


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **737**, Approved and Ordered **OCT -- 9 2008**

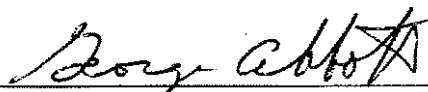


Lieutenant Governor

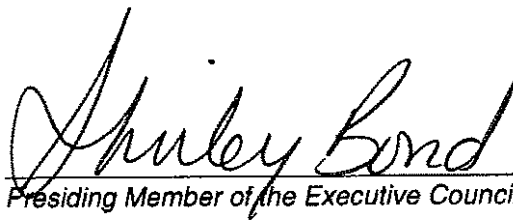
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective October 17, 2008,

- (a) *section 13 of the Health Professions (Regulatory Reform) Amendment Act, 2008, S.B.C. 2008, c. 29, is brought into force,*
- (b) *the regulations set out in the attached Schedule are repealed,*
- (c) *the attached Health Professions Designation Regulation is made,*
- (d) *section 16 (1) (d) of the Adoption Regulation, B.C. Reg. 291/96, is amended by striking out "Psychologists Act" and substituting "Health Professions Act",*
- (e) *section 33 of the Employment Standards Regulation, B.C. Reg 396/95, is amended by striking out "Licensed Practical Nurses Regulation" and substituting "Nurses (Licensed Practical) Regulation", and*
- (f) *section 2.20.1 of the Social Service Tax Act Regulations, B.C. Reg 84/58. is amended by striking out "B.C. Reg 487/94".*



Minister of Health Services



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Health Professions Act, R.S.B.C. 1996, c. 183, s. 12 (1),
Health Professions (Regulatory Reform) Amendment Act, 2008, S.B.C. 2008, c. 29, s. 88
Adoption Act, R.S.B.C. 1996, c. 5, s. 9, Employment Standards Act, R.S.B.C. 1996, c. 113, s. 127,
Social Service Tax Act, R.S.B.C. 1996, c. 431, s. 138*

Other (specify):- *OIC 1564/94, 1468/95, 203/2000, 965/2002, 1143/92, 389/96, 1562/94, 269/95, 1774/99, 476/2005,
1500/98, 1565/94, 1563/94, 1772/99, 463/99, 1646/2000, 1226/96, 1155/95, 1388/48*

August 28, 2008

R/728/2008/48

Schedule

Dental Hygienists Regulation, B.C. Reg. 486/94
Dental Technicians Regulation, B.C. Reg. 509/95
Denturists Regulation, B.C. Reg. 68/2000
Dietitians Regulation, B.C. Reg. 296/2002
Health Professions Regulation, B.C. Reg. 237/92
Licensed Practical Nurses Regulation, B.C. Reg. 71/96
Massage Therapists Regulation, B.C. Reg. 484/94
Midwives Regulation, B.C. Reg. 103/95
Naturopathic Physicians Regulation, B.C. Reg. 449/99
Nurses (Registered) and Nurse Practitioners Regulation, B.C. Reg. 233/2005
Occupational Therapists Regulation, B.C. Reg. 432/98
Opticians Regulation, B.C. Reg. 487/94
Physical Therapists Regulation, B.C. Reg. 485/94
Psychologists Regulation, B.C. Reg. 442/99
Registered Psychiatric Nurses Regulation, B.C. Reg. 115/99
Traditional Chinese Medicine Practitioners and Acupuncturists Regulation, B.C. Reg. 385/2000

HEALTH PROFESSIONS DESIGNATION REGULATION

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Definition

1 In this regulation, “Act” means the *Health Professions Act*.

PART 1 – DESIGNATIONS

Designations

- 2 (1) The designations of the following health professions are continued for the purposes of the Act:
- (a) dental hygiene;
 - (b) dental technology;
 - (c) denturism;
 - (d) dietetics;
 - (e) massage therapy;
 - (f) midwifery;
 - (g) naturopathic medicine;
 - (h) nursing;
 - (i) occupational therapy;
 - (j) opticianry;
 - (k) physical therapy;
 - (l) psychology;
 - (m) psychiatric nursing;
 - (n) traditional Chinese medicine and acupuncture.
- (2) The designation of licensed practical nursing is continued, for the purposes of the Act, as practical nursing.

PART 2 – APPLICATION FOR DESIGNATION

Application fee

- 3 The application fee to be submitted with an application under section 7 (1) of the Act is \$2 000.

Cost of investigation

- 4 The minister may not charge to a health profession association the first \$7 500 of costs incurred by the minister in the conduct of the investigation of the health profession association's application under section 7 (1) of the Act.

Fees and costs prorated

- 5 If the minister conducts one investigation for the designation of a health profession in respect of more than one application under section 7 (1) of the Act, the fee payable under section 3 and the costs in excess of the amount under section 4 may be prorated by the minister between or among the health profession associations that have applied.

PART 3 – PUBLIC INTEREST CRITERIA

Criteria for designation of health professions

- 6 (1) For the purposes of section 10 (1) of the Act, the minister must consider the extent to which the practice of a health profession may involve a risk of physical, mental or emotional harm to the health, safety or well-being of the public, having regard to the following:
- (a) the services performed by practitioners of the health profession;
 - (b) the technology, including instruments and materials, used by practitioners of the health profession;
 - (c) the invasiveness of the procedure or mode of treatment used by practitioners of the health profession;
 - (d) the degree to which the health profession is practised
 - (i) under the supervision of another person who is qualified to practise as a member of a different health profession, or
 - (ii) in a currently regulated environment.
- (2) The minister may also consider the following criteria:
- (a) the extent to which the health profession has demonstrated that there is a public interest in ensuring the availability of regulated services provided by the health profession;
 - (b) the extent to which the services of the health profession provide a recognized and demonstrated benefit to the health, safety or well-being of the public;
 - (c) the extent to which there exists a body of knowledge that forms the basis of the standards of practice of the health profession;
 - (d) whether practitioners of the health profession are awarded a certificate or degree from a recognized post-secondary educational institution;

- (e) whether it is important that continuing competence of a practitioner of the health profession be monitored;
- (f) the extent to which there exists within the health profession recognized leadership which has expressed a commitment to regulating the profession in the public interest;
- (g) the likelihood that a college established under the Act would be capable of carrying out the duties imposed by the Act, having regard to factors that may affect the viable operation of the college;
- (h) whether designation of the health profession is likely to limit availability of services contrary to the public interest.