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Monday 19 October 2009

**Journal
des débats
(Hansard)**

Lundi 19 octobre 2009

**Standing Committee on
Social Policy**

Regulated Health Professions
Statute Law
Amendment Act, 2009

**Comité permanent de
la politique sociale**

Loi de 2009 modifiant des lois
en ce qui concerne
les professions
de la santé réglementées

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Monday 19 October 2009

Lundi 19 octobre 2009

The committee met at 1400 in committee room 1.

**REGULATED HEALTH PROFESSIONS
STATUTE LAW
AMENDMENT ACT, 2009**

**LOI DE 2009 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LES PROFESSIONS
DE LA SANTÉ RÉGLEMENTÉES**

Consideration of Bill 179, An Act to amend various Acts related to regulated health professions and certain other Acts / Projet de loi 179, Loi modifiant diverses lois en ce qui concerne les professions de la santé réglementées et d'autres lois.

The Chair (Mr. Shafiq Qadri): Colleagues, I'd like to call the meeting to order. As you know, we're here for clause-by-clause consideration of Bill 179, An Act to amend various Acts related to regulated health professions and certain other Acts.

Before we begin consideration of the various amendments and motions, is there any other general business before the committee? If not, I would invite Mr. Balkissoon to please begin with government motion 1.

Mr. Bas Balkissoon: I move that subsection 11.1(1) of the Commitment to the Future of Medicare Act, 2004, as set out in subsection 1(2) of the bill, be amended by striking out "for providing a designated service" and substituting "for a designated service rendered."

It's just a technical motion, and I hope the committee would support it.

The Chair (Mr. Shafiq Qadri): Are there any further questions or comments that anyone would like to make on that? If not, we'll proceed to the vote. Those in favour of government motion 1? Those opposed? Government motion 1 is carried.

Motion 2.

Mr. Bas Balkissoon: I move that subsection 11.1(3) of the Commitment to the Future of Medicare Act, 2004, as set out in subsection 1(2) of the bill, be struck out and the following substituted:

"Application to board

"(3) Any person or entity with standing may apply to the board,

"(a) for a review to determine whether a charge, payment or other benefit was made or accepted contrary to subsection (1); or

"(b) for a review of a determination made under subsection (2).

"Standing

"(3.1) For the purposes of subsection (3),

"person or entity with standing' means,

"(a) in clause (3)(a),

"(i) a person or entity that charged or may have charged or accepted or may have accepted payment or other benefit for a designated service rendered to an insured person,

"(ii) an insured person to whom a designated service was rendered or may have been rendered or who was charged or may have been charged for a designated service or who paid for or provided a benefit or may have paid for or provided a benefit for a designated service,

"(iii) a prescribed person referred to in subsection (2), or

"(iv) any other person or entity provided for in the regulations, and

"(b) in clause (3)(b),

"(i) a person or entity that has been determined to have charged or accepted payment or other benefit for a designated service rendered to an insured person,

"(ii) an insured person to whom a designated service was rendered who has been determined to have been charged or determined to have paid for or provided a benefit for the designated service, or

"(iii) any other person or entity provided for in the regulations."

The Chair (Mr. Shafiq Qadri): Any questions or comments? We'll proceed to the vote. Those in favour? Those opposed. Motion carried.

Motion 3.

Mr. Bas Balkissoon: I move that subclause 11.1(7)(a)(ii) of the Commitment to the Future of Medicare Act, 2004, as set out in subsection 1(2) of the bill, be amended by striking out "service" at the end and substituting "designated service."

Another technical amendment.

The Chair (Mr. Shafiq Qadri): Comments?

M^{me} France Gélinas: It was just a technical amendment? The "designated" had been forgotten; is that it?

Mr. Bas Balkissoon: That's correct.

The Chair (Mr. Shafiq Qadri): Further comments? Vote: All those in favour? Those opposed? Motion carried.

Shall section 1, as amended, carry? Section 1 carries, as amended.

Section 2: NDP motion 4.

M^{me} France Gélinas: I move that section 2 of the bill be amended by adding the following subsection:

“(1.1) Subsection 5(1) of the act is amended by adding the following paragraph:

“5. Communicating a diagnosis.”

The Chair (Mr. Shafiq Qadri): Any further comments on that from yourself?

M^{me} France Gélinas: Currently, podiatrists are permitted to communicate a diagnosis, and although chiropodists do the exact same work—it’s just that they have been trained in Canada rather than in the US—they are not allowed to do this. The Ontario Society of Chiropodists made compelling arguments for changing this inequality based on where you took your training although you do the exact same work.

The Chair (Mr. Shafiq Qadri): Mr. Balkissoon.

Mr. Bas Balkissoon: The government cannot support this motion at this time. HPRAC is currently reviewing the model of foot care and other issues related to the regulation of chiropody and podiatry in Ontario. I would say that it’s inappropriate at this time to make this particular change until we receive the comprehensive advice from HPRAC.

The Chair (Mr. Shafiq Qadri): Ms. Elliott.

Mrs. Christine Elliott: We would support the amendment being put forward by Ms. Gélinas for the NDP. It just corrects some confusion which could be easily corrected by making this change.

The Chair (Mr. Shafiq Qadri): Further comments? We’ll proceed with the vote. Those in favour of NDP motion 4? Those opposed? I declare NDP motion 4 to have been defeated.

PC motion 4.1.

Mrs. Christine Elliott: I move that section 2 of the bill be amended by adding the following subsection:

“(1.1) Subsection 5(2) of the act is amended by striking out ‘who is a podiatrist’ in the portion before paragraph 1.”

Again, this was at the request of the Ontario Society of Chiropodists, just to allow the chiropodists to execute the action of communicating a diagnosis and removing the confusion between the designations of “podiatrist” and “chiropodist” to allow for the entire practice to be able to do this.

The Chair (Mr. Shafiq Qadri): Comments? Vote: Those in favour of PC motion—

Interjection.

The Chair (Mr. Shafiq Qadri): Oh, sorry. Mr. Balkissoon.

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Mr. Bas Balkissoon: Again, the government cannot support this motion because HPRAC is doing a review at this present time, and until that review is completed, it

would be inappropriate to determine whether this would be an appropriate thing to do because of the financial impacts that it may have, and it may also have an impact on wait times.

The Chair (Mr. Shafiq Qadri): Now PC motion 4.1: We’ll proceed to the vote. Those in favour? Those opposed? PC motion 4.1 is defeated.

Shall section 2 carry? Carried.

Section 3: PC motion 5.

Mrs. Christine Elliott: I move that section 3 of the bill be amended by adding the following subsection:

“(2) Section 4 of the act is amended by adding the following paragraph:

“4. Ordering the application of a prescribed form of energy.”

This amendment was proposed by the College of Chiropractors of Ontario and the Ontario Chiropractic Association, and would enable chiropractors to order diagnostic tests in a manner consistent with section 27.1 of the RHPA. Both the CCO and the OCA believe that access to diagnostic tests by chiropractors will diminish the necessity of referring patients to other health professionals to test for disorders that are within the chiropractic scope of practice, resulting in cost savings and improved care.

The Chair (Mr. Shafiq Qadri): Now, before I—or even if I—invite committee members to comment, I am advised that this particular motion is beyond the scope and therefore out of order. I will invite you to accept the Chair’s word on that. If you would like some further strengthening of that argument, we have legislative counsel available, but that is up to you.

M^{me} France Gélinas: I would like further information as to why this is ruled out of order.

Le Président (M. Shafiq Qadri): C’est absolument votre choix. Nous commençons.

Legislative counsel, please.

Mr. Ralph Armstrong: Well, I speak to my general understanding of the rules of procedure in that normally, in an amending bill, a section of an act that is not opened by the bill cannot be amended by motion in committee. I will defer to the procedural clerk if I have misunderstood.

The Chair (Mr. Shafiq Qadri): I’ll give the floor to Mrs. Witmer and then—

Mrs. Elizabeth Witmer: Well, I would then like to ask for unanimous consent to open this section of the act.

The Chair (Mr. Shafiq Qadri): That is allowed. Mrs. Witmer has now put a motion before the committee. She’s asking for unanimous consent. Is there unanimous consent?

Mr. Bas Balkissoon: I don’t think the government can support unanimous consent on this particular issue.

The Chair (Mr. Shafiq Qadri): I do not hear unanimous consent. I will therefore pass on to Madame Gélinas.

M^{me} France Gélinas: I still don’t understand. The bill makes reference to the law that governs the practice of chiropractors; therefore, it’s in. I mean, we are making amendment to the Chiropractors Act with Bill 179.

Therefore, I don't understand why it's being ruled out of order.

The Chair (Mr. Shafiq Qaadri): To legislative counsel.

Mr. Ralph Armstrong: Once again, it's my understanding that this rule is a fairly mechanical one, that although the general scope of chiropractic might be said to be open, the actual section 4 to which there's an amendment has not been opened. Once again, I'm prepared to defer to the rules of procedure—I'm speaking as a lawyer—that this section is not open. This is a procedural issue.

The Chair (Mr. Shafiq Qaadri): I would say, as Chair, that if Madame Gélinas would like further information on it, I would appreciate if you would give something to her in writing.

Is there any further consideration?

Mrs. Carol Mitchell: I certainly respect your ruling, Mr. Chair. With regard to motion 6, would it fall within the same category?

The Chair (Mr. Shafiq Qaadri): We'll rule on it when we get to it, Ms. Mitchell, but possibly. We have now motion 5 before the committee. Are there any further comments on motion 5?

I'll take it as the committee's will that we have now officially ruled it out of order and therefore it is disposed of.

I would now invite Madame Gélinas to present NDP motion 6.

M^{me} France Gélinas: Although I still don't fully understand why it's being ruled out of order, I say that if the PC motion was ruled out, mine is probably following suit, because mine looks pretty well similar. But we'll—

The Chair (Mr. Shafiq Qaadri): You may present it or withdraw it, or have it ruled out of order momentarily, as you wish.

M^{me} France Gélinas: Okay. I will present it anyway.

I move that section 3 of the bill be amended by adding the following subsection:

“(2) Section 4 of the act is amended by adding the following paragraph:

“4. Ordering the application of a prescribed form of energy.”

The Chair (Mr. Shafiq Qaadri): And the same motion, for the same reason, is ruled out of order, for reasons more or less comprehensible or not.

Therefore, I will now move to ask: Shall section 3 carry? Carried.

NDP motion 7 on section 4: Madame Gélinas.

M^{me} France Gélinas: All right.

I move that section 4 of the bill be amended by adding the following subsection:

“(1.1) Section 4 of the act is amended by adding the following paragraph:

“4. Administering a substance by injection.”

The dental hygienists now have an independent scope of practice that allows them to work on their own. Lots of people are very nervous when they go and require the services of a dental hygienist, and some of the procedures

that they do could be painful, no matter how careful they are at doing their work. This would make it a lot more tolerable for a lot of people.

The Chair (Mr. Shafiq Qaadri): Any further comments? Ms. Elliott and then to Mr. Balkissoon.

Mrs. Christine Elliott: I would support this amendment as well. It was clear that the dental hygienists would like to have this ability.

The Chair (Mr. Shafiq Qaadri): Mr. Balkissoon?

Mr. Bas Balkissoon: The government cannot support this motion at this time. This matter would require further policy review and consultation.

HPRAC did advise the minister on the issue. They found that dental hygiene education in Ontario currently does not support the performance of this activity, so the government supports HPRAC's findings.

The Chair (Mr. Shafiq Qaadri): Further comments?

M^{me} France Gélinas: Certainly, ensuring competence is the work of a college, and I couldn't see the college of hygienists or any other college giving their members the right to do something that they are not fully trained to do safely.

By passing this amendment, we're basically giving the college the opportunity to review the training that is given to dental hygienists to make sure that this work is performed. The college has no intention of giving their members the right to do something that they are not qualified to do, but they are willing to review all of the colleges that offer this training in Ontario to make sure that, in the future, once they feel their members can perform this task safely, the bill allows them to move forward.

The Chair (Mr. Shafiq Qaadri): Any further comments before the vote? We'll proceed now to consider the vote. Those in favour of NDP motion 7? Those opposed? I declare NDP motion 7 to have been defeated.

Shall section 4 carry? Carried.

Since we have not received any amendments or motions for sections 5 and 6, I invite the committee to consider them en bloc. Those in favour of sections 5 and 6 to carry? Carried.

We'll proceed now to section 7, NDP motion 8.

M^{me} France Gélinas: I move that section 7 of the bill be amended by adding the following subsection:

“(0.1) Section 3 of the Dietetics Act, 1991 is repealed and the following substituted:

“Scope of practice

“3. Dietetics is the assessment of nutrition related to health status and conditions for individuals and populations, the management and delivery of nutrition therapy to treat disease, the management of food systems, and building the capacity of individuals and populations to promote or restore health and prevent disease through nutrition and related means.”

The Chair (Mr. Shafiq Qaadri): Comments?

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M^{me} France Gélinas: Basically, the College of Dietitians of Ontario thought that this change was necessary to ensure that a different objective was met with the

scope of practice; that is, to inform the public of the activities of their profession not necessarily related to a controlled act. Many other professions, if you look, have a broader interpretation of scope of practice than simply the controlled acts that make up bills. This is what this amendment is trying to do: to show that the profession of dietitian is broader in scope than just the controlled acts.

The Chair (Mr. Shafiq Qadri): Again, before I open the floor for the committee, it is with genuine regret that I inform you that that motion is out of order.

M^{me} France G elinas: Why, again?

The Chair (Mr. Shafiq Qadri): Why, again?

M^{me} France G elinas: Is it always the same reason?

Mr. Ralph Armstrong: I've been handed a sheet of paper here which sets out the rule as I understand it. Amending a section of a parent act that is not before the committee is normally out of order. Section 3 of the Dietetics Act has not been opened. A new section 3.1 is being entered, but that's a separate section from 3. So 3 is not opened—it's not necessarily opened by the amendment to 3.1. Under the rules of clause-by-clause consideration, it is, in my understanding, out of order, and so, I believe, the Chair has ruled.

The Chair (Mr. Shafiq Qadri): Is that satisfactory?

M^{me} France G elinas: No, but I'll accept it anyway.

The Chair (Mr. Shafiq Qadri): Thank you. Having declared NDP motion 8 out of order, it is now disposed of.

I will now invite Madame G elinas to please present NDP motion 9, which I am pleased to tell you is not out of order.

M^{me} France G elinas: I move that section 3.1 of the Dietetics Act, 1991, as set out in section 7 of the bill, be amended by adding "and despite anything in the Public Hospitals Act, a member may order nutrition therapy in a public hospital" at the end.

Basically, when the nutritionists were here, they made it clear that they are the ones who write the nutrition prescriptions in the hospital, but they have to look around for another member of the team to sign them so that they can be applied in the hospital. It would make the collaboration between the different health care professionals more balanced as well as making it easier for people to benefit from the work that nutritionists/dietitians have to offer in the hospital setting.

The Chair (Mr. Shafiq Qadri): Ms. Elliott.

Mrs. Christine Elliott: We would support this amendment as well. It was pretty clear from the deputation that was made by the dietitians that this would significantly assist them in getting nutrition therapy to patients in the easiest possible manner and would not require a physician's approval in order to proceed with it.

