

LEGISLATIVE UPDATE

June 2024

Backgrounder

Amendments to Ontario Regulations under the Medicine Act, 1991

Context

On April 27, 2021, the provincial government introduced Bill 283, the [Advancing Oversight and Planning in Ontario's Health System Act, 2021](#). On June 3, 2021, Bill 283 received Royal Assent. One of the main aims of Bill 283 was to propose amendments to the *Medicine Act, 1991*, to include the regulation of physician assistants (PAs) under the College of Physicians and Surgeons of Ontario (CPSO).

The Ontario Hospital (OHA) prepared a [backgrounder](#) to provide members with a high-level and non-exhaustive overview of the components of Bill 283 that may be of interest to hospitals.

The amendments under Bill 283 were published on June 4, 2024, and will become effective on April 1, 2025.

In line with the forthcoming regulation of PAs under Bill 283, this Backgrounder provides members with a summary of the amendments made to regulations under the *Medicine Act, 1991*, including [Regulation 114/94: General](#), [Regulation 865/93: Registration](#) and [Regulation 856/93: Professional Misconduct](#).

I. Ontario Regulation 114/94: General

Continuing Professional Development and Self-Assessment (Section 29 and 29.1): Section 29 establishes the requirement for CPSO members to engage in an ongoing professional development program, which includes a self-assessment aspect, adhering to the criteria determined by either the Royal College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada. Effective April 1, 2025, this obligation will be expressly limited to members who are physicians due to the amendment incorporating the term “who are physicians” to differentiate their responsibilities from those of PAs, who will be governed by the newly created Section 29.1.

The newly created section 29.1 will require:

- **Mandatory CPD Participation:** PAs must engage in approved continuing professional development (CPD) programs aligned with standards from a designated body under Ontario Regulation 865/93 (Registration).
- **Proof of Annual Participation:** On an annual basis, PAs will be required to file evidence of participation in CPD to the College, which must be satisfactory to the Committee
- **Record-keeping Obligations:** In order to verify and monitor a member's commitment to continuing professional development, members are required to maintain comprehensive, approved records of their CPD activities for at least ten years following the date of participation.

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- **Submission of Records when Requested:** Upon request from the Committee, an assessor, or a College employee, PA members are obligated to submit their CPD participation records within a specified timeframe or, if none is provided, within 30 days of the request.

Delegation of Authorized Acts to Physician Assistants (Section 52)

Section 52 of the Regulation outlines the scope of authorized acts for physician assistants, which are as follows:

- **Conditions for Delegation (52(1)):** Physician assistants (PAs) are authorized to perform certain acts solely when a physician delegates these acts.
- **Prohibited Delegation in Psychotherapy (52(2)):** The delegation of psychotherapeutic treatments aimed at addressing serious mental disorders by physicians to PAs is prohibited.
- **Restriction on Re-delegation (52(3)):** PAs are precluded from re-delegating any acts that have been delegated to them. This requirement is designed to avert a diffusion of responsibility and secure unequivocal accountability in patient care.
- **Physician's Responsibility Before Delegation (52(4)):**
 1. Competency Check for Physicians: Physicians must ensure they have the necessary knowledge, skill, and judgment to perform the act themselves.
 2. Competency Check for PAs: Physicians must also ensure that PAs have the necessary knowledge, skill, and judgment to perform the act safely and competently.
- **Assumption of Authority (52(5)):** PAs may presume their entitlement to undertake delegated acts unless they have substantive reasons to doubt the legality of such delegation.
- **PA's Responsibility Before Performing Delegated Acts (52(6)):** Before executing any delegated act, PAs must ensure they have acquired the necessary knowledge, skills, and judgment to carry out these acts safely and proficiently, thereby prioritizing patient welfare and ensuring adherence to their professional capacity.

II. Ontario Regulation 865/93: Registration

General Registration Standards for Physician Assistants (Section 9.1): This amendment sets the minimum standards for education and certification that must be met to receive a certificate of registration to practice as a PA. This includes having a baccalaureate degree from a program accredited by specified bodies at graduation and one of the approved certifications. A temporary exemption is provided for applicants with specific Canadian training or experience within the two years before the application date.

