

CSCC Regulated Profession and Advocacy Subcommittee

Submitted by Allison Venner on behalf of the CSCC Regulated Profession and Advocacy Subcommittee

Over the past year, the CSCC Regulated Profession and Advocacy Subcommittee has been formed through the support of CSCC Council and CACB Board. It has a mandate to provide and support consistent messaging within CSCC and CACB, including activities by CSCC members with other recognized, associated groups across Canada.

This Subcommittee will focus over time on:

- Enabling support for provincial funding needs associated with these activities.
- Employment and labour support (e.g. Clinical Biochemists labour market analysis across Canada).
- Development of resources that CSCC members could use to support regulation activities.
- Supporting the development, review, and alignment of policies/procedures of CSCC and CACB to meet regulation requirements. Review is to occur every three years.
- Supporting the activities of the national Clinical Laboratory Sciences Working Group (CLS-WG), and ensure the CLS-WG liaisons facilitate communication to the CSCC Council and CACB Board

The Subcommittee will change over time, as its membership is based on positions held within CSCC Council, CACB Board, and on the national Clinical Laboratory Sciences Working Group. The Chair is the CSCC President (Allison Venner). Members include:

- CSCC Professional Affairs Division Head (Danijela Konforte)
- CSCC Councillor (Lawrence de Koning)
- CACB Board Chair (Isolde Seiden Long)
- CACB Accreditation of Training Programs Committee Chair (Dana Bailey)
- CACB Certification Committee Chair (Ihssan Bouhtiauy)
- CACB Maintenance of Competency Committee (Benjamin Jung)
- Clinical Laboratory Sciences Working Group Co-Chair (Curtis Oleschuk)
- Clinical Laboratory Sciences Working Group Members (David Kinniburgh, Mari DeMarco)
- Corresponding member: CSCC President Elect (Paul Yip)

Being a regulated profession means that a profession/occupation is formally recognized in a provincial/territorial law (e.g. Health Professions Act) as a profession/occupation that has specific requirements for education, training, certification and competency, has a defined scope of services that can be provided, and has set standards of practice, professional and ethical conduct, and a disciplinary mechanism. Typically, regulated health professionals are registered members of a college (e.g. College of Physicians and Surgeons) that handles and administers regulation of its members under the law's framework. Medicine, Nursing, Dentistry, Medical Laboratory Technology and Physiotherapy are examples of the more than 20

regulated health professions that exist in law. Clinical Biochemistry should be one of these regulated professions but currently it is not, with professional practice and qualifications being established and managed by its self-governed body, the Canadian Academy of Clinical Biochemists. CSCC is supporting regulation efforts, as the Society can be a unifying resource for the provincial efforts that are underway for Clinical Biochemists.

Representation on the CSCC Regulated Profession and Advocacy Subcommittee includes members of the Clinical Laboratory Sciences Working Group (CLS-WG). The CLS-WG is a relatively newly formed working group inclusive of three clinical laboratory scientists professions: Clinical Biochemist, Clinical Microbiologist, Clinical Geneticist. Within these professions there is representation from the majority of provinces in addition to the professional bodies associated with each profession (Canadian Society of Clinical Chemists, Canadian College of Medical Geneticists, Canadian College of Microbiologist). The group was formed out of a foreseen critical need to work collectively on common issues. In spite of differences in professional roles, there is a need for recognition locally, provincially, and nationally that has resulted in the working group. This is particularly important as there continues to be a will within various provinces for the clinical laboratory scientist to be a regulated health professional. The Working Group would like to develop a plan to work collectively on recognition of the profession.

History on Regulation Activities for Clinical Biochemists

Alberta history:

Clinical Biochemists in Alberta have been working on becoming regulated under the provincial Health Professions Act for over 25 years. It was part of the original motivation in forming the Alberta Association of Clinical Laboratory Doctoral Scientists (AACLDS), which also includes Clinical Microbiologists, Clinical Geneticists, and other PhD Clinical Laboratory Scientists. Throughout this process we have been fortunate that the College of Physicians and Surgeons of Alberta (CPSA) has been supportive of our efforts.

More recently, at the suggestion of the CPSA, AACLDS joined with the Medical Physicists of Alberta (MPA) and submitted a formal application to the Alberta Minister of Health (2017). Unfortunately, the application was not successful due to the limited resources of the government department and other groups with a more urgent need were given priority.

We have followed up regularly with the government and CPSA; however, changes in the ruling government, changes in the sitting minister, COVID, changes to the Act, and lack of political support have prevented us from being selected for regulation.

British Columbia:

- Formation of the BC Association of Clinical Scientists (BCACS), a not-for-profit organization registered under the BC Societies Act
 - Promotes professional standards and education in clinical laboratory medicine and serves as the representation for Clinical Scientists in the province.
- Through the formation of this group, brought together all clinical scientists practicing in the province
 - Work toward greater visibility in the province including recognition in the province's Health Professionals Act (HPA).

