

**GOVERNMENT OF THE NORTHWEST TERRITORIES' RESPONSE TO
COMMITTEE REPORT 12-17(5): REPORT ON THE REVIEW OF BILL 36:
HEALTH AND SOCIAL SERVICES PROFESSIONS ACT**

Background

The Standing Committee on Social Programs ('Committee') presented their Report 12-17(5): Report on the Review of Bill 36: *Health and Social Services Professions Act* on March 5, 2015. This Report contains ten recommended courses of action.

Along with the recommended courses of action, Committee also requested the Government of Northwest Territories provide a comprehensive response to the Report within 120 days.

Recommendations and Responses

- 1) *The Department of Health and Social Services proceed without delay in regulating the first four professions, including emergency medical service providers, psychologists, licensed practical nurses, and naturopathic doctors, and, further, that the Department of Health and Social Services respond swiftly to other professions requesting to be regulated.*

GNWT Response: The Department of Health and Social Services (Department) has committed to finalizing profession-specific regulations for Emergency Medical Services Providers and Psychologists by the end of 2015. Profession-specific regulations for Licensed Practical Nurses and Naturopathic Doctors will be finalized by the end of 2016.

An application for professions wishing to be regulated under the *Health and Social Services Professions Act* (HSSPA) will be posted on the Department's website once the Act comes into force (end of 2015). Based on the criteria established in the Act and the Department's available resources, the Executive Council will determine which professions will be regulated next.

- 2) *The Department of Health and Social Services provide professionals with opportunities for substantive input on the development of the regulations.*

GNWT Response: The Department recognises the important knowledge and expertise of professionals. Profession-specific regulations will be developed in consultation with individuals practicing the profession, as well as professional associations, other affected professions, and members of the public.

- 3) *The Department of Health and Social Services ensure that the legislation is carefully implemented in accordance with ATIPP and the Health Information Act.*

GNWT Response: The Department will ensure the HSSPA and all profession-specific regulations are implemented in accordance with all existing legislation, including ATIPP and the HIA.

- 4) *The Department of Health and Social Services ensure that a majority of registration committee members be licensed practitioners of the profession.*

GNWT Response: The HSSPA has been drafted to allow for flexibility when appointing registration committee members. However, the Act does require that *at least* one member of the designated profession be appointed to a committee to ensure professional representation. If a registration committee is established in the regulations, the Department will work with the professionals to set up the appropriate member composition.

- 5) *The Department of Health and Social Services seek the involvement of professionals in other jurisdictions where there is a small number of professionals practicing in the Northwest Territories.*

GNWT Response: The HSSPA was drafted to account for professions who may have a small number of individuals practicing in the NWT. Where professional representation is necessary, such as on a Board of Inquiry, the Act requires that the Minister appoint an NWT member of the profession. However, where there are limited numbers of NWT professionals or where a conflict of interest may arise, the Minister may appoint a licensed member of the profession from another jurisdiction.

It is worth noting that that HSSPA does not allow a member of a different profession to sit on a Board of Inquiry (i.e. a physician would not sit in place of a naturopathic doctor). This is to ensure there is adequate representation for the profession.

- 6) *The Department of Health and Social Services provide community members with opportunities for input into the registration and complaint processes.*

GNWT Response: Where a registration committee is established in the regulations, the HSSPA requires that *at least* one layperson is appointed to a registration committee and a Board of Inquiry. A layperson is defined in the Act as a person who has never held a license, who has never been entitled to engage in the practice of a designated profession in any jurisdiction, and who is not employed by the Department, any Health and Social Services Authority or the Tłı̨chq̓ Community Services Agency. A layperson is appointed to ensure community/public representation in professional licensing matters.

- 7) *The Department of Health and Social Services direct the complaints officer to interview every complainant to ensure that complaints are accurately understood.*

GNWT Response: The HSSPA requires that a Complaints Officer review and inquire into each complaint. The Act has also included a provision that allows the Complaints Officer to engage the services of any person who s/he considers necessary in order to review each complaint, such as professional or legal expertise.

- 8) *The Department of Health and Social Services exercise caution in the use of alternative dispute resolution processes and guard against hasty or inadequate remedies for complaints.*

GNWT Response: The primary purpose of the HSSPA is to help ensure public safety. That Act allows for a comprehensive range of disciplinary action, including alternative dispute resolution (ADR). There are several provisions included in the Act to help ensure the ADR process is not used as a way to quickly resolve a complaint. For example, there are many parameters to conducting an ADR process and appointing an ADR facilitator, such as the consent of the complainant, the respondent, and the Complaints Officer. In addition, the Complaints Officer must approve a settlement agreement before the complaint is considered resolved. If the Complaints Officer refuses to approve a settlement agreement, the Complaints Officer is required to provide written notice of and reasons for the refusal to the complainant and the respondent, after which the complaint proceeds to the next appropriate stage, such as a referral to a Board of Inquiry.

- 9) *The Department of Health and Social Services set reasonable and nominal fees for professional memberships.*

GNWT Response: Fees for professional registration and licensing will reflect those established in current health and social services professional legislation, such as the *Social Work Profession Act* and the *Pharmacy Act*. Current fees vary from \$100 to \$250, depending on the profession. Our professional registration and licensing fees are significantly lower than those charged in other jurisdictions.

- 10) *The Department of Health and Social Services require professionals to meet national certification standards, engage in professional development, and keep abreast of best practices in their profession.*

GNWT Response: It is the Department's intention to ensure our professional registration and licensing standards are equivalent to those in other jurisdictions and in line with expectations established by the Agreement on Internal Trade. The HSSPA allows profession-specific regulations to be

developed to suit the unique aspects of each different profession, including continuing competency requirements for license renewal.