

# Special Board Meeting Agenda

## February 16, 2024



Friday, February 16, 2024

Item	Time	Topic and Objective(s)	Purpose	Page No.
*	12:15 pm	<b>INFORMAL NETWORKING</b>		
1	12:30 pm (5 mins)	<b>Call to Order</b> (I. Preyra) <ul style="list-style-type: none"> <li>Participate in roll call and declare any conflicts of interest</li> </ul>	Discussion	N/A
2	12:35 pm -	<b>Executive Committee Report to the Board</b>	Information	4
3	12:35 pm (10 mins)	<b>Proposed Amendments to O. Reg. 114/95, Part XI: the Out of Hospital Premises Regulation</b> (H. Webb) <ul style="list-style-type: none"> <li>The Board is asked whether it approves the proposed regulatory amendments for submission to the government.</li> <li>Pending approval from the Minister of Health, the Board is asked if it agrees to exempt the proposed regulatory amendments from the requirement to circulate.</li> </ul>	Decision (with motion)	5-9
4	12:45 pm	<b>Close Meeting</b> (I. Preyra) <ul style="list-style-type: none"> <li>Reminder that the next Board meeting is scheduled on February 29 / March 1, 2024</li> </ul>	N/A	N/A



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**REQUISITION FOR A SPECIAL BOARD MEETING**

From: Dr. Ian Preyra, Board Chair  
To: Dr. Nancy Whitmore, Registrar and Chief Executive Officer  
Date: February 9, 2024

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I hereby ask that a Special Meeting of the Board of Directors be convened at 12:30 pm on Friday, February 16, 2024, to consider approving the Out-of-Hospital Premises regulation.

This meeting will be held by videoconference and members of the public can register to attend if they wish to view the meeting.

Ian Preyra, MD, MBA, FRCPC, C.Dir.  
Board Chair



**NOTICE  
OF  
SPECIAL BOARD OF DIRECTORS MEETING**

A special meeting of the Board of Directors of the College of Physicians and Surgeons of Ontario (CPSO) will take place virtually on Friday, February 16, 2024, at 12:30 p.m. to consider approving amendments to the Out-of-Hospital Premises regulation.

Members of the public who wish to observe the meeting can [register](#) to receive the link to view the meeting.

The meeting will convene at 12:30 p.m. on Friday, February 16, 2024.

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Nancy Whitmore, MD, FRCSC, MBA  
Registrar and Chief Executive Officer

February 9, 2024

FEBRUARY 2024

<b>Title:</b>	Executive Committee Report (For Information)
<b>Main Contact:</b>	Carolyn Silver, Chief Legal Officer
<b>Attachment:</b>	Appendix A: Proposed Regulatory Amendments to O. Reg. 114/94
<b>Question for Board:</b>	None

## Purpose

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- Pursuant to subsection 12(2) of the *Health Professions Procedural Code* (Schedule 2 to the *Regulated Health Professions Act, 1991*), if the Executive Committee exercises a power of the Council under subsection 12(1), it shall report on its actions to the Council at the Council’s next meeting. [1991, c. 18, Sched. 2, s. 12.](#)

## Executive Committee Meeting – February 6, 2024

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### 10-EX-February-2024     Proposed Amendments to O. Reg. 114/95, Part XI: the Out of Hospital Premises Regulation

On a motion moved by L. Miljan, seconded by S. Reid and carried, that the Executive Committee approves on behalf of the Board that CPSO staff make a request to the Minister of Health that the circulation requirements under the *Health Professions Procedural Code* be waived for the proposed regulatory amendments to remove certain procedures from CPSO’s Out-of-Hospital Premises Inspection Program as set out in Appendix “A”.

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**Contact:**     Ian Preyra, Board Chair  
                      Carolyn Silver, Chief Legal Officer

**Date:**             February 9, 2024

February 2024

<b>Title:</b>	Proposed Amendments to O. Reg. 114/95, Part XI: the Out of Hospital Premises Regulation (For Decision)
<b>Main Contacts:</b>	Heather Webb, Senior Government Relations Program Lead
<b>Attachment:</b>	Appendix A: Proposed Regulatory Amendments to O. Reg. 114/94 Appendix B: Letter to the Minister of Health
<b>Questions for Board:</b>	<ol style="list-style-type: none"> <li>1. Does the Board approve the proposed regulatory amendments for submission to government?</li> <li>2. Pending approval from the Minister of Health, does the Board agree to exempt the proposed regulatory amendments from the requirement that they be circulated?</li> </ol>

## Purpose

- The Board is asked to approve the proposed regulatory amendments that will remove certain procedures from CPSO’s Out-of-Hospital Premises Inspection Program (OHPIP).

