



Council Meeting

Draft Agenda

Date: April 24, 2023 **Time:** 7:00 pm **Location:** Online

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AGENDA

	Time	Discussion Item	Presenter/ Speaker	Document Included	Action
Please complete the online Conflict of Interest Disclosure/Declaration Form prior to the meeting.					
1	7:00 pm	Call to order, roll call, welcome	J. Pereira	Yes	Information
2	7:10 pm	Conflict of interest declarations	J. Pereira	No	Decision
3	7:15 pm	Approval of agenda	J. Pereira	Yes	Decision
4	7:20 pm	Proposed Amendment to the Registration Regulation (Emergency Class)	F. Teape	Yes	Decision
ADJOURNMENT					

Consultation Report

Emergency Class Certificate of Registration

April 24, 2023

About the College

The College is a regulatory body that oversees kinesiologists working in the province. The College receives its authority from the *Kinesiology Act, 2007* and the *Regulated Health Professions Act, 1991*.

The College regulates kinesiologists and protects the public by:

- setting [requirements to enter the profession](#) so that only qualified individuals can practise kinesiology;
- maintaining on its website a [list of individuals qualified to practise kinesiology](#), known as the public register, or Find a Kinesiologist;
- developing [rules and guidelines for kinesiologists' practice and conduct](#), including a code of ethics;
- investigating [complaints about kinesiologists](#) and disciplining when necessary; and
- requiring kinesiologists to participate in a [program that helps ensure that their knowledge and skills are up to date](#), and monitoring that participation.

Background and Context

To comply with new regulations under the *Regulated Health Professions Act, 1991* (RHPA), the College is required to develop an Emergency Class certificate of registration to ensure the healthcare system is better equipped to respond to a public health emergency. These amendments are anticipated to come into force on **August 31, 2023**, upon proclamation by the Lieutenant Governor on Council. To provide sufficient time for the Ministry to secure the approval, health regulatory Colleges have been asked to submit their proposed regulations to the Ministry or on before **May 1, 2023**.

As per the Ministry's requirements, features of the emergency class must include:

- The specific emergency circumstances that will cause the class to be open for registration and renewal. The Ministry has indicated that the term 'emergency circumstance' should be broader than a declared state of emergency made under the *Emergency Management and Civil Protection Act, 1990*. For example, the Ministry has proposed that an emergency circumstance could be a situation where a significant interruption of a registration pathway leads to a lengthy delay for many applicants in their being registered.
- A time period of no more than a year duration, but renewable for the same period of time, with no limit on the number of times they may be renewed as long as the emergency circumstance persists.
- Circumstances in which a member of the emergency class must become eligible for registration in another registration class, and be exempt from at least some registration requirements that would ordinarily apply to that other class of registration.

On February 13, 2023, Council reviewed and approved, in principle, draft proposed amendments to the General Regulation (“the Regulation”) of the *Kinesiology Act, 2007*.

In accordance with subsection 95(1.4) of the Health Professions Procedural Code of the RHPA, Council directed that the draft proposed amendments be circulated for public consultation for 60 days to obtain feedback prior to final approval by Council.

Consultation Process

On February 17, 2023, the College provided registrants and stakeholders with a notice of the consultation and its process. A reminder notice was sent on March 21, 2023. A dedicated webpage was created on the College’s website to promote the consultation, and anyone with comments was invited to submit feedback via the online survey or by email.

Circulation documents included a chart of the proposed amendments and rationale, and a copy of the current General regulation with proposed amendments.

The consultation period concluded on April 17, 2023.

What we Heard

Feedback from Survey

The College received 39 responses in total.

The consultation asked respondents to identify themselves as either a registered kinesiologist, member of the public, representative of a professional association, an academic, a student, or another regulated health professional. Email responses were categorized by the abovementioned author-types as well.

Respondents were also provided an opportunity to provide general comments regarding the policy. For a detailed review of the responses, see the attached response report.

A. Summary of Responses CKO Received by Method of Contact

Method of Contact	Number of Responses	Percentage of Total Responses
Online Survey	36	92%
Email	3	8%
Telephone	0	N/A
Total Responses Received	39	100%

B. Summary of Responses CKO Received by Author Type

Author Type	Number of Responses	Percentage of Total Responses
Registered Kinesiologist	35	90%
Member of the Public	1	2.5%
Representative of a Professional Association	2	5%
Academic	0	N/A
Student	0	N/A
Another regulated health professional	0	N/A
Other: Government of Canada Competition Bureau	1	2.5%
Total Responses Received	39	100%

C. Summary of Responses CKO Received by Type

Response Type	Number of Responses	Percentage of Total Responses
Support for the Amended Proposed Regulation	28	72%
Questions and/or comments related to the proposed Amended Regulation	7	18%
Questions and/or Comments not relevant to the Amended Proposed Regulation	2	5%
No comments provided	2	5%
Total Responses Received	39	100%

Concurrent to the College's consultation, the Ministry also posted the College's draft proposed amendments to the public Regulatory Registry for feedback between February 23, 2023, and April 11, 2023. The Ministry provided the College the opportunity to respond to the College of Nurses of Ontario's feedback, which is included in the materials.

Analysis of Feedback

While the majority of the responses from registrants (72%) were in support of the proposed regulation, common themes emerged in the feedback received from registrants and stakeholders:

- Clarity is required regarding the need for establishing an Emergency Class certificate of registration, what would constitute an emergency within the profession, and who would be eligible for the Emergency Class.
- There is concern regarding the entry-to-practice examination not being required for Emergency Class registrants, as well as if the registrant moves from the Emergency Class to the General Class.
- More information is needed about the supervision of Emergency Class registrants.
- Need for safeguards with respect to Council having the authority to declare an “emergency circumstance”.
- While acknowledging that this falls outside the scope of the College, there was interest and concern regarding how the Emergency Class will function with the “As of Right” initiatives announced by the Government of Ontario, and questions as to whether these should be developed in concert. “As of Right” initiatives under the proposed Bill 60, intend to allow health care workers registered in other provinces and territories to immediately start working and caring for people in Ontario.

Below is a table capturing individual questions/comments that emerged from the survey about the draft proposed amendments.

Survey Comments	Note
<p>“Where would emergency kinesiology be truly needed and if there is a retired or inactive person they need to be under supervision and declare it. This does not seem very plausible in many circumstances...</p> <p>This seems to be a huge step for something that is not going to affect a lot of people in a positive way...</p> <p>If the college can provide concrete examples of where and when this could be used and also give people the right to refuse, that would be very helpful... Where is the actual benefit to both kinesiologists and the public in general.”</p>	<p>The creation of Emergency Class regulation is a registration requirement under the new O.Reg.508/92 of the RHPA and is not optional.</p> <p>While the likelihood is low that there would be an emergency circumstance requiring the College to invoke the Emergency Class certificate of registration, it is intended to ensure that healthcare systems are prepared to respond to another public health emergency or other ‘emergency circumstance’, for example, a major interruption to the administration of an exam.</p>
<p>“How could it impact current Rkin regarding renewal and continuing development?”</p>	<p>There are no anticipated impacts to current practising kinesiologists in the General or Inactive Classes.</p>

<p>Not many individuals registering or keeping their RKIN registration. Having an emergency class that lasts up to 30 days or so provides a small taste for graduates but no incentive to keep them in the profession. It is not easy for new grads to find a decent paying job in kinesiology either. From an emergency standpoint, there are rare jobs that would require kins asap. I don't see this as helpful for the profession and may make administration suffer. It might reduce the barrier to become RKins but will be short lived.”</p>	<p>The Emergency Class certificate of registration will only be invoked under certain ‘emergency circumstances’, and will not be available to new graduates or other individuals on an everyday basis. If the class is opened, the certificate will be valid for up to a year or until the emergency circumstance persists.</p> <p>While the likelihood is low that there would be an emergency circumstance requiring the College to invoke the Emergency Class of certificate of registration, the new regulation will facilitate the licensure of new registrants during an emerging health crisis, such as a pandemic. During the COVID-19 pandemic, the College saw an increase in new registrants and reinstatements as only regulated health professionals were permitted to practice.</p>
<p>“I disagree. An emergency situation does not change the fact that what is being proposed is that people who have not proven competency and written exam are allowed to treat. The state of emergency has nothing to do with competency.”</p>	<p>Currency requirements in conjunction with the requirement of supervision, are intended to provide assurance of an applicant’s competency and ability to practice safely in lieu of an exam. A supervisor provides additional safeguards to the public as well as support to the emergency class registrant as they initiate practice in Ontario.</p> <p>In terms of transitioning to the General Class, a transition will only occur if certain criteria are met:</p> <ul style="list-style-type: none"> • The applicant, at the time of initial application to the Emergency Class, must have satisfied the requirement of practicing the profession of kinesiology for at least 1500 hours during the three years immediately prior to the date of the application for the emergency certificate of registration, subs. 9.1(4)(c). The requirement is consistent with lapsed grandfathering clauses within the General Regulation of the Kinesiology Act, 2007 (subs.6(2)(c)). • The applicant provides satisfactory evidence based on their (supervised) practice for a period of at least one year under the certificate of registration in the Emergency

	<p>Class that the member has the knowledge, skills, and judgement to practice kinesiology competently subs.9.1(4)(d). The inclusion of “at least one year” makes clear that that anyone registered in the Emergency Class for less than one year would still be required to write the entry-to-practice examination.</p> <ul style="list-style-type: none"> • The applicant must successfully complete a peer and practice assessment designed to assess the practice competencies of a holder of a certificate of registration in the Emergency Class, subs. 9.1(4)(e).
<p>“The public could see R.Kin (Emergency) as a class of R.Kin with specialty Emergency Care skills or as a specialty class of R.Kin. Perhaps R.Kin (Class E only), R.Kin (E), or something along these lines? This might allow the public to realize that there may be a difference between the General Class and Emergency Class?</p> <p>Limiting Emergency Class Kins to practicing only under direct supervision of General Class Kins may defeat the purpose of meeting a workforce need? Perhaps the Council can deliberate whether direct supervision under any Regulated Health Professional can be appropriate?”</p>	<p>The designation “R.Kin (Emerg.)” reflects the class of the certificate of registration, similar to to “R.Kin (Inactive)” reflecting the Inactive Class. An environmental scan demonstrates the use of “Emerg.” is also consistent with most regulatory counterparts.</p> <p>“Temporary” is another consideration. However, for many regulators temporary is its own class of certificate. Furthermore, Council may wish to reserve the term for potential future use.</p> <p>Regarding supervision, the supervisor must have the knowledge, skills, and judgement to effectively provide supervision and mentorship regarding the scope of practice and essential competencies of kinesiology, as well as an understanding the regulatory requirements and expectations of this College. This is especially important in lieu of the written entry-to-practice examination.</p> <p>Moreover, the College only has oversight over the profession of kinesiology. Both the supervisor and the supervisee will have certain obligations and responsibilities, and the College must have the authority and jurisdiction to appropriately oversee and promptly follow up with both parties.</p>

Additional questions and/or comments received by email were responded to directly. All responses are enclosed in the materials.

