



# *HEALTH AND SOCIAL SERVICES PROFESSIONS ACT*

PROPOSED AMENDMENTS

KEY ELEMENTS

*July 2024*

English

French

Cree

Tłchq

Chipewyan

## South Slavey

## North Slavey

## Gwich'in

## Inuvialuktun

Inuktitut

Inuinnaqtun

1-855-846-9601

866-561-1664 Toll Free

## OVERVIEW

### Objective:

The Department of Health and Social Services (the Department) is seeking feedback on the proposed key elements that will inform amendments to the *Health and Social Services Professions Act* (HSSPA).

The following key elements table outlines the proposed provisions for the amendments. The proposed key elements consider the current regulatory framework and best practices for the regulation of professions across Canada, and the unique geography and small population of the Northwest Territories (NWT).

The Department encourages you to review the proposed key elements. We welcome all comments and suggestions on the proposed key elements by **August 30, 2024**. Please let us know what you think and if you have any questions.

### Contact:

Attention: Comments on Proposed Amendments to *Health and Social Services Professions Act*

Policy, Legislation, and Intergovernmental Relations

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## INTRODUCTION

The *Health and Social Services Professions Act* (HSSPA) is an 'umbrella' Act that regulates different health and social services professions under one statute. The Act sets the general requirements that apply to each profession regulated under it, such as the responsibilities of the Registrar of Health and Social Services Professions, registration and renewal procedures, appeal processes, and the handling of complaints and discipline.

The profession-specific regulations cover all the specific requirements related to each profession. For example: protected titles, training, education, and continuing competency.

Together, the HSSPA and profession-specific regulations address the details associated with licensing professionals.

There are currently two regulations under the HSSPA:

- *Naturopathic Profession Regulations*
- *Psychology Profession Regulations*

The Department is currently working to bring other professions under the HSSPA, with the eventual goal of bringing all professions under the Act, with the exception of nursing professionals.

## BACKGROUND

Regulated health and social services professions in the NWT are currently governed by twelve separate pieces of legislation. The Department of Health and Social Services (DHSS) is responsible for the regulation of health and social services professionals in the NWT excluding nurses. Nurses are regulated the College and Association of Nurses of the Northwest Territories and Nunavut, which is created by and operates in accordance with the provisions of the NWT [Nursing Profession Act](#) and the Nunavut [Nursing Professions Act](#).

In Canada's provinces, regulated professions are governed by self-regulating Colleges as authorized by the provincial governments. Colleges are responsible for the administration and operation of their organization and must maintain their own regulations, bylaws, standards of practice, and code of ethics. Self-regulation in smaller jurisdictions, such as Canada's territories, is not always viable due to the small number of professionals and costs required to operate an independent regulatory office.

The intent of the HSSPA is to bring all DHSS regulated health and social services professions under the umbrella statute to ensure consistent and comprehensive regulatory frameworks for all health and social services professions. Work is underway to move the regulation of the pharmacy, midwifery, and dental hygienist professions under the HSSPA from their individual and outdated statutes. The remaining health and social services professions currently regulated by DHSS under separate enactments will follow.

The HSSPA was passed in the Legislative Assembly in March 2015 and came into force March 1, 2022.