- Have completed development of a website:
<https://www.bcclinicalscientists.ca>

Ontario history:

The first discussions and attempts to become a regulated profession began in the late 1990s at which point \$23,000 was raised to support the initiative. In the mid-2000s clinical scientists in Ontario came together and formed the Clinical Doctoral Laboratory Scientists (CLDS) of Ontario organization to advance the cause of clinical scientists of Ontario. The CDLS included Clinical Biochemists, Laboratory Clinical Geneticists and Clinical Microbiologists and contributed an additional \$4,500. If there are CSCC members with additional information of these early efforts, we welcome the information to more completely document the efforts at that time.

In 2015 Clinical Biochemists, Clinical Geneticists, and Clinical Microbiologists formed the Council of Clinical Scientists to work on this project and become regulated health professionals in Ontario. In November 2019, Dr. Stephen Hill provided the following update on the work of the Council, which was shared via email to the members of all three specialties. The council had worked on identifying the requirements for statutory changes leading to recognition of Clinical Scientists as a regulated health profession. In addition, they had prepared a proposal to the College of Physicians and Surgeons of Ontario requesting their consideration of regulation of Clinical Scientists as a category within the College. More importantly they had prepared a document for submission to the Minister of Health, for her consideration and they had obtained letters of support from, Chiefs of Laboratory Medicine at most academic hospitals and many large community hospitals, Academic chairs of Pathology and Laboratory Medicine at all the Ontario Universities with Faculties of Medicine and our professional societies and regulatory colleges. They had also engaged a lobbyist to help with this project. Through this last initiative they met with several organizations, including the Ontario Hospital Association, the Royal College of Dental Surgeons of Ontario, and Ministry of Health officials, to explain our initiative and to seek guidance and support and had organized a meeting with the College of Physicians and Surgeons of Ontario.

In November 2019, during the ASM, the OSCC membership approved a levy of its members to raise another \$10,000 for this initiative. However, due to the pandemic as well as other unforeseen events there have been no further developments. Given the challenges and changes anticipated, more recently, a poll was sent to the OSCC membership to facilitate feedback as well as discussions regarding the next steps and the way forward.

On January 27, 2022, the Ministry of Ontario introduced a new regulation into law - Laboratory and Specimen Collection Centre Licensing Act – and it includes a section on the required qualifications for different categories of laboratory employees. It states that a person who has been certified by the CACB is qualified to be a laboratory director of a laboratory facility in the province. Although the incorporation of the clinical biochemist in this regulation provides official recognition of our profession in law, it is separate from the matter of being professionally regulated.

Representatives within Ontario from CACB, CCMG and CCM had met with Allison Henry (Director of Health Workforce Regulatory Oversight) back in 2022 – reception from Allison was

not particularly warm due to lack of understanding of differences between our professions and medical laboratory technologists. The main piece of feedback from Allison was to clarify the differences between our professions and medical laboratory technologists and how these differences translate to a different level of risk to patient safety.

Currently, OSCC is trying to “re-connect” with the working group that was being led by Dr. Stephen Hill to understand priorities and directions after this meeting with the Ministry of Health. Furthermore, OSCC is going to do some internal work to better understand the ramifications and changes associated with regulating our profession as well as communicating this knowledge to OSCC members for further discussions.

Manitoba history:

Manitoba recently revamped its legislation on regulated college to amalgamate all of them into one act (previously, there was one for every health college). This new act, Regulated Health Professions Act, RHPA, brings all of the regulated colleges into a single act of legislature. Existing colleges have been moved to this act and new ones mandated to be part of this, such as the paramedics.

There is a group contemplating forming a formal association to lobby government for regulation. Current activities include obtaining consensus between Lab Professionals and Medical Physicists.

Meanwhile, Manitoba Health Legislative Affairs division was engaged about the need for regulation for this group of professionals. Their advice was that because the numbers for membership was too low for a college of its own, a discussion to include this group in the College of Physicians would be best course of action. The issue has been raised with the Deputy Registrar and COO of the College. The group is currently awaiting action and confirmation of interest for a formal discussion.

In a related, but different aspect to regulation, it is noteworthy that Clinical Laboratory professionals in Manitoba at the MSc and PhD level are unionized. This happened about 10 years ago. They are part of the Manitoba Association of Healthcare Professionals (MAHCP). The union is currently involved in contract renewal negotiations. This union also includes many different professionals (is a large union) such as Lab Techs, Radiology Techs, Clinical Psychologists, Respiratory Therapists, etc.

Quebec history:

To practice in the province of Quebec, a clinical biochemist must be a member of the Ordre des Chimistes du Québec (OCQ) and hold a specialist’s certificate in clinical biochemistry. This specialist certificate can only be awarded by the OCQ. The specialty of clinical biochemist is governed by law under the Professional Code (RLRQ, c. C-26) and the Regulation respecting specialties of the Ordre des Chimistes du Québec (RLRQ, c. C-15, r. 14).

The OCQ has nearly 3,000 members working in sectors as varied as health, environment, judiciary, food and research. Its mission is to ensure the protection of the Quebec public in the practice of chemistry, which is omnipresent in the lives of Quebecers. Founded in 1926, the OCQ was one of the first professional organizations governed by the adoption of the Professional Code in 1973. The specialty in clinical biochemistry has been recognized by the OCQ since 1984.