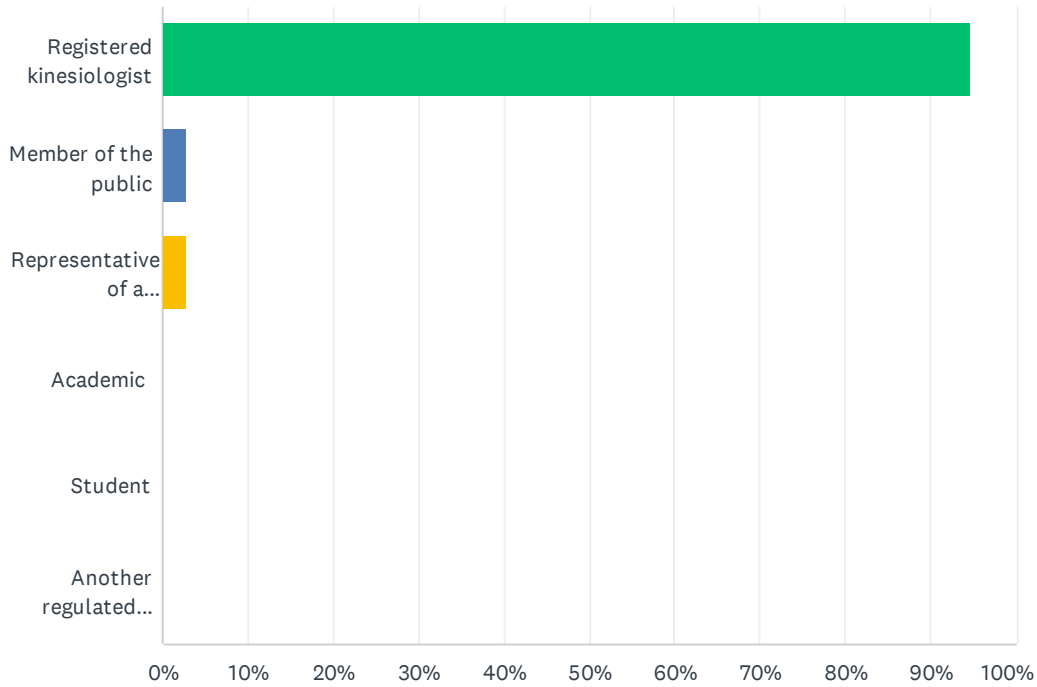
Consultation Feedback Reports

The following are attached:

- Individual responses to online feedback survey and consultation.
- Feedback received by the Ministry in response to Regulatory Registry posting.

Q1 I am a/an:

Answered: 37 Skipped: 0



ANSWER CHOICES	RESPONSES	
Registered kinesiologist	94.59%	35
Member of the public	2.70%	1
Representative of a professional association	2.70%	1
Academic	0.00%	0
Student	0.00%	0
Another regulated health professional	0.00%	0
TOTAL		37

Online Feedback on the Proposed Legislation

Answered: 35

Skipped: 1

I am a/an:		Your comments on the proposed legislation.
Response	Other (please specify)	Open-Ended Response
Registered kinesiologist		In favour as is.
Registered kinesiologist	Inactive Registered Kinesiologist	I agree with the proposed changes.
Registered kinesiologist		As long as the same requirements are met as required in Ontario
Registered kinesiologist		Recommend clarification of scope of role in an emergency. But changes seem reasonable
Registered kinesiologist		A shortage of kinesiologist has been making hiring difficult. This is a reasonable way forward to address the shortage.
Registered kinesiologist		Proposed changes seem reasonable and I am in agreement to these changes being implemented.
Registered kinesiologist		I believe it is a proactive initiative.
Registered kinesiologist		Proposed legislation reads suitable
Registered kinesiologist		Looks great!
Registered kinesiologist		It is great opportunity to fill the gaps when needed. If one is already regulated health professional in Ontario, similar or lateral education qualifications should be able to help different platforms. Thanks jasmeeet
Registered kinesiologist		I think this could be beneficial for both the profession and the public, ensuring that only qualified and competent healthcare professionals are being expedited through registration.
Registered kinesiologist		Agreed that we should move forward with this.
Registered kinesiologist		Pointless really. Where would emergency Kinesiology be truly be needed and if there is a retired or inactive person they need to be under supervision and declare it. This does not seem very plausible in many circumstances. In my humble opinion this seems to be a huge step for something that is not going to affect a lot of people in a positive way and seems more like virtue signaling than actual help for those whom need it. If the college can provide concrete examples of where and when this could be used in a positive way for both the public and kinesiologists and also give people the right to refuse, as I did not see that stated anywhere that would be very helpful. This seems like an attempt to say "hey, we did something." when really, where is the actual benefit to both kinesiologists and the public in general. I hope that is not to brazen but it is my honest feeling with this proposal.
Registered kinesiologist		It looks like you have done an admirable job. I have no recommendations.
Registered kinesiologist		Acceptable
Representative of a professional association		Hire unvaxed workers back - there are enough HCW right here https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(22)02465-5/fulltext
Member of the public		Two doses of vax doesn't prevent spread of Covid; hire fired unvaxed workers back there is enough workers right here. https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(22)02465-5/fulltext
Registered kinesiologist		How could it impact current Rkin regarding renewal and continuing development?
Registered kinesiologist		I believe this will be beneficial for the public. However, the criteria for an 'emergency' and when this should be enacted should be strict so that this is only implemented when absolutely necessary.

Registered kinesiologist		Good idea if the need for a registered health professional is urgently required. I will need to review the requirements needed to obtain the certificate before submitting a formal yes vote.
Registered kinesiologist		Not many individuals registering or keeping their RKIN registration. Having an emergency class that lasts up to 30 days or so provides a small taste for graduates but no incentive to keep them in the profession. It is not easy for new grads to find a decent paying job in kinesiology either. From an emergency standpoint, there are rare jobs that would require kins asap. I don't see this as helpful for the profession and may make administration suffer. It might reduce the barrier to become RKins but will be shortlived.
Registered kinesiologist		I think this is a good first step to ensure that all HCP can help if crisis were to strike again.
Registered kinesiologist		i agree with the proposed legislatio as is.
Registered kinesiologist		Seems appropriate. The liability insurance may be an issue for some applicants but as their potential employer may be able to assist in the "emergency" status, perhaps not. Also, if they have to go through the peer and practice review before they can practice, that sequence would need to be sped up.
Registered kinesiologist		The proposed recommendations are sound.
Registered kinesiologist		makes sense -no comments
Registered kinesiologist		Well explained. All points explained.
Registered kinesiologist		I agree with the proposed legislation and the CKO's criteria for the Emergency Class. I also agree with the CKO's title of R. Kin (Emerg) and required criteria for this designation.
Registered kinesiologist		I am in favour of the changes and feel they protect the public in the case of emergency class being enacted
Registered kinesiologist		
Registered kinesiologist		None.
Registered kinesiologist		I disagree. AN emergency situation does not change the fact that what is being proposed it that people who have not proven competency and written exam are allowed to treat. The state of emergency has nothing to do with competency
Registered kinesiologist		The public could see R.Kin (Emergency) as a class of R.Kin with specialty Emergency Care skills or as a specialty class of R.Kin. Perhaps R.Kin (Class E only), R.Kin (E), or something along these lines? This might allow the public to realize that there may be a difference between the General Class and Emergency Class? Limiting Emergency Class Kins to practicing only under direct supervision of General Class Kins may defeat the purpose of meeting a workforce need? Perhaps the Council can deliberate whether direct supervision under ANY Regulated Health Professional can be appropriate?
Registered kinesiologist		
Registered kinesiologist		I agree with the legislation in full as I currently understand it.
Registered kinesiologist		Good for emergencies.
Registered kinesiologist		Taking into consideration current emergency status of health care in Ontario I do agree with proposed regulation amendments but just a temporary resource. Whenever mentioned above situation will be resolved the amendments supposed to be discontinued.

From: [Fiona Teape - COKO](#)
To: [REDACTED]
Subject: RE: FW: Emergency Class
Date: February 24, 2023 3:49:00 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hello [REDACTED],

Thank you for your feedback regarding the draft proposed regulatory updates. I appreciate the concerns you have raised.

You are correct, in that the timeline is relatively short. Ultimately, this has been the timeline provided to all health colleges by the Ministry of Health to develop their Emergency Class regulation. We are staying on top of the feedback as it comes in, and the follow up meetings with Registration Committee and Council will be scheduled immediately after the consultation deadline has ended.

I also wished to clarify that the proposal to exempt individuals from writing the exam would only be applicable to those who a) previously satisfied the requirement of having worked 1500 hours within 3 years in the profession prior to being licensed in the emergency class, b) satisfactorily practiced in the emergency class for at least 1 year under supervision and c) completed a peer and practice assessment. In your email below you mentioned they would be eligible after holding the license for 6 months.

Thank you again.

Best regards,

Fiona Teape (she/her)
Director of Registration



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From: [REDACTED]
Sent: Tuesday, February 21, 2023 10:57 AM
To: Fiona Teape - COKO <registration@coko.ca>
Subject: Re: FW: Emergency Class

Thanks for getting back to me Fiona.

It didn't link to the website in mine, but nevertheless I have read the draft. Maybe check to see if others are having difficulty. It's too important not to get good feedback. Perhaps a clear button linking to the draft reg?

