

January 24, 2020

Mr. Mark MacKinnon
Executive Director, Professional Regulation and Oversight
Ministry of Health
1515 Blanshard Street
Victoria BC

By e-mail: PROREGADMIN@gov.bc.ca

Re: Consultation on Modernizing the Provincial Health Profession Regulatory Framework

Dear Mr. MacKinnon,

Thank you for the opportunity to provide feedback to the Steering Committee on Modernization of Health Professional Regulation (the “Steering Committee”) on its November 2019 consultation paper.

Doctors of BC is a voluntary association of 14,000 physicians, residents and medical students in British Columbia. Our vision is to promote a social, economic, and political climate in which our members can provide the citizens of BC with the highest standard of health care, while achieving maximum professional satisfaction and fair economic reward. Achievement of this vision requires, among other things, public confidence in the delivery of health care in BC. Doctors of BC is therefore supportive of efforts to hold all health care providers to a high standard.

Doctors of BC recognizes that a number of other regulated health professions will be more significantly affected by the Steering Committee’s proposed changes to the regulatory framework, particularly those subject to merger with other colleges. Nevertheless, our physician members will still be affected by many of the proposals, particularly those related to governance of the College of Physicians and Surgeons of BC (CPSBC) and the complaints and discipline process. Our Board of Directors has reviewed the Steering Committee’s proposals and considered feedback gathered directly from Doctors of BC members. Overall, we are supportive of the direction of many of the Steering Committee’s proposals, but we wish to raise the following key issues:

- We have concerns about the potential cost implications for physicians, and other regulated health professionals, of the new independent oversight body for all health regulatory colleges. The report indicates that the oversight body may in future collect fees from colleges, which will most likely lead to increased registration fees.
- As with the original Cayton Report, many of the proposals in the Steering Committee’s consultation paper are still at a relatively high level. Our Board and members have noted that more information is required before the potential impact of these changes can be fully understood. In particular, more information is required on the guidelines/criteria for the appointment of College Board members and independent discipline panel members, and the structure and leadership of the independent oversight body. Our members would like to understand how the process will ensure that these bodies have access to the required clinical expertise. We therefore urge the Steering Committee and/or Ministry of Health to meaningfully consult with stakeholders as this takes shape and regulations are formulated. Further

engagement with the registrants of the various professions will also serve as a useful education opportunity for when the new rules come into effect.

- In our response to the proposals in the Cayton Report we stated that Doctors of BC does not support the development of a single code of ethics for all health professions. We questioned the feasibility of developing a single code given the wide variety of health professions and the differing nature of their relationships with patients. While these concerns remain, we are pleased to see that the Steering Committee is proposing that individual colleges can add unique provisions to their standards of ethics. It is important to ensure that all health professions are held to a similarly high code of ethics as is currently in place with CPSBC.
- In relation to the proposed complaints and discipline process, we question the efficiency of the CPSBC referring all complaints to an independent disciplinary panel. Instead, we propose that the College should be able to rule on low level complaints and order remediation as necessary. Frivolous and vexatious complaints should also be fully addressed by the College without the need for involvement by the independent disciplinary panel. A number of our members raised concerns about publication of all complaints that lead to disciplinary action, even those that are minor in nature. Distinguishing between low level complaints and those that are referred to an independent disciplinary panel would also allow for a distinction to be made regarding which complaints are disclosed.
- Although it does not directly affect our physician members, we do have some concerns about the wide variety of health professions that will be regulated by the College of Health and Care Professions. It may be difficult for a single college to develop comprehensive guidelines and bylaws, and for its Board to fully represent these professions, when there is variation in the degree to which various professions take an evidence-based approach to their delivery of care. We stress the importance of ensuring that all health professions are held to the same high standard with respect to the application of evidence in their approach to care.
- Finally, we agree with the Steering Committee's proposal that any new health professions be regulated by an existing regulatory college or the new College of Health and Care Professions. In 2013, Doctors of BC developed policy which supports the establishment and deployment of Physician Assistants in BC and recommends that they be recognized as a regulated profession, with oversight by CPSBC. We consider that now would be an opportune time for the government to consider this proposal, given the potential for Physician Assistants, as physician extenders, to increase access to quality care in British Columbia.

As noted above, Doctors of BC members were provided with an opportunity to comment on the Steering Committee's proposals. Through an online survey, members were invited to express their level of support for individual proposals and also provide comments if they had specific concerns. Given the Steering Committee's timeframe for stakeholder submissions, and the holiday period, the consultation period was limited to 2 weeks. 56 responses were received which is a relatively low number, likely due to the timing of the consultation. It is therefore difficult to judge whether the feedback received is representative of our entire membership. Most of the feedback received is captured above, but to ensure we are fulsome in our response we wanted to pass on the following additional comments:

- The proposals related to college governance further erode the autonomy of the profession.
- The profession should continue to have a say in how the College is governed, especially considering it is mandatory to pay fees to the College.

- Appointing rather than electing Board members has the potential to politicize Board decisions.
- The appointment process could still allow for the profession to elect a pool of potential Board members, with final appointments being made by the Minister of Health.
- The oversight body will add an unwarranted layer of bureaucracy and expense.

Doctors of BC values this opportunity to review and comment on the Steering Committee's consultation paper on modernizing the provincial health profession regulatory framework. We would welcome further opportunities to provide feedback as the work of the Steering Committee progresses.

Sincerely,

A handwritten signature in blue ink, appearing to be 'K. Ross', written in a cursive style.

Dr. Kathleen Ross
President, Doctors of BC