Criteria	Details
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Educational Requirements	<p>The applicant must have at least a baccalaureate degree from a PA program that was <u>one</u> of the following:</p> <p><input type="checkbox"/> Accredited by the Canadian Medical Association or Accreditation Canada at the time of graduation.</p> <p><input type="checkbox"/> Accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) at the time of matriculation.</p> <p><input type="checkbox"/> Accredited by another accrediting body recognized by the Council at the time of graduation.</p> <p><input type="checkbox"/> Approved by the Council otherwise.</p>
Certification Requirements	<p>The applicant must have <u>one</u> of the following certificates as a PA:</p> <p><input type="checkbox"/> Canadian Certified Physician Assistant (CCPA) by the Physician Assistant Certification Council of Canada (PAC).</p> <p><input type="checkbox"/> Physician Assistant-Certified (PA-C) by the National Commission on Certification of Physician Assistants (NCCPA) (US).</p> <p><input type="checkbox"/> Any other credential approved by the Council.</p>
Transitional Provisions (Valid for 24 Months After Section Enactment)	<p>The educational and certification requirements do not apply if the following <u>two</u> conditions are met:</p> <p><input type="checkbox"/> The applicant is a graduate of the Canadian Armed Forces Health Training Centre Physician Assistant Program, or Ontario Physician Assistant Integration Program, as determined by the Centre for the Evaluation of Health Professionals Educated Abroad.</p> <p><input type="checkbox"/> The applicant demonstrates to the Registrar or Registration Committee panel that they practiced as a physician assistant in Canada during the two-year period before they submitted their application.</p>

Special Considerations Under Health Professions Procedural Code (Section 9.2): This amendment sets out the criteria under which applicants for registration as a PA in Ontario are exempt from the regular registration requirements and for further requirements, if any, for such applicants:

- **Automatic Qualification Recognition (9.2 (1)):** An applicant to whom section 22.18 of the [Health Professions Procedural Code](#) applies is automatically considered to meet the minimum registration requirements provided for in subsection 9.1(1). This provision recognizes the

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sufficiency of certain qualifications and experiences directly under specific provisions of the Code.

- **Need for Further Verification (9.2 (2)):** Although it is automatically recognized, applicants who do not show to the satisfaction of the Registrar or a panel of the Registration Committee that they practiced consistently with the role of a PA in the three years before their application must fulfill other additional requirements. These additional requirements may include specialized training or evaluations as determined by the Committee, ensuring the maintenance of professional competency.
- **Exemptions from Automatic Recognition (9.2 (3)):** Automatic qualification recognition ceases when it encounters the conditions outlined in subsection 22.18 (3) of the [Health Professions Procedural Code](#). Even if an applicant qualifies under section 22.18, compliance with certain specific criteria is mandatory to ensure that the profession's fundamental attributes of quality and integrity are preserved and adhered to.

Emergency Circumstances Practice – Physician Assistants (Section 9.3):

This section sets out the specific criteria for authorizing registration of PAs in an emergency:

- **Criteria for Emergency Registration (9.3 (1)):** The standards and qualifications for issuing a certificate of registration for PAs under emergency circumstances include:
 1. A directive from the Minister or a determination by the Council that emergency circumstances necessitate such registrations, grounded in the public interest.
 2. The applicant must hold a minimum of a baccalaureate degree from a program intended to train practicing PAs, accredited or approved by specific accrediting bodies recognized or approved by the Council at graduation.
 3. Any additional standards or qualifications identified by the Council as necessary for addressing the emergency circumstances are also required.
- **Non-Exemptible Requirements (9.3 (2)):** The stipulations mentioned in points 1, 2, and 3 are mandatory and cannot be waived.
- **Terms and Conditions (9.3 (3)):** The certificate for emergency practice is subject to expiration within one year of issuance or renewal or the 90th day post the Council's declaration that the emergency has ceased, whichever comes first. Holders must also comply with any other terms, conditions, and limitations deemed necessary by the Council for the duration of the emergency.
- **Renewal Provision (9.3 (4)):** The Registrar is authorized to renew the certificate for one or more terms, each not exceeding one year, provided the Council has not declared the end of the emergency circumstances.

Exemption for Former Emergency Registrants (9.4): An applicant who has possessed a certificate of registration for emergency practice as a PA issued by the College in the year directly before their current application is exempt from the standards and qualifications normally required under clause 2 (2) (c). This exemption specifically pertains to the application fee waiver; however, it does not extend to the annual membership fee.

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III. Ontario Regulation 856/93: Professional Misconduct

Effective April 1, 2025, paragraph 34 of subsection 1(1) of the regulation is amended by adding “or physician assistant” at the end thereof. As a result, the provision dealing with conduct unbecoming a physician will also apply in express terms to PAs.

Timeline and Next Steps

The OHA will continue to monitor the legislative progress and implementation of the amendments. Regular updates will be provided to keep members informed about the latest developments.

Any questions about the amendments made to the regulations under the *Medicine Act, 1991*, or Bill 283 can be directed to Meghana Kuriya, Legal Advisor at mkuriya@oha.com.