While I have you I also want to express my concern that there is so little time between the closing of submissions for feedback and submission of the draft regulation. How will there be time to make any modifications based on feedback and pass them through committee and council before submission. The tight timeline suggests that feedback won't truly be considered and that this is an exercise in futility. Can you please tell me how the college is going to properly consider the feedback and apply it to the draft in such short order?

My quick commentary on this is that the permanent exemption from writing the exam if you practice for 6 months in the emergency class is a step too far. A person could practice under an emergency registration in one very narrow area of the profession and be completely lacking in the ability and knowledge of other areas. Once they enter the general class the expectation is that they will be able, at an entry to practice level, to work in all areas of the profession.

In setting up the college the exam was the cornerstone of assurance for safety given the differences between university kinesiology programs. Why not allow those granted emergency licenses to continue practicing with a conditional general license for 1-2 years until they can write and pass the exam. This allows them to work and earn a living as an R.Kin., but ensures they actually meet the standard.

I'll send the comments in via the portal, but please go back and discuss this again. It is unlikely we will need to use this class (or at least I hope there are no other pandemics any time soon), but if we do have to do this it could let some very unqualified people out into general practice which would be a public risk.

It took 26 drafts to complete the original registration regulation, but it was worth it. Please persevere in getting this right.

Thanks again and best of luck with getting this regulation done. I appreciate your work.

██████████ R.Kin.

On Tue, Feb 21, 2023 at 10:20 AM Fiona Teape - COKO <registration@coko.ca> wrote:

Hello ██████████

Thank you for your email. The link to the website, housing the draft policy and feedback survey, can be accessed by following the link embedded in the image (below is just a screen capture):

Click here to view the proposed changes and share your feedback.

If I have misunderstood, please let me know and I will forward your concerns to our communications team.

Sincerely,

Fiona Teape (she/her)
Director of Registration

160 Bloor Street East, Suite 1402



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From: [REDACTED]
Sent: Tuesday, February 21, 2023 10:16 AM
To: Fiona Teape - COKO <registration@coko.ca>
Subject: Emergency Class

Hello,

I received the email asking for feedback on the proposed expedited path to registration in the event of emergency. There is no link in your email to the draft regulation. I found it on the college website myself, but would politely suggest if you want fulsome feedback that you reissue your communication with a link included.

Thoughtfully,

[REDACTED] R.Kin.



**SUBMISSION IN RESPONSE TO COKO "EMERGENCY CLASS"
REGULATION AMENDMENTS**




NANCY LERIS

REGISTRAR & CHIEF EXECUTIVE OFFICER

COLLEGE OF KINESIOLOGISTS OF ONTARIO

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MARCH 27, 2023

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ATHLETIC THERAPY ONTARIO



**SUBMISSION IN RESPONSE TO COKO "EMERGENCY CLASS"
REGULATION AMENDMENTS**

The OATA has decided to take the opportunity offered by the COKO to comment on the draft "Emergency Class" registration regulations on behalf of our Members who are also Registrants of the CKO.

To begin with, we have also reviewed the draft regulations of other Colleges that are relevant to our membership and we wish to congratulate the COKO on avoiding or addressing many of the issues and concerns that have been identified with those other proposals. Having said that, however, we are concerned about material differences in approach among the various Colleges.¹

Nevertheless, we have a number of questions that we hope the College will answer and a number of concerns that we hope the College will consider.

Should the existence of "emergency circumstances" ever be declared, the registration of practitioners in the Emergency Class will have to proceed with lightning speed, otherwise the objectives of Emergency Class registration will not be achieved. This will impose a very substantial administrative and managerial burden on Colleges, in particular the COKO, and will require a high level of planning, readiness and continuous updating and refinement --- despite the fact that an emergency may never be declared.

The OATA is both interested in and concerned about how the "Emergency Class" will function with the "As of Right" initiatives announced by the government and at least partly presaged by Bill 60. It would seem that the latter could completely supplant the former. We acknowledge that timing of the "Emergency Class" and "As of Right" initiatives are not within the control of the Colleges.

¹ For example, some Colleges require transitioning Emergency Class registrants to take the registration exam, some don't; for those Colleges that require the registration exam, some require payment of exam (and/or registration) fees, some do not; requirements with respect to "supervision" vary across the Colleges.

It strikes us that a far better approach would have been to develop the Emergency Class "t" regulations in concert.

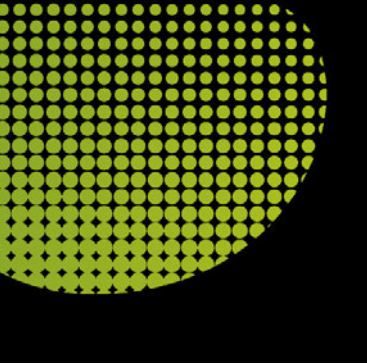
We note that, unlike most Colleges' proposed emergency class regulations, the COKO does not require registrants of the class to take the registration exam for registration in the General Class. The OATA would like to understand the COKO's reasoning behind exemption from the exam.

If a registration examination is not necessary for Emergency Class registrants, then why is it necessary at all? Quite frankly it strikes us as being anomalous and perhaps constituting a risk to public safety that (as we understand it) an out-of-province practitioner of Kinesiology could have applied for registration in Ontario and failed the COKO registration exam twice, but would still be able to register in the Emergency Class and subsequently transition to the General Class without ever passing the COKO registration exam.

The fact that Kinesiology is not regulated in any other Canadian province or territory and is statutorily regulated in only a few foreign jurisdictions presents challenges for the CKO in administering the regulation that do not exist for most of Ontario's other 25 health profession regulatory colleges. Given that there is no title protection or legislated scope of practice for kinesiologists in other provinces, how, for example, will the CKO define "the practice of kinesiology" (subsection 9.1.3)? We do understand that the requirement for supervision will mitigate risk and may well address our concerns in this regard.

We appreciate that the Ministry of Health has instructed the Colleges to expand emergency circumstances beyond emergencies declared by the government. Nevertheless, the OATA has many concerns and questions about this apparently unlimited authority.

Canada has had a checkered history with respect to the declaration of emergencies and the declarations of emergencies raise fundamental legal and political issues. We find it remarkable that Colleges would accept the authority unilaterally to declare emergencies and the OATA sees many pitfalls in having that authority.



Under what circumstances would any College declare an emergency that the government itself would not? Would the COKO on its own (i.e. without any other College following suit) declare an emergency? Under what circumstances could that happen? What checks and balances would apply? As a general comment applicable to the entire health professions regulatory sector, the OATA has serious misgivings about Colleges themselves being able to declare an emergency circumstance and, thereby, activate the Emergency Class.

If Colleges are to have the authority to declare an "emergency circumstance", there must be a provision by which approval for that declaration is provided by the government.

Sincerely,

Andy Playter, R.Kin. Athletic Therapist, CAT (C), CSCS®
OATA President



April 18, 2023

By Email

Andy Playter, OATA President
Ontario Athletic Therapists Association OATA
280 - 60 Columbia Way
Markham ON L3R 0C9

Dear Mr. Playter:

Re: Submission in Response to COKO “Emergency Class” Regulation Amendments

Thank you for taking the time to respond to the College of Kinesiologists of Ontario’s (CKO) proposed amendments to the General Regulation of the *Kinesiology Act, 2007*. We appreciate the OATA’s response, and are also pleased to learn that our proposed amendments have pre-emptively addressed certain issues and concerns identified in other proposals.

As you may be aware, in April 2022 the Ontario Government enacted Bill 106, the *Pandemic and Emergency Preparedness Act, 2022*, which sets out amendments to the *Regulated Health Professions Act, 1991* (RHPA) to ensure the healthcare system is better equipped to respond to a public health emergency. In October 2022, the Ontario Government approved Ontario Regulation 508/22 under the RHPA that, amongst other things, requires all regulatory health colleges to develop an emergency class certificate of registration.

As per the Ministry’s requirements, features of the emergency class of certificate of registration must include:

- The emergency circumstances that will cause the class to be open for registration and renewal. The Ministry has further indicated that the term ‘emergency circumstance’ should be broader than a declared state of emergency made under the *Emergency Management and Civil Protection Act, 1990*. For example, the Ministry has proposed that an emergency circumstance could be a situation where a significant interruption of a registration pathway leads to a lengthy delay for many applicants in their being registered, such as the inability to administer a scheduled examination over a prolonged period.

The above is one example of an ‘emergency circumstance’ that may be unique to the CKO. The CKO anticipates there being few other instances that would reach the threshold of an ‘emergency circumstance’ outside of a declared state of emergency. However, to sufficiently capture the breadth of unknown possibilities and allow for response-agility, the proposed amendments permit CKO’s Council to invoke the emergency class when it is in the public interest, with or without the public declaration of an emergency by the Ontario Government.

- A time period of no more than a year duration, but renewable for the same period of time, with no limit on the number of times they may be renewed as long as the emergency circumstance persists.

The CKO has proposed an initial expiry date that aligns with the annual registration renewal deadline specified in the bylaws, to reduce administrative and managerial burden to staff. Any subsequent renewals would be for the full one-year registration cycle.

- Circumstances in which a member of the emergency class must become eligible for registration in another registration class and be exempt from at least some registration requirements that would ordinarily apply to that other class of registration.

Of note, each health regulatory college must develop their emergency class regulation within their existing regulatory framework, which varies by profession. There is a strong possibility that the Ministry will likely only approve a regulation if there is a substantive recognition of the supervised work experience. Fee waivers or transition to a short-term certificate of registration are likely to be rejected. Furthermore, the *Kinesiology Act, 2007* currently only provides for two classes of certificate: General and Inactive.

Currency requirements in conjunction with the requirement of supervision, are intended to provide assurance of an applicant's competency and ability to practice safely in lieu of an exam. A supervisor provides additional safeguards to the public as well as support to the emergency class registrant as they initiate practice in Ontario.

The CKO appreciates OATA's concerns regarding the implementation of the proposed amendments. Similar to other regulatory health colleges, the CKO is developing policy that will define 'emergency circumstance', as well provide transparency and guidance to the profession and public with respect to supervision and other requirements. This will be available in the near future on our website.

Like the OATA, the CKO looks forward to learning more from the Ontario Government about what the Bill 60 "As of Right" legislation will look like for all regulators, and contributing our feedback for how it can best support patient safety. As you have noted, the timing of these initiatives is ultimately outside the control of the College and we are therefore unable to comment further.