Understanding the benefits of Regulations

In order to understand the benefits of regulations, we must learn from our history.

We are one of the few (or in some provinces only) lab professionals that are not regulated. While regulation activities in different provinces have varied and have most often been a long and frustrating experience, it is not without some positive aspects. Importantly, it has brought many clinical biochemists together to discuss workplace challenges and opportunities, and how we can continue to showcase our profession as part of a safe and effective healthcare environment.

In some provinces, such as Alberta, there is the strong support of the College of Physicians and Surgeons of Alberta (CPSA), and no stated objection to our application. We just need to create the political will to move our application to the front of the line.

The purpose of HPA regulation is to insure the protection of patients and to public safety. Clinical Laboratory Doctoral Scientists (CLDS) play a critical role in the development and maintenance of a vast number of laboratory tests, and in how those tests are interpreted and acted upon by clinicians. They also supervise other regulated health professionals working in the lab and serve as overall laboratory directors. Individuals who sign-off on any quality aspect of a test, whether the validation / QC / accreditation / report / etc., must be accountable. The patient, physician, and public have a right to question the integrity of a medical test, which may include traceability to the person who authorized it.

In addition, employers need the ability to enforce professional conduct and competence. It remains surprising that the roles and responsibilities of the clinical biochemist are unregulated in a health care setting when practically every health profession is regulated. Being actively licensed should be a condition of employment.

Other advantages of regulation would be the inclusion of CLDS into provincial physicians’ associations (e.g. CPSA) and to provide an opportunity for improved communication and interaction with the physicians served by the laboratory, thereby leading to better utilization and better patient care. It will also enable further clarity around the roles and responsibilities of clinical biochemists. Regulation could also minimize the possibility (or perception) of conflict of interest from self-regulation. In addition, HPA regulated CLDS would be more likely to be able to influence government bodies and others, regarding policies and other changes with a direct impact on laboratory medicine.

While the road has been long and bumpy, we hope we can continue the journey to a successful HPA regulation.

Potential Impacts of Regulations

There are several considerations that should be recognized as we navigate the process of regulation. It is not yet clear how they will ultimately impact provincial and national activities, and they warrant further discussion.

Some potential impacts include:

- Practice insurance: availability and associated costs
- Belong to (or establish a new) provincial College, which would include annual dues
- Accountable to provincial regulatory body, in addition to CACB
- Workflow and timeline to training and examination process may change

Current Provincial Activities

Ontario

- Request to look at enumerating and standardizing the work provided by Clinical Biochemists has been received in response to:
 - Institute and regional discussions of introducing CAP (Canadian Association of Pathologists) coding of activities, and Clinical Biochemists not being included.
 - Recommendation from Michelle Hoad, CEO of the Medical Laboratory Professionals Association Of Ontario, for need to succinctly describe and detail who we are, what services we provide, and how these services provide a risk to patients if not regulated.
 - To be reviewed by this subcommittee to work on a standardized document across Canada should provincial groups need it
- Next steps for the Ontario regulation: await change in provincial government and/or change in mindset from the provincial government. Currently, government stated that they will not agree to regulate any additional professions, as per verbal communication from Michelle Hoad.
 - Over next two years, using this opportunity to regroup, revise existing documentation, and work toward filling gaps.
 - One large gap: Membership does not have insurance above that provided by their place of employment, and in some cases, it is unclear whether their place of employment insures them for “malpractice”. There is an option that we can join the insurance program offered to MLTs in Ontario.
 - Discussions in early stages around whether we should be auditing members (currently beyond our capacity), and whether accreditation requirements could be written to ensure that FCACB members or equivalent perform certain tasks.
- OSCC Council is prepared to support the Ontario Regulated Profession initiative, and are looking for lead(s) to support this.

British Columbia

- Outreach activities (via BCACS) to Ministry of Health regarding HPA status.
- Outreach activities to provincial lab medicine group regarding all Clinical Scientists interests (e.g., HPA, workforce, etc.).
- Collaborating with/learning from other HPA-excluded clinical groups also seeking to be recognized as a provincially regulated profession.
- Spearheading efforts to develop a sustainable funding stream for fellowship programs for clinical scientists in the province, working as a group (not by individual specialties) on this activity.

Alberta

- Work continues to move the initial 2017 application to the Alberta Minister of Health forward. This initial application was not

successful in spite of support from the College of Physicians and Surgeons of Alberta (CPSA) and no objections from the Health Professional Regulation and Physician Workforce Branch, the department responsible for regulation.

- Recently, the Alberta Association of Clinical Laboratory Doctoral Scientists (AACLDs) and Medical Physicists of Alberta (MPA) representatives met with the Director for Health Professional Regulation, who has confirmed that our application has merit. It now requires political action to move it forward.
- Following the spring 2023 election, AACLDs and MPA will follow up with the Health Minister to understand how regulation of CLDS fits into their wider goals.

Manitoba

- Work waiting for Manitoba group to organize for a formal request to stakeholders.

If you would like to share some of your experiences, we want to capture it! Please email CSCC Head Office at info@csc.ca.