



College of Dental Technologists of Ontario  
Ordre des Technologues Dentaires de l'Ontario

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Sean Court, Assistant Deputy Minister (ADM)  
Strategic Policy, Planning & French Language Services Division  
Ministry of Health  
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Transmitted by email: sean.court@ontario.ca

Dear ADM Court:

We are pleased to have this opportunity to respond to the ministry consultation on Governance Reforms and Modernization. We understand that the feedback regarding implementation of core governance, housekeeping and will be used to inform legislative development and implementation planning. We hope the feedback on questions to modernization reforms, reducing barriers to registration and integrating oversight systems and new professions will help to inform a regulatory impact assessment.

As you know CDTO has actively participated in core governance reform considerations and reducing barriers to registration since 2014, implementing several initiatives at both the provincial and national level. CDTO believes that there are clearly many opportunities to strengthen governance and regulatory oversight in the public interest as cited in our letters “Governance Reform Recommendations” (December 2019) and “Governance Reform and Potential Burden Reduction” (June 2021).

After reviewing the consultation deck, it is important that we highlight key considerations and challenges:

1. Implementing the full suite of changes suggested is well beyond the resources of CDTO. If the Ministry plans to proceed with all of these changes, CDTO would need to explore opportunities to create critical mass such as amalgamation, centralized services and shared resources. CDTO is currently involved in developing an amalgamation framework which requires an open dialogue with the Ministry to expedite the process.
2. The proposed reforms are extensive both in breath and depth which demand significant time for careful consideration and consultation.
  - The overall direction of the Core Governance and Housekeeping changes is familiar from many previous discussions with the Ministry in recent years. However, most of the consultation deck questions relate to detailed implementation planning considerations. It is hard to answer those questions thoughtfully without also thinking through implementation in more detail, which has not been possible in the time provided. Also, the Ministry would be getting better feedback if colleges had time to work through the implementation issues with our respective Councils and collectively, with the Ministry as part of that dialogue.

- We respectfully suggest that the Modernization Reforms are very significant changes that should not be proposed in such a hurried fashion, and that it is too early to ask us to weigh in on implementation. We recommend that these changes be set aside for now and that they be the subject of a separate stream of meaningful consultation with colleges (similar to the Ministry's approach on Core Governance changes) so that we have a better sense of the rationale and potential implications, as well as the opportunity to talk about potential duplication, resource requirements, timing and other potential alternatives that might be more cost effective.
  - Our point is similar with respect to Reducing Barriers to Registration. The questions the Ministry is asking in this area are very broad, covering many significant and varied issues and it is difficult to provide thoughtful input in the time provided. Again, we recommend that there be a meaningful dialogue with the Ministry so that we have more insight into what is being asked and why – as well as the opportunity for discussion between and among colleges.
3. Critical to the success of implementing some of the Core Governance changes would be the creation of a centralized service, to receive and assess Council and Committee applications for both public and professional members – not dissimilar to the role of the Public Appointments Secretariat plays for Government ministries and agencies. In our view, this would be more efficient and effective than each college developing their own process. The use of a third party would enhance public trust and ensure transparency, consistency and impartiality for appointments.
  4. Asking the CDTO to implement the sheer volume of these changes will require redirecting very limited resources away from our regulatory and strategic priorities.

I appreciate that the Ministry will need time to review the input of all colleges and we would be pleased to answer any questions about our input. However, given CDTO's unique circumstances as a very small college, and the challenges posed by both regulatory disruption in our sector and the new Ministry accountability initiatives, I am requesting an early dialogue with the Ministry about a specific path forward for CDTO.

Sincerely,



Judy Rigby  
Registrar and CEO

Allison Henry, Director, Health Workforce Regulatory Oversight Branch, MOH  
Stephen Cheng, Manager, Health Workforce Regulatory Oversight Branch, MOH  
HPRO Board of Directors

## Core Governance

On the whole, CDTO supports the proposed core governance changes. However, implementing these changes without fully understanding the delivery challenges (complexity), costs and timescales, necessary alignment of processes and per diem, may result in overoptimism and outcomes that may not be viable. CDTO has very limited resources and capacity, poor planning and execution will undermine value for money.

Based on our experience, we see this initiative as being in the planning phase towards implementation, similar to CNO's Vision 20/20 and the College Performance Measurement Framework. We recommend that HPRO colleges be given the time to collectively identify the path to implementation in order to ensure consistency and reduce duplicative efforts. We believe this requires a minimum of 18 months, if we do not consider amalgamation and strategic priorities. This collective process and timing are critical for a small college like CDTO given that we are involved in intensive amalgamation discussions and Council has important strategic priorities.