The Chair (Mr. Shafiq Qadri): Mr. Balkissoon.

Mr. Bas Balkissoon: A matter of this type is better dealt with in regulation. As a result, the government cannot support this motion as it's before us. If Bill 179 is passed, the government may propose regulations that would look after this issue.

The Chair (Mr. Shafiq Qadri): Further comments before the vote? We'll proceed to the vote. Those in favour of NDP motion 9? Those opposed? NDP motion 9 is defeated.

Shall section 7 carry? Carried.

Section 8: I invite Madame G elinas to present NDP motion 10.

M^{me} France G elinas: I move that section 8 of the bill be amended by adding the following subsection:

"(0.1) Subsection 1(1) of the Drug and Pharmacies Regulation Act is amended by adding the following definitions:

""dispensing" means the provision of prescription drugs to a patient by a professional pursuant to a prescription and as authorized by law after the professional,

""(a) records, selects, measures, reconstitutes if necessary, inspects, packages and labels the drug; and,

""(b) uses professional judgment and all relevant patient-specific information available to confirm the appropriateness of supplying the drug in the particular situation;

""remote" means a defined geographic or underserved area of Ontario, established by regulation, where patients are unable to obtain dispensing services within a reasonable time frame."

What this motion sets out to do is define what "dispensing" means and what "remote" means in order to protect patient safety and ensure a benchmark when determining the needs of a community.

The Chair (Mr. Shafiq Qadri): Any further comments?

Mr. Bas Balkissoon: The government is not going to support this motion. This motion introduces the definition of "dispensing." Dispensing is a controlled act under the Regulated Health Professions Act, 1991. The term has never been defined in any Ontario legislation. Defining "dispensing" in this manner would have a significant impact on all health professionals who are permitted to dispense a drug. Additionally, the proposed definition would prevent the use of dispensing technology.

This motion also introduces the definition of "remote" and would limit the scope of remote dispensing. The proposed definition would restrict remote dispensing only to cases where patients live in an underserved area—which would be hard to define—and would not be able to obtain dispensing services within a reasonable time frame. This would also limit the ability of the Ontario College of Pharmacists to regulate remote dispensing.

The Chair (Mr. Shafiq Qadri): Any further comments?

M^{me} France G elinas: I would say that this is the reason why we need a definition, because we are moving ahead with remote dispensing while there is no clear regulation or direction coming from legislation regarding what remote dispensing machines should be used for. To me, we have an obligation to give direction before this

new technology is rolled out, and this is what this amendment seeks to do.

The Chair (Mr. Shafiq Qadri): Any further comments before we proceed to the vote? Seeing none, those in favour of NDP motion 10? Those opposed? NDP motion 10 is defeated.

NDP motion 11.

M^{me} France Gélinas: I move that subsection 118(3) of the Drug and Pharmacies Regulation Act, as set out in subsection 8(3) of the bill, be struck out and the following substituted:

“Same

“(3) Nothing in this act prevents any person from selling a drug to a person to use in the course of engaging in the practice of his or her profession, where that person may use that drug in the course of engaging in the practice of his or her profession.”

This basically makes sure that selling a permitted drug remains an implicit rather than explicit authority.

The Chair (Mr. Shafiq Qadri): Mr. Balkissoon.

Mr. Bas Balkissoon: Again, the government cannot support this motion. Stakeholders have advised that the existing wording of subsection 118(3) ensures that practitioners who use drugs in the course of engaging in the practice of their profession have access to them. The government is proposing its own motion on this matter that would retain the current wording. Stakeholders have also advised that the existing wording ensures that practitioners who use drugs in the course of engaging in the practice of their profession do have access to them. Hopefully our motion will solve that problem.

The Chair (Mr. Shafiq Qadri): Comments?

M^{me} France Gélinas: The way the bill is written now, it has the unintended consequence that the obligation of providing explicit authority is unreasonable, and if we keep the wording as it is now, this is what health professionals are going to have to deal with.

The Chair (Mr. Shafiq Qadri): If there are no further comments, we'll proceed to the vote. Those in favour of NDP motion 11? Those opposed? NDP motion 11 is defeated.

Government motion 12.

Mr. Bas Balkissoon: I move that subsection 118(3) of the Drug and Pharmacies Regulation Act, as set out in subsection 8(3) of the bill, be struck out and the following substituted:

“Same

“(3) Nothing in this act prevents any person from selling, to a member of the College of Chiropractors of Ontario, the College of Dental Hygienists of Ontario, the College of Midwives of Ontario or the College of Optometrists of Ontario, a drug that the member may use in the course of engaging in the practice of his or her profession.”

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The Chair (Mr. Shafiq Qadri): Any comments?

Mr. Bas Balkissoon: This is basically a technical amendment to return the wording that is in the current act.

The Chair (Mr. Shafiq Qadri): Any further comments? Seeing none, we'll proceed to the vote. Those in favour of government motion 12? Those opposed? Government motion 12 is carried.

NDP motion 13: Madame Gélinas.

M^{me} France Gélinas: I move that subsection 146(1.01) of the Drug and Pharmacies Regulation Act, 1991, as set out in subsection 8(5) of the bill, be amended by adding the following clause:

“(a.01) access to care in the area is truly limited, as defined in the regulations.”

The Chair (Mr. Shafiq Qadri): You're welcome to make comments.

M^{me} France Gélinas: Basically, it goes again with the idea of remote dispensing, where we want to make sure that the machines are used to fill a clear gap and not just because there's a profit to be gained. The motivation to put those dispensing machines out is very much based on how much profit can be made and not necessarily on the needs of a community. A community needs a real pharmacist. I represent ridings in northern Ontario where communities work really hard to try to recruit a pharmacy and a pharmacist. If those remote dispensing machines start to come into the rural areas, it will be impossible for those communities to ever recruit a pharmacist. A pharmacist who lives in your community, who becomes part of your community and who can help the community on many, many levels that a machine will never do—this is what this amendment is trying to do.

The Chair (Mr. Shafiq Qadri): Comments? Mr. Balkissoon.

Mr. Bas Balkissoon: The government cannot support this motion. This motion would require that remote dispensing is available only in cases where access to care in the area is truly limited. This would limit the applicability of remote dispensing. Also, to put it in legislation, it would be hard to define. As communities grow, you will find that it gets outdated very quickly. I think what the government is trying to do here is to enable the technology, and we would leave it to the college to decide and regulate it in the future.

The Chair (Mr. Shafiq Qadri): Further comments? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 13? Those opposed? NDP motion 13 is defeated.

Shall section 8, as amended, carry? Carried.

Section 9: NDP motion 14, Madame Gélinas.

M^{me} France Gélinas: I move that section 9 of the bill be amended by adding the following subsection:

“(1.1) Section 6 of the act is amended by adding the following subsection:

“Same

“(1.1) Despite subsection (1) or anything else in this act, a member of the College of Nurses of Ontario who holds an extended certificate of registration under the Nursing Act, 1991, may order the additional diagnostic imaging modality of computed tomography (CT) scans.”

The Chair (Mr. Shafiq Qadri): Further comments?

M^{me} France Gélinas: From me?

The Chair (Mr. Shafiq Qaadri): As you wish.

M^{me} France Gélinas: Sure. It is important for a nurse practitioner, in order to do their work, to be able to order CT scans. The authority to order this specialized image will increase the overall efficacy of the nurse practitioner's assessment and treatment, and it will reduce the costs as a whole, because right now if the nurse does an assessment and believes that a CT scan is needed, then a referral to a different member of the health team needs to be done.

The Chair (Mr. Shafiq Qaadri): First Ms. Witmer, then Mr. Balkissoon.

Mrs. Elizabeth Witmer: We certainly support this amendment and what Ms. Gélinas has just said. This applies to the nurse practitioner, of course. If the need for a CT scan was recognized, we could expedite the process without the referral to a physician, so this would certainly be in the best interests of the patient. Also, remember, this would only be for those people who have that extended certificate of registration under the Nursing Act.

The Chair (Mr. Shafiq Qaadri): Mr. Balkissoon.

Mr. Bas Balkissoon: The government does not support this motion. The Healing Arts Radiation Protection Act does not distinguish between X-ray technologies with respect to the operation of an X-ray machine. Therefore, the motion is inconsistent with the structure of the act, and we see it as unnecessary.

The Chair (Mr. Shafiq Qaadri): Are there any further comments? Madame Gélinas?

M^{me} France Gélinas: Does that mean that under the act, they could order CTs like they order X-rays, or they can't?

Mr. Bas Balkissoon: I don't have the act in front of me, but the advice I received from the ministry staff—and if you could give me a second, Mr. Chair, I'll just consult.

Interjection.

Mr. Bas Balkissoon: I'm being told it does.

M^{me} France Gélinas: So the nurse with extended class can order a CT scan?

Mr. Bas Balkissoon: That's what the ministry staff tells me, under the changes that are being recommended later on in the bill also.

M^{me} France Gélinas: Very good.

The Chair (Mr. Shafiq Qaadri): We'll now proceed to the vote. Those in favour of NDP motion 14? Those opposed? NDP motion 14 is defeated.

NDP motion 15: Madame Gélinas.

M^{me} France Gélinas: I move that section 9 of the bill be amended by adding the following subsection:

“(2.1) Section 6 of the act is amended by adding the following subsection:

“Nurses

“(4) Despite anything else in this section, a member of the College of Nurses of Ontario who is a registered nurse and who has the appropriate education and knowledge may order mammograms and simple X-rays of the chest, ribs, arm, wrist, hand, leg, ankle or foot.”

This amendment is really in keeping with what is going on in the field of nursing. More and more nurses do triage, and more and more nurses have the appropriate education. The college of nurses is plenty capable of doing the assessment of their members to make sure that only members who are qualified to order those simple X-rays and mammograms do so, and it would make the work of many teams within hospitals, outpatient clinics, emergency community health centres etc. a much easier flow for the patients who use those services.

The Chair (Mr. Shafiq Qaadri): Mr. Balkissoon.

Mr. Bas Balkissoon: The government does not support this motion. We see that a comprehensive policy review would be required, including whether current nursing education in the province supports the safe performance of this activity by nurses.

The Chair (Mr. Shafiq Qaadri): Further comments? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 15? Those opposed? NDP motion 15 is defeated.

Shall section 9 carry? Carried.

Section 10, government motion 16: Mr. Balkissoon.

Mr. Bas Balkissoon: I move that subsection 10(1) of the bill be struck out and the following substituted:

“(1) The definitions of ‘evaluator’ and ‘health practitioner’ in subsection 2(1) of the Health Care Consent Act, 1996 are repealed and the following substituted:

“‘evaluator’ means, in the circumstances prescribed by the regulations,

“(a) a member of the College of Audiologists and Speech-Language Pathologists of Ontario,

“(b) a member of the College of Dietitians of Ontario,

“(c) a member of the College of Nurses of Ontario,

“(d) a member of the College of Occupational Therapists of Ontario,

“(e) a member of the College of Physicians and Surgeons of Ontario,

“(f) a member of the College of Physiotherapists of Ontario,

“(g) a member of the College of Psychologists of Ontario, or

“(h) a member of a category of persons prescribed by the regulations as evaluators; (“appréciateur”)

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“‘health practitioner’ means a member of a college under the Regulated Health Professions Act, 1991, a naturopath registered as a drugless therapist under the Drugless Practitioners Act or a member of a category of persons prescribed by the regulations as health practitioners; (“praticien de la santé”)

“(1.1) The definition of ‘health practitioner’ in subsection 2(1) of the act, as re-enacted by subsection (1), is amended by striking out ‘a naturopath registered as a drugless therapist under the Drugless Practitioners Act.’”

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Bas Balkissoon: This motion ensures that drugless therapists are included as health practitioners under the Health Care Consent Act.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we'll proceed to the vote. Those in favour of government motion 16? Those opposed? Carried.

Shall section 10, as amended, carry? Carried.

Section 11: no motions received to date. Shall section 11 carry? Carried.

PC motion on section 12, motion 17: Ms. Elliott.

Mrs. Christine Elliott: I move that section 12 of the bill be amended by adding the following subsections:

“(0.1) The definition of ‘laboratory’ in section 5 of the Laboratory and Specimen Collection Centre Licensing Act is amended by adding ‘but does not include a place where a member of the College of Naturopaths of Ontario is engaged in the practice of naturopathy for the purpose of treating his or her own patients’ at the end.

“(2) The definition of ‘laboratory’ in section 5 of the act, as re-enacted by the Statutes of Ontario, 2007, chapter 10, schedule P, section 18, is amended by adding ‘but does not include a place where a member of the College of Naturopaths of Ontario is engaged in the practice of naturopathy for the purpose of treating his or her own patients’ at the end.”

This amendment was proposed by the Ontario Association of Naturopathic Doctors to ensure that they have the required authority to perform and order lab testing for their patients.

The Chair (Mr. Shafiq Qaadri): Further comments?

Mr. Bas Balkissoon: The government does not support this motion as the language of the motion is inconsistent with the language of the Naturopathy Act, 2007, and the Laboratory and Specimen Collection Centre Licensing Act. Also, the Naturopathy Act, Bill 171, is awaiting proclamation. As soon as that is received, I believe it resolves the issue.

M^{me} France Gélinas: Are you saying that in Bill 171, you believe that naturopaths will be allowed to carry out laboratory work?

Mr. Bas Balkissoon: I believe they will be allowed to carry out laboratory work as defined in their scope of practice, which is in the act.

M^{me} France Gélinas: Can you check?

Mr. Bas Balkissoon: I'm getting a nod.

M^{me} France Gélinas: Okay, so naturopaths will be allowed to order lab tests?

Mr. Bas Balkissoon: As long as it's in their scope of practice.

M^{me} France Gélinas: I'm watching your colleagues here. Some say yes; some say no.

The Chair (Mr. Shafiq Qaadri): I would invite ministry colleagues to offer a more definitive opinion.

Welcome. Of course you know the protocol; please do identify yourselves.

Ms. Christine Henderson: Christine Henderson, legal counsel for the Ministry of Health and Long-Term Care.

Ms. Linda Altuna: Linda Altuna, counsel for the Ministry of Health and Long-Term Care.

Ms. Christine Henderson: It's my understanding, although my colleague, who is an expert in the lab legislation, can correct me if I'm incorrect, that the lab legislation is about to be amended under the Naturopathy Act to ensure that laboratory testing will be for the purposes of medical diagnosis, treatment, prophylaxis and the like.

Ms. Linda Altuna: The intent of the laboratory act is to regulate tests for medical purposes. Therefore, it doesn't apply to naturopaths' tests for naturopathic diagnosis, prophylaxis and treatment. It's not necessary to amend the act to allow for naturopathic tests for diagnosis, prophylaxis or treatment.

The Chair (Mr. Shafiq Qaadri): Further questions? Madame Gélinas or anyone?

M^{me} France Gélinas: Absolutely. So one of you is saying that the medical practitioner can order lab tests. The other one is saying that naturopaths are not medical practitioners and therefore cannot order lab tests. Am I correct?

Ms. Linda Altuna: Medical professionals can order medical tests. Naturopaths can order tests for naturopathic purposes, but they're not regulated under the labs act.

