



Standards of Good Regulation 2020¹: A Resource for Network Members

Approved by the Nova Scotia Regulated Health Professions Network on November 17, 2020

Motion:

Be it resolved that the Nova Scotia Regulated Health Professions Network endorse as good practice the approaches set out in the document “Standards of Good Regulation 2020: A Resource for Network Members” and recommend adoption by Network members to the extent that is permitted by relevant legislation. Also, be it resolved that the document “Standards of Good Regulation 2020: A Resource for Network Members” be updated regularly so it is current with best practice and minimally every two years.

The Nova Scotia Regulated Health Professions Network identified in its strategic directions for 2019-2021 that it “identify standards of good regulation for regulators”. A literature review was undertaken, and a working group established to draft recommendations for the Network Council. Network Council offered feedback to the working group and a survey of Network members resulted in further revisions to a draft document.

This document serves as a resource for Network members on common standards for good regulation. They are intended for Network members to use in part or whole to guide their governance and operations. The intent is for the Regulated Health Professions Network to endorse as good practice the standards set out in the document and recommend adoption by Network members to the extent that is permitted by relevant legislation.

The Professional Standards Authority’s Right Touch Regulation informs these Standards². The standards prioritize the core role of regulators in a) protecting the public and reducing harm; b) promoting professional standards; and c)

¹ Adapted from “Standards of Good Regulation 2019 revised”. Professional Standards Authority, 2019.
https://www.professionalstandards.org.uk/docs/default-source/publications/standards/standards-of-good-regulation-2018-revised.pdf?sfvrsn=ce597520_11

² <https://www.professionalstandards.org.uk/what-we-do/improving-regulation/right-touch-regulation>

maintaining public confidence in the health professions.

| General | |
|---|--|
| | Suggestions for Operationalizing (not a checklist) |
| <p>Standard One</p> <p>The regulator maintains accurate and accessible information that is public about its registrants, regulatory requirements, guidance, processes and decisions.</p> | <ul style="list-style-type: none"> • Information about registrants is displayed accurately and clearly in an easily accessible manner on the website • Documents describing requirements for registration and how decisions are made. • Documents describing complaints and investigation processes. • Public information is presented in a plain language format • For example, see FRPA “Perfectly Plain” https://frpa.novascotia.ca/sites/default/files/website_checklist.pdf |
| <p>Standard Two</p> <p>The regulator is clear about its purpose and ensures that policies are applied appropriately across all its functions.</p> | <ul style="list-style-type: none"> • The mission and goals of the organization are related to the statutory purpose as set out in legislation • Regulatory documents such as policies, practice standards, and guidelines are up-to-date and published on the website • Registrants are informed about changes to standards, policies, and guidelines • Board has oversight that policies are applied appropriately |
| <p>Standard Three</p> <p>The regulator values diversity and ensures that its registrants, their patients/clients, and others who interact with the regulator do not experience barriers or otherwise be disadvantaged.</p> | <ul style="list-style-type: none"> • Regulators have a position statement on diversity and cultural awareness <ul style="list-style-type: none"> ○ For example, see recommendation #1 <ul style="list-style-type: none"> ▪ https://engage.gov.bc.ca/app/uploads/sites/578/2020/08/Recommendations-to-modernize-regulatory-framework.pdf |

| | Suggestions for Operationalizing (not a checklist) |
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| <p>Standard Four</p> <p>The regulator consults with and works with employers, regulators, government, and other stakeholders across all its functions to identify and manage risks to the public regarding its registrants.</p> | <ul style="list-style-type: none"> • Information is shared with stakeholders regarding regulatory issues • Information is gathered from other organizations to manage any risks arising from the information posed by those on its register • Registrants and stakeholders are consulted on revised and new practice standards, and guidelines • Stakeholder consultation is included in the college processes for standard development and practice guidelines • For example, https://www.nscn.ca/explore-nscn/get-involved/public-consultations |