Thank you again for your valuable feedback. It will be included in the materials for Council review following the circulation period.

Sincerely,



Nancy Leris,
Registrar and CEO



April 14, 2023

Competition Bureau comments on the Creation of Emergency Class Certificate of Registration

Thank you for the invitation to comment on the creation of emergency classes of registration as required by Ontario Regulation 508/22 under the *Regulated Health Professions Act, 1991* (Amendments).

The Competition Bureau (Bureau), as an independent law enforcement agency, ensures that Canadians prosper in a competitive and innovative marketplace. As part of its mandate, the Bureau promotes and advocates for the benefits of competition.

Why competition matters

Ontario's health regulatory Colleges (Colleges) play a critical role in protecting the public by making sure healthcare professionals are safe, ethical and competent.¹ Pro-competitive policies can help to advance these goals, as described in our market study: [Empowering health care providers in the digital era](#). The study explained how policymakers can leverage technology to gain the benefits of competition including improved quality of care, access to care and fostering innovation and its adoption. Pro-competitive policies can have other benefits in healthcare, including contributing to the resilience of the workforce by lowering barriers to entry. As made evident by the COVID-19 pandemic, this is particularly important during emergencies, which can create additional shortages and pressures on healthcare workers.

The Bureau recommends that the Colleges create these emergency classes of registration to maximize the benefits of competition, such as increasing the supply of qualified healthcare workers, and advance their goal of protecting the public. Further, the lessons learned in the process may also be used to benefit competition and public safety during times of non-emergency.

Competition assessment in policymaking

The Bureau's [Competition Assessment Toolkit](#) was designed to assist policymakers in identifying competition issues and tailoring policies to maximize the benefits of competition. Once a policy is identified for assessment, the policymaker should consider whether it has the potential to restrict competition. This may be the case if it makes it difficult for businesses to emerge or compete, or for consumers to make informed choices or switch products or services.

The policymaker should then consider whether a feature in the policy that could restrict competition is necessary, narrowly cast and proportionate. If there is an alternative that

¹ Health Profession Regulators of Ontario (2023). [Professions and their Regulatory Bodies](#).



achieves their policy goal in a more competition friendly manner, they should implement it accordingly and monitor its effects moving forward for any unintended consequences.

Restrictions and alternatives

The various registration requirements set out by the Colleges for healthcare workers to practice are barriers to entry for future workers. Such barriers are intended to keep the public safe by ensuring that healthcare workers are ethical and competent to practice. During an emergency though, increased demand for healthcare services and strains on healthcare workers can result in labor shortages that may present their own risk to public safety.² Temporarily easing these registration requirements with an emergency class of registration (and thereby increasing or speeding up the entry of healthcare workers) can balance these risks.

By setting up the emergency class of registration to only be as restrictive as necessary during times of emergency, the Colleges can maximize the benefits of competition (i.e. a more resilient healthcare workforce and patient safety). The Amendments require the Colleges to establish registration requirements for individuals joining the emergency class. These requirements can be used to lower barriers to enter the profession. For example, by allowing for competent healthcare students, recent graduates or accredited workers from other jurisdictions to register and by exempting certain requirements for emergency class registrants to move to another class. To strike the right balance between the risks and benefits associated with temporarily lowering these barriers requires the medical expertise of the Colleges. The Bureau hopes that the framework of a competition analysis presented in the Competition Assessment Toolkit may be helpful in doing so.

The Bureau also encourages the Colleges to consider how pro-competitive policies can benefit patients and healthcare workers outside of times of emergency as well. The Amendments require the Colleges to specify a path for healthcare workers in the emergency class to move into other classes of practice and to be exempted from certain registration requirements in doing so. Such exemptions will lower barriers to entry for those workers on a more permanent basis. These lowered barriers are likely to result in faster entry and more licensed healthcare providers, and as a result, a more resilient workforce. As such, the competitive benefits of the emergency class certification extend outside of times of emergency. We encourage the Colleges to use their expertise to make these exemptions as broad as possible to maximize the benefits of competition, while still meeting the central health and safety objectives of registration requirements.

In making these decisions, as in performing any competition assessment, the Colleges should base their decision to the greatest extent possible on objective empirical evidence.³ To the extent data on the effects of similar exemptions in other jurisdictions or during the COVID-19 pandemic are available, this could inform their decision. It may also be beneficial to track data on worker entry and patient safety for healthcare workers operating under the emergency class provisions going forward. This data could be used to make future adjustments to the exemptions provided for under the emergency class, relaxing or

² Canadian Institute for Health Information (November 2022). [Health workforce in Canada: In focus \(including nurses and physicians\)](#).

³ Competition Bureau (2020). [Strengthening Canada's economy through pro-competitive policies](#). See Step 3: Identify alternatives to address policy goals, if necessary.



tightening them as needed.⁴ Perhaps more importantly, this same data could also be used to determine whether the regular registration requirements are as necessary, narrowly cast and proportionate as can be. Having identified how much these barriers to entry can be safely lowered to offset the risk of worker shortages during times of emergency, those lessons may be used to maximize the benefits of competition in ordinary times.

We're here to help

The Bureau's goal is to promote the benefits of competition across the Canadian economy. On the other end, policymakers, as subject matter experts and authorities, are in a unique and critical position to seize upon these benefits. By incorporating competition analysis into your policy assessment, you can maximize the benefits of competition while still achieving your policy goals.

Such competition analysis can be complex, but is worthwhile and the Bureau can help. If you would like to discuss the Competition Assessment Toolkit, or have questions about particular policy proposals or the suggestions above, please contact our Competition Promotion Branch.

Yours Truly,

Bradley Callaghan
Associate Deputy Commissioner
Competition Promotion Branch
Competition Bureau

⁴ *Ibid.* See Step 5: Conduct an ex-post assessment.

Feedback Received by the Ministry in Response to Regulatory Registry Posting



April 11, 2023

By E-mail

The Ministry of Health
Health Workforce Regulatory Oversight Branch
Nursing and Professional Practice Division
438 University Avenue, 10th Floor
Toronto ON M5G 2K8

To Whom It May Concern:

Re: College of Kinesiologists of Ontario, Creation of Emergency Class Certificate of Registration

The College of Nurses of Ontario (CNO) is grateful for the opportunity to provide feedback on the College of Kinesiologists of Ontario's draft Emergency Class regulations. In particular, we are providing feedback on subsection 9.1(4).

A valid, reliable and secure entry examination supports safe practice. As regulators, we are accountable for ensuring that only those who demonstrate the competence can practice autonomously as practitioners (i.e. to transition to the general class). The entry exam is an objective assessment, assessing in a standardized way whether an individual will have the knowledge, skill and judgement to practice safely.

Literature links an entry examination to patient safety. For example, studies have investigated the correlation between national registration exam performance and patient safety¹. Studies show those who score lower on the exam are at greater risk of providing

¹ Cuddy, M.M., Young, A., Gelman, A., Swanson, D., Johnson, D.A., Dillon, G.F., & Clauser, B.E. (2017). Exploring the relationships between USMLE performance and disciplinary action in practice: A validity study of score inferences from a licensure examination. *Academic Medicine*, 92(12), 1780-1785. DOI: 10.1097/ACM.0000000000001747; Kinney, C.L., Raddatz, M.M., Sliwa, J.A., Clark, G.S., & Robinson, L.R. (2019). Does performance on the American Board of Physical Medicine and Rehabilitation initial certification examinations predict future physician disciplinary actions? *American Journal of Physical Medicine & Rehabilitation*, 98(12), 1079-1083. DOI: 10.1097/PHM.0000000000001250; Norcini, J., Boulet, J.R., Opalek, A., & Dauphinee, W.D. (2014). The relationship between licensing examination performance and the outcomes of care by international medical school graduates. *Academic Medicine*, 89(8), 1157-62. doi: 10.1097/ACM.0000000000000310; Tamblyn, R., Abrahamowicz, M., Dauphinee, D., Wenghofer, E., Jacques, A., Klass, D., Smee, S., Blackmore, D., Winslade, N., Girard, N., Du Berger, R., Bartman, I., Buckeridge, D. L., & Hanley, J. A. (2007). Physician scores on a national clinical skills examination as predictors of complaints to medical regulatory authorities. *JAMA*, 298(9), 993-1001. <https://doi.org/10.1001/jama.298.9.993>; Wenghofer, E., Klass, D., Abrahamowicz, M.,

an unacceptable quality of patient care. For example, they are subject to higher rates of complaints and reports with disciplinary action taken. This speaks to the importance of this objective registration requirement with respect to safe patient care.

We note in the proposed regulation changes that, in subsection 9.1(2), an applicant who has failed the registration examination on their third attempt is not eligible for registration in the Emergency Class, which is an indication of the importance placed on this objective assessment. Demonstrating competence through a standardized examination before practicing autonomously is important to patient safety. Thus, we recommend amending subsection 9.1(4) in the draft regulation and not waive the examination requirement.

Thank you again for the opportunity to provide input. Should you require further information, or if you wish to discuss our recommendation, please contact Anne Marie Shin, Director of Professional Practice at ashin@cnomail.org.

Sincerely,

Silvie Crawford, RN, BHScN, LLM-Health Law
Executive Director and CEO

/et



April 14, 2023

PRIVATE AND CONFIDENTIAL
Sent Via Email

Jason Maurier
Manager, Regulatory Oversight and Performance Unit
Health Workforce Regulatory Oversight Branch
Ministry of Health
438 University Avenue, 10th Floor
Toronto, ON M7A 1N3

Dear Jason:

Re: College of Nurses of Ontario's Response to Regulatory Posting

Thank you for sharing the College of Nurses of Ontario's feedback to the Ministry regarding the College of Kinesiologists of Ontario's ("the College") Emergency Class regulation, as well as for providing the opportunity to respond.

To comply with new regulations under the *Regulated Health Professions Act, 1991* (RHPA), the College is required to develop an Emergency Class regulation. The regulation must specify the circumstances in which a registrant in the Emergency Class may apply for another class of registration and must exempt the individual from at least some registration requirements that would ordinarily apply to that class. The [General Regulation](#) of the *Kinesiology Act, 2007* provides for two classes of certificates of registration: General and Inactive. The registration requirements for the issuance of a certificate of registration in the General Class include: having obtained a bachelor's degree in kinesiology at least four years in length from an Ontario university or a degree from a substantially equivalent program; successful completion of the entry-to-practice examination; completion of the Council-approved jurisprudence course; and proof of professional liability insurance. The College is of the position that a transition to the General Class, without the entry-to-practice examination requirement, is consistent with the Ministry's expectations.

