

The State of Regulation for Non-Regulated Practitioners in 2021

July 28, 2021

In light of the COVID-19 pandemic, prevailing regulatory practices are under quite a bit of scrutiny.

Unlike other countries, Canada's healthcare is generally self-regulated. Professionals who self-regulate under the RHPA (Regulated Health Professions Act) decide the skills and disciplinary processes fellow members must follow. For example, paramedics are uniquely placed to know how to care for someone pinned in a vehicle accident.

On the other hand, this can also be problematic since it can imply that the role of the colleges is not so much to protect the public interest as to establish territory for specific types of care.

This trend seems to be improving, however, with a shift towards more external government oversight, despite the usefulness of internal standards. The RHPA was established in 1991 when there were fewer professions as there are today, so some are regulated and others are not. Many new types of providers have emerged over the past 30 years. Several were granted self-regulation status, like Chinese medicine practitioners in 2013 or naturopaths in 2015, though not without controversy. (1)

Still, at a time when interdisciplinary care is becoming more prevalent, it looks increasingly unsustainable to have some groups that are highly regulated, while others have very little or none at all. Experts say it falls short of good public protection. (1)

Risks to Non-Regulated Healthcare Markets

Without regulatory oversight, non-regulated practitioners are exposed to a greater risk of litigation due to their own mistake and from clients' or patients' misdeeds.

Unlike regulated health-care professionals, non-regulated practitioners have no legally defined scope of practice, nor are they accountable to their own governing Colleges incorporated under the RHPA. Because of this lack of regulation, patients are in a vulnerable position, treated by providers without a legal scope of practice nor controlled standards of care.

Other problems arise from a lack of regulation. For example:

- A personal support worker fired because of alleged abuse or neglect could literally walk down the street and get hired by another agency who wouldn't know anything about it. Without regulations to govern the profession, PSWs charged with abuse are not all blacklisted, nor are all required to undergo the same training. Currently in Ontario, there are 16,000 PSWs who are registered with the OPSWA (Ontario Personal Support Worker Association), but all registrations are voluntary. The number of PSWs not registered with OPSWA in the province exceeds 80,000. (1)
- Pedorthists (who modify footwear and use assistive devices to help people with conditions affecting the feet or lower limbs) face a similar problem in their practice. In the absence of regulation, poorly trained or unethical providers charge insurance companies and patients for devices that do not help. As a result, pedorthists have formed a voluntary organization, the College of Pedorthists of Canada, which certifies their credentials and investigates complaints.

In non-regulated industries, flexible self-regulation is a key advantage. Nevertheless, more regulation would provide greater protection for patients as well as healthcare professionals.

Public protection should not be based on size. Smaller professions that cannot afford to maintain a college defined by RHPA (Regulated Health Professionals Act) should also have title protection under new legislation.

MedThree Covers Non-Regulated Healthcare Practitioners

MedThree offers full coverage for Non-regulated Practitioners for both their personal professional liability and clinic or office needs. We also cover voluntary/mandatory structured solutions for Association Programs.

Non-Regulated Practitioners include:

- Physician Assistant
- Holistic practitioners

- Medical Estheticians
- Art therapy
- Personal Support Worker/Health Care Aide
- Various Massage Therapists
- Nutritionists
- Various counsellors and therapists
- Personal trainers/fitness trainers
- Yoga teachers

To learn more, visit us at <https://medthreeinsurance.com/products/healthcare.html>.

Content is current as of the date of broadcast and is subject to change without notice.

Sources:

1. <https://healthydebate.ca/2016/03/topic/health-professional-regulation/>