| Governance | |
|---|--|
| | Suggestions for Operationalizing (not a checklist) |
| <p>Standard Five</p> <p>The regulator reports on its performance and addresses concerns identified about it and considers the implications of relevant public reports about healthcare regulatory issues</p> | <ul style="list-style-type: none"> • Annual reports are accessible to the public <ul style="list-style-type: none"> ○ Perhaps a template for common reporting for Network members |

| | Suggestions for Operationalizing (not a checklist) |
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| <p>Standard Six</p> <p>The regulator’s governing Council/Board demonstrates good governance practices:</p> | <ul style="list-style-type: none"> • Council/Board members participate in an orientation to good governance <ul style="list-style-type: none"> ○ Regulator vs Association roles ○ Board vs staff responsibilities • Policies/procedures for the Council/Board are provided to members and staff • Processes for review of standards are documented • Policies and/or standards have intended outcomes • Regulators have risk management policies <ul style="list-style-type: none"> ○ Financial ○ Registration ○ Information technology ○ Comprehensive liability insurance (including cyber security) ○ Legal (privacy, confidentiality) ○ Governance vs operational authority • Establishes appropriate board and committee structures; • Adopts a code of conduct, conflict of interest, and confidentiality policies; • Articulates a vision and strategic directions for the organization |

| | Suggestions for Operationalizing (not a checklist) |
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| <p>Standard Seven</p> <p>The regulator’s governing Council/Board has appropriate oversight of operations.</p> | <p>The Council/Board has a mechanism to ensure adherence to strategic directions and policy.</p> <p>The governing council has and undertakes a self-evaluation process</p> <ul style="list-style-type: none"> • The regulator is compliant with all applicable federal and provincial laws, especially its specific statute. For consideration: <ul style="list-style-type: none"> ○ Acts referred to in regulator’s Act ○ CFTA https://www.cfta-alec.ca ○ FRPA https://novascotia.ca/lae/RpILabourMobility/FRP.asp ○ OIPC https://oipc.novascotia.ca ○ PHIA https://novascotia.ca/dhw/phia/PHIA-legislation.asp ○ OIPCNS https://oipc.novascotia.ca/node/472 ○ CRA https://www.canada.ca/en/revenue-agency.html |

| Standards, Policies, and Guidelines | |
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| | Suggestions for Operationalizing (not a checklist) |
| <p>Standard Eight</p> <p>The regulator maintains up-to-date standards that are regularly reviewed and prioritize patient/client centered care and safety.</p> | <ul style="list-style-type: none"> • Standards of practice <ul style="list-style-type: none"> ○ Reflective of current practice environment ○ Consideration given to collaborative practice teams • Gather feedback from registrants and stakeholders about standards • Demonstrate evaluation strategy for changes to standards |
| <p>Standard Nine</p> <p>The regulator provides guidance to help registrants apply the standards and addresses new and developing areas of risk in practice.</p> | <ul style="list-style-type: none"> • Regulator collaborates with academic programs to include awareness of standards • Registrants are informed about standard changes and new standards <ul style="list-style-type: none"> ○ Communication strategies to consider <ul style="list-style-type: none"> ▪ Expectations of registrants ▪ Relation to annual licensure ▪ Learning modules for licensure |

| Continuing Competence | |
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| | Suggestions for Operationalizing (not a checklist) |
| <p>Standard Ten</p> <p>The regulator encourages quality of practice through continuing competence requirements to support registrants in meeting standards of practice.</p> | <ul style="list-style-type: none"> • Evidence of how continuing competence requirements are linked to professional competencies, current practice environment (scope of practice), and standards • Publicly accessible information about continuing competence • Processes for review of continuing competence requirements are documented • Evidence of how professional conduct information informs the continuing competence processes • Provide guidance to academic programs to help them understand and meet the regulator’s requirements |