Some of the proposed changes require legislative reform, establishing consistent roles and responsibilities of the colleges and Public Appointment Unit, and a possible role for HPRO. CDTO recommends that honoraria or per diems for professional Council members and all Committee members (both public and professionals) be consistent across all colleges.

### Smaller Councils between 10-12 members

CDTO Council is already legislated to be a maximum of 13 members, 7 professional and 6 public members and, as of February 17, 2022, we will have a full complement. Although reducing Council by 1 professional member is not an issue, our research shows that a maximum of 10 members for all colleges with an equal representation of public and professional members would be most effective.

#### ***Should the transition occur by (or on) a certain date? What are the implications of doing this?***

CDTO's initial thought is that a "cut-over" date may be the best option, however, this should be determined by the collective planning process that we have proposed. The implementation plan needs to consider necessary legislative reform (Acts, By-laws and policies), establishing consistent roles and responsibilities of the colleges and Public Appointment Unit, and a possible role for HPRO. This implementation plan would require a minimum of 18 months.

#### ***Should some council members be moved to exclusively serve on statutory committees as a means of shrinking council? Why or why not?***

No, as it defeats the purpose of a competency-based selection process for Council and Committees where professional members have been previously elected and may not have the necessary skills. If sufficient time is provided for collective planning, as we have proposed, Council members being moved to exclusively serve on Statutory Committees should not be required.

***What transition provisions/mechanisms do you think you will need in place in order to continue operations?***

Business continuity would be a key priority for the collective implementation planning process we have proposed. It is the hope that this process will not require transition provisions or mechanisms. However, if they are required, it is the collective group that will determine what they are.

## **Council and Committee Separation**

***Should councils' transition occur by (or on) a certain date? What are the implications of doing this?***

CDTO's initial thought is that a "cut-over" date may be the best option, however, this should be determined by the collective planning process that we have proposed. The implementation plan needs to consider necessary legislative reform (Acts, By-laws and policies), establishing consistent roles and responsibilities of the colleges and Public Appointment Unit, and a possible role for HPRO. This implementation plan would require a minimum of 18 months.

***Can colleges temporarily move members of council to serve exclusively on statutory committees, until future appointments can be made?***

No, as it defeats the purpose of a competency-based selection process for Council and Committees where professional members have been previously elected and may not have the necessary skills. If sufficient time is provided for collective planning, as we have proposed, Council members being moved to exclusively serve on Statutory Committees should not be required.

***Can a hybrid approach be implemented where some members of council are moved to serve exclusively on statutory committees while other members serve temporarily on both council and committees until the college can fully transition to the new structure?***

No, as it defeats the purpose of a competency-based selection process for Council and Committees where professional members have been previously elected and may not have the necessary skills. If sufficient time is provided for collective planning, as we have proposed, Council members being moved to exclusively serve on Statutory Committees should not be required.

***Are there any other considerations / implementation issues that require addressing?***

No additional comments.

## **Enable equal public and professional representation**

CDTO supports equal representation in terms of overall Council composition, but we urge that this not be an inflexible requirement for the Council to be considered legally constituted on an ongoing basis. The requirements should be clear that:

- A full Council complement is 10 members – 5 public and 5 professional members.
- The Council remains legally constituted if it has fewer than 10 members – but no fewer than 5.
- The 50/50 representation requirement only applies to the full Council complement. A Council that finds itself underrepresented in either public or professional members due to resignations, delays in the public appointments process, or other short-term circumstances, would still be legally constituted.

***Once a selection framework is in place, should the competencies be applied retroactively or only to new professional members of Council?***

Competencies should not be applied retroactively. Ideally, all professional appointments to the new Council and all Committee appointments should go through the same selection process, and treated as new applications. We are assuming that public appointments would be evaluated against the same competencies and using a similarly rigorous process.

***What considerations should the Ministry be aware of in transitioning to a Council with equal public and professional membership?***

See above re: the importance of ensuring that Councils can continue to be legally constituted notwithstanding issues associated with the timeliness of the public appointments process.

## **Professional member selection**

***How do you envision this new “nomination and selection committee” being established? Is it a statutory committee in your view?***

As noted earlier, CDTO suggests the creation of a central, common service, perhaps as a part of HPRO, to receive and assess applications – not dissimilar to the role of the Public Appointments Secretariat plays for Government ministries and agencies. In our view, this would be more efficient and effective than each college developing their own process and would also ensure transparency and consistency for the public. With this common service in place, colleges would be able to request qualified candidates to meet their specific requirements for composition, which would include diversity requirements. Each college would have their own final vetting process but we would also recommend that these processes be consistent, and may or may not require a special purpose Committee.

