

College Regulation of Paramedics

CUPE Research Backgrounder

August 2, 2012

A number of other health care professions in Ontario are regulated through a “college”: the College of Nurses, the College of Respiratory Therapists, the College of Dental Hygienists, etc. These regulatory colleges have two main tasks: to serve and protect the public interest by establishing standards of practice for the profession and the discipline of members of the profession who fall short of those standards of practice. Regulatory colleges are not teaching colleges.

The Health Professions Regulatory Advisory Committee (HPRAC) in Ontario has been asked by the Minister of Health to advise on the establishment of a regulatory college for paramedics and emergency medical attendants. They will likely consult with various parties, including CUPE, later this year.

What do regulatory colleges do?

Regulatory 'colleges' are not teaching institutions. Instead, a regulatory college sets standards for one (or more) health profession and makes sure the profession(s) comply with the *Regulated Health Professions Act* (RHPA) and other related laws.

Each college has a council with members from the public and members from the profession that acts as its board of directors. Members of the public are appointed by the provincial government, while college members are elected within the profession. College councils have a number of obligations:

- Serve and protect the public's interest;
- Set standards for entry to practice;
- Set standards of practice;
- Regulate the practice of one or more health profession;
- Enforce legislation, regulation, codes and by-laws;
- Promote the competence of members; and
- Develop codes of ethics for the profession[s] covered by the college.

By statute, the regulatory colleges must establish a number of other committees: e.g. the registration, complaint, quality assurance, patient relation and fitness to practice committees. The fitness to practice committees of the colleges are charged with determining whether a member is incapacitated by a physical or mental condition.

Colleges may also work with other colleges and the Ministry of Health and Long Term Care in defining the scope of practice for members of the college.

What disciplinary role does a regulatory college play?

A major responsibility of regulatory colleges is to investigate complaints from the public and discipline college members regarding issues such as professional incompetence, professional misconduct, and sexual impropriety. A “discipline committee” of the college made up of members of the public as well as members of the profession, judges members charged with misconduct.

Could a regulatory college stop me from working as a paramedic?

Yes. A college can take away a member’s registration or license, rendering the member unable to work in the profession in Ontario. Colleges can also suspend registration until the member has achieved certain objectives, such as renewed education or skill levels. Colleges can also set conditions on your registration.

Would a regulatory college eliminate the regulatory role of base hospitals and base hospital physicians?

This is not likely. There are 13 controlled acts under the *Regulated Health Professions Act*. Some regulated health professions do not have authority to do any controlled acts. While certain controlled acts *may* be put under the purview of a college of paramedicine, other designated acts practiced by paramedics will very likely still remain under the control of a physician. These acts will have to be delegated by physicians to paramedics, and so paramedics will practice these acts under the license and control of a physician.

Who would be a member of a college of paramedicine?

Members of the college would include all registered (and, likely, practicing) paramedics whether they be ACPs, PCPs, flight paramedics, or managers. Colleges typically do not distinguish between management and union members, as long as the person is registered and practices the profession for a minimum number of hours each year.

Would the establishment of a college cost paramedics money?

Yes. There are at least three sorts of costs associated with colleges. Regulatory colleges are financed by their members. Paramedics would be required to join and finance the college. These costs are unknown, but based on other colleges currently operating, they could be between \$200 to \$500 per year.

The second sort of cost arises if you are investigated or charged by the college or come before the fitness to practice committee. Costs for a lawyer and the college hearing will run to thousands of dollars.

Finally, members of a self-regulated college can be sued for malpractice. Members of other colleges often try to take out insurance to cover them in case they are investigated, charged, or sued. Costs for insurance are uncertain, but for nurses they run to several hundred dollars per year.

Would the establishment of a college make paramedicine a “profession”?

The occupations that are considered a “profession” are determined largely by public perception. The establishment of a college of paramedicine may increase public perception of paramedicine as a profession, but it is likely only one of a number of factors.

Would it increase paramedic pay?

No. Several professions with regulatory colleges are paid less than paramedics. Paramedic wages are determined through collective bargaining. Since downloading, paramedic wages have increased more than other health care professions, with or without a college.

