

And So it Begins

1

Rebecca Durcan & Richard Steinecke

January 20, 2020

Before we begin...

2

- If listening by phone:
 - Phone access (Toronto): (647) 497-7729, PIN: 928536#
Phone access (Calgary): (587) 774-1365, PIN: 928536#
- If listening via Internet and having trouble hearing, try disconnecting and connecting again
- Still having trouble hearing? Email our IT consultant for assistance: achomatas@ace-its.ca
- Feel free to send questions to us during the session using the CHAT feature, or EMAIL us afterwards:
 - rdurcan@sml-law.com
 - rsteinecke@sml-law.com

Background

3

- Legislative Landscape
- The “Cayton” Report
- *Modernizing the provincial health profession regulatory framework: A paper for consultation*

Governance

4

- Eliminate elections
- Create parity between number and compensation of public and professional members
- Competency based appointments
- Reduction in size (between 8 and 12?)



Governance Rationale

5

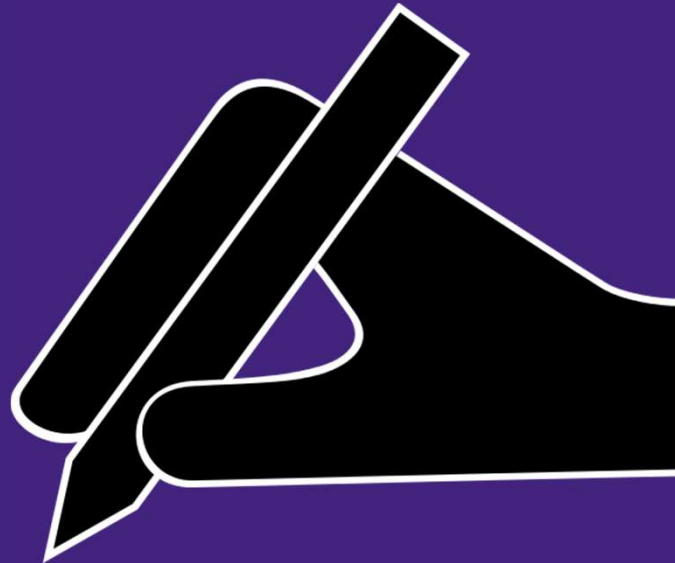
- Right people at the table
- Misplaced accountability to profession as opposed to the public
- Increase public voice (and lower –sometimes eliminate - professional voice)
- Boards are too large and not nimble



Governance Predictions

6

- Crystallizing Ontario trends
- Requires legislative change
- Result in more policy based deliberation and decisions that focus on public interest



Combining Colleges

7

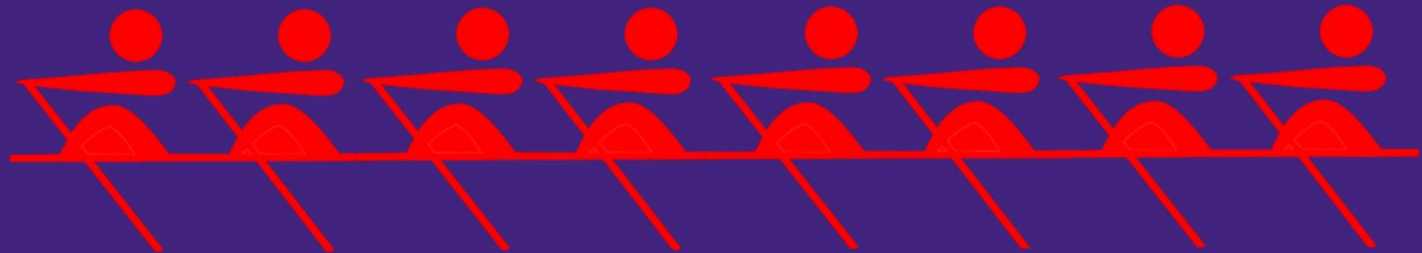
- Five Colleges
- Options for remaining Colleges
- Professional subcommittees for clinical standards



Combining Colleges Rationale

8

- Efficient
- Effective
- Team-based care
- Consistency
- Accessibility



Combining Colleges Predictions

9

- Much discussion
- Requires legislative change
- Pressure for collaboration
- Long term inevitability



Oversight

10

- Audits
- Review complaints and registration
- Guidance
- Board member appointments
- Advice to Minister
- Operate single public register

Oversight Rationale

11

- Regulatory trend
- Accountability
- Consistency



Oversight Predictions

12

- Ontario CPMF
- Long term?



Complaints and Adjudication

13

- Discipline taken out of colleges and given to independent body (oversight body?)
 - ✦ Pool of qualified discipline panel members
 - ✦ MOH would appoint panel lead who would select panel depending on necessary competencies
- Complaints committee membership appointment based on competence, merit and diversity
 - ✦ Would undergo regular training and appraisal
- All actions resulting in accepted complaints shall be made public
- Disclosure, prior history and time limits

Complaints and Adjudication Rationale

14

- Efficiency
- Effectiveness
- Transparency
- Fairness
- Public perception (and that of Harry Cayton) that regulator should not investigate and prosecute



Complaints and Adjudication Predictions

15

- Messaging lack of confidence of disciplinary arm and that complaints and discipline panels are not truly aware of duty
- Foresee more streamlined hearings and more significant sanctions
- Registrants may be less likely to enter into agreements
- No Board members



Contact Us

16

Steinecke Maciura LeBlanc
Barristers & Solicitors
401 Bay St., Suite 2308
www.sml-law.com

Blog: sml-law.com/blog-regulation-pro/
 @SMLLawToronto

Rebecca Durcan

Tel: 416.644.4783

Email: rdurcan@sml-law.com

Richard Steinecke

Tel: 416.626.6897

Email: rsteinecke@sml-law.com