

# Board of Directors of Drugless Therapy Naturopathy

March 8, 2007

## **Update: Regulation of Naturopathic Medicine under the RHPA**

Registrants of the BDDT-N will be aware from previous communications that Health Minister George Smitherman introduced Bill 171, the "Health Systems Improvement Act", in the Ontario Legislature on December 12, 2006. Bill 171 is an "omnibus" Bill that amends 24 existing statutes as diverse as the *Ambulance Act*, the *Personal Health Information Protection Act, 2004*, the *Public Hospitals Act* and the *Safe Drinking Water Act, 2002*. It also creates the Ontario Agency for Health Protection and Promotion.

Of particular significance for the naturopathic profession is that Bill 171 (Schedule P), if passed, will bring naturopathic medicine within the regulatory framework of the *Regulated Health Professions Act (RHPA)*, something for which the BDDT-N has advocated since the 1980s. Inclusion of naturopathic medicine under the RHPA was recommended by the Health Professions Regulatory Advisory Council in its Report last spring ("New Directions") and in its 2001 and 1996 reports. Naturopathic medicine will be regulated with Homeopathy in a new college to be called the *College of Naturopaths and Homeopaths of Ontario*. Once the legislation is proclaimed (i.e. comes into legal force and effect) the *Drugless Practitioners Act*, under which naturopathic medicine is currently regulated, will be repealed.

A copy of Schedule P of Bill 171 is available at [www.ontla.on.ca/web/bills/bills..detail.do?locale=en&BillID=519](http://www.ontla.on.ca/web/bills/bills..detail.do?locale=en&BillID=519). Registrants are encouraged to study the proposed legislation.

## **Highlights of Schedule P, Naturopathy and Homeopathy Act, 2006**

The Bill includes the following scope statement for NDs:

"The practice of naturopathy is the assessment of disorders and dysfunctions and treatment using naturopathic techniques to promote, maintain or restore health."

It also includes authorization for naturopathic doctors to perform five controlled acts under the RHPA, namely:

- "Putting an instrument, hand or finger beyond the labia majora but not beyond the cervix and putting an instrument, hand or finger beyond the anal verge but not beyond the rectal sigmoidal junction";
- "Administering, by injection or inhalation, a prescribed substance";
- "Performing prescribed procedures involving moving the joints of the spine beyond the individual's usual physiological range of motion using a fast, low amplitude thrust";
- "Communicating a naturopathic diagnosis identifying, as the cause of an individual's illness, a disorder or dysfunction that may be identified through an assessment that used naturopathic techniques and that includes assessing the individual's lifestyle, environmental and nutritional history"; and
- "Taking blood samples from veins or by skin pricking for the purpose of prescribed

naturopathic examinations on the samples”.

The Council of the new College will consist of 8-10 naturopathic and homeopathic Registrants who are elected by their peers and 7-9 public members who are appointed by the Cabinet.

A Transitional Council will be set up to draft regulations and perform other tasks to prepare the two professions for regulation by the College Council under the RHPA.

### **Addressing Areas of Concern with the Proposed Legislation**

While overall the BDDT-N is quite supportive of the Bill we have concerns with the wording of some of the authorized acts for naturopathic doctors and with the wording of the scope of practice statement. The Board also wishes to ensure a seamless transition from the regulation of naturopathic doctors under the *Drugless Practitioners Act* to regulation by the new College under the RHPA. We have had two very fruitful meetings with senior Ministry officials during which our questions with respect to the legislation were addressed and our concerns were brought to the Ministry's attention. The Board has put forward alternate wording or approaches for consideration and we will continue to consult with the Ministry on these matters. We have also initiated consultations with other RHPA colleges to learn from their experience and to develop consistent regulations, standards of practice and policies where scopes of practice and authorized acts intersect. The Board continues to meet regularly with the Ontario Naturopathic Coordinating Council. We have also proposed a joint meeting between the OAND and the BDDT-N's committee that has been established to review and respond to the proposed legislation so that we can work collaboratively on addressing these concerns.

### **Next Steps**

The major legislative steps through which Bill 171 must go and the likely timing of each are as follows:

1. **Second Reading** (debate on the principles of the Bill): Late March or early April.
2. **Standing Committee Hearings** (detailed review of the Bill, including written and oral submissions from stakeholders) late April or early May.
3. **Committee Report to the Legislature**, including any amendments proposed by Committee (mid to late May)
4. **Third Reading**: late May at the earliest; more likely mid-June.
5. **Royal Assent**: Before the Legislature rises for the Summer Recess in late June.

Once the Bill obtains Royal Assent, the government will appoint a Transitional Council and that Transitional Council will begin to develop the regulations and undertake other tasks that are required under Bill 171. This process is expected to take at least 18 months following Royal Assent and perhaps as long as three years. The Ministry has assured the BDDT-N that the Board will continue to regulate the naturopathic profession under the *Drugless Practitioners Act* without interruption or change until the requisite regulations are in place, whereupon the new *Naturopathy and Homeopathy Act* will be proclaimed, the *Drugless Practitioners Act* will be repealed and the new College of Naturopathy and Homeopathy will commence operations under the RHPA.

The BDDT-N is now preparing its written submission to the Standing Committee (likely the Standing Committee on Social Development) for its review of Bill 171 and will apply to make an oral presentation as well. We have also begun to contact individual MPPs in order to ensure that as many as possible are aware of the naturopathic profession and our concerns and recommendations with

respect to Schedule P before the Bill advances too far.

The timing of the Legislature's review of Bill 171 is critical if the Bill is to receive Royal Assent before the Summer Recess. It is highly unlikely that the Legislature will meet again before the provincial election now scheduled for October 10. If the Bill does not receive Royal Assent before the Legislature prorogues for the election, the Bill must be reintroduced, assuming the next government, whether Liberal, Progressive Conservative or NDP, wishes to proceed with Bill 171 as drafted.

The BDDT-N is hopeful the Bill will receive Royal Assent before the election. Otherwise we will be required to begin the whole process again after the election in order to bring naturopathic medicine under the RHPA.

The BDDT-N will provide updates whenever there are significant developments to report. Registrants are encouraged to monitor the process and to provide the Board with their comments and suggestions on the Bill.