

Most of our members will have heard that the OSMT is considering seeking regulation for laboratory assistants or technicians in Ontario. Before doing so, it is essential for the Society to know whether our members would support the pursuit of “regulated health profession” status for lab assistants/technicians. For this purpose, the OSMT Board has carried out a survey of a cross-section of the Society’s membership. Many members, both MLTs and MLA/Ts, seemed to favour the idea. However, while conducting the survey we also learned that many MLA/Ts are not entirely clear about what it means to be “regulated” (by rules that govern a profession). The OSMT believes it is critical that all our members understand the responsibilities of professional regulation before the Society takes steps toward it.

The Board asked me to begin this educational process by introducing the concept of regulation and providing an overview of the mechanisms that make it work. For the sake of brevity, I will use the term “technician” to refer to both OSMT certified MLA/Ts and other lab assistants or technicians.

Are lab technicians presently regulated?

Yes, but not as “regulated health professionals”. A provincial law called the *Laboratory and Specimen Collection Centre Licensing Act* has a regulation (*reg. 682*) that describes the minimum qualifications which a person must possess in order to work in a licensed medical laboratory in Ontario. This regulation also lists the duties and tasks that a lab technician is allowed to perform. The regulation gives a great deal of flexibility to laboratory directors to decide who can be hired to perform the work of a laboratory technician.

What is a regulated health profession?

A regulated health profession is a group of health care providers (such as doctors, laboratory technologists, nurses, physiotherapists) who have been recognized by the provincial government as responsible health care professionals who are willing to be accountable for their actions using a concept called “self-regulation”. This means that members of a profession are given the responsibility of regulating themselves in order to provide protection for the public (health care users). An Ontario law called the *Regulated Health Professions Act (RHPA)* governs all regulated health professions.

What is the *Regulated Health Professions Act (RHPA)*?

The RHPA is a law that provides a common framework for regulating health professions in Ontario. Its objectives are to protect the public from harm, to promote high quality care, and to make regulated health professionals accountable to the public. The jobs associated with regulating a profession are carried out on behalf of the Minister of Health and Long-Term Care by “*regulatory colleges*”.

What are regulatory colleges?

First it should be noted that the term “colleges”, with respect to regulatory bodies, does not mean teaching institutions. Colleges, working within a prescribed structure, are organizations that enforce the *Regulated Health Professions Act (RHPA)*. Colleges are also responsible for exercising their profession-specific Acts and regulations. For MLTs, this is the *Medical Laboratory Technology Act*.

The college that regulates *Medical Laboratory Technologists (MLTs)* is the *College of Medical Laboratory Technologists of Ontario (CMLTO)*.

Laboratory technicians/assistants are not “regulated health professionals” and therefore do not have a college or a profession-specific act of their own.

What do regulatory colleges do?

The job of regulatory colleges is to protect the public from harm by carrying out a number of activities and programs. These include:

- defining the scope of practise of the profession,
- establishing Quality Assurance requirements for their members to ensure that the profession provides the highest quality of care; and
- dealing with complaint and disciplinary matters that cause or may cause harm to the public (health care users).

It is very important to understand that the mandate of colleges is to act in the public interest and not in the interests of the profession. Looking after the interests of the profession is the role of the professional societies or associations.

Do all regulated health professionals have to belong to a college?

Once a health care group becomes “regulated”, individuals who practise in that profession must be registered with their college, although there are some exceptions.

Most colleges protect a title for their members and only members of a specific college are allowed to use that title. In the case of laboratory personnel, only people registered with the *CMLTO* are allowed to call themselves a *Medical Laboratory Technologist (MLT)*. This assures the public that anyone using this title is regulated and accountable.

Will everyone who works as a lab assistant or technician be qualified to register with the college?

The qualifications for registration are established by the profession’s college and therefore it is not possible to answer the question at this time. However, it has been the practise of colleges to recognize certain common existing qualifications or credentials when a health profession becomes newly regulated. A college then sets the minimum standards of entry to practice and will often have an agreement with a recognized organization to provide certification for those wishing to enter the profession. The OSMT has been the only certifying body of laboratory assistants/technicians since 1988 and to date has certified about 4,500 MLA/Ts.

What will it cost to be a member of a college?

Colleges are supported with registration fees paid by their health profession members. Fees vary and depend on factors such as the size of membership and the costs to carry out regulatory activities. Fees may also vary depending upon the classification of registration. For example, the current annual registration fee for a Practising MLT with the *CMLTO* is \$200.

Would lab technicians be regulated by the *College of Medical Laboratory Technologists (CMLTO)*?

This would have to be determined. Some colleges in Ontario that regulate a particular profession also regulate the “assistants” or “technicians” in that profession. The decision would

depend upon the wishes of lab technicians, their professional society (OSMT), the existing college (CMLTO), other stakeholders, and ultimately the Minister of Health and Long-Term Care.

How would technicians go about becoming regulated?

Obtaining “regulated health profession” status is a long process involving large commitments of time, work, and financial resources. (It took 10 years for MLTs to become regulated.) A “request to regulate” a profession under the RHPA must be made to the Minister of Health and Long-Term Care.

One of the first steps to becoming regulated is to ensure that the “Criteria for Regulation” are met. These, in summary, are:

1. Relevance to the Minister of Health and Long-Term Care

Most of the professions’ members must be engaged in activities that are under the jurisdiction of the Minister.

2. Risk of Harm

A substantial risk of physical, emotional or mental harm to patients arises in the practise of the profession.

3. Sufficiency of Supervision

A significant number of practitioners do not have the quality of their performance monitored effectively.

4. Alternative Regulatory Mechanism

The profession is not already regulated effectively by some other regulatory mechanism.

5. Body of Knowledge

The members of this profession must use a distinctive, systematic body of knowledge in assessing, treating or serving patients.

6. Educational Requirements for Entry to Practice

The practitioner must successfully complete a post-secondary program offered by a recognized educational institution.

7. Leadership’s Ability to Favour the Public Interest

The profession’s leadership has shown that it will distinguish between the public interest and the profession’s self-interest and in self-regulating will favour the public interest.

8. Likelihood of Compliance

The profession supports self-regulation with sufficient numbers and commitment that widespread compliance is likely.

9. Sufficiency of Membership Size and Willingness to Contribute

The profession has sufficient numbers to operate a regulatory body and are willing to accept the full costs of regulation. The profession must also be able to maintain a separate professional association.

The OSMT will continue providing information about regulation for MLA/Ts in the months ahead. An information session is planned to take place during the OSMT Convention in London September 24 – 26, 2003. The program will include guests from the CMLTO.

Please let us know what you think about regulation for laboratory technicians – just call, e-mail or send us a note.