What is the process for establishing a college?

Upon application, the Minister of Health and Long Term Care may refer a request for regulation to the Health Professions Regulatory Advisory Council (HPRAC) — a committee that provides policy advice to the Minister of Health and Long Term Care on the regulation of health professions in Ontario. If HPRAC responds favorably to this request for a college, there will then be a review process — with written submissions and public depositions. There has been significant delay in this process already (a paramedic college has been an issue for over eight years).

A number of results of the current review are possible: the status quo could be maintained, paramedicine could become regulated as part of another college, or a college of paramedicine could be given a green light. If a college of paramedicine is approved, a transition council would likely be put in place — again, possibly for years.

Would a college cover paramedics exclusively?

Not necessarily. At the end of the process set out above, paramedicine may be put into a college with another profession, either temporarily or permanently.

Urgent Message for: CUPE paramedic members

From: CUPE Ontario and CACO

March 2013

As you are aware, CUPE which represents the majority of paramedics licensed in Ontario along with other labour unions representing paramedics have for several years opposed the introduction of a regulatory college for paramedics.

In fact, CUPE has consistently opposed the introduction of regulatory colleges for members who are social workers and early childhood educators and recently for members in the skilled trades.

CUPE believes that these colleges are an unnecessary regulatory requirement that burden public sector workers like paramedics who have already acquired the certifications relevant to their job class, met the criteria required by employer and who are covered by provincial legislation, with additional oversight.

Employers often support these colleges because they provide them with additional mechanisms for discipline and censure of workers. EMS employers support the establishment of a Paramedic College.

It's unfortunate that the Ontario Paramedic Association (OPA) continues to ignore all the pit-falls associated with existing regulatory colleges and the disciplinary regimes imposed teachers, nurses and social workers and aggressively pushes for a paramedic regulatory college.

It is disingenuous to present a regulatory college as self-regulation for paramedics as the OPA is doing on their website, when the exact opposite is the case. A primary function of the college model is to serve and protect the public's interest not the interests of paramedics who are dealing with systemic underfunding of EMS and employer decisions that affect their ability to save lives and do their jobs well.



The OPA has posted a new survey on its website in an effort to revive its lagging efforts to lobby the provincial government for, a new Paramedic Act and a private Paramedic College responsible for licensing and reprimanding paramedics for professional misconduct.

We believe there is bias in the OPA survey — as it is currently structured — in favour of the introduction of a new Act and regulatory college for paramedics. It also allows an individual paramedic to fill out the survey several times, thereby skewing the results' process.

CACO and CUPE Ontario are asking that if you choose to fill out the OPA survey that you say NO to a Paramedic College.

We encourage you to use some of the information provided in this urgent update and to access more information on CUPE's opposition to the college at: www.cupe.on.ca.

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Five reasons why paramedics who are members of CUPE should say NO to a regulatory college covering paramedics

March 2013

1. Regulatory colleges are not teaching colleges. Rather they set the criteria for professional certification and investigate complaints from the public and discipline college members regarding issues such as professional incompetence, professional misconduct, and sexual impropriety.
2. Certification under a college model often shifts the blame for systemic problems in the workplace to the individual worker and removes government accountability for policies and funding decisions that have direct bearing on issues, incidences and the investigation of a worker.
3. The disciplinary functions of regulatory colleges impose an additional and unnecessary level of oversight and discipline above what is already in place under employer policy, legislation and freely negotiated collective agreements.
4. Mandatory fees to a college pose a financial burden and create a barrier for workers who are required to pay fees out-of-pocket to maintain their license/certification to practice. In Alberta paramedics pay \$600 a year to the regulatory college.
5. Because colleges are designed to “protect the public”, workers who fall under a regulated profession or college model often pay out-of-pocket for malpractice insurance to protect themselves against liability.

CACO and CUPE Ontario are asking that if you choose to fill out the OPA survey that you say NO to a Paramedic College.

We encourage you to use the five reasons here as a guide. A fact sheet with more information is available at: www.cupe.on.ca.



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