

REGULATORS **WEIGH IN** ON CONTINUING COMPETENCE

By Michael Mastromatteo

Engineering isn't the only profession facing increased pressure to demonstrate that licensed members bring life-long learning to their individual practices. Senior regulated professions are all taking steps to measure practitioners' post-licensing professional development.

Back in 2004, *Engineering Dimensions* reported on a provocative study that accorded the engineering profession a "failing grade" when it came to competence assurance programs for licensed members.

The report, authored by noted public policy consultant Erin O'Connor, concluded engineering was near the bottom of the list when compared on professional development/competence assurance to other self-regulated professions.

"I believe there will be increasing regulation of anything affecting the public with strict accountability measures," O'Connor told engineers. "That is the environment we are now in. Trust has eroded. Continuing competency will need to be demonstrated. They [the public] won't simply take a professional's word that they are up to date."



It turns out engineering isn't the only self-regulated profession that has struggled and is still struggling with the continuing professional development (CPD) question. In an October 2009 review, the Professional Development and Competence Committee of the

Law Society of Upper Canada (LSUC) noted similar concerns. "Nationally, the legal profession, to date, has seemingly lagged behind other professions in terms of determining the requirements for continuing education or professional development, and in implementing appropriate regimes," the LSUC paper says. "Scrutiny of the legal profession's inaction in this regard will only increase over time. Our options remain two-fold: do nothing until we are told what to do, thereby potentially jeopardizing some of our rights to self-govern; or deal with the situation upfront, on our own terms, with an appropriate regime designed for and by lawyers."

Whatever their motivations, most senior regulated professions are making competence assurance for members more of a priority. The issue has taken on new urgency in some quarters based on declining public trust in government and delegated authority, and because of increased demand for transparency and accountability for any enterprise serving the greater public interest. Here's how Ontario's doctors, nurses, architects, lawyers and chartered accountants are handling this issue.

CPSO

The College of Physicians and Surgeons of Ontario (CPSO), Ontario's medical regulator, initiated a peer assessment program in 1980. Under the program, medical doctors are selected randomly for assessment by the

college registrar. Those aged 70 and above are assessed regularly.

The college also has a Quality Assurance Committee to assess MDs for clinical concerns. About 90 per cent of assessed physicians are found to be practising satisfactorily, and those assessed receive feedback from a colleague. If an assessment notes deficiencies, more information is gathered and the practitioner is observed for an additional one to three days.

As a result of recent changes to the *Regulated Health Professions Act* (RHPA), CPSO reviewed its quality assurance regulation against the changes made to the RHPA and the latest trends in quality assurance for medical practitioners.

The Quality Assurance Committee proposed a framework for change, including streamlining the procedural safeguard process to expedite comprehensive assessments for physicians who need to further identify learning needs, allowing the committee to better tailor assessments to fit a physician's scope of practice, and mandating that physicians demonstrate participation in an acceptable CPD program.

Most recently, the CPSO governing council reviewed a new quality assurance regulation, which incorporates mandatory professional development for doctors. It's expected the college will approve a modified form of this compulsory professional development for the province's approximately 30,000 MDs.

CNO

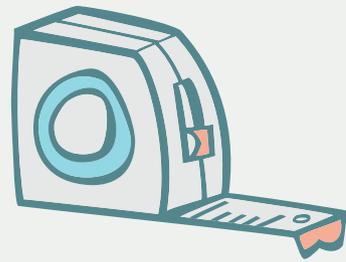
A key initiative for the College of Nurses of Ontario (CNO) is its Quality Assurance (QA) program. All nurses are required to engage in activities to continually improve their practice. One component of the program involves completing a self assessment to identify areas of strength and improvement in relation to such college documents

as practice standards. Self assessment includes practice reflection and the development and maintenance of a learning plan. On an annual basis, nurses sign a declaration that they have an ongoing learning plan in place.

The CNO's QA program is based on the principle that lifelong learning is essential to continuing competence. Nurses in every practice setting demonstrate their commitment to continually improving their nursing practice by engaging in practice reflection, and setting and achieving goals. Every nurse registered in the general, transitional and extended classes in Ontario must participate in QA.

The QA program measures members' knowledge and application of the college's practice standards, guidelines and related competencies. Each year, the college selects two practice standards and/or guidelines as the focus of the year's QA program. Nurses are required to review the specified practice documents and apply them in their learning plan.

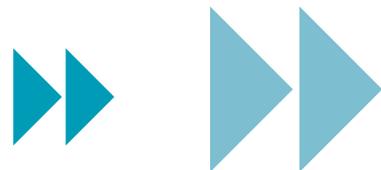
"All regulated health professions are expected to create and maintain quality assurance programs to promote continuous improvement and professional development within their respective professions," notes Janet Anderson, RN, the CNO's manager of quality assurance. "Nurses continually engage in ongoing learning activities to meet the demands of an increasingly complex and constantly evolving health-care environment, and don't pursue learning opportunities simply because it is legislated. Rather, nurses recognize that maintaining competence is important from a public protection perspective. It demonstrates nurses' commitment to maintaining the public trust and to providing safe and effective care."