M^{me} France Gélinas: That is not regulated under the labs act. So at the end of the day, they don't have access. They cannot send patients to the lab to get a glycemic index or whatever else. What the PCs were trying to do was to get them allowed to send requisitions to the lab. They still won't be allowed?

Ms. Linda Altuna: They'll only be allowed to order tests, when the Naturopathy Act is put through, for naturopathic purposes.

The Chair (Mr. Shafiq Qaadri): Are there any further questions or comments? Ms. Elliott?

Mrs. Christine Elliott: I think this is just a follow-on from Ms. Gélinas's question. So they won't be able to order the same lab tests that medical doctors can order?

Ms. Linda Altuna: Yes, that's correct.

Mrs. Christine Elliott: Okay.

The Chair (Mr. Shafiq Qaadri): If there are no further comments, thank you for your participation.

We'll now proceed to the vote. Those in favour of PC motion 17? Those opposed? PC motion 17 has been defeated.

PC motion 18: Ms. Elliott.

Mrs. Christine Elliott: I move that section 12 of the bill be struck out and the following substituted:

“12(1) The definition of ‘specimen collection centre’ in section 5 of the Laboratory and Specimen Collection Centre Licensing Act is amended by striking out ‘or’ at the end of clause (b) and by adding the following clauses:

“(b.1) a place where a member of the College of Dietitians of Ontario is engaged in the practice of dietetics,

“(b.2) a place where a member of the College of Naturopaths of Ontario is engaged in the practice of naturopathy, or’

“(2) The definition of ‘specimen collection centre’ in section 5 of the act, as re-enacted by the Statutes of Ontario, 2007, chapter 10, schedule P, section 18, is

amended by striking out 'or' at the end of clause (b) and by adding the following clauses:

“(b.1) a place where a member of the College of Dietitians of Ontario is engaged in the practice of dietetics,

“(b.2) a place where a member of the College of Naturopaths of Ontario is engaged in the practice of naturopathy, or.”

This amendment again is supported by the Ontario Association of Naturopathic Doctors to make sure that they are able to perform and order lab testing for their patients.

I guess this is following on from the answer that we received previously. It is important to the naturopaths that they be able to order the same lab tests as medical doctors.

The Chair (Mr. Shafiq Qadri): Are there any further comments?

Mr. Bas Balkissoon: The government can't support this motion, for the same reason as explained in motion 17.

The Chair (Mr. Shafiq Qadri): Are there any further comments? Seeing none, we'll proceed to the vote. Those in favour of PC motion 18? Those opposed? PC motion 18 is defeated.

NDP motion 19: Madame Gélinas.

M^{me} France Gélinas: I'm going for all the marbles this time. I move that section 12 of the bill be struck out and the following substituted:

“12(1) The definition of 'specimen collection centre' in section 5 of the Laboratory and Specimen Collection Centre Licensing Act is amended by striking out 'or' at the end of clause (b) and by adding the following clauses:

“(b.1) a place where a member of the College of Dietitians of Ontario is engaged in the practice of dietetics,

“(b.2) a place where a member of the College of Midwives of Ontario is engaged in the practice of midwifery,

“(b.3) a place where a member of the College of Naturopaths of Ontario is engaged in the practice of naturopathy, or”

“(2) The definition of 'specimen collection centre' in section 5 of the act, as re-enacted by the Statutes of Ontario, 2007, chapter 10, schedule P, section 18, is amended by striking out 'or' at the end of clause (b) and by adding the following clauses:

“(b.1) a place where a member of the College of Dietitians of Ontario is engaged in the practice of dietetics,

“(b.2) a place where a member of the College of Midwives of Ontario is engaged in the practice of midwifery,

“(b.3) a place where a member of the College of Naturopaths of Ontario is engaged in the practice of naturopathy, or.”

The Chair (Mr. Shafiq Qadri): Any further comments?

M^{me} France Gélinas: Basically, I want to make sure that dietitians, naturopaths and midwives are able to practise to their full scope of practice. The entire reason why we have Bill 179 is to look at the scope of practice of the different professionals in the health care field in Ontario. In order for those professionals to do their work,

they need to have access to labs and to specimen collection. By not having this option, it really curtails how they're able to do their work.

Le Président (M. Shafiq Qadri): Merci, madame Gélinas. Le plancher est à vous, monsieur Lalonde.

Mr. Jean-Marc Lalonde: Madame Gélinas, you referred twice to 12(1)(b.3), and also to subsection 2 at (b.3) again. We don't have that.

M^{me} France Gélinas: It's because it's being substituted.

Mr. Jean-Marc Lalonde: We haven't received that.

M^{me} France Gélinas: Pardon me?

Mr. Bas Balkissoon: Mr. Chair, has the clerk distributed that change? We don't have it.

M^{me} France Gélinas: It's a new section 12.

Mrs. Carol Mitchell: Oh, you have a new section.

M^{me} France Gélinas: I didn't think it was that new. We worked on it on Friday, if that helps.

Mr. Jean-Marc Lalonde: Okay, we're looking at the others that we have.

Mrs. Carol Mitchell: Okay.

The Chair (Mr. Shafiq Qadri): We invite you to go through the package that was placed on your desk today, as opposed to the package that you received on Friday.

Mr. Jean-Marc Lalonde: We didn't get a chance to—

Mr. Bas Balkissoon: Mr. Chair, I wonder if we could take a short break so I could just consult on this addition, because I didn't have it walking in here.

The Chair (Mr. Shafiq Qadri): Would 10 minutes be fine?

Mr. Bas Balkissoon: Five is fine.

The Chair (Mr. Shafiq Qadri): Five minutes. Fine. A five-minute break, if that's the will of the committee?

M^{me} France Gélinas: It's fine with me.

The Chair (Mr. Shafiq Qadri): Thank you.

The committee recessed from 1450 to 1455.

The Chair (Mr. Shafiq Qadri): We resume. As you realize, we have NDP motion 19 before the committee. I believe we all have the same text and copies now officially distributed. Are there any further comments on NDP motion 19? Mr. Balkissoon.

Mr. Bas Balkissoon: Mr. Chair, the added information causes the government some problems, so we will not be supporting it. It's the addition of the lab and specimen collection process previously described for naturopaths, so we'll be voting against it.

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The Chair (Mr. Shafiq Qadri): Further comments? We'll proceed to the vote, then. Those in favour of NDP motion 19? Those opposed? NDP motion 19 is defeated.

Government motion 20: Mr. Balkissoon.

Mr. Bas Balkissoon: I move that section 12 of the bill be struck out and the following substituted:

“12(1) The definition of 'specimen collection centre' in section 5 of the Laboratory and Specimen Collection Centre Licensing Act is amended by striking out 'or' at the end of clause (b) and by adding the following clauses:

“(b.1) a place where a member of the College of Dietitians of Ontario is engaged in the practice of dietetics,

“(b.2) a place where a member of the College of Midwives of Ontario is engaged in the practice of midwifery, or”

“(2) The definition of ‘specimen collection centre’ in section 5 of the act, as reenacted by the Statutes of Ontario, 2007, chapter 10, schedule P, section 18, is amended by striking out ‘or’ at the end of clause (b) and by adding the following clauses:

“(b.1) a place where a member of the College of Dietitians of Ontario is engaged in the practice of dietetics,

“(b.2) a place where a member of the College of Midwives of Ontario is engaged in the practice of midwifery, or.”

This motion complements the other motions within the bill and provides midwives with the authority to collect samples such as blood and urine for testing as part of their scope of practice.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we’ll proceed with the vote. Those in favour of government motion 20? Those opposed? I declare government motion 20 to be carried.

Shall section 12, as amended, carry? Carried.

Mr. Balkissoon.

Mr. Bas Balkissoon: I move that subsections 7(1) and (2) of the Massage Therapy Act, 1991, as set out in subsection 13(2) of the bill, be struck out and the following substituted:

“Restricted titles

“(1) No person other than a member shall use the title ‘massage therapist’ or ‘registered massage therapist,’ a variation or abbreviation or an equivalent in another language.

“Representations of qualifications, etc.

“(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a massage therapist or registered massage therapist or in a specialty of massage therapy.”

Stakeholders have highlighted this concern about protecting the name of massage therapists and registered massage therapists, and I believe this accomplishes that.

The Chair (Mr. Shafiq Qaadri): Madame Gélinas?

M^{me} France Gélinas: I’m just curious to see which stakeholder asked for this amendment.

Mr. Bas Balkissoon: I believe when the staff had their stakeholder meetings with all the various groups, this was raised, and that’s why it’s here.

M^{me} France Gélinas: Okay, but which stakeholder was it?

Mr. Bas Balkissoon: If you give me a second, I’ll be able to find out.

Interjection.

Mr. Bas Balkissoon: The College of Massage Therapists.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we’ll proceed to the vote. Those in favour of government motion 21? Those opposed? Government motion 21 carries.

Shall section 13, as amended, carry? Carried.

Section 14: NDP motion 22, Madame Gélinas.

M^{me} France Gélinas: I move that section 3 of the Medical Radiation Technology Act, 1991, as set out in section 14 of the bill, be struck out and the following substituted:

“Scope of practice

“3. The practice of medical radiation technology is the use of ionizing radiation, electromagnetism and other prescribed forms of energy for the purposes of diagnostic and therapeutic procedures, the evaluation of images and data relating to the procedures and the assessment of the condition of an individual related to the procedures.”

The Chair (Mr. Shafiq Qaadri): Any further comments? Mr. Balkissoon?

Mr. Bas Balkissoon: I wonder if Madame Gélinas would be prepared to amend the last part of the last sentence such that it reads exactly like motion 23, which is a government motion. If she does, then we can support it and I’ll withdraw 23.

The Chair (Mr. Shafiq Qaadri): Madame Gélinas?

M^{me} France Gélinas: It will be a long enough afternoon. I have no problem with adding “before, during and after the procedures.”

Mr. Bas Balkissoon: Actually, it’s “and the assessment of an individual before, during and after the procedures.” So after “procedures and,” it should now read “the assessment of an individual before, during and after the procedures.”

M^{me} France Gélinas: Okay.

The Chair (Mr. Shafiq Qaadri): We’ll proceed, then, to the vote. Those in favour of the amendment to the amendment? Carried.

All those in favour of the amended amendment? Carried.

I congratulate you, Madame Gélinas. NDP motion 22 carries.

Government motion 23 has been dealt with.

We’ll now proceed to government motion 24. Mr. Balkissoon.

Mr. Bas Balkissoon: I move that subsection 5(2) of the Medical Radiation Technology Act, 1991, as set out in section 14 of the bill, be amended by striking out “the member is ordered to perform the procedure” and substituting “the procedure is ordered.”

Mr. Chair, this is a technical amendment. The motion’s language is consistent with the language in the Regulated Health Professions Act, which says a procedure is ordered, not a member.

The Chair (Mr. Shafiq Qaadri): Thank you. Comments? Seeing none, we’ll proceed to the vote. Those in favour of government motion 24? Those opposed? Carried.

NDP motion 25. Madame Gélinas.

M^{me} France Gélinas: I move that section 5 of the Medical Radiation Technology Act, as set out in section 14 of the bill, be amended by adding the following subsection:

“Nurse practitioners

“(2.1) A member of the College of Nurses of Ontario who holds an extended certificate of registration under the Nursing Act, 1991, may order a member to perform anything that may be ordered under section 4.”

Here again, this is the type of amendment that makes the work of a nurse practitioner on a day-to-day basis a lot more flow-through for the patients who are beneficiaries of their services.

The Chair (Mr. Shafiq Qaadri): Further comments? Mr. Balkissoon.

Mr. Bas Balkissoon: Mr. Chair, the government cannot support this motion. The effect of this would be to retain the status quo, wherein drugs that midwives may prescribe would continue to be set out in regulation.

Also, staff have some concerns with the use of the words—I can’t read the writing here, the background that goes with it. Excuse me for one second.

Sorry, Mr. Chair. Pardon my explanation. I was on the wrong notes that I have here.

Again, it would be the statement previously made: You cannot order a member; the procedure is ordered. So this is why the government cannot support the wording in this particular motion.

The Chair (Mr. Shafiq Qaadri): Are there any further comments?

M^{me} France Gélinas: So you would like to see “may order the procedures to be performed, as set out under section 4”?

Mr. Bas Balkissoon: Again, let me just consult with the staff on this.

No, actually, the wording is incorrect, and also the permissions being granted cannot be supported at this time because it’s something that would have to be reviewed and everyone consulted.

1510

M^{me} France Gélinas: What permissions do you figure are being asked to be granted?

Mr. Bas Balkissoon: I guess it’s the procedure that you’re requesting the nurses to have permission to do.

The Chair (Mr. Shafiq Qaadri): Impasse. Further questions, clarifications, ministerial summoning, legislative counsel, commentary: What would you like to happen?

M^{me} France Gélinas: Are you asking me?

The Chair (Mr. Shafiq Qaadri): Or generally, yes.

All right. We’ll move on, then, if that’s suitable. We’ll proceed now to the vote on NDP motion 25. Those in favour of NDP motion 25? Those opposed? NDP motion 25 is defeated.

Shall section 14, as amended, carry? Carried.

Section 15: No motions have been received to date. Shall section 15 carry? Carried.

Section 16: NDP motion 26. Madame Gélinas.

M^{me} France Gélinas: I move that subsections 11(3) to (6) of the Midwifery Act, 1991, as set out in subsection 16(4) of the bill, be struck out and the following substituted:

“Incorporation by reference

“(3) A regulation made under clause (1)(a), (b) or (c) may adopt, by reference, in whole or in part, and with such changes are considered necessary, one or more documents setting out categories of drugs or substances.

“Rolling incorporation

“(4) If a regulation provided for in subsection (3) so provides, a document adopted by reference shall be a reference to it as amended from time to time after the making of the regulation.”

Basically, what this is trying to do is to change the way midwives can prescribe medication and to go to categories of drugs instead of lists of drugs. I think many colleges, associations and professionals made compelling arguments as to why prescribing from a list is very problematic and does not lead to good patient care for the midwives. They’re not asking for open prescribing; they are asking for categories of drugs that have to do with their line of work. This would make the work that they provide to the people of Ontario, especially women and their babies, a lot better.

The Chair (Mr. Shafiq Qaadri): Further comments?

Mr. Bas Balkissoon: The effect of the motion would be to retain the status quo wherein drugs that midwives may prescribe would continue to be set out in regulation. You will see that some of the amendments that will come later on in Bill 179 which are being proposed would enable the list to be maintained outside of regulation, which would increase significant speed-up to the approval of drugs that they can prescribe. This is in response to the stakeholders making those comments during our hearings, so I think you will see that some of the government’s motions later on provide this particular opportunity with much more flexibility.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we’ll proceed with the vote. Those—

M^{me} France Gélinas: I would say that one has to take a leap of faith that having a list made outside of regulation would go faster. This is something that would have to be proven. Giving them, at this point, categories of drugs does not prevent one from having a list made outside of regulation; it just makes the bill, which does not get looked at very often, set out a framework so that those professionals have the drugs needed to do their work.

