



President's and Executive Director's Message



Clearing the fog: Misconceptions identified by OSMT survey

An independent survey was recently conducted on behalf of the OSMT to help the Society understand the views and perceptions of laboratory professionals and stakeholders regarding the potential regulation of laboratory assistants/technicians in Ontario.

This initiative resulted in gathering data for an analysis of the various elements that will need to be considered if the Minister of Health and Long-Term Care refers this matter to the Health Professions Regulatory Advisory Council. The preliminary report has been reviewed by the Board of Directors and a summary of results will be made public within the next couple of months. To all those who participated, we would like to take this opportunity to thank you!

processes associated with regulating the health professions are carried out on behalf of the Minister of Health and Long-Term Care by "regulatory colleges" such as the College of Medical Laboratory Technologists of Ontario (CMLTO) for Medical Laboratory Technologists.

There is another act called the Laboratory and Specimen Collection Centre Licensing Act Reg. 682 which applies to laboratory assistants/technicians as well as to other laboratory personnel. Amongst other items, the regulation describes the minimum qualifications which a person must possess in order to work in a licensed medical laboratory in Ontario. This regulation also appends a list of the duties and tasks that a lab technician is allowed to perform. Currently, there is a

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 practice 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 (healthcare users).

It should be noted that the term "colleges", with respect to regulatory bodies, does not mean teaching institutions.

It is important for both MLTs and MLA/Ts to understand that they are not authorized to perform any of the controlled acts listed in the RHPA unless these procedures are properly delegated to them.

Knowing the limits – understanding Controlled Acts and delegation

The OSMT sometimes receives questions about whether a MLT or MLA/T is allowed to perform certain procedures that are being assigned to them which are outside of their scope of practice.

For the most part, these questions come from lab assistants/technicians who are often not familiar with "controlled acts" as set out by the Regulated Health Professions Act (RHPA) but occasionally these questions also come from laboratory technologists. MLTs are usually referred to their regulatory body, the College of Medical Laboratory Technologists of Ontario (CMLTO) for direction and advice.

Lab technicians, on the other hand, are often not familiar with "controlled acts" and, those prudent, will seek advice when they are asked to perform procedures that are outside of their normal pre-analytical duties. For example, individuals often ask whether they can give allergy or vitamin injections.

There are 14 restricted "controlled acts" listed in the RHPA that pertain to the procedures performed by health professionals in disciplines such as medicine, pharmacy, radiation technology, nursing, dentistry, optometry, and psychotherapy. Certain controlled

During our initial review of the report, it became evident that there are a couple of prevalent misconceptions about regulation. We feel it is important to clear the fog on these misconceptions independent of the report on lab assistant regulation.

Misconception:

Some MLTs and a large number of MLA/Ts believe that laboratory assistants and technicians are already regulated under the Regulated Health Professions Act (RHPA).

Clarification:

Laboratory assistants and technicians are **not regulated** under the RHPA. The RHPA is an Ontario statute that establishes overall accountability for the practices of "regulated health professions" such as doctors, laboratory technologists, nurses, physiotherapists, etc. The objectives of the RHPA are to protect the public from harm, to promote high quality care, and to make regulated health professions accountable to the public. The

great deal of flexibility as to who can perform the work of a laboratory assistant/technician.

Misconception:

While most MLTs understand a regulatory body's (college's) purpose is "to serve and protect the public interest", many MLTs and the majority of lab assistants who responded to the survey think that another function of a college is "to serve and protect regulated professionals".

Clarification:

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.

Regulatory colleges are organizations that enforce the Regulated Health Professions Act (RHPA). Colleges are also responsible for developing their profession-specific acts. For MLTs, this is the *Medical Laboratory Technology Act, 1991*.

Continued on page 4



President's and Executive Director's Message

Continued from page 2

acts can only be performed by members (of a college) authorized by a health profession act or by delegation by other health professionals who are authorized to perform them.

