



**MEETING OF THE COUNCIL OF THE COLLEGE OF
PHYSIOTHERAPISTS OF ONTARIO**

May 19, 2021

7:00pm to 9:00pm

Virtual via Zoom

7:00 PM

Welcome

1 Approval of the Agenda
Motion For Decision

2 President's Report
For Information

3 Entry to Practice Working Group: Terms of Reference
Motion For Decision

The Executive Committee is recommending that Council approve the composition of the Entry to Practice Working Group as well as terms of reference.

Adjournment



COLLEGE OF
PHYSIOTHERAPISTS
of ONTARIO

ORDRE DES
PHYSIOTHÉRAPEUTES
de l'ONTARIO

Motion No.: 1.0

**Council Meeting
May 19, 2021**

Agenda # 1: Approval of the agenda

It is moved by

and seconded by

that:

the agenda be accepted with the possibility for changes to the order of items to address time constraints.



COLLEGE OF
PHYSIOTHERAPISTS
of ONTARIO

ORDRE DES
PHYSIOTHÉRAPEUTES
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COUNCIL

Agenda # 2

President's Report



May 12, 2021

Mr. Irwin Glasberg, Fairness Commissioner
Office of the Fairness Commissioner
Suite 1201, 595 Bay St.
Toronto, ON
M7A 2B4

Dear Commissioner Glasberg;

Re: Registration Process Issues College of Physiotherapists of Ontario

The Ontario Physiotherapy Association (OPA) represents more than 6000 member physiotherapists, physiotherapist assistants and students, including those in the University of Toronto's Ontario Internationally Educated Physical Therapy Bridging Program.

I am writing to you on behalf of the close to 1000 (and growing) number of candidates in Ontario, both Canadian and internationally trained, who have faced unprecedented barriers to timely, transparent and fair processes for registration for independent practice in physiotherapy over the last year and a half. As such, their predicament falls within your mandate under the Fair Access to Regulated Professions and Compulsory Trades Act, 2006 to assess the registration practices of the regulated professions.

The College of Physiotherapists of Ontario (CPO) pursuant to the current Registration Regulation (Ontario Regulation 532/98) requires for independent practice that each candidate completes an examination set or approved by Council. Currently the Council has designated the Physiotherapy National Examination provided by the Canadian Alliance of Physiotherapy Regulators which has both a written component and a clinical component as the required examination. Under section 23 of Regulation 532/98, graduates with a degree in physiotherapy who have passed the written component may be granted a Provisional Practice certificate if they have registered to challenge the next-scheduled clinical exam (known as the Physiotherapy Competency Exam or PCE). Should they fail the PCE, they may no longer practise provisionally until they are able to pass the PCE at a future date.

The last PCE was held in November 2019 with three subsequent exams cancelled due to restrictions imposed by the pandemic and technical issues with the contracted online platform provider. There are no exams currently scheduled.

As a consequence, through no fault of their own, the approximately 77 candidates who failed in November 2019 have not been able to challenge the clinical examination a subsequent time and have lost their Provisional Practice certificates of registration. The over 650 candidates (including 346 internationally educated candidates) who hold Provisional Practice certificates have not been able to be registered for an Independent Practice certificate and remain under supervision, limiting their ability to practise fully. There are many others who have chosen not to practise provisionally and are waiting for the next available PCE to be scheduled to complete their requirement for full independent practice. They are all in limbo with no clarity as to the next steps and are unable to fully practise the profession they have invested in and trained for. This number will soon be much higher as the 2021 cohort of graduating students from the five Ontario university physiotherapy programs becomes eligible to challenge the exam shortly.

These delays have resulted in significant cumulative personal and professional hardships for candidates, including social and financial issues and in the case of those that are internationally educated belies the expectations given to them by Immigration Canada.

Though within its mandate to do so, the CPO has not acted to implement an alternate approach and has not provided any clarity or communicated to the candidates on what process will be deemed acceptable to be registered, nor what the timelines would be that would fulfill a standard of reasonableness.

The OPA has brought this issue to the attention of the CPO on multiple occasions, including in letters dated December 1st, 2020 for which we received no response and May 5th, 2021 (letter and response attached to this correspondence). Based on the public record of the CPO Council meeting held March 23rd, 2021, the Council directed the CPO staff to research and develop recommendations for consideration by Council at its next meeting to be held in June 2021, a timeline that does not reflect the urgency of a situation. This urgency has been recognized by other professions including pharmacists who have found alternate approaches to addressing these challenges and most recently by the College of Physical Therapists of British Columbia that has expedited a change in its bylaws with support from the Ministry of Health for an alternate approach for their entry-level competency examination.



