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Implications of new proposed legislation on the credentialing and employment of healthcare workers in Ontario

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On February 21, 2023, the Ontario government tabled Bill 60: *Your Health Act, 2023* (Bill 60). The Osler Update "Ontario proposes new legislation for private health facilities and surgical centres" includes background information on and an overview of Bill 60, with detailed commentary on the implications of the proposed *Integrated Community Health Services Centres Act, 2023*.

While Bill 60 is only at the first reading stage, hospitals and other healthcare organizations are well-advised to pay attention to its implications on the credentialing and hiring (as applicable) of out-of-province healthcare workers. If passed, Bill 60 will create "as of right" rules to allow healthcare workers licensed in other Canadian jurisdictions to work in Ontario without having to register with applicable Ontario health regulatory colleges.

Bill 60 would amend a host of healthcare related legislation to effect these new rules. For example, the current definition of "physician" in the *Public Hospitals Act* would be repealed and substituted to include a member of the College of Physicians and Surgeons of Ontario "or another prescribed person". Similar changes are proposed to relevant definitions of "registered nurse" and "registered nurse in the extended class" (among others). Notably, Bill 60 does not detail what would be prescribed in the regulations to the impacted legislation.

Although the Ontario government's website "Your Health: A Plan for Connected and Convenient Care" also refers to Bill 60 helping "hospitals and other health organizations temporarily increase staffing when they need to fill vacancies or manage periods of high patient volume, such as during a flu surge" by allowing "nurses, paramedics, respiratory therapists, and other healthcare professionals to work outside of their regular responsibilities or settings, as long as they have the knowledge, skill, and judgement to do so". Bill 60 does not propose any amendments that would facilitate such changes.

Bill 60, if passed, will have broad implications for hospitals and other stakeholders in the healthcare industry. Despite any relaxation of current regulatory requirements, hospitals and other healthcare organizations must continue to exercise caution and diligence when credentialing physicians and employing nurses and other healthcare workers.

Although Bill 60 may assist in addressing staffing shortages, failure to diligently review extra-provincial licensed healthcare professionals may expose healthcare organizations to risk. For example, a hospital may be liable for negligent credentialing in the event of a claim arising from care provided by a member of its professional staff. Healthcare organizations must therefore ensure that they continue to carefully assess the credibility of all candidates' academic credentials, licensure and references from appropriate sources.

Bill 60 will need to undergo a second and third reading by the Legislative Assembly of

Ontario before it can receive Royal Assent and be proclaimed into force. Osler's Health Industry team will continue to monitor and provide updates as Bill 60 progresses.