The Chair (Mr. Shafiq Qaadri): Any further comments before the vote? We’ll proceed, then, to NDP motion 26. Those in favour? Those opposed? NDP motion 26 is defeated.

NDP motion 27: Madame Gélinas.

M^{me} France Gélinas: I move that subsection 11(4) of the Midwifery Act, 1991, as set out in subsection 16(4) of the bill, be amended by adding “including amendments made by the college without reference to the expert committee” at the end.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Bas Balkissoon: The government cannot support this motion. It is inconsistent with the process proposed by the government as part of the bill for approval of

drugs which regulated health professions may prescribe, dispense, compound or sell while engaged in the practice of their profession. It would be inappropriate to make this particular amendment in the Midwifery Act, 1991, alone.

The Chair (Mr. Shafiq Qaadri): Any further comments? Those in favour of NDP motion 27? Those opposed? NDP motion 27 is defeated.

NDP motion 28.

M^{me} France Gélinas: I wish not to present.

The Chair (Mr. Shafiq Qaadri): NDP motion 28 is withdrawn. Thank you, Madame Gélinas.

Shall section 16 carry? Carried.

Section 17, PC motion 29: Ms. Elliott.

Mrs. Christine Elliott: I move that section 17 of the bill be amended by adding the following subsections:

“(0.1) The definition of ‘college’ in section 1 of the Naturopathy Act, 2007 is repealed and the following substituted:

“‘College’ means the College of Naturopathic Doctors of Ontario’;

“(0.2) The definition of ‘college’ in subsection 2(1) of the Naturopathy Act, 2007 is repealed and the following substituted:

“‘College’ means the College of Naturopathic Doctors of Ontario’;

“(0.3) Paragraph 5 of subsection 4(1) of the act is amended by striking out ‘naturopathic.’

“(0.4) Subsection 4(1) of the act is amended by adding the following paragraphs:

“7. Prescribing, dispensing, selling or compounding drugs as designated in the regulations.

“8. Ordering diagnostic ultrasound and other prescribed forms of energy used for diagnostic purposes.’

“(0.5) Section 5 of the Act is repealed and the following substituted:

“College established

“5. The college is established under the name College of Naturopathic Doctors of Ontario in English and Ordre des docteurs en naturopathies de l’Ontario in French.”

These amendments were proposed by the Ontario Association of Naturopathic Doctors and achieve several purposes. One is, it adds the full controlled act of prescribing, dispensing, selling and compounding to the Naturopathy Act to ensure that naturopathic doctors and their patients have full access to restricted therapeutic natural substances, crash-cart medications and a limited range of primary care substances. It also allows naturopathic doctors to order forms of diagnostic energy, and finally, it renames the College of Naturopathic Doctors of Ontario to avoid confusion with the College of Nurses and to reflect the title designated to the profession in the RHPA. This will allow naturopathic doctors to work to the full scope of their profession.

The Chair (Mr. Shafiq Qaadri): As Chair, I once again inform the committee that PC motion 29 is out of order.

Mrs. Elizabeth Witmer: Mr. Chair, I’d ask for unanimous consent to open this section of the act.

The Chair (Mr. Shafiq Qaadri): Ms. Witmer has asked for unanimous consent to open this section of the act. Do I have unanimous consent for this? I do not see unanimous consent, Ms. Witmer, and therefore I continue to rule this motion out of order.

We’ll proceed to the next motion, NDP motion 30: Madame Gélinas.

M^{me} France Gélinas: I move that section 17 of the bill be amended by adding the following subsections:

“(0.1) The Naturopathy Act, 2007 is amended by striking out ‘College of Naturopaths of Ontario’ wherever it appears and substituting ‘College of Naturopathic Doctors of Ontario’ in each case.

“(0.2) Subsection 4(1) of the act is amended by striking out ‘naturopathic diagnosis’ and substituting ‘diagnosis’ in paragraph 5 and by adding the following paragraphs:

“7. Prescribing, dispensing, compounding or selling a drug designated in the regulations.

“8. Ordering diagnostic energy and other forms of energy for diagnostic purposes.’

“(0.3) Section 11 of the act is amended by adding the following clause:

“(g) designating the drugs that a member may prescribe, dispense, compound or sell for the purpose of paragraph 7 of subsection 4(1), prescribing the purposes for which, or the circumstances in which, they may be prescribed, dispensed, compounded or sold and prohibiting the prescribing, dispensing, compounding or selling of drugs other than the ones designated.”

1520

The Chair (Mr. Shafiq Qaadri): Before you proceed, Madame Gélinas, I would also again, as Chair, advise the committee that this motion is out of order. So we’ll dispose of that.

I would now invite the government to please present motion 31.

Mr. Bas Balkissoon: I move that section 17 of the bill be amended by adding the following subsections:

“(0.1) Subsection 4(1) of the Naturopathy Act, 2007 is amended by adding the following paragraph:

“7. Prescribing, dispensing, compounding or selling a drug designated in the regulations.’

“(0.2) Section 11 of the act is amended by adding the following clause:

“(g) designating the drugs that a member may prescribe, dispense, compound or sell for the purpose of paragraph 7 of subsection 4(1), prescribing the purposes for which, or the circumstances in which, the designated drugs may be prescribed, dispensed, compounded, or sold and prohibiting the prescribing, dispensing, compounding or selling of drugs other than the ones designated.”

The Chair (Mr. Shafiq Qaadri): Mr. Balkissoon, before you proceed I also advise you that this motion is out of order.

Mr. Bas Balkissoon: I wonder if we could have unanimous consent to at least allow it, because it was requested by the stakeholder.

The Chair (Mr. Shafiq Qaadri): Mr. Balkissoon asks for unanimous consent. Do I have unanimous consent to open the act? I see unanimous consent. You may proceed, Mr. Balkissoon.

Mr. Bas Balkissoon: This motion will allow naturopaths to provide the services consistent with their current scope of practice once they're registered under the Naturopathy Act, 2007, and I think we would accomplish what was requested by the organization.

The Chair (Mr. Shafiq Qaadri): Are there any further comments? Madame Gélinas?

M^{me} France Gélinas: Now that the act is open, can we go back?

The Chair (Mr. Shafiq Qaadri): We would need unanimous consent to do so.

M^{me} France Gélinas: There's always a trick, isn't there?

The Chair (Mr. Shafiq Qaadri): Are there any further comments? I proceed then to the vote on government motion 31. Those in favour? Those opposed? Government motion 31 is carried.

Shall section 7, as amended, carry? Carried.

Section 18: PC motion 32.

Mrs. Christine Elliott: I move that section 18 of the bill be amended by adding the following subsection:

“(1.1) Section 4 of the act is amended by adding the following paragraph:

“5. Dispensing a drug.”

This amendment was proposed by the College of Nurses of Ontario to grant nurses access to the control of active dispensing when the drug is prescribed by an authorized prescriber. Rather than relying on the delegation process, it will enable the College of Nurses of Ontario to address the activity comprehensively in its standards of practice and through its QA program in order to better fulfill its public protection mandate.

The Chair (Mr. Shafiq Qaadri): Any further comments?

Mrs. Elizabeth Witmer: I think it's important to also emphasize here that this amendment had actually been recommended by HPRAC and I do fully support it.

The Chair (Mr. Shafiq Qaadri): Any further comments?

Mr. Bas Balkissoon: This motion is exactly as the government motion number 33. So, we'll be supporting it and we'll withdraw number 33.

The Chair (Mr. Shafiq Qaadri): Those in favour of PC motion 32? Those opposed? Carried. I congratulate the Conservative caucus for their motion.

I would now invite PC motion 34: Ms. Elliott.

Mrs. Christine Elliott: I move that section 18 of the bill be amended by adding the following subsection:

“(1.1) Section 4 of the act is amended by adding the following paragraphs:

“5. In the case of a member who is a registered nurse, dispensing, compounding and selling drugs.

“6. In the case of a member who is a registered practical nurse, dispensing drugs.

“7. In the case of a member who is a registered nurse, communicating a diagnosis.

“8. In the case of a member who is a registered nurse, ordering the application of a prescribed form of energy.

“9. In the case of a member who is a registered nurse and who has the appropriate education, knowledge and competencies, setting and casting simple fractures and dislocations.”

Again, this is submitted by the Registered Nurses' Association of Ontario, recommended by them. According to the RNAO's written submission, Bill 179, as it is currently written, represents a major lost opportunity to update RNs' and RPNs' scope of practice. So I hope that it will result in benefits, including increased patient access to quality and timely care and decreased administrative costs associated with the delegation of acts that should be within the scope of nursing.

The Chair (Mr. Shafiq Qaadri): Further comments? Madame Gélinas?

M^{me} France Gélinas: I support the range of additional authority for registered nurses and registered practical nurses.

I don't know when to raise this, but I believe that amendment 35 is identical.

The Chair (Mr. Shafiq Qaadri): Mr. Balkissoon?

Mr. Bas Balkissoon: The government can't support this motion because we're going to be introducing a motion to authorize registered nurses and registered practical nurses to dispense drugs. Unfortunately, items 7 and 8 need to be reviewed in consultation with the various stakeholders, and item 9—I believe they're allowed that practice today. So the government side will be opposing this motion.

The Chair (Mr. Shafiq Qaadri): Any further comments? We'll proceed to the vote. Those in favour of PC motion 34? Those opposed? PC motion 34 is defeated.

I rule NDP motion 35 out of order, so we'll now proceed to PC motion 36.

Mrs. Christine Elliott: I move that section 18 of the bill be amended by adding the following subsection:

“(1.1) Section 4 of the act is amended by adding the following subsection:

“Certain acts authorized despite regulations

“(2) Despite anything in any regulation,

“(a) a member who is a registered nurse and who holds an extended certificate of registration in accordance with the regulations may admit, treat and discharge patients in public hospitals in in-patient settings, and a physiotherapist may initiate or order treatments or diagnostic procedures in hospitals;

“(b) a member who is a registered nurse and who holds an extended certificate of registration in accordance with the regulations may certify deaths in public hospitals;

“(c) a member who is a registered nurse and who holds an extended certificate of registration in accordance with the regulations may order electromagnetism for magnetic resonance imaging and any form of diagnostic ultrasound;

“(d) a member who is a registered nurse may order the application of electricity for fibrillation, cardiac pace-maker therapy, cardioversion, defibrillation, electro-coagulation, fulguration and transcutaneous cardiac pacing.”

Again, this was an amendment that was requested by the Registered Nurses' Association of Ontario. The regulation which governs the application of energy must be updated, as with the various other matters that are noted here, and it's the intent of this motion to do this updating.

The Chair (Mr. Shafiq Qaadri): Madame Gélinas, then Mr. Balkissoon.

M^{me} France Gélinas: I support the range of additional authority for nurse practitioners and registered nurses, and also the one specific to physiotherapists regarding initiating and ordering diagnostic procedures in hospital.

The Chair (Mr. Shafiq Qaadri): Mr. Balkissoon and then Ms. Witmer.

Mr. Bas Balkissoon: This motion relates to matters which are more appropriately addressed in regulations under the RHPA and the Public Hospitals Act and, as such, the government does not support the motion.

The Chair (Mr. Shafiq Qaadri): Ms. Witmer.

Mrs. Elizabeth Witmer: I just want to be on the record as indicating that I strongly support this amendment.

The Chair (Mr. Shafiq Qaadri): Thank you. We'll proceed to the vote. Those in favour of PC motion 36? Those opposed? PC motion 36 is defeated.

NDP motion 37.

M^{me} France Gélinas: I move that section 18 of the bill be amended by adding the following subsection:

“(1.1) Section 4 of the act is amended by adding the following subsection:

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“Certain activities authorized despite other laws

“(2) Despite anything in any other act, regulation or law,

“(a) a member who is a registered nurse and who holds an extended certificate of registration in accordance with the regulations may conduct assessments of clients' fitness to drive for the purposes of the Highway Traffic Act;

“(b) a member who is a registered nurse and who holds an extended certificate of registration in accordance with the regulations may complete and sign a form 1 (application for psychiatric assessment) for the purposes of the Mental Health Act;

“(c) a member who is a registered nurse and who holds an extended certificate of registration in accordance with the regulations may admit, treat and discharge patients in public hospitals in in-patient settings;

“(d) a member who is a registered nurse and who holds an extended certificate of registration in accordance with the regulations may certify deaths in public hospitals;

“(e) a member who is a registered nurse and who holds an extended certificate of registration in accordance

with the regulations may order electromagnetism for magnetic resonance imaging and any form of diagnostic ultrasound;

“(f) a member who is a registered nurse or a registered nurse who holds an extended certificate of registration in accordance with the regulations may order the application of electricity for fibrillation, cardiac pace-maker therapy, cardioversion, defibrillation, electro-coagulation, fulguration and transcutaneous cardiac pacing;

“(h) a specialist or hospital may claim consultations fees for patient referrals and orders made directly by a member who is a registered nurse who holds an extended certificate of registration in accordance with the regulations;

“(i) a member who is a registered nurse and who holds an extended certificate of registration in accordance with the regulations may order the restraint or confinement of a client in a hospital or facility or to use a monitoring device on such a client for the purposes of the Patient Restraint Minimization Act, 2001;

“(j) a member who is a registered nurse and who holds an extended certificate of registration in accordance with the regulations may sign seat belt exemptions for the purposes of the Highway Traffic Act.”

The Chair (Mr. Shafiq Qaadri): Further comments? Mr. Balkissoon.

Mr. Bas Balkissoon: The government does not support this motion, as the amendments within this motion may impact a number of Ontario statutes which are administered by different ministries. I was hoping you'd rule it out of order, but we'd have to vote against it.

The Chair (Mr. Shafiq Qaadri): Any further comments? We'll proceed to the vote. Those in favour of NDP motion 37? Those opposed? NDP motion 37 is defeated.

PC motion 38: Ms. Elliott.

Mrs. Christine Elliott: I move that paragraph 4 of subsection 5.1(1) of the Nursing Act, 1991, as set out in subsection 18(2) of the bill, be amended by adding “as long as the person has the appropriate training and certification in the application of specialized forms of energy from a recognized post-secondary institution or its equivalent” at the end.

This amendment was suggested by the Canadian Society of Diagnostic Medical Sonographers just to indicate that as long as the nurse practitioner has the appropriate training, they do not have any problem with them ordering these tests.

The Chair (Mr. Shafiq Qaadri): Any further comments? Mr. Balkissoon.

Mr. Bas Balkissoon: This matter relates more and is appropriately addressed in regulations under the Nursing Act. As such, the government can't support it.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we'll proceed to the vote. Those in favour of PC motion 38? Those opposed? PC motion 38 is defeated.

PC motion 39, Ms. Elliott.

Mrs. Christine Elliott: I move that the following amendments be made to section 5.1 of the Nursing Act, 1991, as set out in subsection 18(2) of the bill:

(1) That paragraphs 6, 7 and 8 of subsection (1) be struck out and the following substituted:

“6. Administering substances by injection or inhalation.

“7. Prescribing, dispensing, selling or compounding drugs.

“8. Ordering oxygen, blood and blood products.”

(2) That subsection (2) be struck out.

