

OTLA Submission to the College of Physicians and Surgeons of Ontario

Physician Assistant Regulation

August 14, 2023

The Ontario Trial Lawyers Association (OTLA) appreciates the opportunity to make submissions to the College of Physicians and Surgeons of Ontario (the “College”) on its proposed Regulatory Amendment: Physician Assistant Regulation.

The Ontario Trial Lawyers Association was formed in 1991 by lawyers acting for plaintiffs. Our purpose is to promote access to justice for all Ontarians, preserve and improve the civil justice system, and advocate for the rights of those who have suffered injury and losses as the result of wrongdoing by others, while also advocating aggressively for safety initiatives.

Our mandate is to fearlessly champion, through the pursuit of the highest standards of advocacy, the cause of those who have suffered injury or injustice. Our commitment to the advancement of the civil justice system is unwavering.

OTLA’s members are dedicated to the representation of wrongly injured plaintiffs across the province and country. OTLA is comprised of lawyers, law clerks, articling students and law students. OTLA frequently comments on legislative matters and has appeared on numerous occasions as an intervener before the Court of Appeal for Ontario and the Supreme Court of Canada.

OTLA’s Position

OTLA understands that an expansion and regulation of the role of Physician Assistants is part of an overall plan to respond to the historic strains in the healthcare system. Overall, OTLA is in support of the Regulation.

OTLA’s main concern with the proposed regulation is that it does not include any reference or a framework for obtaining patient consent. From OTLA’s perspective, it is possible and likely that patients will be unable to independently discern if they are receiving care from a Physician Assistant or from a Physician. Based on the principles of informed consent and patient safety, it is important that Physician Assistants be required to represent themselves accurately and to obtain explicit consent to provide care.

A secondary concern pertains to the capacity of the College to implement and execute on a regulatory framework for Physician Assistants in light of resource constraints, backlogs, and other administrative delays. This includes the ability to respond to complaints, conduct disciplinary hearings, and to support the overall integrity of the Physician Assistant profession. OTLA recommends that the College review its existing resources to ensure it has adequate resources in place to deal with this additional oversight it must now perform.

Lastly, although the Regulation appears to include a requirement for insurance, the public would benefit from further transparency including whether the Physician Assistants are required to obtain private insurance or whether an organization similar to the CMPA will be involved.

Conclusion

To the extent the above concerns are addressed or explained, OTLA supports the overall proposal.

OTLA would be pleased to discuss our position and recommendations further should the need arise.