

# INFOBulletin

Keeping health care providers informed of payment, policy or program changes

**To:** Physician Services

**Published By:** Independent Health Facility Program

**Date Issued:** November 4, 2014

**Bulletin #:**4637

**Re:** Amendment to O. Reg. 114-94 - General - made under the *Medicine Act, 1991*

## 1. Regulation Change

Effective September 29, 2014, an amendment was made to Part XI of the General Regulation made under the *Medicine Act, 1991*. The amended regulation is published on the government's Regulatory Registry:

<http://www.ontariocanada.com/registry/>

This regulation amendment removes IHF facilities governed under the *Independent Health Facilities Act* (IHFA) from the list of facilities that are exempt from the definition of "premises" in Part XI of the General Regulation. The assessment / inspection regime in these IHFs has been governed by the IHFA. The IHFA is published on the Government's e-Laws website at:

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90i03\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90i03_e.htm)

The regulation amendment is intended to bring new and existing IHFs performing certain procedures involving the administration of most forms of anaesthesia and sedation<sup>1</sup> under the College of Physicians and Surgeons of Ontario's (CPSO) Out-of-Hospital Premises Inspection Program (OHPIP), while continuing to be subject to the assessment/inspection program under the IHFA. As a result, these facilities are now subject to joint assessments/inspections under the IHFA and OHPIP.

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<sup>1</sup> Procedures performed under anaesthesia and sedation includes parenteral sedation, general, regional and local anaesthesia with some exceptions. For a full definition, please refer to Regulation 114/94 of the *Medicine Act, 1991*.

## **2. Impact on IHFs and Physicians Providing Services in IHFs**

This amendment ensures that, where certain procedures are performed under most forms of anaesthesia and sedation in IHFs, the physicians performing those procedures are subject to the CPSO's OHPIP. The IHFs will continue to be subject to the IHFA's assessment regime. The amendment strengthens the oversight of CPSO members and IHFs by ensuring a comprehensive approach to regulating both premises and physicians, as appropriate, where concerns regarding quality and standards are identified.

Members of the CPSO providing certain procedures at an IHF under most forms of anaesthesia and sedation are affected by the regulatory change as they must now comply with the OHPIP, while the licensee of a facility governed by the IHFA must continue to comply with the quality assurance regime set out in the IHFA (the "Joint Program", described under 3, below). However, it is anticipated that the impact on affected IHFs and physicians will not be overly burdensome as facilities and members will typically be subject to a joint assessment/inspection as part of the Joint Program and will only pay the OHPIP fee.

## **3. Overview of the Joint Program**

The Joint Program permits the CPSO to use its authority under the *Medicine Act, 1991* to inspect and take action against members who perform certain procedures involving most forms of anaesthesia and sedation at IHFs, as appropriate, while preserving the authority of the Director appointed under the IHFA (IHF Director) to take appropriate action against the facilities governed by the IHFA. This allows the two inspection/assessment regimes to operate in a coordinated manner to better promote and protect the health and safety of patients.

The CPSO assessors will typically carry out joint assessments/inspections under the IHFA and the OHPIP and create a report that satisfies the requirements of both assessment/inspection programs. When action is required, the CPSO Premises Inspection Committee will pursue action against the physician and the IHF Director will take licensing action against the IHF licensee. If appropriate the CPSO and the IHF Director may coordinate their activities.

## **4. Joint Program Fees**

In existing and new IHFs governed by the assessment/inspection regime in the IHFA and now also subject to OHPIP (e.g., cataract clinics), the Medical Director will be required to pay the OHPIP fee as this facility will now be subject to inspection under OHPIP. Where the IHF is subject to inspection under OHPIP, the IHF licensee will not be charged an additional fee for the cost of the IHF assessment (typically conducted at the same time as the OHPIP inspection) under the IHFA.

The fees the Medical Director will be charged for the cost of an inspection conducted under OHPIP will depend on the level of premise (i.e. level 1, 2 or 3). Please refer to the CPSO's Frequently Asked Questions (FAQs) for the new Fees Model. These are located at the following links:

OHPIP Fees FAQ:

[http://www.cpso.on.ca/CPSO/media/documents/CPSO%20Members/OHPIP/OHP-FAQs\\_FeesSept2013.pdf](http://www.cpso.on.ca/CPSO/media/documents/CPSO%20Members/OHPIP/OHP-FAQs_FeesSept2013.pdf)

IHF FAQ:

[http://www.cpso.on.ca/CPSO/media/documents/CPSO%20Members/OHPIP/OHP-FAQs\\_FeesSept2013.pdf](http://www.cpso.on.ca/CPSO/media/documents/CPSO%20Members/OHPIP/OHP-FAQs_FeesSept2013.pdf)

IHFs where physicians do not perform procedures involving most forms of anaesthesia and sedation are not part of the Joint Program (e.g., diagnostic facilities for X-ray and ultrasound) and will continue to be regulated under the inspection/assessment regime set out in the *Independent Health Facilities Act*. These clinics will continue to pay the fee established and charged by the CPSO for the costs associated with an assessment carried out under the IHFA.

## 5. The Joint Program and Public Protection

The implementation of the Joint Program will permit the CPSO to use the regulatory authorities available to it under the *Medicine Act, 1991* to inspect and take action against its members performing certain procedures involving most forms of anaesthesia and sedation at IHFs as appropriate, while preserving the authorities available to the IHF Director to take appropriate action against the facilities governed by the IHFA, enabling the two assessment/inspection regimes to operate in a coordinated manner to better promote and protect patient safety.

## 6. Questions and Answers

In addition to the information provided in this INFOBulletin, a “Questions & Answers” document is available to provide more details about the amendment to Part XI of the General Regulation and the new Joint Program under the OHPIP and the IHFA. If you require additional information, please contact the IHF Program or CPSO (see contact details below). Any questions regarding applicable fees should be directed to the CPSO.

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For information on what procedures and forms of anaesthesia and sedation must be provided at an IHF to fall under this Joint Program, please refer to Part XI of the General Regulation made under the *Medicine Act, 1991* published on the ministry's website at:

[http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_940114\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_940114_e.htm)