



COLLEGE OF  
**PHYSIOTHERAPISTS**  
of ONTARIO

ORDRE DES  
**PHYSIOTHÉRAPEUTES**  
de l'ONTARIO

## College of Physiotherapists of Ontario

### Submission in support of Bill 21 Amendments Respecting the Regulation of Pharmacies and other Matters Concerning Regulated Health Professions

**December 1, 2014**

Good afternoon.

My name is Peter Ruttan.

I am a physiotherapist and the President of the College of Physiotherapists of Ontario.

I am also the chair of the College's Inquiries, Complaints and Reports Committee.

I'm joined by Rod Hamilton, Associate Registrar of Policy, who is a staff person at the College.

I'm pleased to join you here today and express my College's support for the objectives of Bill 21.

I should begin by pointing out two important things.

First, not all of the changes that Bill 21 would make to the *Regulated Health Professions Act* have an impact on our College. So, while we

support the whole Bill in principle, I will only mention the changes that will have a direct impact on us, or on our members.

I would like to point out that you have not received a written submission from our College. We submitted our written comments to government as a member of the Federation of Regulatory Health Colleges of Ontario.

Copies of that submission, dated December 1, 2014, and addressed to Dr. Eric Hoskins, the Minister of Health and Long-Term Care, have been provided to you.

Our College has a proven track record for being leaders in transparency – by that I mean that we have made significant efforts to provide to the public as much information as possible about the processes at our College and about physiotherapists.

Bill 21 goes some distance towards supporting our efforts in this regard, but it also falls short in some areas.

#### Additional Exceptions to the Confidentiality Duty – Section 10-11 of Schedule 2 of the Bill

For example – right now, we are not permitted to share information about our investigations of physiotherapists with these member's employers.

This means that even if we know that an individual physiotherapist may be incompetent or incapacitated, we can't inform the place where they work. This puts us in the position of knowingly standing by while patients may be at risk.

Bill 21 makes changes that attempt to fix this problem, but it leaves some important things out. The proposed changes will allow colleges to disclose information to **hospitals that employ or provide privileges**.

However, our members work in settings outside of hospitals, and often work as contractors.

So, even with the revisions included in the bill, we would still not be able to disclose information to a long-term care facility, or a home care operator about a high risk physiotherapist.

The patients in these settings are among the most vulnerable of all – yet we would remain unable to help protect them in a timely way.

#### Mandatory Reporting – Anti-avoidance Measures – Section 8 and 17 of Schedule 2 of the Bill

Another College concern relates to the way that the mandatory reporting requirements for employment or privileges can be circumvented.

The College believes that employers should be required to make a report to the College whenever a physiotherapist quits or is fired in connection with an investigation.

However, at the moment, the proposed changes in the Bill will leave the decision about whether to report up to the individual employer.

We think we would be better able to protect the public if the employer was not required to filter the information in this way.

If employers were required to report all such situations to us, we could then investigate and determine whether there is any reason to be concerned.

After all, our statutory mandate requires us to be experts in investigation, as well as guardians of the public interest.

We are aware of situations where physiotherapists have been let go from hospitals, but because of concerns related to employment law issues or their unions, we do not receive a report.

We only find out later, when these physiotherapists turn up as problems in new institution.

If employers were held to a higher level of transparency, and required to make reports in any kind of problematic situation, we could possibly intervene to make certain that these physiotherapists got the additional training they needed to ensure the problem was not repeated.

### Proposed Amendments

The Federation's submission makes detailed suggestions about how to ensure that these small but important barriers to transparency can be addressed.

On behalf of Ontario's physiotherapists, I hope you will consider making these amendments to better protect Ontario's public.

Thank you.