The College agrees that the entry-to-practice examination is a valuable and reliable instrument in the assessment of a health practitioner's competency at the entry-to-practice level. It provides an objective validation of the knowledge, clinical skills, and professional judgment that is considered necessary at the entry-to-practice level. Likewise, a pattern of failed examination results typically speaks to a continued inability on the part of the candidate to objectively demonstrate that they meet the standards necessary for practice.

Notwithstanding, there is research that suggests other valid methods of assessing competency and safe and effective professional practice, for example through Quality Assurance programs.¹ Certain health regulators have also had success with longstanding policies that make alternate provisions for candidates whose circumstances fall outside the standard registration requirements, including

¹ Zubin Austin, BSc Phm, PhD; Paul A.M. Gregory, MLS. (2017). Quality Assurance and Maintenance of Competence Assessment Mechanisms in the Profession: A Multi-Jurisdictional, Multi-Professional Review. *Journal of Medical Regulation*, 103(2), 22-34. DOI: 10.30770/2572-1852-103.2.22.

exemption of entry-to-practice examinations². Of note, our proposed regulation contemplates exemption of the entry-to-practice examination as a transition to the General Class only if certain criteria are met:

- The applicant, at the time of initial application to the Emergency Class, must have satisfied the requirement of practicing the profession of kinesiology for at least 1500 hours during the three years immediately prior to the date of the application for the emergency certificate of registration, *subs. 9.1(4)(c)*. Currency requirements, in conjunction with the requirement of supervision, are intended to provide assurance of an applicant's competency and ability to practice safely in lieu of an exam. The requirement is also consistent with lapsed grandfathering clauses within the General Regulation of the *Kinesiology Act, 2007* (*subs.6(2)(c)*).
- The applicant must provide satisfactory evidence based on their (supervised) practice for a period of at least one year under the certificate of registration in the Emergency Class that the member has the knowledge, skills, and judgement to practice kinesiology competently *subs.9.1(4)(d)*. The inclusion of "at least one year" makes clear that that anyone registered in the Emergency Class for less than one year would still be required to write the entry-to-practice examination. The supervision component provides additional safeguards to the public as well as support to the Emergency Class registrant as they initiate practice in Ontario.
- The applicant must successfully complete a peer and practice assessment designed to assess the practice competencies of a holder of a certificate of registration in the Emergency Class, *subs. 9.1(4)(e)*.

We are hopeful that the proposed regulation will strike the balance of meeting the new registration exemption requirements under Ontario Regulation 508/22 of the RHPA, while assuring patient safety through the abovementioned conditions.

The College of Kinesiologists of Ontario would once again like to thank the Ministry for the opportunity to respond to the College of Nurses of Ontario's feedback. We believe an open and collaborative process can only further our shared interest in public protection.

Sincerely,



Nancy Leris,
Registrar and CEO

² College of Physicians and Surgeons of Ontario. (2023, April 14). Alternative Pathways to Registration for Physicians Trained in the United States. <https://www.cpsso.on.ca/Physicians/Registration/Registration-Policies/Alternative-Pathways-to-Registration>
College of Physicians and Surgeons of Ontario. (2023, April 14). Recognition of Certification Without Examination Issued by CFPC. <https://www.cpsso.on.ca/Physicians/Registration/Registration-Policies/Recognition-of-Certification-without-Examination-1>

COLLEGE OF KINESIOLOGISTS OF ONTARIO
EMERGENCY CERTIFICATE OF REGISTRATION

Proposed revisions to O. Reg. 401/12: General under Kinesiology Act, 2007

Proposed Provision	Rationale/Explanation																
<p>Classes of certificates</p> <p>Section 1.</p> <p>The following are prescribed as classes of certificates of registration for registered kinesiologists:</p> <ol style="list-style-type: none"> 1. General. 2. Inactive. 3. Emergency. 	<p>An emergency class of registration is being introduced in accordance with the requirements of the <i>Pandemic and Emergency Preparedness Act, 2022</i> and the resulting amendments to the Health Professions Procedural Code of the RHPA.</p>																
<p>Terms, conditions, and limitations of every certificate.</p> <p>Section 4.</p> <p>2. A member who holds a certificate of registration listed in Column 1 of the Table to this section,</p> <ol style="list-style-type: none"> i. Shall only use a title listed in Column 2 opposite the certificate of registration, and ii. Shall only use the designation listed in Column 3 opposite the certificate of registration. <p>TABLE</p> <table border="1" data-bbox="164 1436 763 1850"> <thead> <tr> <th>Item</th> <th>Column 1 Certificate of Registration</th> <th>Column 2 Title</th> <th>Column 3 Designation</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>General</td> <td>Kinesiologist registered in the General Class</td> <td>R. Kin</td> </tr> <tr> <td>2.</td> <td>Inactive</td> <td>Kinesiologist registered in the Inactive Class</td> <td>R. Kin (Inactive)</td> </tr> <tr> <td>3.</td> <td>Emergency</td> <td>Kinesiologist registered in the Emergency Class</td> <td>R. Kin (Emerg)</td> </tr> </tbody> </table>	Item	Column 1 Certificate of Registration	Column 2 Title	Column 3 Designation	1.	General	Kinesiologist registered in the General Class	R. Kin	2.	Inactive	Kinesiologist registered in the Inactive Class	R. Kin (Inactive)	3.	Emergency	Kinesiologist registered in the Emergency Class	R. Kin (Emerg)	<p>The title “R. Kin (Emerg.)” is proposed to reflect the limited term of the emergency class, as well as to best characterize instances where the license may be invoked. “Temporary” was also considered, however, we may wish to reserve that title for use in the future, should there be an additional license class.</p>
Item	Column 1 Certificate of Registration	Column 2 Title	Column 3 Designation														
1.	General	Kinesiologist registered in the General Class	R. Kin														
2.	Inactive	Kinesiologist registered in the Inactive Class	R. Kin (Inactive)														
3.	Emergency	Kinesiologist registered in the Emergency Class	R. Kin (Emerg)														

<p>Registration requirements, emergency class</p> <p>Section 9.1</p> <p>(1) The following are non-exemptible registration requirements for an emergency certificate of registration:</p> <ol style="list-style-type: none"> 1. The Government of Ontario or Council deems that an emergency circumstance exists such that it is in the public interest to issue certificates of registration in the emergency class. 2. The applicant must satisfy the registration requirements set out in clauses 5 (1)(a)¹,(c)², and (d)³ of this Regulation. 3. The applicant must either, <ol style="list-style-type: none"> i. have satisfied the program requirements described in clause 5 (1)(a) no more than two years prior to the date of application for the emergency certificate of registration, or ii. have practiced the profession of kinesiology for at least 1500 hours during the three years immediately prior to the date of the application 	<p>The Ministry has also expressed that an 'emergency circumstance' should be considered broader than a declared state of emergency made under the <i>Emergency Management and Civil Protection Act, 1990</i>. Therefore, the proposed amendments permit both the Government of Ontario or Council to invoke the emergency class when it is in the public interest. Such language provides Council a level of discretion in determining an emergency circumstance, with or without initiation from the government.</p> <p>The entry-to-practice examination is omitted as a requirement for this class.</p> <p>Currency requirements, in combination with the supervision requirement below, are intended to provide assurance of an applicant's competency and ability to practice safely in lieu of an exam. The Registrar would review submissions to determine if the requirements in this section have been sufficiently satisfied.</p>
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¹ 5. (1) An applicant for the issuance of a general certificate of registration must,

(a) either,

- (i) have graduated from a program in kinesiology that was offered at the bachelor level at an Ontario university and which was at least four years in duration, or
- (ii) have successfully completed a program which a panel of the Registration Committee considers to be substantially equivalent to a program referred to in subclause (i);

² 5. (1) An applicant for the issuance of a general certificate of registration must,

- (c) have successfully completed, no earlier than 12 months prior to the date of his or her application, the jurisprudence course that was set or approved by Council; and

³5. (1) An applicant for the issuance of a general certificate of registration must,

(d) provide either,

- (i) proof of professional liability insurance coverage in the amount and in the form as required under the by-laws, or
- (ii) an undertaking to the College that he or she will provide proof of the coverage referred to in subclause (i) within 30 days of being registered. O. Reg. 401/12, s. 5 (1).

<p>for the emergency certificate of registration.</p>	
<p>(2) An applicant who has failed the registration examination referred to in clause 10 of this Regulation on their third attempt, is not eligible for an emergency certificate unless the applicant has successfully completed another program which satisfies to requirements in clause 5 (1) a.</p>	<p>This provision is consistent with the requirements in the General Regulation under the <i>Kinesiology Act 2007</i> to complete a new program in after three unsuccessful examination attempts.</p>
<p>(3) Every emergency certificate of registration is subject to the following terms, conditions, and limitations:</p> <ol style="list-style-type: none"> 1. The member shall practise kinesiology only under the supervision of a holder of a general class certificate of registration whose certificate is not subject to additional terms, conditions and limitations and who is in good standing. 2. The member shall, at all times when providing kinesiology services, identify themselves as practising under supervision. 3. The member must satisfy the professional liability insurance requirements set out in paragraph 1 of subsection 7(1)⁴. 4. Unless stated otherwise on the certificate, the certificate expires at the end of the registration year under the College by-laws, unless it is renewed. 5. Unless stated otherwise on the certificate, a renewed certificate of registration in the emergency class expires one year after it is issued, unless it is renewed again. 6. Notwithstanding subsections 4 and 5, a certificate of registration in the emergency class expires on the earlier of the following: 	<p>Operationally, the College will develop supervision guidelines and reporting requirements.</p> <p>In accordance with Ministry requirements, the emergency class certificate of registration must be issued for a period of one-year period and renewable for a one-year period. The College is proposing the expiry date align with the annual registration renewal deadline, which is currently August 31, to avoid additional strain to staff and system resources. In this way, the initial certificate could potentially be issued for a maximum 12-month period, with any subsequent renewals issued for a one-year term.</p>

⁴ 7. (1) Every general certificate of registration is subject to the following terms, conditions and limitations:

1. The member shall maintain professional liability insurance in the amount and in the form as required under the by-laws and, if the member no longer maintains such insurance, the member shall notify the College in writing within two days, including notice of the date on which the insurance was terminated and the reasons why the insurance was terminated.