WHAT WE ARE PROPOSING

| KEY ELEMENT                                                  | PROPOSAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ADDITIONAL INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| Registration Committee Participation in Registration Process | <p>Amendments would propose to allow the Registrar of Health and Social Services Professions (Registrar) to refer a registration decision to a Registration Committee, on an as-needed basis.</p> <p>This would streamline registrations, ensuring that straightforward registrations, renewals, and reinstatements may proceed without delay.</p>                                                                                                                                                                                                                  | <ul style="list-style-type: none"><li>• A Registration Committee may be established for each profession to provide profession-specific expertise respecting eligibility for registrations, renewals, and reinstatements.</li><li>• Currently, if a Registration Committee exists, they are responsible for all registration activities, and for directing the Registrar to register applicants, when appropriate.</li><li>• This approach may result in delays and unnecessary work on behalf of a Registration Committee to assess straightforward registrations, renewals, and reinstatements.</li><li>• Currently only one Registration Committee is established under the HSSPA, for Psychologists.</li><li>• The Department engaged with members of active Registration Committees, including for those professions not currently regulated under HSSPA, for feedback respecting their involvement with initial registrations and renewals. Respondents were supportive of providing the Registrar with discretionary authority to engage the Registration Committee for their recommendations during the renewal process, on an as-needed basis.</li><li>• Current requirements for the composition of a Registration Committee are not expected to change.</li></ul> |
| Mandatory Reporting of Unprofessional Conduct by Employers   | <p>Amendments would propose to require employers to report to the Complaints Officer if the employer believes the conduct of a registered member is unprofessional and because of the unprofessional conduct</p> <ul style="list-style-type: none"><li>• The employer terminates or suspends employment;</li><li>• The employer revokes, suspends or restricts entitlements; or</li><li>• The registrant resigns or voluntarily relinquishes or restricts their entitlement to practice.</li></ul> <p>This would ensure mechanisms exist to protect the public.</p> | <ul style="list-style-type: none"><li>• There is a growing trend for professional regulatory legislation to require employers to notify regulatory bodies if an employee (who is a regulated member) has resigned, terminated, or been sanctioned for unprofessional conduct, including behavior that would constitute sexual abuse.</li><li>• This would include any type of employment on a full-time or part-time basis as a paid or unpaid employee, consultant, contractor, or volunteer.</li><li>• This proposed amendment aligns with recent amendments to the NWT <a href="#">Nursing Profession Act</a>.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| KEY ELEMENT                                                                                          | PROPOSAL                                                                                                                                                                                                                                                                                                                                                   | ADDITIONAL INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Mandatory Notice to Employers of Licence Conditions, Suspensions, or Cancellations                   | <p>Amendments would propose to require the Registrar to notify any known employer of the registered member if their licence is suspended or cancelled, or conditions are placed on their licence.</p> <p>This will ensure mechanisms exist to protect the public.</p>                                                                                      | <ul style="list-style-type: none"> <li>This will provide a mechanism for employers to be made aware of the following actions taken by the Registrar, Complaints Officer, Inquiry Panel, or Supreme Court: <ul style="list-style-type: none"> <li>Conditions placed on a licence</li> <li>A licence is suspended or cancelled</li> </ul> </li> <li>This proposed amendment aligns with recent amendments to the NWT <a href="#">Nursing Profession Act</a>.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                           |
| Mandatory Notice to Regulatory Bodies of Licence Conditions, Suspensions, or Cancellations           | <p>Amendments would propose to require the Registrar to notify the bodies that regulate the profession in other Canadian jurisdictions if the licence of a registered member has been suspended or cancelled, or if conditions have been placed on their licence.</p> <p>This will ensure mechanisms exist to protect the public.</p>                      | <ul style="list-style-type: none"> <li>This will provide a mechanism for regulators to be made aware of the following actions taken by the Registrar, Complaints Officer, Inquiry Panel, or Supreme Court: <ul style="list-style-type: none"> <li>Conditions placed on a licence</li> <li>A licence is suspended or cancelled</li> </ul> </li> <li>This approach aligns with other jurisdictions, and bylaws under the NWT <a href="#">Nursing Profession Act</a>.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                   |
| Approval of professional codes, standards, programs for professions and liability insurance amounts. | <p>Amendments would propose to allow the Registrar to approve continuing competency programs, formats of the recording of continuing competency requirements, guidelines, standards of practice and codes of ethics.</p> <p>The Registrar would be able to approve these items for adoption or reference in the corresponding professional regulation.</p> | <ul style="list-style-type: none"> <li>Currently the HSSPA requires the Minister to approve all educational facilities and courses, training programs, exams, continuing competency programs, formats for the recording of continuing competency requirements, guidelines, standards of practice, codes of ethics and liability insurance amounts.</li> <li>The approach would propose the Registrar approve items related to continuing competency, guidelines, standards of practice and codes of ethics, after engaging with individuals representing the profession, including any existing professional association(s).</li> <li>The approach would propose that educational facilities and courses, training programs, exams and liability insurance amounts are approved by the Minister, on recommendation of the Registrar.</li> </ul> |

