



March 23, 2023

## By Email

Standing Committee on Social Policy  
The Legislative Assembly of Ontario  
111 Wellesley Street West  
Whitney Block, Room 1405  
Toronto, ON M7A 1A2

Dear Committee Members:

### RE: Bill 60, Your Health Act, 2023

Thank you for the opportunity to provide feedback on the legislative amendments related to Bill 60, *Your Health Act, 2023*. The College of Nurses of Ontario (CNO) is the regulatory body for over 180,000 nurses in Ontario. CNO protects the public through the promotion of safe nursing practice. One way we do this is by setting entry requirements so only those who are competent can provide patient care in Ontario. Once registered, we have standards that nurses must abide by – these are the expectations that support safe patient care. CNO also has a continuing competence program (quality assurance) to support ongoing safe patient care, through lifelong learning. And, we have mechanisms should a patient or employer have a concern about a nurse's practice.

As leaders in public safety and the promotion of safe nursing practice, CNO is eager to work with the government to reduce potential barriers to labour mobility and facilitate the timely registration of Canadian out-of-province registered health professionals.

CNO supports labour mobility across Canada. Please see attachment 1 for an overview of CNO requirements under labour mobility provisions. Also, for current data, please see our [applicant statistics page](#) that shows a breakdown of where applicants are from (e.g., from Ontario, Canada or international).

We are proposing an amendment to the Bill that both supports the government's intent related to "As of Right" and ensures mechanisms are in place for public protection. An effective approach is to have any health professional immediately become registrants, upon application, through labour mobility provisions (i.e., amendments would be needed to Bill 60 and under the *Nursing Act, 1991* related to labour mobility). This process would enable immediate registration on application and give the individual a defined amount of time to meet certain additional requirements such as a police record check.

This would meet the government's goal of removing potential barriers to registration for health professionals and ensure that, as registrants of CNO, there are regulatory mechanisms in place to support safe practice for the public of Ontario. For example, CNO has jurisdiction with respect to the conduct of registrants while working in Ontario if a patient has a complaint or safety issue they want investigated. This would also ensure these individuals are able to use restricted titles (RN, RPN, etc.) and to work as nurses as per what is currently proposed in the Bill. Further, it would give confidence to the public and potential employers that, as a registrant of CNO, the health professional is authorized to practice. Being registered with CNO ensures there is an avenue to submit any reports related to nursing practice or conduct if employers have concerns about public safety. This ensures individuals are included on the public register ([Find-a-Nurse](#)) which is what employers and the public use to verify an individual is authorized to practice nursing, and not imposters who would pose risks to the public. This is a resource that protects the public, providing vital information about who is providing care in Ontario.

If Canadian out-of-province registered health professionals are permitted to practice in Ontario without registration, we have identified several concerns and potential risks. As you may be aware, regulatory colleges do not have jurisdiction with respect to non-registrants. All CNO's processes for investigating and assessing professional conduct issues rely on our jurisdiction and legal authority. This is required to compel information (relevant documents, subpoena witnesses, etc.) and determine the outcomes (terms, conditions, and limitations, fines, suspension, revocation, etc.). The Registrar's powers of investigation under the *Health Professions Procedural Code* rely on the fact that the individual is a registrant of CNO. Furthermore, the defined acts of professional misconduct and the standards of practice apply only to registrants of the CNO.

Ontario cannot rely on the regulatory schemes in other provinces and territories. If the Bill passes in its current form, the legislative changes may result in an unintended abrogation of duty to protect Ontario citizens.

Nursing regulators across Canada noted several issues, including:

- Mandatory reporting obligations may not apply outside their province, depriving them of an important safeguard and source of information.
- They cannot collect and/or compel information and evidence given their legislation is limited to their province only.
- Their investigations and expertise are specific to their health system, legislative and regulatory context, including regulations (specifying the authorized activities of registrants), practice standards (expectations) and variations on scopes of employment.
- Some legal precedents suggest that a regulator may not be able to impose an interim suspension on a registrant practicing outside their jurisdiction (interim suspensions relate to matters that expose or are likely to expose patients to harm or injury, such as sexual abuse).