There were several groups that made recommendations for this amendment. The Nurse Practitioners' Association of Ontario, the College of Nurses of Ontario and the Registered Nurses' Association of Ontario proposed this amendment to broaden the authority of nurse practitioners to include ordering oxygen, blood and blood products, to authorize nurse practitioners for open prescribing and removing existing barriers to administering substances by injection or inhalation. The association says that without these changes, Ontario will continue to lag behind other jurisdictions and these amendments are necessary to allow them to do their jobs efficiently.

The Chair (Mr. Shafiq Qadri): Comments? Mr. Balkissoon and Madame G elinas.

Mr. Bas Balkissoon: We can't support the motion, because the government will be introducing a motion to provide nurse practitioners with broader authority to prescribe, dispense, sell and compound drugs and administer substances by injection or inhalation. So we'll be supporting our motion, and we'll be voting against this one.

M^{me} France G elinas: I think the next motion, motion 40 from the NDP, is aiming to do the same thing as the motion from the Conservative Party but it's worded slightly differently, so I certainly support their motion and the rationale for it.

The Chair (Mr. Shafiq Qadri): We'll proceed to the vote. Those in favour of PC—

Mrs. Elizabeth Witmer: Recorded vote.

The Chair (Mr. Shafiq Qadri): We'll have a recorded vote.

Ayes

Elliott, G elinas, Witmer.

Nays

Balkissoon, Dhillon, Lalonde, Mitchell.

The Chair (Mr. Shafiq Qadri): I declare PC motion 39 to have been defeated. I also inform the committee that NDP motion 40 is out of order.

We'll proceed now to government motion 41: Mr. Balkissoon.

Mr. Bas Balkissoon: I move that paragraphs 6 and 8 of subsection 5.1(1) of the Nursing Act, 1991, as set out

in subsection 18(2) of the bill, be struck out and the following substituted:

“6. Administering a substance, by injection or inhalation in accordance with the regulations.

“8. Prescribing, dispensing, selling or compounding a drug in accordance with the regulations.”

As I stated before, this provides nurse practitioners with the broader authority to prescribe, dispense, sell and compound drugs and administer substances by injection or inhalation, and I believe it responds to the request by the nursing association.

The Chair (Mr. Shafiq Qadri): Further comments? Seeing none, we'll now proceed with the vote. Those in favour of government motion 41? Those opposed? Motion 41 carried.

Government motion 42.

Mr. Bas Balkissoon: I move that subsection 5.1(2) of the Nursing Act, 1991, as set out in subsection 18(2) of the bill, be struck out and the following substituted:

“Further restrictions on authorized act

“(2) A member shall not perform a procedure under paragraph 7 of subsection (1) unless the procedure has been ordered by a member of the College of Physicians and Surgeons of Ontario or a member of any other college who is authorized to order the procedure.”

This is a technical amendment, and the language in the motion is consistent with the RHPA.

The Chair (Mr. Shafiq Qadri): Comments? Seeing none, we'll now proceed to the vote. Those in favour of government motion 42? Those opposed? Motion 42 is carried.

PC motion 43: Ms. Elliott.

Mrs. Christine Elliott: I move that that clauses 14(1)(c), (d) and (e) and subsections 14(2) to (6) of the Nursing Act, 1991, as set out in subsection 18(6) of the bill, be struck out.

The purpose of this amendment, which was, again, put forward by the Registered Nurses' Association of Ontario, the Nurse Practitioners' Association of Ontario and the College of Nurses of Ontario, is to remove restrictions to prescribing drugs for nurse practitioners. Again, it's the idea that it's not possible to create a comprehensive, up-to-date list, so this simply makes it more open and more responsive to the needs of patients.

The Chair (Mr. Shafiq Qadri): Comments?

Mr. Bas Balkissoon: The government cannot support this motion because the government will be introducing a motion which enhances and strengthens the authority for the College of Nurses of Ontario to make regulations governing the prescribing, dispensing, selling and compounding of drugs and the administration of substances by injection and/or inhalation by nurse practitioners.

The Chair (Mr. Shafiq Qadri): Any further comments? Seeing none, we'll proceed to the vote. Those in favour of PC motion 43? Those opposed? PC motion 43 is defeated.

NDP motion 44: Madame G elinas.

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M^{me} France Gélinas: I move that subsection 18(6) of the bill be struck out.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Bas Balkissoon: The government cannot support this motion as it restricts the college's authority to make certain regulations with respect to the performance of controlled acts by all nurses, including registered nurses and registered practical nurses.

The Chair (Mr. Shafiq Qaadri): Any further comments?

M^{me} France Gélinas: Basically what this motion is trying to do is eliminate references to nurse practitioners having to prescribe from a list. The body of evidence that this does not serve the public of Ontario well is huge, and action has to be taken. Bill 179 is one such opportunity to take action.

The Chair (Mr. Shafiq Qaadri): Further comments?

NDP motion 44: those in favour? Those opposed?
NDP motion 44 is defeated.

Government motion 45: Mr. Balkissoon.

Mr. Bas Balkissoon: Ms. Mitchell will take 45.

Mrs. Carol Mitchell: I move that section 14 of the Nursing Act, 1991, as set out in subsection 18(6) of the bill, be struck out and the following substituted:

“Regulations

“14. Subject to the approval of the Lieutenant Governor in Council and with prior review by the minister, the council may make regulations,

“(a) prescribing procedures for the purpose of paragraph 1 of section 4;

“(b) permitting a member to perform a procedure under clause 5(1)(a) and governing the performance of the procedure, including, without limiting the foregoing, prescribing the class of members that can perform the procedure and providing that the procedure may only be performed under the authority of a prescribed member or a member of a prescribed class;

“(c) regulating and governing the administering of substances by members by injection or inhalation under paragraph 6 of subsection 5.1(1), the prescribing, dispensing, compounding and selling of drugs by members in the course of engaging in the practice of nursing and ancillary matters, including, without limiting the generality of the foregoing,

“(i) governing the purposes for which, or the circumstances under which, substances may be administered by injection or inhalation and drugs may be prescribed, dispensed, compounded or sold,

“(ii) setting requirements respecting the administration of substances by injection or inhalation and the prescribing, dispensing, compounding and selling of drugs,

“(iii) governing and regulating the storage, handling, display, identification, labelling and disposal of substances that may be administered by injection or inhalation and of drugs,

“(iv) setting prohibitions, including prohibitions respecting the substances that may be administered by

injection or inhalation and the drugs that may be prescribed, dispensed, compounded and sold,

“(v) requiring members to keep records respecting the administering of substances by injection or inhalation and the prescribing, dispensing, compounding and selling of drugs and providing for the contents of those records,

“(vi) requiring members to provide the college or the minister with reports respecting the administering of substances by injection or inhalation and the prescribing, dispensing, compounding and selling of drugs and providing for the contents of those reports;

“(d) prescribing standards of practice respecting the circumstances in which registered nurses who hold an extended certificate of registration should consult with members of other health professions.”

The Chair (Mr. Shafiq Qaadri): Are there any further comments?

M^{me} France Gélinas: I think I've already spoken about the need for nurse practitioners to have open prescribing. Basically, all this amendment does is allow open prescribing to be brought forward into regulation. It does not give nurse practitioners open prescribing, which is what they need.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we'll proceed to the vote. Those in favour of government motion 45? Those opposed? Carried.

Shall section 18, as amended, carry? Carried.

Section 19, NDP motion 46: Madame Gélinas.

M^{me} France Gélinas: I do not wish to present it.

The Chair (Mr. Shafiq Qaadri): We have NDP motion 46 withdrawn.

NDP motion 47.

M^{me} France Gélinas: I move that section 19 of the bill be amended by adding the following subsection:

“(7.1) Section 16 of the act is amended by adding ‘or registered nurse in the extended class’ after ‘physician’ wherever it occurs, and ‘registered nurses in the extended class’ after ‘physicians’ wherever it occurs.”

The Chair (Mr. Shafiq Qaadri): Madame Gélinas, I inform you that this motion is out of order. We'll dispose, therefore, of NDP motion 47.

Shall section 19 carry? Section 19 carries.

We'll now proceed to section 20. NDP motion 48: Madame Gélinas.

M^{me} France Gélinas: I move that subsections 12(3) to (6) of the Optometry Act, 1991, as set out in subsection 20(2) of the bill, be struck out.

Basically, that would permit optometrists to prescribe from categories of drugs rather than off of a list.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Bas Balkissoon: The government does not support this motion. We believe it is inconsistent with the process proposed by the government as part of the bill for the approval of drugs which regulated health professionals may prescribe, dispense, compound or sell while engaged in the practice of their profession.

The Chair (Mr. Shafiq Qaadri): Any further comments?

M^{me} France G elinas: Optometrists, like every other professional who's restricted to prescribing from a list, have been plagued by very long delays in getting drugs approved. To this day, optometrists still cannot approve drugs that would benefit the people of Ontario.

The Chair (Mr. Shafiq Qaadri): We'll proceed to the vote, then. NDP motion 48: those in favour? Those opposed? NDP motion 48 is defeated.

Shall section 20 carry? Section 20 carries.

NDP motion 49.

M^{me} France G elinas: I move that section 3 of the Pharmacy Act, 1991, as set out in subsection 21(1) of the bill, be amended by adding the following subsection:

"Marketing campaigns

"(2) The college shall develop standards to assure that the public can distinguish between a commercial marketing campaign and legitimate health promotion and education."

Basically, it is to protect patient safety and prevent commercial gains over public health.

Mr. Bas Balkissoon: This motion would require the Ontario College of Pharmacists to develop standards to distinguish between a commercial marketing campaign and legitimate health promotion education. The Ontario College of Pharmacists currently has regulations and standards of practice in place to address this matter.

Additionally, the motion would put the OCP in the role of monitoring all advertising campaigns. The term "market" could be read very broadly, which would be beyond the OCP's current mandate. As such, the government is opposed to this motion.

The Chair (Mr. Shafiq Qaadri): Any further comments?

M^{me} France G elinas: The arguments against it are kind of weird because the College of Pharmacists already has the privilege of doing this. What we're saying is, now the law will obligate them to distinguish between commercial marketing and health promotion campaigns. They can already do this. All we're asking is to make it an obligation.

The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 49? Those opposed? Motion 49 is defeated.

NDP motion 50: Madame G elinas.

Mme France G elinas: I move that subsection 4(1) of the Pharmacy Act, 1991, as set out in subsection 21(2) of the bill, be amended by adding the following paragraphs:

"3.1 Prescribing for the treatment of minor ailments as specified in the regulations.

"3.2 Performing routine immunization.

"3.2 Prescribing schedule I products for travel prophylaxis.

"3.3 Prescribing schedule II, III, and unscheduled products for the purposes of chronic disease management and monitoring."

There's a typo in the numbering.

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The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Bas Balkissoon: Bill 179 proposes that the Ontario College of Pharmacists will have the authority to make regulations with respect to prescribing under the Pharmacy Act, 1991, where these matters are more appropriately dealt with. The statutory amendments within the motion remove any flexibility the college may have in developing regulations which allow for appropriate consultation with stakeholders and which would allow for optimum public protection. The government believes that this type of motion is better dealt with in regulations and, as such, we oppose the motion.

The Chair (Mr. Shafiq Qaadri): We'll proceed to the vote. Those in favour of NDP motion 50? Those opposed? Motion 50 is defeated.

NDP motion 51.

M^{me} France G elinas: I move that the following subsection be added to section 4 of the Pharmacy Act, 1991, as set out in subsection 21(2) of the bill:

"Pharmacists in hospitals

"(4) Despite anything in any regulation under the Public Hospitals Act, pharmacists practising in hospitals have the same range of authority as any other pharmacist."

This is basically to ensure that pharmacists practising in hospitals have the same authority as pharmacists elsewhere.

The Chair (Mr. Shafiq Qaadri): Mr. Balkissoon.

Mr. Bas Balkissoon: The government does not support this motion as it addresses matters more appropriately dealt with in regulations under the Public Hospitals Act. The government is already considering possible amendments to the regulations under the PHA to authorize certain professionals to deliver certain health care services in hospitals. Further policy and legal review of these issues is therefore required and, as such, we'll be opposing the motion.

The Chair (Mr. Shafiq Qaadri): We'll proceed to the vote, then. NDP motion 51: Those in favour? Those opposed? NDP motion 51 is defeated.

Shall section 21 carry? Carried.

Section 22, PC motion 52: Mrs. Elliott.

Mrs. Christine Elliott: I move that subsection 4(3) of the Physiotherapy Act, 1991, as set out in subsection 22(2) of the bill, be amended by striking out "unless the member has been ordered to perform the procedure by" and substituting "unless the procedure has been ordered by."

This amendment was put forward by the College of Physiotherapists of Ontario because they're concerned about the way that subsection 4(3) in the act is written. In the college's submission to HPRAC and HPRAC's advice to the minister, the proposed additional requirement relating to the authorized act of administering a substance by inhalation was that the substance be ordered, but the way that it ended up being drafted was that physiotherapists be ordered to administer the substance. So it just changes the wording to concur with what was proposed by the college in the first place.

The Chair (Mr. Shafiq Qadri): Comments? Ms. Gélinas, then Mr. Balkissoon.

M^{me} France Gélinas: Amendment 53 that the NDP has put forward is identical, so I will be supporting her motion.

The Chair (Mr. Shafiq Qadri): Mr. Balkissoon.

Mr. Bas Balkissoon: Government motion 54 is identical to 52 and 53, so I think we'll be supporting the motion.

The Chair (Mr. Shafiq Qadri): We'll proceed to the vote. Those in favour of PC motion 52? None opposed. PC motion 52 is carried.

For the reasons that you've just cited, NDP motion 53 and government motion 54 are out of order and disposed of.

Shall section 22, as amended, carry? Carried.

Section 23, NDP motion 55.

M^{me} France Gélinas: I move that section 23 of the bill be amended by adding the following subsection:

“(0) Section 5 of the act is repealed and the following substituted:

“College established

“5. The college is established under the name College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario in English and *Ordre des psychothérapeutes autorisés et des thérapeutes autorisés en santé mentale de l'Ontario* in French.”

Le Président (M. Shafiq Qadri): Je regrette, madame Gélinas, de vous informer que votre motion n'est pas à l'ordre. It's out of order.

We will now proceed to—pardon me?

Mr. Bas Balkissoon: Sorry; go ahead. Just a comment on the motion.

The Chair (Mr. Shafiq Qadri): As it's out of order, we respectfully decline.

Government motion 56: Monsieur Lalonde.

Mr. Jean-Marc Lalonde: I move that section 23 of the bill be amended by adding the following subsections:

“(0.1) The definition of ‘college’ in section 1 of the *Physiotherapy Act, 2007* is repealed and the following substituted:

““College” means the College of Registered Physiotherapists and Registered Mental Health Therapists of Ontario; (“*Ordre*”)

“(0.2) The definition of ‘college’ in subsection 2(2) of the act is repealed and the following substituted:

““College” means the College of Registered Physiotherapists and Registered Mental Health Therapists of Ontario; (“*Ordre*”)

“(0.3) Section 5 of the act is repealed and the following substituted:

“College established

“5. The college is established under the name College of Registered Physiotherapists and Registered Mental Health Therapists of Ontario in English and *Ordre des psychothérapeutes autorisés et des thérapeutes autorisés en santé mentale de l'Ontario* in French.”