As a consequence of the above we question whether the CPO is fully compliant with its duty of transparency and fairness in their registration process by;

- Falling short of a reasonable standard in the provision of information to the affected candidates as to progress towards a solution, what that solution(s) might be, or what the timelines for implementation might be.
- Lack of response to and engagement with the profession and components of the profession that have the expertise and willingness to work towards solutions.
- Unnecessarily limiting the scope of potential solutions citing limitations imposed by the Registration Regulation, notwithstanding options to address them being readily available.

We also note that in the Fairness Commission's 'Risk-Informed Compliance Framework and Policy' there is a duty by the Colleges to ensure that risk is mitigated when there is a material dependence on a third-party service provider to complete the registration process and to reengineer processes to make them more resilient to disruptions such as the pandemic.

We request a meeting with you at your earliest opportunity to discuss this urgent situation on behalf of the candidates who have been affected and on behalf of the public and health system needs for ready and safe access to health human resources during this time.

Sincerely,

A handwritten signature in black ink that reads "D. Sauvé".

Dorianne Sauvé
Chief Executive Officer

Enclosures: Letter OPA CPO Entry to Practice May 5, 2021
CPO Letter May 11, 2021

May 11, 2021

Ontario Physiotherapy Association
110 Sheppard Ave E. Ste 810
Toronto, Ontario
M2N 6Y8

Dear Paulette Gardiner Millar,

I am in receipt of your letter of May 5, 2021 and thank you for your interest and engagement regarding entry to practice processes at the College of Physiotherapists of Ontario.

The College of Physiotherapists of Ontario is fully aware of the administrative challenges to the entry to practice processes brought on by the inability of the Canadian Alliance of Physiotherapy Regulators (CAPR) to administer the practical exam.

Applicants to the profession must demonstrate competence from both a knowledge (written) and practical perspective. Once an applicant has demonstrated an inability to satisfy a requirement (ie. by failing the practical examination), then by virtue of its mandate to protect the public, the College must restrict the ability of such an applicant from practice.

The requirement to pass the practical component of the examination is not a College bylaw. Therefore, the College of Physiotherapists cannot change it on its own. It is a law - Regulation 532/98, clause 23(4), which states:

23(4) A person who has failed the practical component of the examination is not entitled to apply for a certificate of registration authorizing provisional practice.

This law is designed to protect the public of Ontario. The College will not ask the Ministry of Health to amend a regulation at this time, as such a change will have broader implications. Regardless, regulation change is a process that takes an extended time, perhaps years.

The College is in the process of investigating alternatives option to allow applicants to register. As per the law, it must be a practical examination. Further, it must be valid, reliable, and intended to assess entry level competencies in Canada. Should you be aware of any examination process that you believe fulfills all of these parameters, please let me know as soon as possible. However, and again, exemption from the examination is contrary to the law.

Further, the College of Physiotherapists of Ontario has created an Entry to Practice Working Group, and has called a special meeting of its Council to expedite its creation. It is the first time in its history that a special meeting has been called.

In any discussion with the Ontario Fairness Commissioner, we hope your conversation will explore balancing the College's duty to public protection with access to the profession.

Best of luck,



Darryn Mandel, PT
President
College of Physiotherapists of Ontario
375 University Avenue, Suite 800
Toronto, ON M5G 2J5
(416) 591-3828

May 5, 2021

Mr. Darryn Mandel, President
College of Physiotherapists of Ontario
375 University Avenue, Suite 800
Toronto, Ontario
M5G 2J5

RE: Provisional Practice and Entry to Practice

Dear Mr. Mandel,

I am writing in follow-up to our letter to you dated December 1, 2020. You may recall that letter requested that the College devise solutions to allow the return to provisional practice for the approximate 77 candidates who did not pass their first challenge of the clinical examination held in November 2019 and bring forward a process for all candidates who have been unable to complete the clinical examination to qualify for independent practice registration since that time.

We hope that you can appreciate that a quick and effective solution is necessary because this situation impacts directly on individuals' ability to exercise their right to earn a living in the profession that they have trained for and/or to move beyond the limitations of provisional practice to full independent practice. In all cases the obstacles that they face to practice their chosen profession are not of their making in any way and have become increasingly unreasonable due to the delays in accessing the national clinical exam since the pandemic began.