Nursing regulators can only require registrants practicing in their jurisdiction to comply with legislation, regulations, and standards of practice specific to that jurisdiction. Further, they cannot legally enforce provincial legislation and regulatory standards outside of their province. In other words, for a number of public safety mechanisms, no regulatory body will have jurisdiction over an individual practicing in Ontario but not registered here. If an investigation into professional misconduct were necessary, CNO has the expertise required with respect to the Ontario health system and would be well positioned to respond, if the individuals are registered.

The Canadian Nurses Protective Society (CNPS) who provide liability insurance to nurses issued the following [statement](#): "Although CNPS professional liability protection (PLP) is portable across all Canadian provinces and territories, to remain eligible for assistance, CNPS beneficiaries should keep in mind that eligibility for PLP is generally dependent on meeting registration requirements in the jurisdiction where you are practising. It is therefore important to verify that you are meeting all registration requirements before practicing in a new jurisdiction." This may limit the ability of nurses not registered with CNO and practicing in the province to hold liability insurance, which may pose risks to the public.

As mentioned above, many employers in Ontario rely on information provided on the public register and the ability to contact CNO with questions; they may not understand potential gaps in scope of practice or information that is available on other regulators' public register. Also, ensuring a health professional is in good standing and entitled to practice in their home jurisdiction does not guarantee that they are not the subject of an ongoing investigation or may have serious professional misconduct history. The information on the public register differs between jurisdictions as does the legislative provisions around sharing information. There may be exceptions for regulators to share information with each other, but many will not legally have the authority to share this information to potential employers in Ontario. This could present a risk to the public as well as increase the burden on health system employers.

Furthermore, some jurisdictions outline restrictions for a class of registration based on their regulations, which may not appear on the public register. This could create confusion in practice and uncertainty about how to enforce terms, conditions, or limitations as well as creating risks to patient safety.

We may also encounter challenges with Psychiatric Nurses who come to work in Ontario under any "As of Right" provisions, as we do not have this class in Ontario. If a Psychiatric Nurse from another Canadian jurisdiction works here under "As of Right", they would be unable to seek registration in Ontario in that nursing class.

CNO is the only primary and authoritative source of nursing workforce statistics in Ontario. Multiple stakeholders rely on CNO for accurate statistical reporting, including the Canadian Institute for Health Information and various Ministry of Health databases, such as the Health Professions Database, and Prescriber Database. One of the implications associated with enabling individuals to practice nursing in Ontario without becoming registered is that it

impedes CNO's ability to report accurate nursing statistics, and there will be no organization that has complete data.

We hope that the reflections shared help illustrate that if the Bill passes in its current form, the legislative change may pose risks to Ontarians. CNO is committed to working with the government to address the health human resources needs of Ontario. We are happy to assist identifying potential paths to improve labour mobility and propose solutions to support this and any new legislative requirements.

We look forward to further discussions and collaboration on these issues.

Sincerely,

Silvie Crawford, RN, BHScN, LLM (Health Law)  
Executive Director and CEO

## Attachment 1

### Overview of Labour Mobility Requirements

In compliance with federal labour mobility laws, when nurses come from another Canadian jurisdiction through labour mobility, we require them to meet the following to register with CNO:

- Verification of nursing practice, which we can get directly from the employer (evidence shows having recent practice is one mechanism to support safe patient care)
- Verification of registration from the other Canadian jurisdiction (e.g., this enables CNO to ensure there are no conduct matters that could pose a risk to patient safety)
- Police criminal record check (we can receive this in 48 hours – again, this is one mechanism to support safe and ethical patient care)
- Completion of the jurisprudence exam, which enables the applicant to demonstrate knowledge of Ontario laws and standards to support safe nursing care in this province (this is available online 24/7)
- Authorization to work document (proof of Canadian citizenship or permanent residence status, or valid open/unrestricted work permit or study permit) - the applicant can upload a copy of this in the Applicant Portal.

After we receive these requirements, their application form and payment, registration can occur within three days. For greater clarity, through labour mobility, applicants do not need to meet nursing education or exam given these were met when they registered in the other jurisdiction.