<ul style="list-style-type: none"> i. 90 days after the Government of Ontario or Council declares that the emergency circumstances have ended, or ii. immediately, if it is in the opinion of the Registrar that it is in the public interest to do so. 	<p>A 90 days transition window would provide the candidate the opportunity to appropriately wind down their practice.</p>
<p>(4) A member who holds, or who held in the previous six months, an emergency certificate of registration may be issued a certificate of registration in the general class despite not having met the requirements set out in clause 5 (1) (b)⁵ and subsection 5 (2)⁶, if the member:</p> <ul style="list-style-type: none"> (a) Applies for the certificate of registration in the general class; (b) Satisfies all other requirements for the certificate of registration in the general class; (c) Satisfies the registration requirement described in subclause (1) 3 (ii)⁷ of the certificate of registration in the emergency class; (d) Provides satisfactory evidence based on their practice for a period of at least one year under the certificate of registration in the emergency class that the member has the knowledge, skill, and judgement to practice kinesiology competently; and (e) Successfully completes a peer and practice assessment designed to assess the practice competencies of a holder of a 	<p>This section provides a path to registration in the general class that would exempt completion of the entry-to-practice examination only for those who have demonstrated at least 1500 hours of practice in the 3 years at the time of registering for the emergency class and satisfactorily completed an additional 1 year of practice in the emergency class under supervision.</p> <p>This is in accordance with the Ministry’s mandate to establish circumstances in which a member of the emergency class can become eligible for registration in another class, with the emergency certificate holder exempt from at least some registration requirements that would ordinarily apply to that other class of registration.</p> <p>The College will develop and refine, through policy and guidelines, the criteria for determining the satisfactory evidence of knowledge, skill, and judgment to transition to the general class.</p>

⁵ 5. (1) An applicant for the issuance of a general certificate of registration must,
(b) have successfully completed the registration examination set by Council pursuant to section 10;

⁶ 5. (2) The requirement in clause (1) (b) shall not be considered to be met unless the applicant successfully completed that requirement no earlier than 12 months immediately before the date on which the applicant met all of the other requirements for the issuance of a general certificate of registration. O. Reg. 401/12, s. 5 (2).

⁷ 3. The applicant must,
ii. have practiced the profession of kinesiology for at least 1500 hours during the three years immediately prior to the date of the application for the emergency certificate of registration.

certificate of registration in the emergency class.

(f) The requirements in clauses 4 (a), (b), (c), (d) and (e) are non-exemptible.

APPENDIX 1

ONTARIO REGULATION 401/12

GENERAL

REGISTRATION

Classes of certificates

1. The following are prescribed as classes of certificates of registration for registered kinesiologists:

1. General.
2. Inactive.
3. **Emergency.** O. Reg. 401/12, s. 1.

Application for certificate of registration

2. (1) A person may apply for a certificate of registration by submitting a completed application in the form provided by the Registrar together with any applicable fees required under the by-laws and any supporting information required by the Registrar. O. Reg. 401/12, s. 2 (1).

(2) An applicant shall be deemed not to have satisfied the registration requirements for a certificate of registration if the applicant makes a false or misleading statement or representation on or in connection with his or her application, and any certificate of registration issued to such an applicant may be revoked by the Registrar. O. Reg. 401/12, s. 2 (2).

Requirements for issuance of certificate of registration, any class

3. An applicant must satisfy the following requirements for the issuance of a certificate of registration of any class:

1. The applicant must, at the time of application, provide details about any of the following that relate to the applicant and, where any of the following change with respect to the applicant after submitting the application but before the issuance of a certificate, the applicant must immediately provide written details with respect to the change:
 - i. A finding of guilt for any of the following:
 - A. A criminal offence.
 - B. An offence resulting in a fine greater than \$1,000 or any type of incarceration.
 - ii. A finding of professional misconduct, incompetence or incapacity, or any similar finding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.
 - iii. A current proceeding for professional misconduct, incompetence or incapacity, or any similar proceeding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.

- iv. A finding of professional negligence or malpractice in any jurisdiction.
 - v. A refusal by any body responsible for the regulation of a health profession in any jurisdiction to register the applicant.
 - vi. Whether the applicant was not in good standing at the time he or she ceased being registered with a body responsible for the regulation of another profession in Ontario or of any regulated profession in another jurisdiction.
 - vii. Where the applicant is a member of another regulated profession in Ontario or any regulated profession in another jurisdiction, any failure by the applicant to comply with any obligation to pay fees or provide information to the body responsible for the regulation of the profession, the initiation of any investigations by such body in respect of the applicant or the imposition of sanctions on the applicant by such body.
 - viii. Any other event that would provide reasonable grounds for the belief that the applicant will not practise kinesiology in a safe and professional manner.
2. The applicant's previous conduct must afford reasonable grounds for the belief that he or she will practise kinesiology in a safe and professional manner.
 3. The applicant must possess sufficient language proficiency, in either English or French, to be able to communicate and comprehend effectively, both orally and in writing.
 4. The applicant must not have a physical or mental condition or disorder that would make it desirable in the interest of the public that he or she not be issued a certificate of registration unless, should the applicant be given a certificate of registration, the imposition of a term, limit or condition on that certificate is sufficient to address such concerns.
 5. If the applicant is registered by any body responsible for the regulation of any other profession in Ontario or of any profession in any other jurisdiction, the applicant's registration must be in good standing and must continue to be in good standing until such time as the applicant is issued a certificate of registration.
 6. If the applicant ceased being registered with any body responsible for the regulation of another profession in Ontario or of any profession in any other jurisdiction, the applicant must have been in good standing at the time he or she ceased being registered. O. Reg. 401/12, s. 3.

Terms, conditions and limitations of every certificate

4. Every certificate of registration is subject to the following terms, conditions and limitations:
 1. The member shall provide the College with written details about any of the following that relate to the member no later than 30 days after the member becomes aware of it occurring:
 - i. A finding of professional misconduct, incompetence or incapacity, or any similar finding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.
 - ii. A current proceeding for professional misconduct, incompetence or incapacity, or any similar proceeding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.

- iii. A finding of professional negligence or malpractice in any jurisdiction.
 - iv. A refusal by any body responsible for the regulation of a health profession in any jurisdiction to register the member.
 - v. Whether the member was not in good standing at the time he or she ceased being registered with a body responsible for the regulation of another profession in Ontario or of any regulated profession in another jurisdiction.
 - vi. Any other event that would provide reasonable grounds for the belief that the member will not practise kinesiology in a safe and professional manner.
2. The member shall provide the College with written details about any finding of guilt relating to any offence as soon as possible after receiving notice of the finding, but not later than 30 days after receiving the notice.
 3. A member who holds a certificate of registration listed in Column 1 of the Table to this section,
 - i. shall only use a title listed in Column 2 opposite the certificate of registration, and
 - ii. shall only use the designation listed in Column 3 opposite the certificate of registration.
 4. Immediately prior to the member's resignation, or to the suspension, revocation or expiry of the member's certificate of registration, the member shall return his or her certificate of registration to the Registrar.
 5. The member shall only practise in the areas of kinesiology in which the member has knowledge, skill and judgment. O. Reg. 401/12, s. 4.

TABLE

Item	Column 1 Certificate of Registration	Column 2 Title	Column 3 Designation
1.	General	Kinesiologist registered in the General Class	R. Kin
2.	Inactive	Kinesiologist registered in the Inactive Class	R. Kin (Inactive)
3.	Emergency	Kinesiologist registered in the Emergency Class	R. Kin (Emerg)

O. Reg. 401/12, s. 4, Table.

Registration requirements, general class

5. (1) An applicant for the issuance of a general certificate of registration must,
 - (a) either,
 - (i) have graduated from a program in kinesiology that was offered at the bachelor level at an Ontario university and which was at least four years in duration, or
 - (ii) have successfully completed a program which a panel of the Registration Committee considers to be substantially equivalent to a program referred to in subclause (i);
 - (b) have successfully completed the registration examination set by Council pursuant to section 10;

- (c) have successfully completed, no earlier than 12 months prior to the date of his or her application, the jurisprudence course that was set or approved by Council; and
 - (d) provide either,
 - (i) proof of professional liability insurance coverage in the amount and in the form as required under the by-laws, or
 - (ii) an undertaking to the College that he or she will provide proof of the coverage referred to in subclause (i) within 30 days of being registered. O. Reg. 401/12, s. 5 (1).
- (2) The requirement in clause (1) (b) shall not be considered to be met unless the applicant successfully completed that requirement no earlier than 12 months immediately before the date on which the applicant met all of the other requirements for the issuance of a general certificate of registration. O. Reg. 401/12, s. 5 (2).
- (3) The requirements in clauses (1) (a), (b) and (c) are non-exemptible. O. Reg. 401/12, s. 5 (3).

Transitional

- 6.** (1) For the first 36 months after the day this Regulation comes into force, clause 5 (1) (b) does not apply in respect of an application for a general certificate of registration where the applicant who made the application had been practising the profession before this Regulation came into force. O. Reg. 401/12, s. 6 (1).
- (2) It is an additional requirement for a general certificate of registration that an applicant described in subsection (1),
- (a) have practised the profession in Canada during each of any three years before the coming into force of this Regulation;
 - (b) have practised the profession for at least 2,000 hours during the three years mentioned in clause (a); and
 - (c) have practised the profession for at least 1,500 hours during the three years immediately prior to the date of the applicant's application. O. Reg. 401/12, s. 6 (2).

Terms, conditions and limitations, general class

- 7.** (1) Every general certificate of registration is subject to the following terms, conditions and limitations:
- 1. The member shall maintain professional liability insurance in the amount and in the form as required under the by-laws and, if the member no longer maintains such insurance, the member shall notify the College in writing within two days, including notice of the date on which the insurance was terminated and the reasons why the insurance was terminated.
 - 2. The member must practise the profession for at least 1,500 hours during every three-year period where the first three-year period begins on the first September 1 following the day that the member is issued a general certificate of registration and each subsequent three-year period

begins on the first anniversary of the commencement of the previous period. O. Reg. 401/12, s. 7 (1).