Though the Council discussed the issue as a result of our letter at the meeting in December 2020 and more recently after the third cancellation of the examination at the Council meeting held on March 23, 2021, we still have not received a response. We understand fully the challenges brought on by the pandemic, the impact this has had on offering the clinical component of the Physiotherapy National Examination and the need to look for alternate solutions to ensure timely safe entry to practice by candidates to meet the health care needs of Ontarians at this time. Nevertheless other professions have done so and within the physiotherapy community the College of Physical Therapists of British Columbia has initiated bylaw changes to address these concerns.



**ONTARIO
PHYSIOTHERAPY
ASSOCIATION**

After a year and half, in the most recent update on April 16th from the College of Physiotherapists of Ontario, there is still no clarity for candidates in Ontario on what alternative will be admissible for registration and timelines for implementation. This is not acceptable. The OPA remains committed to working with the College and all stakeholders to expedite a solution so that qualified candidates can enter practice as soon as possible. Nevertheless, due to the lack of transparency and action by the College, we have reluctantly concluded that we have no option but to elevate this matter to the Fairness Commissioner on behalf of candidates and the public.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. J. Gardiner Millar".

Paulette Gardiner Millar
President

CC: Theresa Stevens, Vice President
Rod Hamilton, Registrar



On Apr 20, 2021, at 14:55, [darryn \[REDACTED\]](#) wrote:

Hello David Laporte,

Thank you for your email. I appreciate you taking the time to share your perspective regarding the current situation with the cancellation of the physiotherapy exam.

You have asked our Registrar, Mr. Rod Hamilton, to ensure that your e-mail is forwarded to all council members, and confirm that this is done. Mr. Hamilton has forwarded your e-mail to me, as president (and council member). Your e-mail is one of many that share similar themes about the issues surrounding entry to practice. Prior to sending your particular e-mail to all of council, I must make you aware that information sent to council members is in the public domain, and is available for anyone to see. With your consent, I would be pleased to honor your request and ensure that your e-mail is sent on to all council members. Please let me know if you consent to sharing your e-mail.

I understand that exam candidates, the physiotherapy community, and the public are looking for answers. The College is taking all feedback into consideration, exploring the available options and working with the government and other stakeholders, including other PT regulators and CAPR, to implement appropriate solutions.

I appreciate your patience as we continue to navigate this complex situation. Your feedback is appreciated and will be considered as we work to address areas of improvement for entry to practice, both short and long-term.

Darryn Mandel, PT
President, College of Physiotherapists of Ontario

From: Dave Laporte [REDACTED] >
Sent: Monday, April 19, 2021 12:19 PM
To: Info <info@collegept.org>; Rod Hamilton [REDACTED]
Subject: Clinical Exam Cancellations and Public Interest

Mr. Hamilton.

Please ensure this email is forwarded to all council members and confirm that this is done.

To: College Council Members

I read your information release on your website.

<https://www.collegept.org/news/2021/04/16/update-physiotherapy-competency-exam>

To quote from the release.

From the College of Physiotherapists of Ontario



“We have been asked by many in the profession to temporarily remove the requirement for a clinical exam. After careful deliberation and consideration, the College has made the decision that temporarily removing or exempting the requirement for a clinical exam would not be in the public interest. The College understands the urgency and the need to find a solution to the current unavailability of the examination. We are actively meeting with CAPR to discuss an expedited plan for the exam, including the possibility of an Ontario-specific exam to address these extraordinary circumstances.”

I am an Ontario resident and a frequent patient of Physiotherapy. I believe we deserve better, especially at a time when demand for Physiotherapy is so high. Access to timely Physiotherapy services is within the Public Interest.

I would like clarification from the college.

Are you saying you have no faith in the quality of education you provided to these Physiotherapists awaiting full licensing?

Are you saying that you have no faith in the final written exam passed by all Physiotherapists awaiting their final licenses?

Are you saying you have no faith in the Physiotherapists who have supervised these Physiotherapists while they work under provisional licenses for some upwards of 2 years?

Are you saying you have no faith in the fully vetted University Programs of other countries or the licenses and full clinical practice experience of licensed Physiotherapists from other countries?

Are you saying that the only criteria for final license approval is a timed clinical make believe virtual role play?