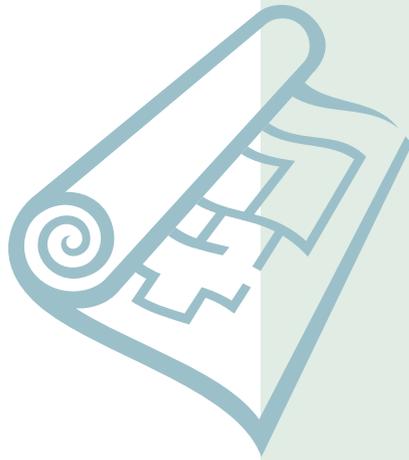


OAA

Following licensure, all architects must participate in the Ontario Association of Architects' (OAA) Professional Excellence Program, which was established in 2000 to ensure that members remain competent in their practices. Program components include consumer protection, through the complaints and discipline process; mandatory continuing education; performance and practice standards; a practice advisory service; and a practice consultation service. The OAA says that in establishing its comprehensive program, it knit together established OAA programs, such as the continuing education program, supplemented by new services and enhancements to existing ones. The program's overall aim, says the OAA, is "not just to maintain competency in the profession...but to help Ontario's architects continue to strive for...and achieve...excellence."

The program's continuing education component operates on a two-year cycle, running from January 1 to December 31 biennially. Practitioners fulfill the cycle requirements through participation in OAA-approved core learning opportunities and self-directed learning. Core learning addresses current and emerging needs that the OAA believes are essential to maintain the confidence of clients and the gov-





ernment, and to serve and protect the public interest. Core learning topics for the 2010/2011 cycle include the building code (Ontario Building Code and National Building Code of Canada); environment and energy; heritage buildings/restoration; legal issues and legislation related to architectural practice and the construction industry; practice management; project management; risk management; and sustainable design/green architecture. OAA council reviews core opportunities biennially to identify emerging needs. Categories of self-directed learning, again established by OAA council, include participation in committee meetings, courses/workshops, discussion groups, OAA standing committees, OAA council, practical research, presentations and teaching, professional tours, professional writing, reading, scholarly research, conferences/trade shows, and mentoring. There are a maximum number of hours practitioners can spend on each category during a two-year cycle. Architects track their participation in events and opportunities throughout the cycle, including the date, provider, activity and hours, and self-report this information on the

OAA website. During the two-year cycle, licensed architects must report 15 hours of core learning activities and 55 hours of self-directed learning.

Beginning in 2010, OAA will randomly select up to 3 per cent of continuing education reporting transcripts and review them to identify any reporting anomalies or inconsistencies with the parameters of the continuing education program. For audit purposes, OAA members must now maintain supporting documentation for all learning activities completed during a cycle for two years after the end of the cycle, and must submit such documentation to OAA upon request.

If an architect fails to comply with the continuing education requirements, OAA's Public Interest Review Committee reviews the case. If deemed necessary, the case will then follow the normal complaints and discipline process.

LSUC

The *Law Society Act* requires the Law Society of Upper Canada (LSUC) to ensure Ontario lawyers and paralegals meet appropriate standards of learning, competence and professional conduct. The professional development and competence department achieves this through a two-pronged approach: quality assurance (QA) programs and quality improvement activities.

QA programs include "spot audits" and practice review programs for lawyers, and practice audits for paralegals.

The LSUC established a professional competence department in 2001 to



review various forms of professional development for Ontario's lawyers.

The following year, the society's board of directors recommended that members complete 50 hours of self-study and 12 hours of continuing legal education a year.

Although professional development is not compulsory for LSUC members, they are required to report how much they complete each year.

According to LSUC spokesperson Roy Thomas, the society is now debating an initiative to introduce mandatory CPD for its members. The program would include at least 12 hours of professional development activity annually for lawyers and paralegals.

ICAO

In 1977, the Institute of Chartered Accountants of Ontario (ICAO) council introduced a three-year program to monitor voluntary professional development with a recommended minimum of 35 hours a year. A practice inspection program was implemented in 1980-1981.

As a self-regulating body, ICAO decided it was important to take further active steps to maintain public trust and confidence in the competence and integrity of Ontario chartered accountants. One of the first steps was to require members to participate in learn-



ing activities to help them meet the changing demands of the marketplace.

In June 2002, the Education Committee of the International Federation of Accountants issued a paper entitled *Proposed International Education Standard for Professional Accountants on Continuing Professional Education and Development*. The paper included proposed standards requiring member bodies to establish minimum levels of CPD for their members, effective January 1, 2005.

Initially, ICAO implemented the CPD requirement for its members who are partners or employees of public accounting firms, including sole practitioners and part-time practitioners, and those who hold a public accounting licence, whether or not they practise public accounting.

It extended CPD requirements to all non-retired chartered accountants, including those not holding a public accounting licence, on January 1, 2006.

Currently, the ICAO expects members to complete 20 hours of professional development activity each year. Members subject to CPD requirements must deter-

mine if the content of a CPD activity contributes to their professional development, based on whether an activity:

- is quantifiable—it must be specifically identifiable and able to be expressed in terms of a specific time requirement;
- directly related to the ICAO's chartered accountant (CA) Competency Map, and relevant to the member's current professional needs and/or longer-term career interests as a CA; and
- contains significant intellectual or practical content.

They must submit annually on or before the due date a report indicating they have met the CPD requirements. If they do not meet the CPD requirements, they will be referred to a committee that may:

- waive a portion or all of the CPD requirement in specific circumstances (e.g. imminent retirement);
- consider and approve a plan proposed by the member to complete any deficiencies appropriately over a reasonable period of time; or
- file a complaint with the Professional Conduct Committee. Σ

