



## Article

### Health Law

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# *The Advancing Oversight and Planning Ontario's Health System Act, 2021; The Proposed Regulation of Personal Support Workers, Physician Assistants and Behaviour Analyst*

By Lindsay Kantor

Every day, thousands of Ontarians receive vital care from unregulated health care providers including personal support workers ("PSWs"), physician assistants, and behaviour analysts. The critical role that these providers play in our healthcare system has only been further highlighted by the COVID-19 pandemic. This is particularly the case in the long-term care and retirement home setting, where the Ontario government has committed to investing significant funds over the coming years to create thousands of new positions for PSWs, among other healthcare providers. However, some have argued that the lack of fulsome regulation for these positions may lead to inconsistencies in the quality of care which is rendered to the public.

On April 27, 2021, the Ontario government introduced the Advancing Oversight and Planning in Ontario's Health System Act, 2021. If passed, this legislation would:

- Create a new framework for the regulation of PSWs by a new regulatory body known as the Health and Supportive Care Providers Oversight Authority;
- Require physician assistants to be regulated by the College of Physicians and Surgeons of Ontario;
- Require behaviour analysts to be regulated by the College of Psychologists of Ontario.

With respect to PSWs, this new regulatory framework would include establishing consistency in education, training, and standards of practice. With respect to physician assistants, the proposed legislation would solidify their role as extensions of physicians, and could permit for the communication of certain diagnoses and the prescribing of medications and/or assistive devices. Finally, the regulation of behaviour analysts will provide consistency in the treatment provided to members of particularly vulnerable sectors of society,

such as those with dementia, developmental disabilities, acquired brain injuries and/or psychological and psychiatric disorders.

If passed, the Advancing Oversight and Planning in Ontario's Health System Act, 2021 will surely lead to extensive consultation with the relevant sectors to develop necessary regulations, rules and guidelines for these burgeoning areas of the regulated healthcare workforce. If done correctly, this could ensure better and more efficient health care for Ontarians in the future.

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