***Will the selection processes include diversity, technical, regional and behavioural requirements? Will smaller councils be able to ensure an appropriate mix of demographic and regional representation, in addition to competencies? What challenges, if any, do you foresee?***

At the Council level:

- The idea of creating a 10-person Council that has an “appropriate mix” all of the elements noted above may not be realistic and so it may be appropriate to prioritize.
- Given that in this new model, the Councils are meant to be more strategic in focus, we strongly recommend that the emphasis be on diversity, behavioural competencies, and the technical knowledge required to be good governors (finance, governance and professional backgrounds). We do not believe that regional representation is necessary and adding this layer may just be too much.
- The biggest challenge at the Council level will be the disconnected appointment processes for professional and public members. For this reason, we anticipate that it will be very difficult to plan for and construct an appropriately diverse Council and, accordingly, that Council composition requirements should not be too rigid. It will be important not to expect the appointment of professional members to compensate for any lack of diversity or representation arising from the public appointments process.

For Statutory Committees, given that there will be many more individuals to be appointed and one appointments process for both public and professional members, establishing an appropriate mix, including regional representation, is a much more realistic expectation.

### **Regulation regarding term limits/eligibility for Council**

***Should term limits be applied retroactively, which would require those who have already reached the limit to step down, or be applied on a move forward basis?***

This question should ideally be answered in the context of a more detailed implementation plan and some flexibility will be required in order to ensure a smooth transition. The goal should be to construct staggered three-year terms, such that a limited number of Council member positions (equally divided among public and professional) are renewed each year.

***Do you foresee any challenges in imposing term limits?***

As noted above, the goal should be to construct staggered three-year terms, such that a limited number of Council member positions (equally divided among public and professional) are renewed each year. We do not foresee any issues with this approach, recognizing that the public appointments process may lag somewhat. (See our note at the top of page 5 with respect 50/50 Council composition).

### **Eliminate Executive Committee**

***Is there any public interest reasons as to why the Executive Committee should remain in place?***

No, as long as Council can remain properly constituted with a minimum number of members.

***What considerations should the Ministry be aware of in eliminating the Executive Committee?***

In the absence of Executive Committee, it may be necessary for Councils to meet more frequently in order to ensure that timely decisions continue to be made. There will be a need to increase the number of non-statutory Committees that support Council decision-making (e.g., Audit, HR, Finance, Diversity, Governance, CEO Performance and Compensation). This will have further financial and human resource impacts.

## **Part 3: Proposed Housekeeping and Modernization Reforms**

### **Housekeeping Reforms**

CDTO supports the housekeeping proposals.

### **Modernization Reforms**

CDTO supports HPRO's response as it relates to the modernization reforms. These are very significant changes that should not be proposed in such a hurried fashion, and that it is too early to ask us to weigh in on implementation. We recommend that these changes be set aside for now and that they be the subject of a separate stream of meaningful consultation with colleges (similar to the Ministry's approach on Core Governance changes) so that we have a better sense of the rationale and potential implications, as well as the opportunity to talk about potential duplication, resource requirements, timing and other potential alternatives that might be more cost effective.

## Part 4: Reducing Barriers to Registration

The responses in the following section are specific to CDTO and its legislation.

### Removal of Canadian experience requirements for internationally trained applicants

***Do you support the removal of Canadian experience requirements for internationally trained health professions? Are you aware of any Canadian experience requirements for the registration of internationally trained health professionals?***

CDTO does not have Canadian experience requirements and is not aware of other dental technology regulators who require this.

***What challenges would be faced in eliminating Canadian experience requirements?***

CDTO does not have Canadian experience requirements.

***What aspects of the registration processes or requirements necessitate an applicant to be in Canada?***

Currently, the only registration requirement that requires an applicant to be in Canada is the in-person entry-to-practice competency assessment (Performance-Based Assessment).

***What other barriers are faced in the timely registration of internationally trained applicants? How could these barriers be addressed?***

Barrier: An applicants' ability to obtain education documentation from institutions in their home country

Solution: Develop a Prior Learning and Assessment Recognition process to allow applicants to be assessed against the same objective competency criteria, regardless of where training was received. Establish Mutual Recognition or Reciprocal Recognition with other countries to facilitate the recognition of professional qualifications outside of Canada and cross-border mobility.

Barrier: Complexity of profession-specific substantial equivalency is subjective and time consuming for both applicants and CDTO

Solution: Establish the minimum requirements required for credentialing. CDTO confirms an applicant's knowledge, skills and judgement through two examinations: Knowledge and Performance-Based Assessments.

Barrier: CDTO has one class of registration to practice the profession.

Solution: Develop different classes of registration to allow applicants to practice in areas that they are competent.