| Registration | |
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| | Suggestions for Operationalizing (not a checklist) |
| <p>Standard Eleven</p> <p>The regulator has a transparent mechanism for assuring that the academic programs it authorizes meet the regulator’s requirements.</p> | <ul style="list-style-type: none"> • New registrants are graduates of an accredited or regulator approved academic program <ul style="list-style-type: none"> ◦ Evidence of a transparent and easily accessible application process for internationally educated applicants • Requirements for the standards for registrants be included in academic program curricula • Evidence of how education and registration standards are linked |

| | Suggestions for Operationalizing (not a checklist) |
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| <p>Standard Twelve</p> <p>The regulator maintains and publishes an accurate register of those who meet its requirements including any restrictions on their practice.</p> | <ul style="list-style-type: none"> • Public registry on website is current • Notifications of registrant restrictions and sanctions are posted on the website • See also “A Resource for Network Members Regarding What the Public Wants to Know Regarding a Public Registry” (Appendix 1) • Compliance with statute |
| <p>Standard Thirteen</p> <p>The regulator’s processes for registration, including appeals, are transparent, objective, fairly and procedurally fair, with decisions clearly explained in writing.</p> | <ul style="list-style-type: none"> • Documented in policies and procedures <ul style="list-style-type: none"> ○ FRPA compliant ○ FRPA https://novascotia.ca/lae/RplLabourMobility/FRP.asp • Processes are described on website |
| <p>Standard Fourteen</p> <p>The regulator manages risk of harm to the public and of damage to public confidence in the profession related to non-registrants using a protected title or practicing without a license.</p> | <ul style="list-style-type: none"> • Legislation requirements are followed • Have an internal process to address title protection and people misusing the title including public notification of unauthorized practice • Documented in risk management policies <ul style="list-style-type: none"> ○ Collaboration with employers ○ Verification of prior license |

| Investigations and Professional Conduct | |
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| | Suggestions for Operationalizing (not a checklist) |
| <p>Standard Fifteen</p> <p>The regulator enables anyone to raise a concern about a registrant.</p> | <ul style="list-style-type: none"> • Compliant with legislation • Described on website <ul style="list-style-type: none"> ○ See also “A Resource for Network Members Regarding What the Public Wants to Know Regarding Complaints and Investigations” (Appendix 2) |
| <p>Standard Sixteen</p> <p>The regulator’s processes for examining and investigating complaints in a fair, transparent, and timely manner is consistent with a fair resolution of the case and ensures that the best available evidence is considered for decisions at each stage of the process.</p> | <ul style="list-style-type: none"> • Process clearly written and publicly accessible • Documented in policies and procedures <ul style="list-style-type: none"> ○ Principles of natural justice? ○ See also “A Resource for Network Members Regarding What the Public Wants to Know Regarding Complaints and Investigations” (Appendix 2) |
| <p>Standard Seventeen</p> <p>The regulator ensures that all decisions are made in accordance with its processes, are consistent and fair, take account of the statutory objectives, the regulator’s practice standards, and the</p> | <ul style="list-style-type: none"> • See Steinecke Maciura LeBlanc Grey Areas: Complaints Process Checklist <ul style="list-style-type: none"> ○ https://www.sml-law.com/wp-content/uploads/2019/06/Greyar237.pdf • Checklist review for investigations (internal) <ul style="list-style-type: none"> ○ See Benard & Associates work with NSAMRT? • Policies and procedures are documented |

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| <p>relevant case law and prioritize patient/client safety.</p> | <ul style="list-style-type: none"> • Discipline decisions are reported on website |
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| | <p>Suggestions for Operationalizing (not a checklist)</p> |
|---|---|
| <p>Standard Eighteen</p> <p>The regulator identifies and prioritizes all cases that suggest a serious risk to the safety of patients/clients and implements interim orders where appropriate.</p> | <ul style="list-style-type: none"> • Documented in policies and procedures • Publicly reported on website |
| <p>Standard Nineteen</p> <p>The regulator assures all parties to a complaint including other regulators and organizations within the relevant legal frameworks are kept updated on the progress of their case and supported to participate effectively in the process.</p> | <ul style="list-style-type: none"> • Documented in policies and procedures <ul style="list-style-type: none"> ○ Timelines are reasonable and communicated to all parties (legislative requirements are fulfilled) ○ Evidence from random sample of correspondence |

