



SEIU HEALTHCARE

MODULE 03 | WHAT IS THE REGULATED HEALTH PROFESSIONS ACT (RHPA,1991)

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Goal:

The goal of Module Three is to help you understand the functions of the Regulated Health Professions Act (RHPA, 1991) and the Nursing Act (1991).

What Will I learn?

By completing this eLearning module you will learn the following:

- To increase your level of understanding as to functions of the RHPA (1991).
- To increase your understanding of the legislative framework that guides nursing practice; and
- The components of the legislative framework that influences nursing practice;

How Will I Learn?

- Build on your own nursing knowledge, experience and expertise;
- From matching and true and false questions to help you analyze and self-reflect about the legislation that impacts nursing practice;
- From the College of Nurses of Ontario's Professional Standards (2002) and Guidelines;
- By applying what you have learned to your professional nursing practice.

Keep a notebook or journal to document your ideas and answers to the questions in this learning module.

What is the Regulated Health Professions Act (RHPA)?

The RHPA legislation has been designed specifically for regulated health professionals, practicing in Ontario. This legislative framework which came into effect December 31, 1993 is supported by the Regulated Health Professions Act (1991) and 26 profession-specific Acts. The governing framework for nursing in Ontario is the RHPA and the Nursing Act 1991 (the Nursing Act).

The RHPA is an omnibus, or umbrella, law which applies equally for all professions. The RHPA also includes the Health Professions Procedural Code (the Procedural Code) which establishes common elements for all regulatory colleges. This ensure that colleges have the same powers and that the public have the same rights and mechanisms for approaching colleges regarding issues that may arise. The Nursing Act permits the College of Nurses of Ontario (CNO) the authority to regulate all classifications of nurse (including NPs, RNs and RPNs) and determines specific provisions relevant to the regulation of nursing.

One of the advantages of the RHPA is that a variety of regulations can be made under the profession-specific Acts, i.e., the make-up of College Council, registration process, discipline, professional misconduct guidelines, and quality assurance. Each college is responsible for developing these regulations, which are then submitted for review and final approval to the Minister of Health and Long-Term Care.

The Legislation

The RHPA (1991) outlines some key provisions. Answer "True" or "False" as to whether these key provisions apply to the RHPA (1991).

True or False

1. Outlines the Minister of Health's powers
 True False
2. Requires each regulatory college to establish a Health Professions Regulatory Advisory Council
 True False
3. Requires each regulatory college to establishes a Health Disciplines Board
 True False
4. Establishes sixteen (16) Controlled Acts, which a regulated health professional is authorized to perform a portion or all of the specific controlled acts that are appropriate for that profession's scope of practice
 True False
5. Requires all regulatory colleges to prepare and submit an annual report
 True False
6. Examples of regulations under the RHPA include prescribing forms of energy and identifies exemptions of controlled acts to various regulated health professionals
 True False

(Regulated Health Professions Act: An Overview for Nursing. RHPA Information Sessions (1994, 1997).

Answers:

1. True, 2. True, 3. True, 4. False, 5. True, 6. True

The Nursing Act as Espoused by the RHPA (1991)

The Nursing Act, 1991 in conjunction with the RHPA (1991) came into effect in 1993. These two pieces of important legislation determine exactly how the nursing profession is regulated in Ontario.

The Nursing Act, 1991 establishes the mandate of the College of Nurses of Ontario and defines the scope of practice for our nursing profession.

The Nursing Act and its Procedural Code

True or False - Are these changes True or False?

Elements in the Procedural Code which apply to ALL regulatory colleges in Ontario

1. Establishes Council of the College
 True False
2. Establishes statutory committees at the College of Nurses of Ontario:
 True False
3. Permits the College of Nurses to develop their own regulations
 True False
4. Requires the College of Nurses to provide all languages
 True False

Reflection

The Regulated Health Profession Act (1991) caused a significant change for all regulated health professional Colleges throughout Ontario. The College of Nurses of Ontario was quick to respond to the changes reflected in this legislation. They were instrumental in engaging nurses across the province to seek advice, feedback and consultation to ensure that nursing remained as an autonomous self-regulated health profession by ensuring changes to the nursing act were in keeping with current and future nursing practice.

Answers:

1. True, 2. True, 3. False, 4. False

The RHPA'S Expectations of the Regulatory Body - The College of Nurses of Ontario

There are 26 regulatory Colleges that regulate 28 distinct professions. The RHPA assures the public that these professions are meeting specific criteria and practice expectations. This hopefully will provide a sense of confidence to the public that these professionals are practicing within their standards.

The College of Nurses of Ontario, as well as all other regulatory bodies, have been charged with the responsibility and accountability to assess, plan, implement and evaluate a Quality Assurance Program for each regulated health profession. The College of Nurses of Ontario (CNO) must continue to discipline and register professional nurses, but now more than ever, CNO must implement programs that will give assurance to the public about the quality of care nurses provide.

For many years, and even today, each profession has maintained that certain practices remain solely within the domain of their profession. The RHPA recognizes that there is overlap of practice within professions and that healthcare professionals intertwine and augment each others care. The intent of the RHPA is attempting to ensure we are doing as much of this as possible.

What are the most significant changes?

One of the most significant features of the RHPA is the designation of scope of practice and the controlled acts model. This Act's approach to regulating professional scopes of practices and reflects the government's intent to permit patients the right to exercise their freedom choice of health care provider within a range of safe options. The RHPA will also promote the evolution of each regulated health profession and with professional regulatory bodies. The RHPA recognizes the reality of an interdisciplinary health care system where the practice of a wide range of professions may overlap.

Every health care profession has the opportunity to present a case to the Health Legislative Review Committee and demonstrate that the professional body they were representing had a scientific knowledge base, the ability to be self-regulating and demonstrate the responsibility to regulate their profession.

Representation by the general public on College Councils has increased to just under half of the total Council membership. All College meetings are to be open to the public which is representative of the current judicial system.

Three new statutory committees were created:

- Quality Assurance Committee
- Patient Relations Committee
- Registration Committee

(RHPA, 1994)

Established by the Ontario Government, the Health Professions Regulatory Advisory Council's (HPRAC) mandate is to provide recommendations as an independent source of evidence-informed advice to the Minister of Health and Long-Term Care on any matter relating to the regulation of the health professions (E.g. Whether unregulated health professions should become regulated; the effectiveness of current regulatory structures; etc.).

1. A code of ethics protects the rights of the client and nurse.
 - a) True
 - b) False
 - c) Not applicable to nursing

2. Ethical Codes state rules or principles for what "should or ought to be done." Laws establish what "must be done".
 - a) true
 - b) false
 - c) not applicable to nursing

3. The Regulated Health Professional Act will:
 - a) Prevent overlap of activities between the regulated health professionals
 - b) Limits the number of health care professionals the client will have contact with.
 - c) Increase consumer choice.

4. A Controlled Act according the RHPA is an act:
 - a) That may be done by only one regulated health professional.
 - b) That must be done under the supervision of a physician.
 - c) That may be potentially harmful if carried out by an unqualified person.

5. Competency includes the following: knowledge, skill, judgment, application and is modified by attitude:
 - a) True
 - b) False
 - c) None of the above

6. In the Province of Ontario, the authority to govern members of the nursing professions has been designated to:
 - a) The Registered Nurses Association of Ontario
 - b) The College of Nurses of Ontario
 - c) The Ontario Nurses Association

Answers:

1. a), 2. a), 3. c), 4. c), 5. a), 6. b)