

June 30, 2021

Sean Court
Assistant Deputy Minister
Strategic Policy, Planning & French Language Services Division
Ministry of Health
438 University Avenue, 10th floor
Toronto ON M7A 2A5

Dear Sean Court,

In response to your request for the identification of conversations and initiatives around modernization of the governance structure and processes of Colleges governed by the *Regulated Health Professions Act (1991)*, the Colleges of Dental Hygienists of Ontario, Dental Technologists of Ontario and Denturists of Ontario are pleased to provide this summary of conversations and activities that have captured the individual and collective organizational attention since late 2018.

Since 2018, the Councils of the CDTO, CDO, and CDHO have been exploring and following global trends in Health Profession Regulation and governance models of regulatory organizations including:

- The College of Nurses of Ontario's Vision 2020,
- The Cayton Report into the performance of the College of Dental Surgeons of British Columbia, and, more recently,
- the agreement to pursue amalgamation by the Oral Health Profession regulatory bodies in British Columbia.

These and other initiatives have provided comprehensive, useful information for our three organizations as they look toward a common future as a single Oral Health Profession regulatory body.

In early 2020, the Registrars, Presidents, and Vice-Presidents of our three Colleges engaged in a discussion about opportunities for modernization and reform of operational and governance structures of the Colleges. A wide range of possibilities, from shared services to organizational amalgamation, were considered during these discussions. Following these conversations, a Discussion Paper that framed further discussion of these options by individual Councils was developed and presented to each Council. For your convenience, a copy of this Discussion Paper is attached.

While a planned, combined discussion involving all three Councils was postponed at the onset of the COVID-19 pandemic, discussions at each College continued throughout 2020. These discussions resulted in all three Councils expressing interest in exploring organizational amalgamation.

The Registrars, Presidents and Vice-Presidents of our three Colleges met again on December 18, 2020, and formed a smaller group consisting of one representative of each College and one Registrar (acting as a

resource). At a meeting on January 8, 2021, this smaller group discussed the approach to this complex project and identified the need to articulate the guiding principles surrounding the amalgamation and a vision of the organizational governance structure as essential next steps in the conversation. The group also requested a legal opinion regarding the broad regulatory framework(s) in which such an amalgamation could occur. These elements were summarized in a January 18, 2021, comprehensive memo to all three Councils: "Report – Initial Steps in Amalgamation". This document is attached for your convenience and the essential elements are summarized below.

Guiding Principles

Anticipating a need for a framework for ongoing discussions, the following draft Principles were developed by the group for consideration by the individual College Councils. These Principles will form the basis for a Memorandum of Understanding that will be adopted and signed by each College.

The Principles:

In our work together, we will:

- Hold the protection of the public's interest in access to safe, competent, and ethical care provided by a regulated Health Professional at the forefront of all discussions and decisions;
- Engage our key stakeholders in conversations at appropriate, key points;
- Commit to transparency in stakeholder communications;
- Ensure a combined responsibility for decisions that are shared between the three Colleges and Councils;
- Respect the autonomous, independent decision-making of the Colleges;
- Ensure continued attention to the maintenance of professional identity in all discussions and decisions; and
- Inform our actions and decisions with the principles of good resource stewardship.

Organizational Governance Structure - Vision 2021

While not fully crystallized, the discussions of the vision of the organizational governance structure of the amalgamated organization could see the transition of the three independent Councils to a single Board of Directors. This Board of Directors would oversee one multi-disciplinary regulatory authority, the duty of which would be to regulate the Oral Health Professions of Dental Hygiene, Dental Technology, and Denturism.

This single regulatory authority would support accessible, transparent Oral Health Profession regulation and provide the public with a single point of contact for inquiries or complaints regarding each of the three Oral Health Professions. It would, by the nature of its structure, promote strong, positive interprofessional collaboration, streamline and simplify the many common health profession regulatory processes, and allow for the maintenance of profession-specific standards. It would also support unified, targeted public awareness of the role of a Health Profession Regulator in Oral Health care. This amalgamated organization would be better equipped to respond collectively to emerging trends and policy across the three regulated Oral Health professions

As a central theme and foundation, the three Colleges would be committed to a shared goal of public interest and protection in accordance with the Colleges' regulatory mandate, set out in the *RHPA*.