Other documents reviewed:

1. Modernizing the Oversight of the Health Workforce in Ontario <https://www.mcmasterforum.org/find-evidence/products/project/modernizing-the-oversight-of-the-ontario-health-workforce>
2. Optimizing Scopes of Practice: New Models of Care for a New Health Care System https://www.caahs-acss.ca/wp-content/uploads/2014/08/Optimizing-Scopes-of-Practice_REPORT-English.pdf
3. Regulation 2030: First Steps of a Journey. Journal of Nursing Regulation, Volume 8, Issue 2, 2017.
4. AHPRA Guidelines for Advertising Regulated Health Services. <https://www.ahpra.gov.au/Publications/Advertising-resources.aspx>
5. Modernizing the provincial health profession regulatory framework: A paper for consultation. <https://engage.gov.bc.ca/app/uploads/sites/578/2019/11/Modernizing-health-profession-regulatory-framework-Consultation-Paper.pdf>
6. What makes a good regulator? CNAR 2019. <https://www.sml-law.com/wp-content/uploads/2019/11/What-Makes-a-Good-Regulator-Highlights.pdf>
7. Grey Areas. A Commentary on Legal Issues Affecting Professional Regulation. Complaints Checklist <https://www.sml-law.com/wp-content/uploads/2019/06/Greyar237.pdf>. June 2019- No.237.
8. Standards of Good Regulation Evidence Framework. [https://www.professionalstandards.org.uk/docs/default-source/publications/standards/proposed-new-standards-of-good-regulation---evidence-framework-\(june-2018\).pdf?sfvrsn=270c7220_6](https://www.professionalstandards.org.uk/docs/default-source/publications/standards/proposed-new-standards-of-good-regulation---evidence-framework-(june-2018).pdf?sfvrsn=270c7220_6). October 2019.
9. Nova Scotia Health Professions and Occupations Act: Discussion Paper. Nova Scotia Department of Health and Wellness. December 2019.
10. Recommendations to Modernize the Provincial Health Professions Regulatory Framework. August 2020. <https://engage.gov.bc.ca/app/uploads/sites/578/2020/08/Recommendations-to-modernize-regulatory-framework.pdf>

11. Proposals to Amend the Health Professions Act to Improve Regulatory Effectiveness and Efficiency: Discussion Paper. Alberta Health. July 2020.
<https://www.albertadoctors.org/Media%202020%20PLs/discussion-paper-hpa.pdf>

APPENDIX 1

A Resource for Network Members Regarding What the Public Wants to Know Regarding a Public Registry

Approved by the Nova Scotia Regulated Health Professions Network on November 17, 2020

Motion:

Be it resolved that the Nova Scotia Regulated Health Professions Network endorse as good practice the approaches set out in the document “A Resource for Network Members Regarding What the Public Wants to Know Regarding a Public Registry” and recommend adoption by Network members to the extent that is permitted by relevant legislation. Also, be it resolved that the document “A Resource for Network Members Regarding What the Public Wants to Know Regarding a Public Registry” be updated regularly so it is current with best practice and minimally every two years.

The Nova Scotia Regulated Health Professions Network identified in its strategic directions for 2019-2021 that it “explore what the public wants to know from health regulators and determine what and how NS health regulators should share publicly”. A literature review was undertaken, and a working group established to draft recommendations for the Network Council. This resource was developed by a Network working group who reviewed the results of a literature search on public expectations of a regulator. It is intended for Network members to review and use in part or whole to the extent that is permitted by relevant legislation.