| KEY ELEMENT                                | PROPOSAL                                                                                                                                                                                                                                                                                                                                       | ADDITIONAL INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| Emergency Registration                     | <p>Amendments would propose to allow the Minister of Health and Social Services to direct the Registrar to register and issue licences for a designated profession if a state of emergency is declared.</p> <p>This would be available to a person who is entitled to practise that profession in another province or another territory.</p>   | <ul style="list-style-type: none"><li>• This would give the Minister power to direct the Registrar to register and issue licences for a designated profession if a state of emergency is declared under the <i>Emergency Management Act</i> or other GNWT statute.</li><li>• A similar power currently exists in the HSSPA for if a public health emergency is declared under the <i>Public Health Act</i>. In this case, the Minister, on the recommendation of the Chief Public Health Officer, may direct the Registrar to register professionals and issue licences.</li><li>• These amendments would allow the GNWT to ensure health professionals are available during all states of emergency.</li></ul>                                                                                                                                                                                                                                                                                                                                             |
| Registrar Imposing Conditions on a Licence | <p>Amendments would propose to allow the Registrar to impose conditions on an applicant's licence at initial registration without requiring those conditions to be limited or restricted in any way.</p> <p>This would protect the public to ensure that certain requirements are fulfilled or abided by until the conditions are removed.</p> | <ul style="list-style-type: none"><li>• Conditions on a licence are intended to protect the public by ensuring that a person is not entitled to practice the profession or provide those services in contravention of the conditions.</li><li>• The HSSPA allows the Registrar or Registration Committee to impose conditions on an applicant's licence at initial registration, but only in accordance with the regulations. This limitation does not exist for conditions placed on a licence at renewal.</li><li>• The Department believes this is overly restrictive, and the Registrar should have the ability to impose any conditions at initial registration.</li><li>• Currently the Complaints Officer and Inquiry Panel may impose conditions, and there is no requirement for them to be in accordance with the regulations.</li><li>• Conditions may include, but are not limited to, the requirement to practice under supervision, to complete certain training/education, to undergo drug testing, or to complete an ethics exam.</li></ul> |



