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Timeframe (cont'd)

- October 2014 letter to health regulatory Colleges from Minister of Health and Long Term Care
- December 2014 submissions by health regulatory Colleges
- Spring and fall 2014 – other legislative initiatives

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“Secrecy regarding Cautions”

- Series of articles in Toronto Star in January 2013
- “Doctors, dentists, pharmacists: The mistakes you can’t know about”
- “The warnings issued to them are kept secret by their regulatory colleges because they aren’t required to tell you about them”

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AGRE and Transparency Initiative

- Advisory Group for Regulatory Excellence (AGRE) established
- 8 principles to guide health regulatory college discussions about making more information publicly available

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Transparency Principles

- Principle 1:
 - The mandate of regulators is public protection and safety. The public needs access to appropriate information in order to trust that this system of self-regulation works effectively.

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Transparency Principles (cont'd)

- Principle 2:
 - Providing more information to the public has benefits, including improved patient choice and increased accountability for regulators.

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Transparency Principles (cont'd)

- Principle 3:
 - Any information provided should enhance the public's ability to make decisions or hold the regulator accountable. This information needs to be relevant, credible and accurate.

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Transparency Principles (cont'd)

- Principle 4:
 - In order for information to be helpful to the public, it must:
 - be timely, and easy to find and understand.
 - include context and explanation.

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Transparency Principles (cont'd)

- Principle 5:
 - Certain regulatory processes intended to improve competence may lead to better outcomes for the public if they happen confidentially.

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Transparency Principles (cont'd)

- Principle 6:
 - Transparency discussions should balance the principles of public protection and accountability, with fairness and privacy.

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Transparency Principles (cont'd)

- Principle 7:
 - The greater the potential risk to the public, the more important transparency becomes.
- Principle 8:
 - Information available from Colleges about members and processes should be similar.

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Two-Phased Approach to Implementing Transparency

- Phase 1
 - names of non-members practising illegally
 - additional information re discipline proceedings
 - relevant criminal findings of guilt
 - relevant bail conditions

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Two-Phased Approach to Implementing Transparency (cont'd)

- Phase 2
 - criminal charges (if relevant to practice)
 - known discipline findings in other jurisdictions
 - known registrations in other jurisdictions
 - certain outcomes from decisions of screening committee
 - cautions
 - undertakings
 - specified continuing education or remediation programs (SCERP)

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2014 Media Reports

- Summer of 2014 debate surfaces again in media
- Fall of 2014 media reports regarding private Toronto pain clinic where infection outbreaks and no publicly available information regarding inspection reports

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Request from Minister of Health and Long-term Care

- October 4, 2014 Minister Eric Hoskins' letter to health regulatory colleges
- Make transparency a priority objective in strategic plan
- Establish measures that will continuously increase transparency in College processes and decision-making

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Request from Minister of Health and Long-term Care (cont'd)

- Colleges with inspection programs to publicly disclose full, detailed, useful information with respect to inspections conducted

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Request from Minister of Health and Long-term Care (cont'd)

- October 28, 2014 ADM's letter to health regulatory colleges
- December 1, 2014 deadline for health regulatory colleges to report to Minister and make reports publicly available

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Request from Minister of Health and Long-term Care (cont'd)

- Strengthen existing measures to enhance transparency
- New measures to be developed and implemented to increase transparency
 - College processes
 - decision-making
 - information disclosure
- Specified areas to be considered

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Submissions by Health Regulatory Colleges

- Responses of health regulatory Colleges posted online
- Identified a number of measures that have been or will be implemented
 - online posting of council meeting dates, agendas and minutes

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Submissions by Health Regulatory Colleges (cont'd)

- re-design of online public register and college websites to increase accessibility of information
- developing and improving public consultation processes

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Submissions by Health Regulatory Colleges (cont'd)

- incorporating a public "question period" into council meetings
- undertaking a governance review
- other measures

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Other Legislative Initiatives

- Bill 103, *Protecting Students Act*, 2014
- Bill 10, *Child Care Modernization Act*, 2014

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Other Legislative Initiatives (cont'd)

- Terms, conditions and limitations resulting from a written agreement or other agreement between the College and the member
- Bail conditions
- Notice of discipline hearing

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Other Legislative Initiatives (cont'd)

- Notation of certain complaints resolutions if resolution directed to be posted on register
- Current or previous criminal proceedings relevant to membership

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Has Landscape about Openness and Transparency Changed?

- Still about openness regarding member information
- Also about transparency about how regulator makes decisions and carries out its functions
- Not limited to health regulatory Colleges

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Has Landscape about Openness and Transparency Changed? (cont'd)

- AGRE transparency principles developed to assist Colleges to make decisions about what information to make publicly available
- A number of health regulatory Colleges have decided on additional information to make publicly available

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Has Landscape about Openness and Transparency Changed? (cont'd)

- Minister's letter creates expectation for increased transparency regarding College processes and decision-making, as well as information disclosure

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Questions to Consider

- Transparency principles as a framework
- Overarching question
 - Does the proposed action serve and protect the public interest?

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Relevance and Duration

- Making publicly available a member's criminal findings of guilt or bail conditions or criminal charges
 - relevance to member's suitability to practise
 - how long should the information remain on the public register

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Screening Committee Decisions

- Making publicly available a decision of the committee that screens complaints and investigation reports
 - types of decisions
 - how long should the information remain on the public register

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Decision-Making Process of Screening Committee

- Will the internal processes for decision making of screening committee need to change to support increased openness?

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Procedural Fairness

- Will a College consider additional procedural protections afforded to members at the screening stage?

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Communication with Public

- How to communicate effectively with the public about these matters?

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Transparency regarding College Processes

- Will posting of minutes of Council meetings and Council meeting material online mean changes to internal processes should be made to support increased transparency?
- How long should information remain on the website?

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Transparency regarding College Processes (cont'd)

- What are the key processes of a College about which to ensure there is clear and accessible information available to the public?

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Conclusion

- Landscape for openness and transparency has changed
- Expectations for Colleges for increased openness and transparency

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Speaker Contact Information

- Debbie Tarshis
- WeirFoulds LLP
- (416) 947-5037
- dtarshis@weirfoulds.com



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