(2) If a member fails to meet the term, condition and limitation described in paragraph 2 of subsection (1), the Registrar shall refer the member to the Quality Assurance Committee for a peer and practice review. O. Reg. 401/12, s. 7 (2).

Labour mobility, general class

8. (1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for a general certificate of registration, the applicant is deemed to have met the requirements set out in clauses 5 (1) (a) and (b) and subsection 5 (2) of this Regulation. O. Reg. 401/12, s. 8 (1).

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a kinesiologist in every jurisdiction where the applicant holds an out-of-province certificate. O. Reg. 401/12, s. 8 (2).

(3) If an applicant to whom subsection (1) applies is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of kinesiology to the extent that would be permitted by a general certificate of registration at any time in the three years immediately before the date of that applicant's application, it is a non-exemptible requirement that the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee. O. Reg. 401/12, s. 8 (3).

(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 3 of section 3 if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph. O. Reg. 401/12, s. 8 (4).

(5) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code. O. Reg. 401/12, s. 8 (5).

Registration requirements, inactive class

9. (1) The following are non-exemptible registration requirements for an inactive certificate of registration:

1. The applicant,
 - i. must be a member holding a general certificate of registration, and
 - ii. must provide an undertaking to the College in a form satisfactory to the Registrar in which the applicant undertakes to comply with the conditions set out in subsection (2).
2. The applicant must not be in default of any fee, penalty or other amount owing to the College.
3. The applicant must have provided the College with any information that it has required of the applicant.
4. The applicant must be in compliance with any outstanding requirements of the College's Quality Assurance Committee or any outstanding orders or requirements of the Council, Executive

Committee, Inquiries, Complaints and Reports Committee, Discipline Committee and Fitness to Practise Committee. O. Reg. 401/12, s. 9 (1).

(2) It is a condition of an inactive certificate of registration that the member shall not,

(a) engage in providing direct patient care;

(b) use any title or designation other than what is specified for an inactive certificate of registration in the Table to section 4;

(c) supervise the practice of the profession; or

(d) make any claim or representation to having any competence in the profession. O. Reg. 401/12, s. 9 (2).

(3) A member who holds an inactive certificate of registration may be reissued a general certificate of registration if the member,

(a) applies in writing to the Registrar for reinstatement;

(b) pays any fee, penalty or other amount owed to the College;

(c) provides the College with any information that it has required of the member; and

(d) satisfies a panel of the Registration Committee that he or she possesses the current knowledge, skill and judgment relating to the practice of the profession that would be expected of a member holding a general certificate of registration. O. Reg. 401/12, s. 9 (3).

Registration requirements, emergency class

9.1 (1) The following are non-exemptible registration requirements for an emergency certificate of registration:

1. The Government of Ontario or Council deems that an emergency circumstance exists such that it is in the public interest to issue certificates of registration in the emergency class.

2. The applicant must satisfy the registration requirements set out in clauses 5 (1)(a), (c), and (d) of Section 5 of this Regulation.

3. The applicant must either,

i. have satisfied the program requirements described in clause 5(1)(a) no more than two years prior to the date of application for the emergency certificate of registration, or

ii. have practiced the profession of kinesiology for at least 1500 hours during the three years immediately prior to the date of the application for the emergency certificate of registration.

(2) An applicant who has failed the registration examination referred to in clause 10 of this Regulation on their third attempt, is not eligible for an emergency certificate unless the applicant has successfully completed another program which satisfies to requirements in clause 5 (1) a.

(3) Every emergency certificate of registration is subject to the following terms, conditions, and limitations:

1. The member shall practise kinesiology only under the supervision of a holder of a general class certificate of registration whose certificate is not subject to additional terms, conditions and limitations and who is in good standing.
 2. The member shall, at all times when providing kinesiology services, identify themselves as practising under supervision.
 3. The member must satisfy the professional liability insurance requirements set out in paragraph 1 of subsection 7(1).
 4. Unless stated otherwise on the certificate, the certificate expires at the end of the registration year under the College by-laws, unless it is renewed.
 5. Unless stated otherwise on the certificate, a renewed certificate of registration in the emergency class expires one year after it is issued, unless it is renewed again.
 6. Notwithstanding subsections 4 and 5, a certificate of registration in the emergency class is expires on the earlier of the following:
 - i. 90 days after the Government of Ontario or Council declares that the emergency circumstances have ended, or
 - ii. immediately, if it is in the opinion of the Registrar that it is in the public interest to do so.
- (4) A member who holds, or who held in the previous six months, an emergency certificate of registration may be issued a certificate of registration in the general class despite not having met the requirement set out in clause 5 (1)(b) and subsection 5(2), if the member:
- (a) Applies for the certificate of registration in the general class;
 - (b) Satisfies all other requirements for the certificate of registration in the general class;
 - (c) Satisfies the registration requirement described in subclause (1) 3 (ii) of the certificate of registration in the emergency class;
 - (d) Provides satisfactory evidence based on their practice for a period of at least one year under the certificate of registration in the emergency class that the member has the knowledge, skills and judgement to practice kinesiology competently; and
 - (e) Successfully completes a peer and practice assessment designed to assess the practice competencies of a holder of a certificate of registration in the emergency class.
 - (f) The requirements in clauses (4) (b), (c), (d) and (e) are non-exemptible.

EXAMINATION

Requirement in setting examination

10. In setting the registration examinations to be taken by applicants for a general certificate of registration, Council shall specify the general areas of competency to be examined and shall ensure that the examinations provide a reliable and valid measure of a candidate's knowledge, skill and judgment in the practice of kinesiology in Ontario. O. Reg. 401/12, s. 10.

Frequency

11. The registration examination shall be offered at least once each year. O. Reg. 401/12, s. 11.

Eligibility

12. (1) An applicant is not eligible to take the registration examination on the applicant's first attempt if that examination is to be taken on a date that is later than the date that is one year from the date on which the applicant submitted his or her application, unless a panel of the Registration Committee is satisfied that exceptional circumstances prevented the applicant from taking the registration examination within this period. O. Reg. 401/12, s. 12 (1).

(2) An applicant is not eligible to take the registration examination, regardless as to whether it is on the applicant's first, second or third attempt, if the examination is to be taken on a date that is later than the date that is four years from the date on which the applicant submitted his or her application, unless a panel of the Registration Committee is satisfied that exceptional circumstances prevented the applicant from taking the registration examination within this period. O. Reg. 401/12, s. 12 (2).

(3) Where, pursuant to subsections (1) and (2), a panel of the Registration Committee permits an applicant to take the registration examination despite not having complied with the timelines set out in those subsections, the applicant is required to comply with any additional requirements that may be specified by the panel. O. Reg. 401/12, s. 12 (3).

Same

13. An applicant is not eligible to take the registration examination unless he or she has satisfied the requirements set out in clauses 5 (1) (a) and (c) and is in compliance with the requirements set out in section 3. O. Reg. 401/12, s. 13.

Re-examination

14. (1) Subject to subsections (2) and (3), an applicant who fails the examination may apply for re-examination. O. Reg. 401/12, s. 14 (1).

(2) In every instance where an applicant has failed the examination twice, the applicant is not eligible to apply to take the examination again without first having satisfied a panel of the Registration Committee that they have successfully completed any remediation that may have been required by the panel. O. Reg. 401/12, s. 14 (2).

(3) In every instance where an applicant has failed the examination on their third attempt, the applicant is not eligible to apply to take the examination again until the applicant successfully completes another program which satisfies the requirements in clause 5 (1) (a). O. Reg. 401/12, s. 14 (3).

Appeal

15. (1) An applicant who fails a registration examination may appeal the results of the examination to a person or body set or approved by the Council that has no involvement in the administration of the registration examination. O. Reg. 401/12, s. 15 (1).

(2) On an appeal under subsection (1), the person or body may only consider the following questions:

1. Whether the process followed in administering the registration examination was appropriate.
2. Whether the applicant had an illness or personal emergency that is sufficient to warrant nullifying the results. O. Reg. 401/12, s. 15 (2).

(3) If the person or body hearing the appeal decides that the results of the examination should be nullified, the examination does not count against the applicant for any purpose, including the application of section 14. O. Reg. 401/12, s. 15 (3).

(4) In an appeal under subsection (1), the applicant shall not be given access to any information that would undermine the integrity of the examination process. O. Reg. 401/12, s. 15 (4).

SUSPENSIONS, ETC.

Suspensions, revocations and reinstatements

16. (1) If a member fails to provide the College with information about the member as required under the by-laws or a completed annual renewal form within the time period set by the College,

- (a) the Registrar may give the member notice of intention to suspend the member's certificate of registration; and
- (b) the Registrar may suspend the member's certificate of registration if the member fails to provide the information within 30 days after the notice is given. O. Reg. 401/12, s. 16 (1).

(2) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that,

- (a) the former member has given the required information to the College;
- (b) the former member has paid any fees required under the by-laws for lifting the suspension;
- (c) the former member has paid any other outstanding fees required under the by-laws; and
- (d) the former member will be in compliance with any outstanding orders or requirements of the College's Quality Assurance Committee and Inquiries, Complaints and Reports Committee or any outstanding orders or requirements of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee as of the anticipated date on which the suspension is to be lifted. O. Reg. 401/12, s. 16 (2).

Suspension, lack of insurance

17. (1) If the Registrar becomes aware that a member no longer maintains professional liability insurance in the amount and in the form as required under the by-laws, the Registrar may immediately suspend the member's certificate of registration. O. Reg. 401/12, s. 17 (1).

(2) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that the former member,

- (a) has professional liability insurance coverage in the amount and in the form as required under the by-laws;
- (b) has provided any information requested by the College;
- (c) has paid any fees required under the by-laws for lifting the suspension;
- (d) has paid any other outstanding fees required under the by-laws; and
- (e) will be in compliance with any outstanding orders or requirements of the College's Quality Assurance Committee and Inquiries, Complaints and Reports Committee or any outstanding orders or requirements of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee as of the anticipated date on which the suspension is to be lifted. O. Reg. 401/12, s. 17 (2).

Lifting of suspension for failure to pay fees, etc.