This resource was developed by a Network working group who reviewed the results of a literature search on public expectations of a regulator. It is intended for Network members to review and use in part or whole. This is a resource document only, so the intent is for the Regulated Health Professions Network to endorse as good practice the content in the document.

Noteworthy findings regarding a public registry were:

1. “the availability of fitness to practise information, which was seen as crucial for checking the legitimacy of a health professional...”
2. “... to find a health professional in their area ... and help them choose between different registrants.”
3. “...the registers must present the public with information which is strictly factual and impartial”
4. Accessibility and ease of navigating from a regulator’s homepage where the role of the regulator was clear to assure users that they are on a credible site
5. Consider a single site (one stop shopping) for all registers to avoid confusion about where to begin a search.
6. “Our [regulator] processes, decisions and the rationale for our decisions are accessible to the public”

| Elements for Each Registrant | Notes |
|-------------------------------|---|
| Surname | searchable |
| First name | searchable |
| Common name | searchable |
| Registration number | searchable |
| Formal qualifications | Optional from list approved by regulator |
| Employer | Optional for inclusion by registrant |
| Address of practice | searchable |
| Telephone (contact) number(s) | Optional for inclusion by registrant |
| Fitness to practise details | Such as disciplinary decisions, interim license sanctions |

APPENDIX 2

A Resource for Network Members Regarding What the Public Wants to Know Regarding Complaints and Investigations

Approved by the Nova Scotia Regulated Health Professions Network on November 17, 2020

Motion:

Be it resolved that the Nova Scotia Regulated Health Professions Network endorse as good practice the approaches set out in the document “A Resource for Network Members Regarding What the Public Wants to Know Regarding Complaints and Investigations” and recommend adoption by Network members to the extent that is permitted by relevant legislation. Also, be it resolved that the document “A Resource for Network Members Regarding What the Public Wants to Know Regarding Complaints and Investigations” be updated regularly so it is current with best practice and minimally every two years.

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Listed below are the minimum categories/questions and model content the working group is recommending to Network members as a resource to describe their respective complaints and investigation processes. This is a resource document only, so the intent is for the Regulated Health Professions Network to endorse as good practice the content in the document.

What is a the [insert College]?

The [insert College] is the organization that licenses and regulates [insert health professional] in Nova Scotia. It is authorized to do so by provincial legislation. The [insert College] ensures the public that all [insert health professional] in Nova Scotia have the education and skills they need to care for people safely, competently, and ethically.

What Can I Do If I Have a Concern?

Talking with your [health care provider] and/or their manager can often resolve your concern. If you cannot resolve your concern, please contact the College at [insert contact information]. Contacting the College to ask questions does not mean you are filing a complaint. All questions are kept confidential. If more than one health care provider is involved the College will help you to connect with the right resources. If you are unsure if your concern can be addressed by us, please contact us.

Is There a Time Limit to File a Complaint?

There is no time limit to file a complaint. It is better to file a complaint sooner than later. The more time that passes the harder it is to investigate.

Who Can File a Complaint?

Any member of the public, [insert health professional] or organization can file a complaint. The registrar of [insert College] may also file a complaint.

How do I File a Complaint?

The College prefers a written complaint. We offer assistance in filling the complaint if needed. If you need help, please contact the College [insert contact information]. All complaints must be signed by the complainant.

The information needed in a complaint includes:

- your name, address, and phone number
- name of [insert health care provider(s)] involved, if known

- description of the event(s)
- the event date(s)
- names of witnesses, if known
- copies of any documents that support your complaint
- Authorization to Submit Complaint (if submitting for someone else)
 - For example, <https://onlineservice.nscsw.org/webs/nscsw/register/#/complaint-form>, https://www.nscn.ca/sites/default/files/documents/Complaints/NSCN_Complaint_Form_B.pdf, and <https://cpsns.ns.ca/wp-content/uploads/2019/10/Updated-Complaint-Form-Sept.-2019-1.pdf>
- Copy of power of attorney (if submitting for someone else)
- [insert other forms required the College]

Please submit your complaint to [insert contact information]

Can I file for Someone Else?