| KEY ELEMENT                                            | PROPOSAL                                                                                                                                     | ADDITIONAL INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| Composition of Boards of Inquiry and Panels of Inquiry | Amendments would propose to allow for out of territory professional representation on Boards and Panels of Inquiry, instead of requiring it. | <ul style="list-style-type: none"> <li>The Department feels it is unnecessary to seek representation from outside the territory for Boards of Inquiry and Panels of Inquiry, unless in the event of a conflict or other reasonable cause.</li> <li>Currently, representation on a Board of Inquiry and Inquiry panel includes: <ul style="list-style-type: none"> <li>At least one person who is a registered member of the profession in the NWT</li> <li>At least one person eligible to practice the profession in a province or another territory</li> <li>At least one person who is a layperson</li> </ul> </li> <li>Amendments would propose for representation to include: <ul style="list-style-type: none"> <li>At least two people who are registered members of the profession in the NWT (with the option of seeking out of territory representation in the event of a conflict or other reasonable cause)</li> <li>At least one person who is a layperson</li> </ul> </li> <li>This approach aligns with other jurisdictions.</li> </ul> |
| Repealing Existing Professional Legislation            | Amendments would propose to repeal existing professional legislation, as needed.                                                             | <ul style="list-style-type: none"> <li>As professions are regulated under the <i>Health and Social Services Professions Act</i>, the existing legislation that regulates the profession must be repealed.</li> <li>No changes would be proposed to the existing process for bringing professions under the HSSPA.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Consequential Amendments                               | Amendments would propose to allow changes to other pieces of legislation that directly relate to the profession being regulated under HSSPA. | <ul style="list-style-type: none"> <li>The Department is currently working to regulate the pharmacy, midwifery, and dental hygiene professions under HSSPA.</li> <li>The proposed approach would, as an example, allow any mention of the <i>Pharmacy Act</i>, <i>Midwifery Profession Act</i> and <i>Dental Auxiliaries Act</i> in other legislation be changed to reflect the name of the new Regulation.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Modernize language                                     | Amendments would ensure provisions that pertain to personal pronouns be gender neutral.                                                      | <ul style="list-style-type: none"> <li>References to “him or her”, “he or she” or “himself or herself” would be replaced with “they” or “their” or “themselves”.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| KEY ELEMENT                        | PROPOSAL                                                                                                                                                                                                                                                                                                                                      | ADDITIONAL INFORMATION                                                                                                                                                                                                                                                                                                                                                                                        |
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| Layperson Definition               | <p>Currently, a layperson on a Registration Committee, Board of Inquiry or Panel of Inquiry must not be a member of any profession regulated under HSSPA.</p> <p>Amendments would propose to allow a member of another regulated profession to participate as a layperson on a Board of Inquiry, Inquiry panel or Registration Committee.</p> | <ul style="list-style-type: none"> <li>• A Registration Committee, Board of Inquiry and Inquiry panel all require representation from a layperson.</li> <li>• Amendments would allow a psychologist, for example, to participate as a layperson on a Board of Inquiry for a naturopathic professional, but not for another psychologist.</li> <li>• This approach aligns with other jurisdictions.</li> </ul> |
| Language Proficiency               | Amendments would allow the Regulations to require demonstration of language proficiency.                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>• Regulatory bodies are permitted to request demonstration of language proficiency if, for example, this has not been previously assessed by the regulatory body in the province/territory of origin.</li> <li>• Acceptable proof of language proficiency would be included in the profession-specific Regulation.</li> </ul>                                          |
| Continuing Competency Requirements | Amendments would give the Registrar some discretion with respect to timing for completion of continuing competency requirements.                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>• Continuing competency requirements for renewal must be completed in a specific time frame, specified in the Regulations.</li> <li>• Amendments would allow the Registrar to accept deviations from the time frame, if the Registrar is satisfied that there is a reasonable explanation for a delay in acquiring continuing competency requirements.</li> </ul>      |
| Virtual Care                       | Amendments to ensure the Department is not unintentionally prohibiting health professionals from providing care to patients who are non-residents, temporarily in the NWT, and receiving virtual services from a health professional located in another jurisdiction.                                                                         | <ul style="list-style-type: none"> <li>• The Department does not want to unintentionally require registration from professionals providing virtual continuing care to non-residents in the NWT.</li> <li>• Health professionals providing care virtually from another jurisdiction to NWT residents must be licensed in the NWT.</li> </ul>                                                                   |
| Fees                               | Amendments would allow for a consistent application fee for all professions, and a separate registration/licensing fee, depending on the profession.                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>• The HSSPA currently allows for only one fee to be charged at initial application, which is a fee for initial application, registration, and licensing.</li> <li>• This amendment will allow for a lower application fee, separate from the registration/licensing fee.</li> </ul>                                                                                    |

| KEY ELEMENT                                | PROPOSAL                                                                                                                 | ADDITIONAL INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| Accepting Applications for Self-regulation | The Department is looking to propose amendments that would allow a profession to apply to self-regulate under the HSSPA. | <ul style="list-style-type: none"><li>• Amendments would allow the Department to accept applications for self-regulation from a group or body representing a health or social services profession.</li><li>• Amendments would propose criteria for determining whether a health or social services profession should be self-regulated under the Act. In addition to the existing criteria for designation, this would include an assessment of the ability of the proposed college of to carry out the mandate, powers, and duties of a college under the Act.</li><li>• Amendments would allow for a college to be established, along with a governing body (board of directors or council) to manage and conduct the business and affairs of the college.</li><li>• The amendments would allow for the appointment of a registrar and complaints officer, establishment of a registration committee, adoption of standards and scopes of practice, codes of ethics, continuing competency programs and setting out title protection.</li></ul> |

**Thank you for your interest in this work. Your feedback is valuable.**

Please submit comments and suggestions by August 30, 2024.

Your contributions will be considered in the development of the proposed amendments to the *Health and Social Services Professions Act* and included in a summary of *What We Heard*, which will be publicly available on the Government of the Northwest Territories' Have Your Say webpage.