The one controlled act in the RHPA that pertains to Medical Laboratory Technologists is:

Performing a procedure on tissue below the dermis, below the surface of a mucous membrane, in or below the surface of the cornea, or in or below the surfaces of the teeth, including the scaling of teeth.¹

The Medical Laboratory Technology Act, 1991 for MLTs further restricts this to an authorized act described as follows:

In the course of engaging in the practice of medical laboratory technology, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to take blood samples from veins or by skin pricking.²

Relative to other controlled acts, the Medical Laboratory Technology Act states that

"A member shall not perform a procedure under the authority of section 4 unless the procedure is ordered by a member of the College of Physicians and Surgeons of Ontario or the Royal College of Dental Surgeons of Ontario or by a prescribed person".²

It is important for both MLTs and MLA/Ts to understand that they are not authorized to perform any of the controlled acts listed in the RHPA unless these procedures are properly delegated to them.

MLTs are authorized to perform venipuncture or phlebotomy independently but MLA/Ts are not. However, Reg. 107 of the RHPA does make an exception for those working in a licensed laboratory in Ontario. This reads as follows:

Exemption

The taking of a blood sample from a vein or by skin pricking is an activity that is exempt from subsection 27 (1) of the Act if the person taking the blood sample is employed by a laboratory or specimen collection centre licensed under the Laboratory and Specimen Collection Centre Licensing Act. O. Reg. 107/96, s. 11.³

This exemption allows MLA/Ts to perform phlebotomy, under supervision, when employed by a licensed laboratory.

It is important to know that the Controlled Act of *Administering a substance by injection or inhalation*¹ is **not** within the scope of practice of either a MLT or a MLA/T.

The RHPA has charged the development of guidelines about the delegation of controlled acts to the colleges whose members are authorized to perform them. The RHPA states that *the delegation of a controlled act by a member must be in accordance with any applicable regulations under the health profession Act governing the member's profession*.¹

A number of considerations must be made when either delegating a procedure or agreeing to perform a delegated procedure that does not fall within your scope of practice. Most regulatory colleges have developed guidelines on the delegation of controlled acts. It is strongly suggested that these guidelines be reviewed and followed by all parties entering into situations of delegation.

As a further caution, professional liability insurance coverage usually applies only to those working within their scope of practice. Please be sure to check with your insurance

provider before entering into a situation that involves delegation.

Controlled acts and delegations are complex topics and we have provided this overview for general information and awareness purposes only. For further information, please refer to the full Acts and Regulations referenced in this article at www.e-laws.gov.on.ca or contact the following organizations:

- Laboratory Licensing & Inspection Service – 416-235-6054 (for lab assistants/technicians)
- College of Medical Laboratory Technologists – www.cmlto.com
- Federation of Health Regulatory Colleges of Ontario (general information on delegation for all professions) – www.regulated-healthprofessions.on.ca
- Other regulatory bodies whose members may be delegating restricted procedures such as the College of Physicians and Surgeons of Ontario – www.cpsso.on.ca ♦

References:

- ¹ Regulated Health Professions Act, 1991;
- ² Medical Laboratory Technology Act, 1991;
- ³ Regulated Health Professions Act, 1991 – Ontario Regulation 107/96

A word from the new President ...

Let me begin by saying how grateful I am to represent the Ontario Society of Medical Technologists as President. My journey began 5 years ago as a Certification Committee member, which then led to becoming a member of the Board of Directors. I have had the privilege to work alongside capable and enthusiastic Directors and past Presidents. Through these positions I have gained valuable experience from my peers.

Now as President, I will do my very best to tackle the present and future challenges facing Medical Laboratory Technologists (MLT's), and Medical Laboratory Assistants/Technicians (MLA/T's). I am confident in the support of the OSMT office staff, OSMT Board of Directors, and you, the OSMT members.

One of our responsibilities at the OSMT is to study the facts and information of current issues and communicate

them in a comprehensive manner. This includes both scientific and legislative information. As MLT's and MLA/T's, we are fortunate to be positioned on the frontline of medical and scientific advances, directly contributing to a greater quality of life.

I would also like to make it known that our door is always open to the members should you have any questions, concerns, or suggestions. Your opinion is valuable to the success of the society, and this can be reassured by continuing to renew your membership and encouraging other colleagues to do so as well in support of the OSMT.

I thank you for the opportunity and support, and I look forward to representing you as the newly elected President of the OSMT. ♦

Amir Hobooty-Fard