

HPOA: Summary and Analysis of the Draft CPSBC Bylaws Under Group One

This document provides an overview of Doctors of BC’s analysis of the draft CPSBC bylaws under the *Health Professions and Occupations Act* (HPOA) released for consultation under group one and identifies potential areas of concern for members. This includes:

- Changes to the composition of the **board** and its procedures.
- New **committees** and changes to committee composition and function.
- CPSBC **records and information** management.
- A new governance structure for managing **permits of health profession corporations**; and,
- Updated **professional responsibilities**.

Regulatory colleges, such as CPSBC, are required to review and update their bylaws to reflect the provisions of the HPOA. This document highlights Doctors of BC’s concerns related to the HPOA, as reflected in CPSBC’s draft bylaws, as well as concerns related to CPSBC’s interpretation of the HPOA. These concerns are distinct and described in our analysis as appropriate.

This document will be updated based on our ongoing analysis of CPSBC draft bylaws as they continue to be released for consultation.

| Summary of Changes | Areas of Concern |
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| <p>Board</p> <ul style="list-style-type: none"> • To meet requirements of the HPOA, the board has been reduced from 16 members (10 elected registrants and 6 members of the public) to 12 members with an equal representation of licensees¹ and the public. • In alignment with HPOA requirements, all board members are appointed by the Ministry of Health based on recommendations by the Superintendent’s Office². • The board is still required to consult with licensees on any changes to bylaws that affect them directly, and they may appoint professional standard advisors to provide subject matter advice when consulting on proposed bylaws. • The board develops the recommended criteria for appointment and rescindment of board members to the Superintendent. | <ul style="list-style-type: none"> • Concern with the new requirements under the HPOA that reduce the number of physicians on the board and the transition from elections to government appointments for board members, which will reduce the physician influence on CPSBC’s Board. • Lack of clarity on what criteria will be used for appointing Board members. • The HPOA does not discuss consultation timeframes; however, the College has included a new provision outlining bylaw consultation timelines. Concern related to the ability of the board to direct a different (potentially shorter) consultation period when changing college bylaws. |

¹ As per the HPOA, registrants are now referred to as licensees.

² The Superintendent’s office is the body created through the HPOA to oversee the regulatory colleges. The superintendent is appointed by government. Among other responsibilities, this office makes recommendations to government on appointment of college board members. More information can be found [here](#).

- New section on “bylaw-making powers” that outlines a consultation period of 60 days unless the board directs a different period.

Committees

- There are significant revisions to the governance structure of CPSBC committees. Changes include:
 - Establishment of new statutory committees (License Committee, Permit Committee, and Investigations Committee).
 - Establishment of a new grouping of committees called regulatory committees (Blood-borne Communicable Diseases Committee; Practice Enhancement Program Committee; Prescription Renewal Program Committee; Patients Safety Incidents Review Committee; Diagnostic Accreditation Program Committee, and the Non-Hospital Medical and Surgical Facilities Accreditation Program Committee). These groups were previously statutory committees or panels under the Quality Assurance Committee.
 - The Finance and Audit is now a board support committee.
 - Removal of the Executive Committee, Quality Assurance Committee, and Patient Relations, Professional Standards and Ethics Committee.
- Lack of opportunities for licensees to provide input on the composition of committees and inform the eligibility criteria.
- There’s a lack of information on the function of some of the new statutory committees.

Records and Information

- Bylaws created to reflect requirements from the HPOA. Concerns are not related to bylaws, but rather overarching disclosure requirements in the HPOA.
- Concern with information the HPOA requires to be disclosed by the College to the public.

Permits for Health Profession Corporations (HPC)³

- New Permit Committee to review and issue permit applications.
- An application for a HPC permit must include policies that promote anti-racism, reconciliation, Indigenous cultural safety, and advance equity, diversity, and inclusion.
- Seeming expansion of requirements for shareholders in HPC – voting and non-voting – to be practicing licensees, including shareholders of a holding company with non-voting shares in the HPC. Previous language only specified directors and senior officers.
- Requirements and added penalties for HPC’s related to maintaining liability insurance.
- Need further clarity regarding the expectations of HPCs to develop policies related to anti-racism, Indigenous cultural safety, and EDI.
- More clarity on the intended practical implications of shift in language around requirement of shareholders to be licensees.
- More clarity on requirement of HPCs to maintain professional liability insurance.

³ Professional medical corporations are now referred to as health profession corporations.

Professional Responsibilities

- All ethics and practice standards have become bylaws.
- All licensees must comply with the CMA's *Code of Ethics and Professionalism*.
- Discrepancy between the bylaws and language used in the CMA Code, which describe the virtues and commitments as "aspirational," not binding.