

A Petition to Repeal Bill 36 – The Health Professions and Occupations Act

▪ Analysis of Bill 36:

- Our primary goal as healthcare professionals is to provide the highest standard of care. A standard which emphasizes ethics and equality while free from unprofessionalism, discrimination, racism, and sexual misconduct. We unequivocally support a system which upholds these values. We also support a system which embodies unity and democracy while creating public policy. These qualities help reassure British Columbian's that they are receiving the quality of healthcare they deserve.
- However, without a democratic and collaborative policy-driven process our system risks erosion to the quality and safety of care we can provide.
- Bill 36 will single-handedly deteriorate the quality of healthcare delivery in British Columbia. It will cause deleterious, catastrophic, and irreparable consequences to our system and patients.
- Bill 36 promotes partisanship and the authority of our government to unilaterally dictate how healthcare services are delivered to British Columbians. Political influence has no role in healthcare and that is exactly what Bill 36 entails. Failure to repeal this Act will have devastating consequences to healthcare in British Columbia.

▪ Bill 36 will allow the Ministry of Health to *unilaterally* dictate:

- Which health services may present a risk of harm to the public
- The regulation of the practice of a profession which is necessary to prevent, detect and respond to actual and potential harm to the public, and protect or promote the public interest
- How the risk of harm to the public from the practice of a health profession or occupation will be defined, identified and assessed
- The likelihood and nature of any direct or indirect harms that may occur if health services are provided
- Whether persons have sufficient education, training, experience and other qualifications to have the level of knowledge, skills and ability necessary to protect the public from harm in providing health services
- The set of prohibitions, requirements, limits, conditions, and practice standards of a designated profession or occupation
- The ethical standards respecting the practice of a designated health profession
- Whether a healthcare professional failed to meet a person's needs with respect to health services
- Any other matter that the minister directs

- Establish classes of regulated health practitioners and make different regulations for different classes
- The authorization of a board or health occupation director to make bylaws or rules establishing restricted or provisional classes of regulated health practitioners
- Whether a person will practice a designated health profession based on a person's entire disciplinary record, character, past conduct and other relevant factors
- Whether a person is fit to practice, competent, and capable to practice the designated health profession
- Whether a person's competence to practice is not unduly impaired by a health condition
- A licensee to provide additional information or records, including personal information or other types of confidential information
- Bylaws respecting eligibility standards, including standards respecting evidence of good character, including character references and other types of checks and references
- Bylaws respecting mandatory vaccinations, required under an enactment other than the bylaws, against transmissible illnesses
- Bylaws respecting ethics standards respecting providing false or misleading information to patients or the public respecting health and matters relating to health, including, without limitation, health services, drugs, devices and other health products
- A licensee to participate in quality assurance assessments conducted under a quality assurance program
- An investigation or taking disciplinary action with respect to whether a licensee is fit to practice or has committed an act of misconduct
- A regulatory complaint based on information from the media or another public source
- An investigation and enter premises used by a respondent to practice a designated health profession without a court order
- An investigation to inspect and copy any records found on the premises or produced under an information and production order, including records containing personal information or other types of confidential information without a court order
- A respondent to undergo a competence assessment
- To not refuse to issue a citation or cancel a citation solely because the respondent's license has expired or has been revoked or surrendered, or the respondent is no longer a resident of British Columbia
- Publicly disclose personal information necessary to protect the public from harm
- **Fines not exceeding \$200,000 or to imprisonment for a term of not more than 6 months, or to both, to those who provide false or misleading information**