## Current Status and Analysis

- CPSO currently conducts quality assessments of all out-of-hospital premises (OHPs) and what were previously called independent health facilities (IHF), now renamed “independent community health service centres” (ICHSCs).
  - OHPs are facilities that perform certain procedures under anesthesia or sedation, while IHFs are facilities that provide OHIP-insured diagnostic services and ambulatory (surgical) care.
- There has always been some overlap in the services provided in OHPs and IHFs. Currently, there are fewer than 20 premises that are both former IHFs and also providing services that are captured by the OHPIP. These mainly include plastic surgery clinics, abortion services, and ophthalmology premises.
- In January 2024, government [announced](#) that Accreditation Canada will replace CPSO as the inspecting body for ICHSCs effective April 1, 2024.
- Government has flagged for CPSO that a regulatory amendment is required before April 1, 2024, to remove licensed services provided in ICHSCs from the OHPIP. Without this change, there will be an overlapping regime in which both Accreditation Canada and CPSO may have inspection authority over the same procedures.
- The proposed regulatory amendments are set out in Appendix A and will exempt procedures licensed under the *Integrated Community Health Services Centres Act, 2023* from the OHPIP under O. Reg. 114/94.
  - Ministry of Health staff have been clear that Accreditation Canada will not have oversight over non-licensed procedures (for example, non-OHIP insured plastic surgery procedures involving anesthesia or sedation) performed at ICHSCs and that CPSO will be expected to fill this gap.

- To meet government timelines, it is necessary to waive the standard 60-day consultation period for regulation amendments required by the *Health Professions Procedural Code* and a request to do so has been made to the Minister of Health. The Board is asked to confirm this approach.

**PROPOSED REGULATORY AMENDMENT**

**O. REG. 114/94: GENERAL**

**under *Medicine Act, 1991*, S.O. 1991, c. 30**

**PART XI**

**INSPECTION OF PREMISES WHERE CERTAIN PROCEDURES ARE PERFORMED**

**44.** (1) In this Part,

“procedure” means,

[...]

but does not include,

[...]

(e) a service in respect of which an integrated community health services centre within the meaning of the *Integrated Community Health Services Centres Act, 2023* is licensed.



Nancy Whitmore, MD, FRCSC, MBA  
Registrar and Chief Executive Officer  
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February 9, 2024

The Honourable Sylvia Jones, MPP  
Deputy Premier and Minister of Health  
College Park  
777 Bay Street, 5<sup>th</sup> Floor  
Toronto, ON M7A 2J3

Sent Via Email ([sylvia.jones@ontario.ca](mailto:sylvia.jones@ontario.ca))

Dear Minister Jones,

On behalf of the College of Physicians and Surgeons of Ontario (CPSO), we are writing to request your approval, under section 95(1.6) of the *Health Professions Procedural Code*, to waive the circulation requirements set out in section 95(1.4) regarding a proposed amendment to Part XI of O. Reg. 114/94 (General). This amendment will exempt certain services performed in an integrated community health services centre from CPSO's Out-of-Hospital Premises Inspection Program.

The regulatory amendments are primarily technical in nature and flow from a larger package of new regulations being made under the *Integrated Community Health Services Centres Act, 2023* (ICHSCA), which are to take effect on April 1, 2024. As of this date, we understand that Accreditation Canada will replace CPSO as an inspecting body for certain services performed under the ICHSCA. The amendment is therefore required to reduce the potential for overlap in inspection authority between Accreditation Canada and CPSO for the same services.

Given the pace at which these new regulations are proceeding, the proposed regulation must be approved by the CPSO Board of Directors (formerly Council) at a meeting in February. It is therefore not possible for the usual consultation process to occur in this instance.

We look forward to receiving your response. Please contact Bill Powell, Director of Communications, Policy and External Affairs ([bpowell@cpso.on.ca](mailto:bpowell@cpso.on.ca)) or Tanya Terzis ([tterzis@cpso.on.ca](mailto:tterzis@cpso.on.ca)) for any additional information you may require.

Sincerely,

Nancy Whitmore, MD, FRCSC, MBA  
Registrar and Chief Executive Officer

Ian Preyra, MD, MBA, FRCPC, C.Dir  
Board Chair

Cc: Allison Henry

# Board Motion

<b>Motion Title</b>	Proposed Amendments to O. Reg. 114/94, Part XI: the Out of Hospital Premises Regulation
<b>Date of Meeting</b>	February 16, 2024

It is moved by \_\_\_\_\_, and seconded by \_\_\_\_\_, that:

The Board of Directors of the College of Physicians and Surgeons of Ontario approves:

1. making an amendment to Part XI of Ontario Regulation 114/94: General regarding the Out-of-Hospital Premises Program (a copy of which amendment forms Appendix “ ” to the minutes of this meeting) and submitting it to the Ontario Minister of Health for review and to the Lieutenant Governor in Council for approval; and
2. exempting the regulatory amendment from the requirement under subsection 95(1.4) of the *Health Professions Procedural Code* to circulate it to the profession, if such exemption is approved by the Minister.