The oversight body, the Board of Directors, would oversee the combined Oral Health Profession Regulatory Authority created by the three existing Colleges and led by a transitional team whose members are drawn from the membership of the three existing College Councils. Task-focused working groups, with equal representation from each College, would undertake the specific work of designing "the what" and "the how" of the amalgamation process that would occur at many levels of the organizational structure. This work would be evidence-informed and support the Principles outlined above.

Legal Considerations

Since an amalgamation initiative of this scale and complexity requires some degree of regulatory change, an opinion on how such a regulatory change could occur was sought from Rebecca Durcan, Partner at Steinecke Maciura LeBlanc.

Two broad models of consolidation were identified:

1. **Amalgamation and Continuation** maintains the existence of the original corporations while creating and acknowledging a new corporation would be the regulator. This approach is less complex and avoids any future argument over jurisdiction.
2. **Repeal and Create** is more legally complex and carries with it the risk of loss of jurisdiction, in some matters, when the profession-specific regulatory framework is repealed.

From our initial discussions, the **Amalgamation and Continuation** model, is preferred as it pays attention to the past, is less complex and more aligned with the Ministry of Health, which retains final approval for any legislative modification related to Health Profession Regulation.

All three Councils met on March 17, 2021, for a virtual joint session to engage in further discussion of the elements presented in the **Discussion Paper** and the **Initial Steps in Amalgamation Report**. This meeting saw the discussions take place in smaller, virtual break-out groups as well as the broader plenary discussions. At the conclusion of this meeting, the Councils agreed to engage in their individual discussions, the conclusion of which would lead to a formal consideration of the following two motions:

Motion 1.

Be it resolved that:

The Council of the College of [], accepts the principles and vision presented in the "Initial Steps to Amalgamation" document (January 18, 2021) and agrees to the drafting and signing of a Memorandum of Understanding between the CDHO, CDTO, and CDO to proceed with planning the amalgamation of the three organizations.

If Motion 1 was adopted, then Motion 2 would be considered:

Motion 2:

Be it resolved that:

The Council of the College of [] agrees to the formation of a Transition Oversight Committee. The composition of the Transition Committee will be, from each College: one public appointee, one professional member, and the Registrar. The total number of members of the Committee will be nine. The initial mandate of this Committee will be to begin the process of oversight and direction of the amalgamation vision, starting with the preparation of Terms of Reference for the Committee.

As of June 25, 2021, each Council has adopted both motions and agreed to proceed with the formation of a Transition Oversight Committee, the composition of which is described in Motion 2 above. Initially, this Committee will develop its Terms of Reference and oversee the drafting of the Memorandum of Understanding

which will articulate approval to proceed with planning of the amalgamation of the three organizations.

We do note that since assuming the position of Registrar and CEO at the Royal College of Dental Surgeons of Ontario in August 2020, Mr. Dan Faulkner has been participating in regular meetings of all the Registrars of the Oral Health Profession Regulatory Colleges. These meetings have supported the four Colleges in collaborating on issue-specific initiatives and have provided opportunities to ensure that RCDSO is aware of the steps CDTO, CDO and CDHO are taking toward possible amalgamation. The group is pleased to have open communication that will allow discussion, when relevant and as required, regarding modernization, generally, and amalgamation, in particular.

This is a summary of our present position as we step further down the road to a vision of a combined Oral Health Profession Regulatory body for Registered Dental Hygienists, Dental Technologists and Denturists. We are pleased that the events of the past year have not completely frustrated our efforts in this regard. We look forward to continued articulation of the government's feedback on this initiative as we continue in our effort to improve and strengthen the oversight system for health professions of Ontario.



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Attachments:

**Discussion Paper for Councils of Three Oral Health Colleges
Initial Steps in Amalgamation Report**