

Upcoming Changes to Oversight of Personal Support Workers October 2024

Background

On June 3, 2021, the Ontario government passed Bill 283, *Advancing Oversight and Planning in Ontario's Health System Act, 2021*. This legislation established the Health and Supportive Care Providers Oversight Authority (HSCPOA or the Authority) and created the framework for the regulation of personal support workers (PSWs) under the [Health and Supportive Care Providers Oversight Authority Act, 2021](#) (HSCPOAA or the Act).

Starting December 1, 2024, the regulations under the HSCPOAA will come into force. At this time, the public register will become available and PSWs will be able to voluntarily register with the HSCPOA. The Authority will also introduce a Code of Ethics and process for handling complaints, discipline, and appeals related to registered PSWs.

As this type of regulatory framework is novel, the Ontario Hospital Association (OHA) has developed this Frequently Asked Questions (FAQ) document to help hospitals understand how this new framework will impact them. This is a companion document to the OHA backgrounders:

- [Proposed Regulatory Framework for Personal Support Workers and Related Regulatory Proposal Under the Fixing Long-Term Care Act, 2021](#)
- [Ontario Announces the Advancing Oversight and Planning in Ontario's Health System Act, 2021](#)

For more information, please visit the [HSCPOA website](#). For more information about this FAQ document, please contact Meghana Kuriya, Legal Advisor, at mkuriya@oha.com.

What is the *Health Supportive Care Providers Oversight Authority Act, 2021* (HSCPOAA or the Act)?

As a part of Bill 283, HSCPOAA is a legislative framework in Ontario that governs the oversight of personal support workers (PSWs). It establishes the Health and Supportive Care Providers Oversight Authority (HSCPOA) as the oversight authority responsible for registering and overseeing PSWs.

What is the regulatory framework under the Act?

The regulatory framework introduced under the Act establishes regulations to govern PSWs in Ontario. These regulations are currently published but come into effect on December 1, 2024. This includes requirements for registration, the creation of a public register, enforcement of a PSW Code of Ethics, and the establishment of a complaints, discipline, and appeals process.

What are the HSCPOA's key functions?

As noted above, the HSCPOA is the independent oversight body created under the Act which is primarily responsible for registering and overseeing PSWs in Ontario, ensuring they meet consistent education, training and competency standards. The HSCPOA will perform several other functions including maintaining the public register of PSWs, enforcing the Code of Ethics, managing complaints, and overseeing dispute resolution and disciplinary actions for registered PSWs. It will also authorize registered PSWs to use their visual mark, a distinctive symbol provided to all PSWs registered with the HSCPOA which serves as the official identifier for PSWs under the Authority's oversight. For more information about the use of the visual mark, please visit the [HSCPOA website](#).

What is the scope of practice for registered and unregistered PSWs?

The PSW framework does not define a specific scope of practice for PSWs. Instead, each hospital may choose to determine the scope of practice for PSWs working within their organization, subject to the controlled acts provisions in the *Regulated Health Professions Act, 1991*.

There is no title protection for PSWs under the Act. This means that while registered PSWs receive a visual mark indicating their registration status, there is no legal restriction on the use of the title “Personal Support Workers.” Unlike titles such as “Nurse” and “Doctor,” which are protected by law and can only be used by individuals who meet specific regulatory requirements, the title “PSW” can be used by both registered and unregistered workers.

How does the oversight of PSWs differ from the regulation of other health care professionals, such as nurses or doctors?

The oversight of PSWs under the Act differs from the regulation of nurses and doctors in that PSW registration with the HSCPOA is voluntary, not mandatory. While nurses and doctors have a defined scope of practice set by legislation, the scope of PSW duties may be determined by the employer. The HSCPOA acts as an oversight body, maintaining the public register and managing complaints, but does not function as a traditional regulatory college with mandatory licensing, scope of practice or title protection.

How do PSWs apply for registration?

