.