## **Time limits for registration decisions**

***Do you support prescribed time limits for registration decisions? Should time limits apply for only certain types of applicants (e.g. labour mobility)? Why or why not?***

CDTO supports prescribed time limits for all registration decisions, similar to that of the complaints process. Complaints shall be disposed of within 150 days, however, should there be a delay, all parties, including the Health Professions Appeal and Review Board are kept up to date on the reasons and the expected time to a resolution. This will ensure accountability and that decisions are made in a timely manner.

***Are there unintended consequences to setting time-limits on registration decisions?***

Time limits may cause pressure to reach decisions quickly and can impact the quality of those decisions. Registration is one of the most important stages to public protection by ensuring that competencies required to practice the profession safely are in place.

***What challenges do you foresee with meeting prescribed time limits?***

An unexpected volume of applications at once may impact CDTO's ability to meet time limits due to limitations in resources. Certain processes add an unforeseeable time to registration decisions: panel availability to review cases, additional requests for information from the Registration Committee, how quickly applicants provide documentation, complexity of Decisions and Reasons that require legal counsel review and Registration Committee final approval.

***In your opinion what barriers exist to the timely registration of labour mobility applicants? How could these barriers be addressed?***

CDTO is not aware of any barriers at this time.

## **Standardized requirements for demonstrating language proficiency**

***Do you support standardizing requirements for demonstrating language proficiency across regulatory colleges?***

Language proficiency depends on the profession and the degree of patient interaction. These requirements should vary with each profession as certain professions have a greater risk of harm from a miscommunication.

***Are there unintended consequences to standardizing these requirements?***

Setting standardized language proficiency requirements could result in creating barriers to becoming licensed and decreasing access of Ontarians to qualified health care professionals. If standardized requirements for demonstrating language proficiency are implemented, consider aligning the requirements with those set for immigration purposes to reduce unintended consequences for internationally trained professionals.

Additional costs to the applicant and the regulator may not equate to value for money. Colleges with limited resources or lower risk of harm from language requirements would have to direct human and financial resources away from other more urgent priorities.

### ***What challenges do you foresee in setting standardizing requirements?***

Establishing the standardized requirements will be a costly project. There will need to be significant resources dedicated to identifying (e.g., environmental scans, literature review) a minimum language requirement that is applicable to all the professions regulated by the 26 colleges that is not overtly subjective.

There would need to be significant consideration to how the standardized language requirements would be assessed, in a timely and consistent manner, and the process for remediation.

## **Expediting registration in emergencies**

### ***Do you support enabling expedited registration in emergencies?***

CDTO supports enabling expedited registration in emergencies. The Ministry would have to set out the definition of an emergency if it will apply in circumstances other than the declaration of a “state of emergency”.

CDTO supports the creation of a temporary class of registration that can be used during emergencies. This would protect the public from harm due to unauthorized practitioners engaging in dental technology.

### ***What barriers exist to expediting registration in an emergency?***

Non-exemptible registration requirements and limits to classes of registration create barriers to expediting registration. CDTO does not have flexibility in implementing temporary measures (e.g., policy) to overcome these barriers as they are set out in the Registration Regulation of the *Dental Technology Act, 1991*.

Disparate rules established during the emergency created barriers for some colleges in expediting registration. Certain professions were permitted to continue holding in-person assessments through exemptions to gathering limits (e.g., Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (O. Reg. 82/20), Schedule 3).

### ***Are there unintended consequences to enabling expedited registration?***

There may be a risk of harm to patients receiving services from a temporary registrant who has not completed the full registration requirements.

An individual issued a temporary license may have issues completing registration requirements once the emergency has ended. This could be due to currency of knowledge or if they only practised in one area during the emergency.

### ***What measures should be put in place for the transition of registrants when the emergency is resolved?***

Once the emergency is resolved, the registrant in a temporary class should be required to complete all registration requirements within specified timeline or be revoked/suspended to ensure public safety.

## Part 5: Integrating Oversight and New Professions

### Establish the Authority and the regulation of personal support workers

***How do you think information will be shared between the Authority and your college?***

CDTO would be pleased to create an information-sharing MOU with the new Authority, although at this time we cannot envision the circumstances where information sharing would be needed.

***Are there existing communication channels/ round tables among colleges that can include the Authority?***

HPRO

***Are there any governance best practices or lessons learned that would benefit the Authority?***

Please see our comments on page 8 with respect to Council governance and Council/CEO accountability frameworks.

***What factors should be considered when determining which professions should be overseen by the Authority?***

The McMaster Health Forum mentions risk grouping as a framework for establish new oversight bodies, as well as grouping based on the framework used in the education and training of health workers.