Le Président (M. Shafiq Qadri): Merci, monsieur Lalonde. Encore une fois, je regrette de vous informer

que votre motion 56 n'est pas à l'ordre—out of order and officially now disposed of.

Mr. Bas Balkissoon: Mr. Chair, I wonder if we could have all-party consent to proceed with this motion.

The Chair (Mr. Shafiq Qadri): Mr. Balkissoon has invited the committee to consider all-party consent or, rather, a unanimous decision. Do I have unanimous consent? I have unanimous consent.

Mr. Balkissoon, you may proceed, then. Any further comments?

Mr. Bas Balkissoon: Mr. Chair, I just wanted to make one correction. Mr. Lalonde said “physiotherapists.” It should be “psychotherapist” whenever he said “physiotherapist.”

Le Président (M. Shafiq Qadri): C'est une question de prononciation. Vous avez raison; c'est « psychothérapeutes ».

Mr. Bas Balkissoon: This motion is necessary to reflect the professional titles.

The Chair (Mr. Shafiq Qadri): Thank you. We'll proceed to the vote. Those in favour of government motion 56? All in favour? Carried.

Government motion 57.

Mr. Bas Balkissoon: I move that subsections 8(1) and (2) of the *Psychotherapy Act, 2007*, as set out in section 23 of the bill, be struck out and the following substituted:

“Restricted titles

“(1) No person other than a member shall use the title ‘psychotherapist,’ ‘registered psychotherapist’ or ‘registered mental health therapist,’ a variation or abbreviation or an equivalent in another language.

“Representations of qualifications, etc.

“(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a psychotherapist, registered psychotherapist or registered mental health therapist.”

Many of the stakeholders had highlighted this as a concern, and this motion is necessary to address that particular issue.

The Chair (Mr. Shafiq Qadri): Madame Gélinas?

M^{me} France Gélinas: Just a question. What would happen to, let's say, a social worker who's working for the children's aid society? They do psychotherapy. How would that play out for them?

Mr. Bas Balkissoon: I believe that in the act that governs social workers—there are, if I remember correctly, further amendments in the motions that are in front of us to deal with that particular issue, because that would come under a different act. We're dealing with the *Psychotherapy Act* here.

M^{me} France Gélinas: Yeah, I realize. Okay. Well, let's just say that they're not social worker members of the college. They are workers who work for the children's aid society.

Mr. Bas Balkissoon: But they would be a member of the college of social workers. They would be governed under that particular college. The college will determine if the person is certified to practise as a psychotherapist, and their certification will clearly indicate that.

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The Chair (Mr. Shafiq Qaadri): Any further comments? Seeing none, we'll proceed to the vote.

All those in favour of government motion 57? Those opposed? Government motion 57 is carried.

Shall section 23, as amended, carry? Carried.

A proposal for a new section, 23.1: NDP motion 58.

M^{me} France Gélinas: I move that the bill be amended by adding the following section:

"23.1 Subsection 35(1) of the Public Hospitals Act is repealed and the following substituted:

"Interprofessional advisory committee

"(1) Every board shall establish an interprofessional advisory committee composed of members that represent all regulated health professionals involved in inter-professional practice in the hospital setting."

What happens right now is, we have a medical advisory committee, and we would like this to be enlarged so that membership from all regulated professionals practising in hospitals could sit on the advisory committee.

The Chair (Mr. Shafiq Qaadri): Madame Gélinas, before we proceed, I once again inform you that NDP motion 58 is out of order.

M^{me} France Gélinas: May I ask for unanimous consent?

The Chair (Mr. Shafiq Qaadri): You may certainly ask for unanimous consent.

Madame Gélinas has asked for unanimous consent.

Mr. Bas Balkissoon: Mr. Chair, we cannot support this at the time, because it's the Public Hospitals Act and it's not before us.

The Chair (Mr. Shafiq Qaadri): I do not have unanimous consent.

I'll proceed to NDP motion 59.

M^{me} France Gélinas: I move that the bill be amended by adding the following section:

"23.1 The Public Hospitals Act is amended by adding the following section:

"Midwives

"35.1 Midwives shall participate fully in the medical advisory committee and all other decision-making committees at the hospital."

The Chair (Mr. Shafiq Qaadri): Again, before proceeding, I inform you, avec le regret, that NDP motion 59 is out of order.

I will now proceed to section 24. PC motion 60: Madame Elliott.

Mrs. Christine Elliott: I move that subsection 24(2) of the bill be struck out.

This is in response to the opposition that we heard from numerous professional colleges with respect to the concept of a college supervisor. They felt that this was really detrimental to the whole concept of self-regulation and asked that all provisions relating to the appointment of a college supervisor be removed entirely.

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Balkissoon?

Mr. Bas Balkissoon: We cannot support the motion as the government will be introducing a motion to amend

the provisions in the bill which pertain to the appointment of a college supervisor.

The Chair (Mr. Shafiq Qaadri): Ms. Witmer?

Mrs. Elizabeth Witmer: I think this was probably the one amendment that came as a complete shock to most of the colleges and the professionals who came before this committee. There certainly was no explanation as to why this government—which has, by the way, done a pretty poor job of exhibiting any competence in dealing with agencies under its jurisdiction—is now deciding that they're going to interfere in the life of the colleges. It appears that this government more and more is assuming control at Queen's Park and within the Ministry of Health. They've certainly, I would say, appointed more supervisors to hospitals than we've ever seen in the past. I think this lack of any explanation as to why you would put supervisors into these self-regulated colleges really is demanding of an explanation. I think it's disappointing that, before this was introduced, the ministry didn't do any consultation with the health professionals. As I say, this came totally out of the blue. You are now going to interfere in the colleges, which are self-regulating bodies.

The Chair (Mr. Shafiq Qaadri): Madame Gélinas.

M^{me} France Gélinas: I support what my colleague has just said. Every deputant who came forward, I asked, "Do you know where this is coming from?" None of them knew. None of them had been consulted. To tell you the truth, it seems like there are other provisions for the ministry to deal with issues with a college. We know that there has been an issue with the college of opticians regarding refraction by their members, but the government has not taken advantage of any provisions that already exist in different legislation, actually, to deal with this. It seems like they now want supreme power over the colleges.

Well, colleges are not transfer payment agencies of the Ministry of Health; they are independent. They don't receive money from the Ministry of Health. At the end of the day, the Ministry of Health has no jurisdiction appointing supervisors, like Elizabeth mentioned, which has been used quite often by your government to take over the boards of different hospitals in the last couple of years. I fully support the motion of the Conservative Party.

Motion 61 is pretty well the same. There has to be some explaining done before you can move ahead and put forward a draconian motion like this.

The Chair (Mr. Shafiq Qaadri): Further comments? Ms. Witmer.

Mrs. Elizabeth Witmer: I think there's an alarming trend here. Since this government assumed office in 2003, I would say we've seen more focus put on central control of a lot of health agencies, professions and what have you. The LHINs are a good example. Look at the power that was given to the minister. We warned that this was going to be eroding the power of hospital boards. We've certainly seen that happen as LHINs have been set up. In many respects, they've become simply the spokesperson for the ministry and act as a buffer at times when

hospital supervisors are sent in. People can't get the answers they're looking for.

I don't think the government should seriously consider putting in place a supervisor without first having consultation with the colleges. If there's one college or two colleges in particular that have not behaved as they should, the minister and the ministry should be dealing with those colleges. Certainly there are provisions that allow them to do so. But to put this in place and simply give the minister and the ministry and the government more power is really inappropriate without any full explanation, and that explanation has never, ever been given.

The Chair (Mr. Shafiq Qaadri): Further comments?

Seeing none, we'll proceed to the vote on PC motion 60. Those in favour? Those opposed? PC motion 60 is defeated.

I declare NDP motion 61 out of order.

PC motion 62: Ms. Elliott.

Mrs. Christine Elliott: Anticipating that the previous motion would be dealt with as it was, we have an alternative.

I move that subsection 24(2) of the bill be struck out and the following substituted:

“(2) Section 5 of the act is amended by adding the following subsections:

“Appointment of college supervisor

“(2.1) If a council does not comply with the minister's request under clause (1)(d), the Lieutenant Governor in Council may appoint a person as college supervisor, on the recommendation of the minister, for the limited purpose of fulfilling the minister's requirement.

“Risk to patient safety

“(2.2) In deciding whether to make a recommendation, the minister must be satisfied that there is a risk to patient safety.

“Requirements before recommendation

“(2.3) Before the minister makes a recommendation in respect of an affected college, the minister shall send to the registrar of the affected college a written notice,

“(a) advising the affected college to the purpose for which the minister is making the recommendation and the specific requirement that was not fulfilled;

“(b) advising the affected college of the powers and duties the minister will ask the Lieutenant Governor in Council to bestow on the college supervisor;

“(c) inviting the affected college to provide the minister with submissions with respect to the recommendation; and

“(d) specifying the time in which the affected college must provide its submissions to the minister, which must not be less than 60 days from the day the minister sends the notice.

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“Must provide copy

“(2.4) On making the recommendation, the minister shall provide the Lieutenant Governor in Council with a copy of the affected college's submissions.

“Must specify powers, duties

“(2.5) The Lieutenant Governor in Council must specify the powers and duties of a college supervisor appointed under this section, and the terms and conditions governing those powers and duties.

“Limited powers and duties

“(2.6) The powers and duties of a college supervisor are limited to those powers and duties necessary to address the requirement identified by the minister in his or her recommendation for the appointment of a supervisor.

“Council continues to have rights

“(2.7) The council of the affected college continues to have the right to act respecting any matters outside the scope of the duties of the college supervisor, and any such act of the council is valid without any approval of the college supervisor.”

This is a proposed amendment put forward by the College of Physicians and Surgeons of Ontario and would ensure that government intrusion into the affairs of self-regulating professions is limited to only very exceptional cases where the public is at risk and the minister's existing powers under the RHPA are insufficient to enforce a directive from the minister. It also provides some procedural safeguards for the affected colleges and mitigates the impact on Ontario's self-regulating model for the health professions.

The Chair (Mr. Shafiq Qaadri): Ms. Gélinas?

M^{me} France Gélinas: I fully support this amendment. I believe the NDP put forward the exact same in amendment 63. Basically, at the core of all the colleges is the self-regulatory model. Once we agree to this model, then the government has an obligation to respect it. Unfortunately, amendment 60, which would have gotten rid of the supervisor, was not accepted. What this new amendment does is really allow the college to continue to do its work if the government has one particular issue, and limits government powers to the issue. I would have preferred that we not introduce supervisors to the college, but if that must be, then there has to be a framework within which, and this is what this amendment is all about.

The Chair (Mr. Shafiq Qaadri): Any further comments? Mr. Balkissoon.

Mr. Bas Balkissoon: As I stated before, the government will be introducing a motion to amend the provisions in the bill that pertain to the appointment of a college supervisor. As a result, we can't support this one.

The Chair (Mr. Shafiq Qaadri): Ms. Witmer?

Mrs. Elizabeth Witmer: Again, I've heard Mr. Balkissoon, and I just want to go back to what I said. There was never an explanation given to the colleges as to why you were introducing the supervisor. I guess, now that you've decided you're going to bulldoze ahead with it anyway and give more power to the minister, your recommendation doesn't speak to the need to identify why the minister is looking for a supervisor. I think that what is ultimately extremely important is that there be clear identification and that the public be deemed to be at risk, and that everybody knows when the supervisor

comes in that it's going to be for a limited time period. But we don't see that, and I think the motion we've introduced here addresses the concerns of the colleges. I would hope, despite the fact that perhaps you have been given different direction, that you would seriously consider this motion that both the NDP and the PC Party have put forward based on the recommendations from the colleges.

The Chair (Mr. Shafiq Qaadri): Further comments?

We'll proceed to the vote. Those in favour of PC motion 62? Those opposed? PC motion 62 is defeated.

NDP motion 63, I understand, is also out of order and disposed of.

Government motion 64: Mr. Balkissoon.

Mr. Bas Balkissoon: I move that subsections 5.0.1(1) and (3) of the Regulated Health Professions Act, 1991, as set out in subsection 24(2) of the bill, be struck out and the following substituted:

"College supervisor

"5.0.1(1) The Lieutenant Governor in Council may appoint a person as a college supervisor, on the recommendation of the minister, where the minister considers it appropriate or necessary and where, in the minister's opinion, a council has not complied with a requirement under subsection 5(1).

"Notice

"(3) At least 30 days before recommending to the Lieutenant Governor in Council that a college supervisor be appointed, the minister shall give the college a notice of his or her intention to make the recommendation and in the notice advise the college that it may make written submissions to the minister.

"Review of submissions

"(3.1) The minister shall review any submissions made by the college and if the minister makes a recommendation to the Lieutenant Governor in Council to appoint a college supervisor, the minister shall provide the college's submissions, if any, to the Lieutenant Governor in Council."

This motion ensures that the supervisor will be appointed in cases where the college has failed to carry out a request made by the minister, and this is why the government is moving the motion.

The Chair (Mr. Shafiq Qaadri): Madame G  linas.

M^{me} France G  linas: The colleges are not there to respond to requests made by the minister, and this is what this is setting out to do. This is not why we have colleges. We have colleges to ensure public safety from the acts that their members carry out. They're not there to carry out the wishes of the minister. If this is what you want, then you need to set up a completely different system. To suddenly parachute somebody in because the minister doesn't get his or her way is inappropriate. This is not why we have colleges, and this is not how we should be dealing with colleges of health professionals. This is completely unacceptable. The amendment puts a 30-day notice and adds that, in the minister's opinion—that's a very low substitution for what we're asking for. This is not acceptable.

The Chair (Mr. Shafiq Qaadri): Ms. Elliott.

Mrs. Christine Elliott: I would concur with the comments made by Ms. G  linas that you have to have some other criteria other than the minister's opinion about the advisability of a college supervisor. There needs to be something involving a danger to the public before this step can be taken. This is very significant. It interferes with the self-regulating concept, and so we can certainly not support this amendment.

The Chair (Mr. Shafiq Qaadri): Ms. Witmer.

Mrs. Elizabeth Witmer: No, certainly we can't support this amendment. I don't know where the transparency is in all of this. It doesn't seem to be there. I would think that in making any decision, it would have to be based on whether or not there's a risk to patient safety. That really is the role of the colleges. There's no reference made to that whatsoever. It seems that the minister, willy-nilly, can decide whether or not they would send in a supervisor. As far as enabling the college to make a written submission to the minister, we've seen that happen in other cases, and it doesn't seem to have much of an impact. There are just not sufficient criteria here to justify such a significant step as a supervisor taking over and then not clearly identifying what the powers and duties are going to be of that supervisor and how long that person is going to be in place. Also, the council needs to continue to have rights as well.

I'm disappointed that the ministry doesn't seem to be concerned about transparency. This seems to be a somewhat secretive process, and there's no clear definition as to why it will happen, how long it will happen, what the powers are etc. It's very disappointing to see this supervisor provision.

The Chair (Mr. Shafiq Qaadri): Any further comments?