PSWs can apply for registration with HSCPOA through four different pathways based on their qualifications and experience:

1. Ontario PSW Education: For individuals who have completed a PSW program from an Ontario postsecondary institution, district school board, or Indigenous institution on or after July 1, 2014
2. Employed as a PSW in Ontario: For those employed as PSWs (or equivalent) in Ontario who have:
 - a. Worked at least 600 hours in Ontario within the past three years
 - b. Worked less than 600 hours in Ontario in the past three years but completed a 600-hour PSW education program outside of Ontario or Canada
3. Labour Mobility: For applicants on provincial-related registries or directories in the provinces of Alberta, British Columbia and Nova Scotia, allowing registration without an assessment when the applicant has provided care for three years before applying to the HSCPOA
4. Competency Assessment: For applicants with health-related education from outside of Canada, requiring an assessment to determine if they meet Ontario's PSW competencies

The registration pathway for PSWs employed in Ontario will remain open only until December 1, 2027. All PSWs who wish to register through this pathway or would be ineligible to register through any other pathway, must therefore, register before the date this pathway closes.

A decision by the HSCPOA to refuse an application for registration may be reviewed, on the applicant's request, by the Health Professions Appeal and Review Board (HPARB), in writing.

For more information about the registration pathways and the documentation requirements for each pathway, please visit the [HSCPOA website](#).

Is it mandatory for hospitals to employ only PSWs registered with the HSCPOA?

No. Registration with the HSCPOA is voluntary for PSWs. The government chose a voluntary approach which differs from the traditional regulatory model used for health professionals under the *Regulated Health Professions Act, 1991*.

Hospitals maintain discretion over whether to require registration as a condition of employment.

How can the public register help hospitals verify PSW credentials?

Starting December 1, 2024, the HSCPOA will maintain a public register that lists registered PSWs and provides details about their registration status, personal and professional information, and any disciplinary history.

The registry will include the registrant's legal name and gender, the business information for every location they provide PSW services, registration status, class, and number, the date of initial registration, registration history, and information about current and past registration with a regulatory authority in another jurisdiction. Additionally, it will contain information about complaints and investigations.

Hospitals will be able to use the register to verify the credentials of PSWs they intend to hire if they are registered. Non-registered PSWs will not appear on the public register.

What processes are in place for handling complaints and the discipline of registered PSWs?

The HSCPOA sets out a detailed process for managing complaints, discipline, and appeals. This includes investigating the complaint, notifying the PSW registrant, and allowing them to respond. The HSCPOA's CEO reviews the complaint and can mediate, issue warnings, require further training, impose conditions on PSW registration, or refer the matter to a discipline committee.

If the discipline committee finds that the PSW has failed to comply with the Code of Ethics, it may direct the HSCPOA's CEO to revoke the PSW's registration, suspend the PSW's registration, impose specified conditions on registration or take any other prescribed action as necessary. Disciplinary hearings are generally public, and changes to a PSW's status (for instance, to revoked or suspended) are listed on the public register. PSW registrants have the right to appeal any disciplinary decisions, which are then reviewed by an appeal committee. For more information, please refer to the [HSCPOA's Complaints and Concerns Process Flowchart](#) and the [HSCPOA's Discipline Process FAQs](#).

How does the process of PSW oversight differ for long-term care homes?

The Ministry of Long-Term Care (MLTC) proposed amendments to Regulation 246/22 under the *Fixing- Long Term Care Act, 2021* (FLTCA) that would allow PSWs to work in long-term care (LTC) homes if they:

- Are registered with the HSCPOA,
- Meet the registration requirements even if not formally registered, or
- Qualify under one of the exceptions outlined in the regulation.

These amendments aim to align the qualifications for PSWs in LTC homes with the registration pathways under the HSCPOA, while still maintaining specific exemptions for nurses, nursing students, or current PSW students. If approved, these amendments are set to come into force on December 1, 2024.