

Improving Access to Registration and Introducing an Emergency Class of Registration: An Overview of the Amendments to the *Regulated Health Professions Act* as part of Bill 106

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By

On April 14, 2022, important amendments to the *Regulated Health Professions Act* ("RHPA") received Royal Assent. These amendments were passed as part of Bill 106, *Pandemic and Emergency Preparedness Act, 2022*, which amended several statutes related to emergency matters. Like the [amendments to the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* \("FARPACTA"\)](#), the RHPA amendments are aimed at removing barriers to registration.

Summary of Amendments

The following is a high-level overview of the amendments to the RHPA and Schedule 2 to the RHPA (the Health Professions Procedural Code):

1. introduction of regulation-making power to allow for establishing time limits in which Registrars and Registration Committees must make certain registration decisions;
2. requirement for Colleges to comply with the forthcoming regulations respecting English or French language proficiency requirements;
3. prohibition on Colleges from requiring Canadian experience as a qualification for registration, subject to exemptions in the forthcoming regulations; and
4. requirement for Colleges to make regulations establishing an emergency class of registration that meets the requirements in the forthcoming regulations.

Breakdown of Amendments

The following is a detailed breakdown of the amendments to the RHPA, which are now in force:

- "Canadian experience" is included as a defined term and the meaning is to be prescribed by the regulations;
- new regulation-making power given to the Minister to prescribe the meaning of "Canadian experience" for the purposes of the RHPA;
- new regulation-making power given to the Minister to establish and govern requirements with respect to the amount of time in which Colleges must make the following registration decisions as set out in the RHPA:
 - the Registrar's decision to register the applicant or refer the application to the Registration Committee;
 - the Registrar's decision, with consent of the applicant and with approval of a panel of the Registration Committee, to issue a certificate of registration with terms, conditions or limitations;

- the orders of a panel of the Registration Committee after a referral of an application from the Registrar;
- the order of a panel of the Registration Committee, with consent of the applicant, to direct the Registrar to issue a certificate of registration with terms, conditions or limitations;
- the orders of a panel of the Registration Committee after an application by a member to remove or modify any term, condition or limitation imposed on a member's certificate of registration because of a registration proceeding; and
- the Registrar's decision to give leave for a member to make a new application within six months of an application to vary a certificate of registration having been disposed of, if the Registrar is satisfied that there has been a material change in circumstances that justifies the giving of the leave;
- new regulation-making power given to the Minister to establish and govern English or French language proficiency requirements, including what constitutes English or French language proficiency testing requirements;
- new regulation-making power given to the Minister to establish and govern exemptions from the restriction on requiring Canadian experience; and
- new regulation-making power given to the Minister to establish and govern requirements for emergency classes of registration.

The following is a detailed summary of the amendments to Schedule 2 to the RHPA (the Health Professions Procedural Code), which come into force on a day to be named by proclamation of the Lieutenant Governor:

- new requirement for Colleges to comply with language proficiency requirements as set out in the forthcoming regulations;
- new prohibition on Colleges to require Canadian experience as a qualification for registration unless an exemption is provided for in the forthcoming regulations; and
- new requirement for Colleges to make regulations establishing an emergency class of registration, which must meet the requirements set out in the forthcoming regulations.

Impact on Colleges

Colleges that are governed by the RHPA are advised to review their by-laws, registration processes, and the practices of their Registration Committees to ensure they are prepared to adopt the new features of the Government's registration regime. Regulators should also keep informed of forthcoming regulations related to these amendments, which will provide necessary direction for Colleges to implement and comply with the new registration requirements.

For further assistance in understanding the amendments to the RHPA and the impact on the regulated professions that it governs, please contact [Sarah Yun](mailto:syun@weirfoulds.com) at syun@weirfoulds.com or any member of the [Professional Self-Regulatory Bodies Group](#) at WeirFoulds LLP.

The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular application of the law to specific situations, the reader should seek professional advice.

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