Seeing none, I'll proceed to the vote. Those in favour of government motion 64? Those opposed? Government motion 64 is carried.

Government motion 65.

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Mr. Bas Balkissoon: I move that subsections 6(7), (8) and (9) of the Regulated Health Professions Act, 1991, as set out in subsection 24(3) of the bill, be struck out and the following substituted:

"Additional audits

"(7) The college and the advisory council shall be subject, at any time, to any other audits relating to any aspect of its affairs as the minister may determine to be appropriate, conducted by an auditor appointed by or acceptable to the minister.

"Auditor to submit results

"(8) The auditor shall submit the results of any audit performed under subsection (7) to the minister and the college."

This motion removes a redundant reference to financial audits within the original proposed amendment and also ensures that the advisory council as well as the colleges are subject to any other audits.

The Chair (Mr. Shafiq Qaadri): Comments? Madame Gélinas.

M^{me} France Gélinas: I'm guessing that the college would be interested to know who will pay for those audits that the minister wants.

Mr. Bas Balkissoon: The motion is silent on that. I would think that the minister is open to discussion with the colleges as to who would pay and whether the minister would be willing to.

The Chair (Mr. Shafiq Qaadri): Ms. Witmer.

Mrs. Elizabeth Witmer: In that regard, we all know who pays for the supervisor who goes into a hospital. The poor hospital, that has already been slapped on the hand by the minister, perhaps, ends up having to bear the costs of the supervisor and everything else that goes with it. Oftentimes, they're in a deficit situation, and that's why the supervisor is sent in, and they incur even more in the way of a deficit. I think that question should be answered.

The other thing that is very important to take into consideration is that colleges don't receive any money from the government. They are self-funded by the members of the college. Again, the government doesn't seem to be prepared to have any criteria that would trigger an audit, and again, they can go in at any time, as the minister may determine to be appropriate.

I think we see a bully mentality and we see a lot of control being handed over to the minister. We've been seeing this ever since 2003, and I will tell you, we're not seeing better health care results for patients. It's very, very concerning to not see any criteria here as to who would pay, what would trigger the audit and some of the other information that obviously is totally lacking.

Again, I really would say to the government: Why would you introduce this without any consultation with the stakeholders involved? This is a government that talks about transparency, talks about consultation; they were going to be better than anybody else in this regard, and we're seeing totally the opposite.

The Chair (Mr. Shafiq Qaadri): Madame Gélinas.

M^{me} France Gélinas: This is the part of the bill that completely tilts the power balance towards the minister and the ministry. One can't help but think that we are now bringing political interference into self-regulatory colleges, which flies in the face of what the model is all about. They are there to protect the public from the acts of their members; they're not there to follow the will of the ministry. The additional audits on small colleges that don't have a big membership and don't have a lot of money can really, really tilt the balance of power completely to the ministry, where the college won't have, as its prime objective, to assure the safety of Ontarians, but to survive by the will of the minister.

The Chair (Mr. Shafiq Qaadri): Further comments? Seeing none, we'll now proceed to the vote.

Mrs. Elizabeth Witmer: Recorded vote.

The Chair (Mr. Shafiq Qaadri): A recorded vote is fine.

Ayes

Aggelonitis, Balkissoon, Dhillon, Lalonde, Mitchell.

Nays

Elliott, Gélinas, Witmer.

The Chair (Mr. Shafiq Qaadri): I declare government motion 65 to have been carried.

I will invite you, please, to present PC motion 66.

Mrs. Christine Elliott: I move that section 24 of the bill be amended by adding the following subsection:

“(5.1) Section 33 of the act is amended by adding the following subsection:

“Exception

“(2.1) Subsection (1) does not apply with respect to a member of the Ontario College of Social Workers and Social Service Workers who holds the title “doctor.””

This amendment was requested by the Social Work Doctors' Colloquium because they believe that restricting the use of the word “doctor” to qualified social workers is really acting as an impediment and discouraging people from entering the profession and staying in Ontario. Many are leaving for other jurisdictions where they are able to use the title “doctor.” So given the various capacities in which social workers act, I believe it is in the best interests of Ontarians that this amendment be approved.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Elliott, but, again, before I allow debate to proceed, I will need to declare this motion out of order.

With that, I will—yes, Ms. Witmer?

Mrs. Elizabeth Witmer: I would ask for unanimous consent to open this section of the act.

The Chair (Mr. Shafiq Qaadri): Ms. Witmer has asked for unanimous consent to open this section of the act. Do I have unanimous consent?

Mrs. Elizabeth Witmer: Recorded vote, please.

The Chair (Mr. Shafiq Qaadri): This is not a vote. I do not have unanimous consent. The ruling stands. PC motion 66 is out of order.

Given that NDP motion 67 is also out of order, I will now invite government motion 68.

Mr. Bas Balkissoon: I move that section 33.1 of the Regulated Health Professions Act, 1991, as set out in subsection 24(6) of the bill, be amended:

(a) by striking out the portion of subsection (1) before paragraph 1 and substituting the following:

“Psychotherapist title

“(1) Despite section 8 of the Psychotherapy Act, 2007, a person who holds a certificate of registration authorizing him or her to perform the controlled act of psychotherapy and is a member of one of the following colleges may use the title ‘psychotherapist’ if he or she complies with the conditions in subsections (2), (3) and (4); and

(b) by adding the following subsections:

“In accordance with regulations

“(4) A person mentioned in subsection (1) shall use the title ‘psychotherapist’ in accordance with the regulations made under subsection (5).

“Regulations

“(5) Subject to the approval of the Lieutenant Governor in Council and with prior review by the minister, the council of a college mentioned in paragraphs 1 to 4 of subsection (1) may make regulations governing the use of the title ‘psychotherapist’ by members of the college.”

This motion ensures that the colleges whose members may use the title “psychotherapist” can certainly make regulation governing the use of the title.

The Chair (Mr. Shafiq Qaadri): Comments? Ms. Elliott?

Mrs. Christine Elliott: Just a point of clarification: That would mean they can only use “psychotherapist”; they can’t be referred to as “doctor.” Is that correct?

Mr. Bas Balkissoon: This is just on the title “psychotherapist” at this time. I think there is a further motion dealing with the “doctor” issue.

The Chair (Mr. Shafiq Qaadri): We’ll proceed to the vote. Those in favour of government motion 68? Those opposed? Government motion 68 carries.

PC motion 69.

Mrs. Christine Elliott: I move that subsection 24(8) of the bill be struck out.

Again, this deals with the whole issue of the appointment of college supervisors and was requested by the College of Nurses of Ontario, the Ontario Dental Association, the College of Dietitians of Ontario and the College of Chiropractors of Ontario. Again, it’s dealing with their feeling that this is an erosion of the whole concept of self-regulation, and they’re asking that this section be removed in its entirety.

The Chair (Mr. Shafiq Qaadri): Any further comments? Mr. Balkissoon?

Mr. Bas Balkissoon: We won’t be supporting this motion. We introduced a motion to deal with the college supervisor, which was passed.

The Chair (Mr. Shafiq Qaadri): We’ll proceed to the vote. Those in favour of PC motion 69? Those opposed? PC motion 69 is defeated.

NDP motion 70.

M^{me} France Gélinas: I move that section 24 of the bill be amended by adding the following subsection:

“(8.1) Clause 43(1)(d) of the act is amended by adding ‘including permitting its use by a member of the Ontario College of Social Workers and Social Service Workers who holds the title “doctor”’ at the end.”

The Chair (Mr. Shafiq Qaadri): Any further comments?

Mr. Bas Balkissoon: We do not support this motion. The government will be introducing a motion with respect to the use of the title.

The Chair (Mr. Shafiq Qaadri): If there are no further comments, we’ll proceed to the vote. I inform the committee that that motion is also out of order.

We’ll proceed then to PC motion 71.

M^{me} France Gélinas: Chair, could you tell me why it’s out of order again? Sometimes it’s because it has been dealt with; sometimes it’s because it’s—

The Chair (Mr. Shafiq Qaadri): I would invite legislative counsel to do so.

Mr. Ralph Armstrong: This is a further motion that purports to deal with a section of the act not opened by the bill as passed at second reading.

The Chair (Mr. Shafiq Qaadri): We’ll proceed now to PC motion 71. Ms. Elliott.

Mrs. Christine Elliott: I move that section 43.2 of the Regulated Health Professions Act, 1991, as set out in subsection 24(9) of the bill, be struck out and the following substituted:

“Expert committees

“43.2 The Lieutenant Governor in Council may make regulations establishing one or more expert committees for the purposes of dealing with matters related to drugs under this act, the code, and health profession acts.”

This amendment has been suggested just to address matters relating to the use of various drugs under the act.

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Balkissoon.

Mr. Bas Balkissoon: The government cannot support this motion. Making this amendment removes the flexibility to establish expert committees in the future in respect of other matters.

The Chair (Mr. Shafiq Qaadri): If there are no further comments, we’ll proceed to the vote. Those in favour of PC motion 71? Those opposed? PC motion 71 is defeated.

NDP motion 72.

M^{me} France Gélinas: I’m being buried under papers here.

I move that section 43.2 of the Regulated Health Professions Act, 1991, as set out in subsection 24(9) of the bill, be amended by adding the following subsections:

“Membership

“(2) Half the members of an expert committee shall be members of the affected health profession and half shall be pharmaceutical experts.

“Public documents

“(3) Every report of an expert committee is a public document, and shall be provided to all affected colleges and professional associations.”

The Chair (Mr. Shafiq Qaadri): Further comments? Mr. Balkissoon.

Mr. Bas Balkissoon: We can’t support this motion because it addresses matters that are more appropriately dealt with in regulations, which may establish expert committees under the RHPA, 1991.

The Chair (Mr. Shafiq Qaadri): Any further comments? Madame Gélinas.

M^{me} France Gélinas: Am I hearing, then, that you support the idea that the result of the reports be provided to the affected colleges and professions—it’s just that you want it in regulation—or that you don’t support it?

Mr. Bas Balkissoon: We don’t support this, because it should be in regulation, as I stated before.

The Chair (Mr. Shafiq Qadri): If there are no further comments, we'll proceed to the vote. Those in favour of NDP motion 72? Those opposed? Defeated.

NDP motion 73.

M^{me} France Gélinas: I move that section 43.2 of the Regulated Health Professions Act, 1991, as set out in subsection 24(9) of the bill, be amended by adding the following subsection:

“Restricted mandate

“(2) Despite anything else in this section, an expert committee shall only act when there is a direct request from a college, and all of its documents shall be made public.”

The Chair (Mr. Shafiq Qadri): Mr. Balkissoon.

Mr. Bas Balkissoon: Same comment: We can't support this because this is better dealt with in regulations.

The Chair (Mr. Shafiq Qadri): Any further comments? Those in favour of NDP motion 73? Those opposed? NDP motion 73 is defeated.

NDP motion 74.

M^{me} France Gélinas: All right. I move that subsection 24(11) of the bill be struck out and the following substituted:

“(11) Subsection 3(1) of schedule 2 to the act is amended by adding the following paragraph:

“4.1 To collaborate and consult with other health professional colleges in respect of the standards of knowledge, skill and judgement relating to the performance of controlled acts common among health professions to enhance interprofessional collaboration, while respecting the unique character of individual health professions and their members.”

The Chair (Mr. Shafiq Qadri): Further comments?

Mr. Bas Balkissoon: Mr. Chair, can I just take a short break? Two minutes?

The Chair (Mr. Shafiq Qadri): Please. Five minutes.

The committee recessed from 1632 to 1636.

The Chair (Mr. Shafiq Qadri): We'll resume.

We're now on questions or comments regarding NDP motion 74. Are there any further questions or comments? Mr. Balkissoon.

Mr. Bas Balkissoon: This motion actually strikes out the wording in the existing bill. The government is very happy that the wording in the existing bill will achieve the objective of interprofessional collaboration, and as such, we'll be voting against it.

The Chair (Mr. Shafiq Qadri): Madame Gélinas.

M^{me} France Gélinas: I'd like you to take a good look at the wording because, if you look at it, it looks like what the bill is saying is that it wants to ensure the actual development of shared standards—that seems to be the focus of the bill, the way it is written—when, I think, what we're trying to do is make sure that the college should collaborate and consult between the colleges and the health care professionals. But if you read it, it looks like what we're trying to achieve is to basically develop shared standards, which, I don't think is what we're trying to do.

The Chair (Mr. Shafiq Qadri): Further comments? Seeing none, we'll proceed to the vote. Those in favour of NDP motion 74? Those opposed? NDP motion 74 is defeated.

NDP motion 75.

M^{me} France Gélinas: I move that subsection 13.1(1) of the Regulated Health Professions Act, 1991, as set out in subsection 24(13) of the bill, be struck out and the following substituted:

“Professional liability insurance

“13.1(1) It is the duty of the college to ensure that every active member has whatever professional liability insurance is required under the health profession act or any regulations or bylaws made under that act.”

The only change here is that only active members would have to carry professional liability insurance. Most liability insurance for health care professionals covers you way past when you finish practising. It covers you for the period of time that you were practising, and if five years down the road they discover that something you did five years ago was wrong, your insurance will still cover you, but you only need to be covered when you're actively practising.

The Chair (Mr. Shafiq Qadri): Mr. Balkissoon.

Mr. Bas Balkissoon: We can't support this motion because there is a government motion to be introduced that will amend the provisions of the bill pertaining to professional liability insurance and protection.

The Chair (Mr. Shafiq Qadri): Further comments? We'll proceed to the vote on NDP motion 75. Those in favour? Those opposed? Motion 75 is defeated.

NDP motion 76.

M^{me} France Gélinas: I move that subsections 13.1(1) and (2) of the Regulated Health Professions Act, 1991, as set out in subsection 24(13) of the bill, be struck out and the following substituted:

“Professional liability protection

“13.1(1) It is the duty of the college to ensure that every member has whatever professional liability protection is required under the health profession act or any regulations or bylaws made under that act.

“Protection requirements

“(2) It is the duty of a person who is registered by the college as a member to have whatever professional liability protection is required under the health profession act governing the member's health profession or any regulations or bylaws made under that act, from a provider of the member's choice, and independent from that of the member's employer, if any.”

Basically, what this is trying to say is that the college does not have to provide liability insurance to its membership; it just has to ensure that every member has professional liability protection.

The Chair (Mr. Shafiq Qadri): Mr. Balkissoon?

Mr. Bas Balkissoon: We can't support this motion. As previously stated, there's a government motion that will deal with professional liability insurance, and I believe it addresses this issue.

The Chair (Mr. Shafiq Qaadri): Any further comments? Those in favour of NDP motion 76? Those opposed? Motion 76 is defeated.

Government motion 77.

Mr. Bas Balkissoon: Did you say “government motion”?

The Chair (Mr. Shafiq Qaadri): Government motion 77.

Mr. Bas Balkissoon: Seventy-seven is NDP.

M^{me} France Gélinas: No, not in the new order.

The Chair (Mr. Shafiq Qaadri): Unless there has been a change in government which I’m not aware of.

Mr. Bas Balkissoon: There’s a lot of paper in front of me.

Interjection.

Mr. Bas Balkissoon: It has been renumbered, I was told by the clerk. Give me one second.