18. If the Registrar suspends the member's certificate of registration under section 24 of the Health Professions Procedural Code for failing to pay a fee or penalty, the Registrar shall lift the suspension upon being satisfied that the former member,

- (a) has paid the fee or penalty in question;
- (b) has provided any information requested by the College;
- (c) has paid any fees required under the by-laws for lifting the suspension; and
- (d) will be in compliance with any outstanding orders or requirements of the College's Quality Assurance Committee and Inquiries, Complaints and Reports Committee or any outstanding orders or requirements of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee as of the anticipated date on which the suspension is to be lifted. O. Reg. 401/12, s. 18.

Automatic revocation

19. If the Registrar suspends a member's certificate of registration under section 16, 17 or 18 and the suspension has not been lifted, the certificate is revoked on the day that is three years after the day it was suspended. O. Reg. 401/12, s. 19.

Reinstatement

20. A former member whose certificate of registration was revoked under section 19 shall be reinstated by the Registrar if the former member,

- (a) has satisfied a panel of the Registration Committee that he or she has the knowledge, skill and judgment to practise the profession in a safe and professional manner;
- (b) has paid any fees required under the by-laws for lifting the reinstatement of the certificate of registration which he or she previously held; and
- (c) meets the requirements of subsection 16 (2) or 17 (2) or section 18, as appropriate, with all necessary modification. O. Reg. 401/12, s. 20.

21. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 401/12, s. 21.

**Environmental Scan of Proposed Regulation Amendments (Internal Use Only) – Feb
2023**

	CKO	DENTAL SURGEONS	DENTAL HYGIENISTS	RADIATION IMAGING TECH.	OPTICIANS	PHYSICIANS & SURGEONS	NATUROPATHS	PSYCHOTHERAPY
CLASS TITLE	Emergency Class of Registration	Emergency Certificate of Registration	Emergency Class of Registration	Emergency Certificate of Registration	Temporary Emergency Class of Registration	Emergency Circumstances Practice Certificate of Registration	Emergency Class of Registration	Emergency Class of Registration
POWER TO OPEN CLASS	Government of Ontario or Council	Government of Ontario or Council	Government of Ontario (Minister) or Council	The Government of Ontario or Council	Council	Council	Council, upon recommendation by the Registration Committee	Council
MAJOR EXEMPTION(S)	Entry-to Practice Exam	National Dental Exam Board of Canada Exams	Entry-to-practice examinations and the Canadian Performance Exam in Dental Hygiene	One or more of the examinations set or approved by Council	Not apparent	Required examinations (Medical Council of Canada Qualifying exam and CFPC or RCPSC specialty exam)	Entry to practice exam	Not apparent (an amendment to the registration regulation will extend the timeline to take the exam to 24 months after RP Qualifying Class License issued)
UNIQUE ADDITIONAL REQUIREMENT	1500 hrs of practice in 3 years or completed education program within previous 2 years	n/a	Practiced within 3 years of applying or satisfied education requirements within 3 years of applying	n/a	Must hold registration in Inactive Class and practised in last 6 years	1 year of postgraduate education training	n/a	Practised within 3 years prior to application and currently/ previously licensed in another regulated jurisdiction
SUPERVISION	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
DURATION	Aligned with annual renewal deadline of Aug 31	1 year	1 year	1 year	Aligned with annual renewal deadline of Dec 31 (i.e. expires 12 months after issued or on Dec 31)	1 year	Aligned with annual renewal deadline of March 31 (i.e. expires 12 months after issued or on March 31)	1 year

**Environmental Scan of Proposed Regulation Amendments (Internal Use Only) – Feb
2023**

	CKO	DENTAL SURGEONS	DENTAL HYGIENISTS	RADIATION IMAGING TECH.	OPTICIANS	PHYSICIANS & SURGEONS	NATUROPATHS	PSYCHOTHERAPY
EXPIRY/ REVOCATION	90 days after Council notice by government or Council, or immediately if in the opinion of the Registrar	14 days after notice by Council or immediately if it is in the opinion of the Registrar or Registration	6 months after notice by the Minister or Council	90 days after Council notice or immediately if in the opinion of the Registrar or Registration Committee	One day before the deadline to renew a certificate of registration under the emergency class (Dec 31)	90 th day after Council declares emergency has ended	6 months after Council determines emergency has ended.	6 months after Council determines emergency has ended
EXCLUSIONS FOR TRANSFER	Entry to Practice exam exemption following 1 year of satisfactory supervised practice and practice assessment	Not apparent – the requirements that are set out as being excluded for application to the General and Academic Classes appear to have been satisfied at the time emergency class license is issued (e.g. diploma, language requirements, and jurisprudence)	Entry to Practice Examinations exemption following 1 year of supervised practice	Examinations set by Council	Not apparent	Exempt from MCCQE exam (must still obtain CFPC/RCPSC certification, though not necessarily by exam)	Exam exemption where the applicant has held the emergency class registration for more than 2 years and has satisfied Registration Committee that they have the knowledge, skill and judgement expected of a person in the General Class	Not apparent - Transfer to <i>RP Qualifying Class</i> , required to practice under supervision until they pass the exam
TRANSFER CLASS	General Class	General Class or Academic Class	General Class	Specialty Class (equivalent to General)	Registered Optician Class (equivalent to General)	Independent Practice Class	General Class	RP - Qualifying Class (type of provisional class, different than full RP class)

**Additional Environmental Scan of Proposed Regulation Amendments –
Apr 2023**

	CKO	CMTO	OCT	PHYSIOTHERAPISTS	DIETICIANS	CHIROPRACTORS	CTCMPAO
CLASS TITLE	Emergency Class	Emergency Class	Emergency Class	Emergency Class	Emergency Class	Emergency Class	Emergency Class
POWER TO OPEN CLASS	Government of Ontario or Council	Council of the College	Council of the College	Government of Ontario or Council	Minister of Health and Council	Council	Council of the College if (1) unable to deliver the exam for 12 months or longer or (2) MOH requests under emergency circumstances
MAJOR EXEMPTION(S)	Entry-to Practice Exam (but cannot apply if failed exam 3 x)	Practical Component of the Certification Exam (OSCE) (but cannot apply if failed OSCE 3x)	Entry-to-Practice Exam Requirement	Entry to Practice Exam (with conditions)	Entry-to-Practice (cannot apply if previously failed)	No exemption, but may be approved to complete a refresher course or modified exam instead of examination requirements.	Entry-to-practice examinations
UNIQUE ADDITIONAL REQUIREMENT	1500 hrs of practice in 3 years or completed education program within previous 2 years	W/1 4 years of graduating from program or completed refresher within 15 months	300 hours of service within scope of practice within 5 years before date of application or completion within 18 months of a refresher course	Must meet one of the following: graduate; enrolled in program with 820 hrs completed; is or was registered to practice in Ontario or Canada in past 5 years; 1200 clinical practice hours immediately preceding the application. Council has the ability to limit the use of the emergency certificate in any	Cannot supervise other member.		Although the entry to practice exams are waived, the candidate will still have to undergo an assessment of their technical and clinical skills by an "arms length third party", though the regulation specifies Registration Committee or another body approved by Council

**Additional Environmental Scan of Proposed Regulation Amendments –
Apr 2023**

				manner including setting and scope; not have failed practical exam more than once, must not have failed the written exam.			Practice the profession with a minimum of 170 patients during each 12 month period – otherwise QA assessment
SUPERVISION	Yes	Yes	Yes	Yes – on site		Yes – only supervisor who is currently actively providing direct patient care	Yes
DESIGNATION	R.Kin (Emerg)	RMT (Supervised)	OT (Emerg.)	PT (Emergency Class)		Chiropractor (Emergency Class).	R.TCMP/R.Ac (Emerg.)
DURATION	Aligned with annual renewal deadline of Aug 31	6 months	6 months	One year		6 months	1 year
EXPIRY/ REVOCATION	90 days after Council notice by government or Council, or immediately if in the opinion of the Registrar	3 months after date council declares the emergency	3 months after emergency ends	15 days		3 months after Council declares emergency has ended.	6 months after the emergency ends
EXCLUSIONS FOR TRANSFER	Entry to Practice exam exemption following 1 year of satisfactory supervised practice and practice assessment	After holding license for 6 months, exemption from OSCE component of exam, if evidence of satisfactory practice for at least 200 hours	After holding the license for 6 months, may be issued a certificate in general class without satisfying currency requirement. OR	Practical exam fee waiver if practiced for at least 1200 hours, and applied within 2 years of holding license.		No exemption provided.	If holds the license for less than 3 years, must complete the registration exams in 2 attempts. If holds the license for more than 3 years, can be

**Additional Environmental Scan of Proposed Regulation Amendments –
Apr 2023**

		in the Emergency Class	After holding license for 6 months, may be issued a provisional certificate without satisfying exam requirement (must write the exam to transition from provisional to general)				exempt from exam upon review by the Registration Committee.
TRANSFER CLASS	General Class	General Class	General Class and Provisional Class	Provisional Class		General Class without exemption of any requirements.	General Class

Resolution – Proposed Amendments to the Registration Regulation (Emergency Class)

Whereas, the General Regulation of the *Kinesiology Act, 2007* sets out the prescribed classes of certificates of registration for registered kinesiologists and the requirements for each of these classes, and

Whereas, recent amendments to the *Regulated Health Professions Act, 1991 (RHPA)* require the College to introduce an Emergency Class of certificate of registration that would provide a route of entry to practice for applicants who do not meet the core registration requirements during emergency circumstances, to work under certain safeguards; and

Whereas, the amendments to the RHPA require that the College's proposed regulation: (a) specify the emergency circumstances that will cause the class to be open for issuance and renewal; (b) specify that the emergency class of certificates expire no more than one year after they are issued and are renewable for the same period of time, without limit; and (c) specify the circumstances in which a member of the emergency class may apply for another class of registration and must exempt the applicant from some registration requirements that would ordinarily apply, and

Whereas, the College's draft proposed amendments to the General Regulation of the *Kinesiology Act, 2007* satisfactorily address the abovementioned requirements, while also upholding the College's mandate to protect the public interest;

Whereas, the consultation directed by Council regarding the draft proposed amendments for the Emergency Class certificate of registration has been completed and reviewed;

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario approves the proposed amendments to the General Regulation of the *Kinesiology Act, 2007*.

Moved by:

Seconded by:

Date: April 24, 2023