

## BRIEFING NOTE

**TO:** Council

**FROM:** Quality Assurance Committee

**DATE:** May 27, 2019

**SUBJECT:** 9.1 Suspending for QA Non-Compliance at Annual Renewal

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**Purpose:**

To review the process of suspending members at annual renewal for Quality Assurance (QA) non-compliance and the QA Committee's recommendation that members not be suspended at annual renewal for failing to meet QA requirements.

**Background:**

At its meeting on July 16, 2018, the Executive Committee reviewed how the College is addressing member QA non-compliance after a concern was brought to its attention regarding a member who is not in compliance with the College's QA program requirements. The Executive Committee directed the QA Committee to review the options available to the College when addressing member QA non-compliance, and recommend to Council how to proceed.

This topic was reviewed by the Committee at its meetings on September 25, 2018, December 11, 2018 and February 28, 2019.

**For Consideration:**

Under the *Regulated Health Professions Act, 1991*, all health professionals in Ontario must comply with a QA Program prescribed by their College's Council which promotes continuing competence and ensures all members maintain a high standard of practice and professionalism in the public interest. To assist opticians in meeting these legislative obligations, the QA Committee developed a QA Program that requires opticians to engage in self-assessment and professional development each year through the completion of a Professional Portfolio.

Each year, a percentage of the College's membership is selected by the QA Committee to participate in the Competency Review and Evaluation (CRE) process which requires members to submit their previous year's Professional Portfolio to the College for assessment. Since the launch of the current QA Program in 2014, CRE processes have been completed in 2015, 2016, 2017 and 2018.

The percentage of members who submit a Professional Portfolio completed correctly is increasing (from 42% in 2016 to 58% in 2018) and the percentage of members who submit a Professional Portfolio deficient in accredited hours is decreasing (from 30% in 2015 to 23% in 2018). The percentage of members who do not submit a Professional Portfolio is consistently between 3-6%.

The College's Registration Regulation (O. Reg. 869/93) sets out all requirements for obtaining and maintaining a certificate of registration for all classes of licensure with the College. Under the current regulation, the Registrar has the ability to suspend a member's certificate of registration if the member fails to submit any renewal requirements. In the current regulation, it is a renewal requirement that the member have fulfilled the requirements of the QA program. Similarly, the proposed updated Registration Regulation submitted to the Ministry of Health and Long-Term Care provides for suspension where a member "fails to provide the College with information about the member as required under the by-laws or a completed annual renewal form within the time period set by the College." This could include suspension for failing to meet the College by-law requirement to provide "information about the Member's participation in the Quality Assurance Program" (section 15.7(xv) of the by-laws), and the "completed annual renewal form" could continue to include a requirement to indicate QA compliance.

In February, 2019, an environment scan was conducted of all RHPA Colleges' QA programs as well as the Law Society of Ontario's Continuing Professional Development (CPD) process. The majority of RHPA Colleges require members to upload or declare QA requirements on an annual basis (either during annual renewal or at another date established by the QA Committee). Only one College (the College of Physicians and Surgeons) implements administratively suspensions for members who fail to meet annual QA requirements. The majority of RHPA Colleges are managing any QA non-compliance by requiring a member to undergo a peer and practice assessment and/or a referral to the Inquiries, Complaints and Reports Committee (ICRC).

The Law Society of Ontario (LSO) requires all lawyers and paralegals to report CPD requirements to the College by December 31 of every year. A \$200 fee is applied to any member accounts which do not contain the minimum CPD requirements after the deadline. Members are able to independently remedy their non-compliance until approximately May, when administrative suspensions are implemented.

At its meeting on February 28, 2019, the QA Committee considered the above information as well as legal advice on the topic provided to the College between January 2017 and January 2019. The Committee does not recommend to Council that members be suspended at annual renewal for failing to meet QA requirements. Instead, the Committee recommends that changes to the Quality Assurance Program be made to require members to report or upload their QA requirements to the College via the Member Portal by December 31 of every year. This would provide the Committee with greater oversight on members' participation in and compliance with the College's QA program. The Committee will also develop a process for any members who fail to report or upload their QA requirements to the College by the deadline. This would provide the

Committee with the opportunity to review any member's QA non-compliance shortly after the December 31 deadline.

**Recommendations:**

The Quality Assurance Committee does not recommend that Council suspend members at annual renewal for failing to meet QA requirements.