I move that section 13.1 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 24(13) of the bill, be struck out and the following substituted:

“Professional liability insurance

“13.1(1) No member of a college in Ontario shall engage in the practice of the health profession unless he or she is personally insured against professional liability under a professional liability insurance policy or belongs to a specified association that provides the member with personal protection against professional liability.

“Insurance requirements

“(2) A member mentioned in subsection (1) shall comply with the requirements respecting professional liability insurance or protection against professional liability specified by the college and prescribed in the regulations made under the health profession act governing the member’s health profession or set out in the bylaws.

“Professional misconduct

“(3) In addition to the grounds set out in subsection 51(1), a panel of the discipline committee shall find that a member has committed an act of professional misconduct if the member fails to comply with subsection (1) or (2).”

This motion clarifies the requirement of all college members to hold personal liability coverage and to comply with the college rules with respect to such coverage. I believe it addresses the insurance issue.

The Chair (Mr. Shafiq Qaadri): Further comments on government motion 77? Seeing no comments, I will proceed to the vote. Those in favour of the current government’s motion 77? Those opposed?

M^{me} France Gélinas: You went a little bit too fast. I had—

The Chair (Mr. Shafiq Qaadri): Oh, I’m sorry. Do you have a comment, then?

M^{me} France Gélinas: Yes.

The Chair (Mr. Shafiq Qaadri): Please. I offer you the floor.

M^{me} France Gélinas: Under professional misconduct, you have: “a panel of the discipline committee shall find that a member has committed an act of professional

misconduct if the member fails to comply with subsection (1) or (2).” Can you explain to me what that means?

Mr. Bas Balkissoon: Sorry, can you repeat that?

M^{me} France Gélinas: It’s your motion—the last paragraph.

Mr. Bas Balkissoon: The last paragraph?

M^{me} France Gélinas: Yes.

Mr. Bas Balkissoon: Mr. Chair, I wonder if I could ask the legal staff from the ministry to explain it.

The Chair (Mr. Shafiq Qaadri): Please.

Ms. Christine Henderson: It’s Christine Henderson, Mr. Chair. The intention in subsection (3) is to ensure that the enforcement of the provisions in subsections (1) and (2) are met.

M^{me} France Gélinas: Okay, then what is this panel of the discipline committee?

Ms. Christine Henderson: The discipline committee has extensive powers set out under the Health Professions Procedural Code and may provide a member with everything from a reprimand to more substantial penalties for non-compliance if he or she is found guilty of professional misconduct.

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M^{me} France Gélinas: Why is it a panel of the discipline committee? Why is it not the discipline committee that deals with it?

Ms. Christine Henderson: That’s a procedural issue. The chair of the committee generally selects a panel from the committee members. It would be impractical for the entire committee to sit and judge every single hearing of every single matter.

M^{me} France Gélinas: Okay.

The Chair (Mr. Shafiq Qaadri): Are there any further comments? We’ll proceed to the vote. Those in favour of government motion 77? Those opposed? Motion 77 is carried.

NDP motion 78.

M^{me} France Gélinas: I move that section 24 of the bill be amended by adding the following subsections:

“(13.1) Subsection 25(2) of schedule 2 to the act is repealed and the following substituted:

““Composition of panel

“(2) A panel shall be composed of at least three persons, at least one of whom shall be a resident of Ontario who is not a member of the college.”

“(13.2) Section 25 of schedule 2 to the act is amended by adding the following subsection:

““Restriction

“(4.1) Despite subsection (1), a panel shall not be selected to investigate a complaint if, in the opinion of the chair of the inquiries, complaints and reports committee, the complaint does not relate to professional misconduct, incompetence or incapacity on the part of a member.”

The Chair (Mr. Shafiq Qaadri): Before we proceed, I inform you, Madame Gélinas, that this motion is out of order.

I would now invite presentation of PC motion 79.

Mrs. Christine Elliott: I move that section 24 of the bill be amended by adding the following subsections:

“(13.1) Subsection 25(2) of schedule 2 to the act is repealed and the following substituted:

“Composition of panel

“(2) A panel shall be composed of at least three persons, at least one of whom shall be a resident of Ontario who is not a member of the college.”

“(13.2) Section 25 of schedule 2 to the act is amended by adding the following subsection:

“Restriction

“(4.1) Despite subsection (1), a panel shall not be selected to investigate a complaint if, in the opinion of the chair of the inquiries, complaints and reports committee, the complaint does not relate to professional misconduct, incompetence or incapacity on the part of a member.”

“(13.3) Subsection 38(2) of schedule 2 to the act is repealed and the following substituted:

“Composition of panel

“(2) A panel shall be composed of at least three and not more than five persons, at least two of whom shall be residents of Ontario who are not members of the college.”

The Chair (Mr. Shafiq Qadri): Before we proceed, I also inform you, Ms. Elliott, that PC motion 79 is also out of order.

I'll now invite Madame Gélinas to present NDP motion 80.

M^{me} France Gélinas: I move that section 24 of the bill be amended by adding the following subsection:

“(13.1) Subsection 38(2) of schedule 2 to the act is repealed and the following substituted:

“Composition of panel

“(2) A panel shall be composed of at least three and not more than five persons, at least two of whom shall be residents of Ontario who are not members of the college.”

The Chair (Mr. Shafiq Qadri): Mr. Balkissoon.

Mr. Bas Balkissoon: The government cannot support—

The Chair (Mr. Shafiq Qadri): I'm sorry, I'll need to interrupt you there, Mr. Balkissoon. I inform Ms. Gélinas that NDP motion 80 is also out of order.

I'll proceed now, therefore, to NDP motion 81.

M^{me} France Gélinas: I move that section 24 of the bill be amended by adding the following subsection:

“(13.1) Subsection 38(2) of schedule 2 to the act is repealed and the following substituted:

“Composition of panel

“(2) A panel shall be composed of at least three and no more than five persons, at least one of whom shall be a person appointed to the council by the Lieutenant Governor in Council, and at least one of whom shall be a resident of Ontario who is not a member of the college.”

Le Président (M. Shafiq Qadri): Encore une fois, madame Gélinas, je vous informe que votre motion 81 n'est pas à l'ordre non plus.

We now proceed to government motion 82. Mr. Balkissoon.

Mr. Bas Balkissoon: I move that subsections 24(14) and (15) of the bill be struck out.

This is a technical amendment which returns the provisions to the original wording in the RHPA. Apparently the colleges have had a change of opinion from the draft proposal, and they would like this removed and returned to the original wording.

The Chair (Mr. Shafiq Qadri): Further comments on government motion 82? Seeing none, we'll proceed to the vote. Those in favour of government motion 82? Those opposed? Motion 82 is carried.

NDP motion 83.

M^{me} France Gélinas: I move that subclause 80.1(a)(i.1) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 24(16) of the bill, be amended by striking out “other health profession colleges” at the end and substituting “other health professional.s”

The Chair (Mr. Shafiq Qadri): Further comments? Mr. Balkissoon.

Mr. Bas Balkissoon: The government will introduce a motion with respect to interprofessional collaboration and the quality assurance processes under the RHPA. As a result, we'll be opposing this motion.

The Chair (Mr. Shafiq Qadri): Any further comments? We'll proceed to the vote. NDP motion 83: Those in favour? Those opposed? NDP motion 83 is defeated.

Government motion 84: Mr. Balkissoon.

Mr. Bas Balkissoon: I move that subclause 80.1(a)(i.1) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 24(16) of the bill, be struck out and the following substituted:

“(i.1) promote interprofessional collaboration.”

The Chair (Mr. Shafiq Qadri): Further comments? We'll proceed to the vote then. Those in favour of government motion 84? Those opposed? Motion 84 is carried.

NDP motion 85.

M^{me} France Gélinas: I move that section 24 of the bill be amended by adding the following subsection:

“(16.1) Section 81 of schedule 2 to the act is amended by adding the following subsection:

“Assessor to be neutral peer

“(2) An assessor must be a neutral person who can demonstrate that he or she is qualified to assess the area in question.”

This amendment is put forward because some of the health professionals who are engaging in cutting-edge or sometimes alternative forms of practice are sometimes audited by health professionals who have very little knowledge with respect to their line of work.

The Chair (Mr. Shafiq Qadri): Thank you, Madame Gélinas. Before opening the floor for debate, I once again inform you that NDP motion 85 is out of order.

Shall section 24, as amended, carry? Carried.

We've not received any motions proposed for section 25. Shall section 25 carry? Carried.

We'll proceed now to section 26. PC motion 86: Ms. Elliott.

Mrs. Christine Elliott: I move that paragraph 2 of subsection 47.2 of the Social Work and Social Service Work Act, 1998, as set out in section 26 of the bill, be struck out and the following substituted:

"2. When identifying himself or herself in writing as a psychotherapist on a name tag, business card or any document, the member must set out his or her full name, immediately followed by the restricted title that the member may use under this act, followed in turn by 'psychotherapist.'"

This amendment was suggested just to reduce confusion because there is some suggestion that the lengthy title of the college followed by the use of "psychotherapist" is cumbersome and may lead a member of the public to believe that the member is employed by or holds an official position at the college. This just indicates what area the psychotherapist comes from and their title derives from.

The Chair (Mr. Shafiq Qadri): Further comments? Mr. Balkissoon?

Mr. Bas Balkissoon: The government will be introducing a motion with respect to the use of the title "psychotherapist" by members of the Ontario College of Social Workers and Social Service Workers and, as such, we'll be voting against this motion.

The Chair (Mr. Shafiq Qadri): Any further comments? Those in favour of PC motion 86? Those opposed? PC motion 86 is defeated.

Government motion 87.

Mr. Bas Balkissoon: I move that section 47.2 of the Social Work and Social Service Work Act, 1998, as set out in section 26 of the bill, be amended by striking out "abbreviated" in the portion before paragraph 1 and by adding the following paragraph:

"3. The member may only use the title 'psychotherapist' in compliance with this act, the regulations and the bylaws."

The Chair (Mr. Shafiq Qadri): Further comments? We'll proceed to the vote. Those in favour of government motion 87? Those opposed? Motion 87 is carried.

Government motion 88.

Mr. Bas Balkissoon: I move that section 26 of the bill be amended by adding the following subsection:

"(2) The act is amended by adding the following section:

""Doctor" title

"47.3(1) Despite subsection 33(1) of the Regulated Health Professions Act, 1991, a person who is a member of the college and holds an earned doctorate may use the title "doctor," a variation, abbreviation or an equivalent in another language if he or she complies with the following conditions:

"1. The member may only use the title "doctor" in compliance with the requirements under this act, the regulations and the bylaws.

"2. When describing himself or herself orally using the title "doctor," the member must also mention that he or she is a member of the Ontario College of Social Workers and Social Service Workers, or identify himself or herself using the title restricted to him or her as a member of the college.

"3. When identifying himself or herself in writing using the title "doctor" on a name tag, business card or any document, the member must set out his or her full name after the title, immediately followed by at least one of the following:

"i. Ontario College of Social Workers and Social Service Workers,

"ii. the title that the member may use under this act.

"Definition

"(2) In this section,

""earned doctorate" means a doctoral degree in social work that is,

"(a) granted by a post-secondary educational institution authorized in Ontario to grant the degree under an act of the assembly, including a person that is authorized to grant the degree pursuant to the consent of the Minister of Training, Colleges and Universities under the Post-secondary Education Choice and Excellence Act, 2000,

"(b) granted by a post-secondary educational institution in a Canadian province or territory other than Ontario and that is considered by the college to be equivalent to a doctoral degree described in clause (a), or

"(c) granted by a post-secondary educational institution located in a country other than Canada that is considered by the college to be equivalent to a doctoral degree described in clause (a)."

This motion amends the Social Work and Social Service Work Act, 1998, to authorize the appropriately qualified members of the Ontario College of Social Workers and Social Service Workers to use the title "doctor" when providing or offering to provide health care to individuals in Ontario.

I believe this deals with the issue that was raised in previous motions and raised by the stakeholders.

The Chair (Mr. Shafiq Qadri): The motion is out of order.

Mr. Bas Balkissoon: Mr. Chair, I would ask all-party consent to introduce the motion.

The Chair (Mr. Shafiq Qadri): I have a request for unanimous consent to proceed. Do I have unanimous consent?

Mr. Balkissoon, please proceed.

Mr. Bas Balkissoon: If we could just take the vote.

The Chair (Mr. Shafiq Qadri): Those in favour of government motion 88? Carried.

Shall section 26, as amended, carry? Carried.

Then I invite you, Mr. Balkissoon, to present the final motion of the day, government motion 89.

Mr. Bas Balkissoon: I move that section 27 of the bill be struck out and the following substituted:

"Commencement

“27(1) Subject to subsection (2), this act comes into force on the day it receives royal assent.

“Same

“(2) Sections 1, 8 and 9, subsection 10(1.1), section 11, subsection 12(2), sections 14, 16, 17, 18, 19, 22 and 23, subsections 24(6), (13) and (16) and section 26 come into force on a day to be named by proclamation of the Lieutenant Governor.”

The Chair (Mr. Shafiq Qaadri): Mme. Gélinas.

M^{me} France Gélinas: Why are we decreasing the number of sections that come into force upon royal assent?

Mr. Bas Balkissoon: Sorry?

M^{me} France Gélinas: Why are we decreasing the number of sections that come into force upon royal assent?

Mr. Bas Balkissoon: Can you refer to which section is being left out? Because I thought they were all captured.

M^{me} France Gélinas: They're not. If you look, the sections that were to receive royal assent are different.

Mr. Bas Balkissoon: Mr. Chair, can we take a quick break, and I'll check with my staff.

The committee recessed from 1701 to 1702.

The Chair (Mr. Shafiq Qaadri): We're ready to proceed. Mr. Balkissoon, the floor is yours.

Mr. Bas Balkissoon: I hope I can provide an explanation. I'm being told that the ones that are receiving royal assent can do it right now. The ones that are not, the colleges require time to do their regulations and policies, and they will receive royal assent at a later date.

The Chair (Mr. Shafiq Qaadri): Any further comments?

M^{me} France Gélinas: Some of the colleges are not here to refute this statement, but we've seen a number of bills receive royal assent and never be proclaimed. So whenever we see a bill that has some of its important clauses that won't be enacted until it receives proclamation, it leads me to believe that half of this bill could sit on the shelf forever on end and never get enacted. I just wanted to be on record saying you moved more important sections of the bill that won't come into effect after this bill receives royal assent. Is this manoeuvre because some of what's in that bill you have no intention of ever bringing to proclamation, which means it will never become law?

Mr. Bas Balkissoon: I'll just reiterate that this is a request of the colleges because they're not prepared to move forward at this time.

The Chair (Mr. Shafiq Qaadri): Any further comments? I'll proceed to the motion. Those in favour of government motion 89? Those opposed? Government motion 89 is carried.

Shall section 27, as amended, carry? Carried.

Shall section 28 carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 179, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

Is there any further business before this committee? Committee adjourned.

The committee adjourned at 1704.

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Also taking part / Autres participants et participantes

Ms. Christine Henderson, legal counsel,

Ms. Linda Altuna, legal counsel,

Ministry of Health and Long-Term Care

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