Unfortunately, at this time some 3000 fully trained Physiotherapists having graduated and completed their final written exam are either unable to practice or are severely restricted from practice as a result of the inability of the Canadian Alliance of Physiotherapy Regulators and the College of Physiotherapists of Ontario (and other provinces) to provide them with their final license. Those entities want to blame their failure on the Pandemic but other specialties have licensed their graduates in spite of the Pandemic.

The college is failing in its duty to ensure access to Physiotherapy for Canadian citizens and is NOT acting in the public interest.

If you wish to discuss, I may be reached at any time at [REDACTED]

Respectfully,
David M. Laporte B.Comm., F.C.I.

[REDACTED]



COLLEGE OF
PHYSIOTHERAPISTS
of ONTARIO

ORDRE DES
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de l'ONTARIO

Motion No.: 3.0

**Council Meeting
May 19, 2021**

Agenda # 3: Entry to Practice Working Group

It is moved by

and seconded by

that:

Council approves the composition of the Entry to Practice Working Group as well as the terms of reference.



Meeting Date:	May 19, 2021
Agenda Item #	3
Issue:	Entry to Practice Working Group
Submitted by:	Executive Committee

At the March 23, 2021 Council meeting, a motion was passed to appoint a working group to study the process of Entry to practice, from application to registration as an Independent practitioner. This decision was based on the following:

- a. The process had not been reviewed since its inception in 1994;
- b. Concerns had been expressed about the process being “fit-for-purpose”;
- c. Council had already commissioned a detailed report indicating concerns about the current process.

Council instructed the executive committee to make recommendations as to the composition of the committee, as well as the terms of reference. A review of governance policy 8.12:

<u>Section:</u>	General	Policy #8.12
Title:	Appointment of a Task Force and/or an Advisory Group	
Applicable to:	Council, Task Forces and Advisory Groups	
Date approved:	March 2010	
Date revised:		

By-law Reference

Policy

From time to time, to accomplish a specific initiative, Council may choose to establish a Task Force or an Advisory Group. Either entity is under the development and direction of Council and may be comprised of Councillors, registrants, and/or individuals with specific expertise external to the profession. All deliverables of a Task Force or an Advisory Group are provided to Council for final approval.



Procedure

1. A Task Force or an Advisory Group is appointed by Council for a specific purpose and duration.
2. Either entity, once appointed will report directly to either Council or the Executive Committee, as determined by Council.
3. Council will establish and approve the terms of reference of a Task Force or an Advisory Group. Such terms will include, at a minimum, its membership, objectives, and deliverables.
4. A Task Force or an Advisory Group will report regularly on its progress toward set objectives, not less than quarterly.
5. Members of a Task Force or an Advisory Group will be reimbursed for honoraria and expenses as per relevant College policies.
6. Every Task Force or Advisory Group will be supported by staff as designated by Council.
7. The process and outcomes of every Task Force and Advisory Group will be evaluated for effectiveness and impact.

Recommendations:

A. Membership:

1. Darryn Mandel - Current president of CPO. Participated in QA working Group. Well versed in evaluation and examination matters. Former chair of CAPR Board of Examiners, former Board Member of CAPR. Former examiner of clinical component.
2. Theresa Stevens – incoming president of CPO. Participated in QA working Group.
3. Gary Rehan – former president of CPO. Current board member of CAPR. Internationally educated. Sat the clinical component of the exam. Doctorate in musculoskeletal physiotherapy. Participated in QA working Group.
4. Tyrone Skanes – Current chair of registration committee. Public member of council.
5. Martin Bilodeau – Academic member of council



B. Terms of Reference:

Status of Committee	: Ad Hoc
Type of Committee	: Working Group
Overall Purpose	: To modernize entry to practice processes (to ensure the process is “fit-for-purpose”)
Composition	: As above – the committee to choose its own chair
Staff Support	: Registrar and Registration team
Modes of operation	: Virtual meetings until such time as in-person meetings are possible
Expenses	: Already included in 2021-2022 approved budget for meetings only
Reporting	: To Council, quarterly at all regular council meetings

C. Deliverables

- a. To make recommendations to council regarding the challenges created by the pandemic preventing applicants from being able to fulfill the qualifications of independent practice.
- b. To review the current entry to practice process from application to registration, for both Canadian trained and Internationally educated physiotherapists (IEPT’s).
- c. To review other models of entry to practice in other professions and other jurisdictions.
- d. To make recommendations to council regarding the process of registration.