Yes. You can make a complaint about the care provided to another person, such as a family member or loved one. The College needs to know that you are legally allowed to make the complaint. Because private health information may be shared in the complaints process It is important that we assure confidentiality and privacy.

If you are helping someone file a complaint, who can provide consent, the College needs proof of consent from the patient.

If you are filing a complaint for someone who cannot provide consent you must provide proof that you have legal decision-making authority.

A complaint can be filed with the [insert College] whether the patient in question is alive or deceased.

What Should I Do if There is More Than One Health Care Provider Involved?

Complaints sometimes involve more than one health profession. When they do, there is a process to help. This process allows an individual to 'tell their story' only once. With your permission the Colleges will work together to investigate the complaint. If your complaint involves more than one health profession, please contact [insert contact information].

Does the Complaint Cost Anything?

There is no fee for filing a complaint.

Does the College Award Financial Compensation?

No, the College does not have legal authority to award financial compensation. People seeking financial compensation should seek legal advice.

How Will My Information Be Shared?

The College requires confidentiality during the complaints and investigation process. This applies to everyone involved.

The College ensures that information is kept confidential. There are legal exceptions:

- [insert confidentiality exceptions from College Act]

For a fair process we must share some or all the information about the complaint with the [insert health professional] and their legal representative. This could include copies of documents or information received from you or other sources. The College also asks complainants and the [insert health professional] to avoid speaking publicly about a complaint while it is under investigation.

What Happens After My Complaint is Submitted?

When the College receives a complaint, they will provide you with a written summary so you can verify its accuracy. The College will then decide if they have legal authority to address the complaint. If they do, a copy of the complaint will be provided to the [insert health professional] and requesting a response. Both the complaint and the response will be reviewed by the College to determine how it will be addressed.

A full investigation is not required, and the complaint is dismissed because:

- The College does not have the legal authority to consider the complaint
- The complaint is considered frivolous or an abuse of the complaints process
- The complaint is not professional misconduct, incompetence, a Code of Ethics violation, or conduct unbecoming of a [insert health professional]

The College will inform you about its decision.

The College Registrar will refer the complaint to an [insert College investigation committee name]. The College will inform you about its decision. The [insert College investigation committee name] will appoint an investigator who may do the following:

- Request additional written information from you, the [insert health professional(s)] involved, and others such as witnesses
- Request an interview with you, the [insert health professional(s)] involved, and others such as witnesses
- Investigate any matters relating to the [insert professional] that may arise in addition to the complaint

The investigator will provide a report to the [insert College investigation committee name]. The [insert College investigation committee name] may then decide to:

- Issue a reprimand to the [insert health professional]

- Require the [insert health professional] to undertake specific requirements such as education or counselling
- [insert College specific outcome options]
- Refer the complaint to the [insert College Hearing Committee name]

The College will inform you about its decision.

What Happens if There is a Hearing?

At this point, the College becomes the formal complainant and charges are filed against the [insert health professional]. The hearing process is similar to a trial, with sworn evidence and legal submissions by a prosecutor acting for the College and a lawyer representing the [insert health professional]. You may be called to testify as witnesses.

What are Possible Outcomes of a Complaint?

In some cases, the matter may be resolved with a settlement agreement. Hearing committee decisions can range from dismissal of the complaint to removal of the [insert health professional] from practice.

How Long Does the Process Take?

Thorough and fair investigations take time. The College makes every effort to resolve complaints as quickly as possible. There is no set time limit for resolving a complaint and the College takes every complaint seriously. If a complaint is complicated or involves serious professional conduct issues, it may take up to a year or longer to complete the investigation. The College will notify you in writing of the ongoing status of your complaint.