

“As of Right” Guidance Document

Updated June 2025

Introduction to “As of Right”

Ontario’s “As of Right” exemption (or rules) is a first-in-Canada approach that aims to expedite the process for health care workers registered in other Canadian and American jurisdictions to begin practice in Ontario.

Subject to conditions, the “As of Right” exemption enables physicians, nurses, respiratory therapists, and medical laboratory technologists registered in another Canadian province or territory, and board-certified physicians and nurses licensed in a state of the United States of America or the District of Columbia, to start working and caring for people in Ontario without having first registering with an Ontario health regulatory college.

Under the “As of Right” exemption, eligible individuals may practise for up to six months whilst completing the registration process and waiting for their application to be approved. This six-month period reduces administrative barriers associated with the registration process that can delay an individual’s ability to begin caring for patients in Ontario immediately.

Guidance Document Purpose

This guidance document provides information to potential applicants and employers on the implementation of the “As of Right” initiative. Applicants may use this document to assist them while determining their eligibility and to understand their obligations and best practices as an out-of-province health professional (OPHP). Additionally, employers may use this document to assist them during the hiring process.

This document is to be used in conjunction with any applicable legislation, regulation, directives, and orders, and is not intended as a substitute. Nothing in this document constitutes legal advice. In the event of any conflict between this document and any applicable legislation, regulation, directive, or order, the legislation, regulation, directive, or order prevails.

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Pathway to Registration

1. The OPHP is registered with a regulatory authority in a Canadian jurisdiction, other than Ontario, a state of the United States of America, or the District of Columbia (D.C.) and holds in that jurisdiction the equivalent of an Ontario certificate of registration and ensures that they meet the conditions for exemption.



3. Before beginning practice in Ontario, the OPHP submits an application for a certificate of registration and completes an attestation that they meet the conditions of the “As of Right” exemption with the applicable Ontario health regulatory college.



4. The OPHP practices in Ontario while they obtain a certificate of registration with the applicable Ontario health regulatory college.



5. The OPHP must obtain registration with the college within six-months of the start of practice in Ontario.

As of Right Applicants

Eligibility

The following professionals registered in another **Canadian jurisdiction** are eligible for “As of Right”:

1. Physicians and surgeons;
2. Registered nurses (RNs), registered practical nurses (RPNs), and nurse practitioners (NPs);
3. Respiratory therapists (RTs); and
4. Medical laboratory technologists (MLTs)

The following professionals licensed in a **state of the United States of America, or the District of Columbia (D.C.)** are eligible for “As of Right”:

1. Board-certified physicians and surgeons (with the American Board of Medical Specialties or the American Osteopathic Association);
2. Registered nurses (RNs), registered practical nurses (RPNs), and nurse practitioners (NPs)

Conditions of Practice

In order to qualify as an OPHP and be able to practice under the “As of Right” exemption in Ontario, OPHP must meet all of the following conditions.

No.	Condition	Description / Notes
1	The person has submitted an attestation to the College, in the form specified by the College, confirming that the person meets the conditions of exemption.	<p>Beginning on June 5th, 2025, OPHPs must attest to the applicable Ontario regulatory college that they meet the “As of Right” conditions of exemption prior to beginning to practice in Ontario. OPHPs should contact the applicable college to begin the attestation process.</p> <p>OPHPs who began practice under the exemption prior to June 5th, 2025, do not need to submit an attestation.</p>
2	The person is registered with a regulatory authority in a Canadian jurisdiction, other than Ontario, or an American jurisdiction, and holds in that jurisdiction the equivalent of a certificate of registration authorizing independent practice in Ontario.	<p>OPHPs must be registered with a regulatory authority in another Canadian jurisdiction, a USA state, or D.C. They must be permitted to practice without any terms, limitations, or conditions.</p> <p>Individuals practising professions that are not regulated in their home jurisdiction (i.e. province/territory, state, or D.C.) are not eligible to practise in Ontario using the “As of Right” exemption.</p>

No.	Condition	Description / Notes
		The OPHP is responsible for ensuring they continue to meet this condition during the “As of Right” exemption period.
3	<p>USA physicians must be board certified by a member board of the American Board of Medical Specialties or a certifying board of the American Osteopathic Association.</p> <p>USA nurses must have the equivalent education and training required of Ontario nurses:</p> <ul style="list-style-type: none"> • RNs: Baccalaureate degree in nursing designed to educate and train persons to be practising RNs. • NPs: Baccalaureate degree in nursing designed to educate and train persons to be practising RNs and a degree from a university designed to educate and train registered nurses to practice in the extended class. • RPNs: Diploma in nursing designed to educate and train persons to practice as registered practical nurses. 	<p>This condition only applies to physicians and nurses licensed in a US state or the District of Columbia.</p> <p>Only USA-licensed physicians who are Board-certified in a recognized specialty are eligible for the “As of Right” exemption. USA-licensed physicians who are not Board Certified do not qualify.</p> <p>Similarly, USA-licensed nurses must meet equivalency standards based on their category of licensure and education.</p> <p>The OPHP is responsible for ensuring they continue to meet this condition during the “As of Right” exemption period.</p>
4	No regulatory authority in a Canadian or American jurisdiction has refused to grant the person a certificate of registration in the profession within the two years preceding their application for a certificate of registration.	<p>OPHPs cannot have been denied registration with a Canadian or American regulatory body within two years before their application for a certificate of registration with the relevant Ontario regulatory college. The OPHP is responsible for ensuring they continue to meet this condition during the “As of Right” exemption period.</p> <p>If an application under the “As of Right” exemptions were to be denied, this condition prevents the same applicant from resubmitting a new application under the “As of Right” exemption for two years.</p>
5	A finding of professional misconduct, incompetence or incapacity has not been	OPHPs who were found, as the result of a proceeding, to have engaged in professional misconduct, been found incompetent or had

No.	Condition	Description / Notes
	made about or against the person as a result of a proceeding in relation to the profession.	<p>a finding of incapacity made against them would not meet this condition including in cases where OPHPs have terms, conditions and limitations placed upon their certificate of registration.</p> <p>The OPHP is responsible for ensuring they continue to meet this condition during the “As of Right” exemption period.</p>
6	The person must not be the subject of any current professional misconduct, incompetence, or incapacity proceeding or any similar proceeding in relation to the profession.	<p>OPHPs must not be the subject of a current disciplinary proceeding in any jurisdiction in relation to the profession.</p> <p>The OPHP is responsible for ensuring they continue to meet this condition during the “As of Right” exemption period.</p>
7	The person has submitted to the relevant College an application for a certificate of registration prior to providing professional services.	<p>Prior to practising in Ontario, the OPHP is required to submit an application to the applicable Ontario health regulatory college.</p> <p>This is the first step in the registration process and is usually completed online. Colleges may combine this application with the attestation requirement.</p> <p>These two requirements enable the Colleges to be informed about who is practising the profession in Ontario through the “As of Right” exemption.</p>
8	The person must use the proper titles relevant to their qualifications and may only use titles recognized in Ontario that are equivalent to their title/certification in the Canadian or American jurisdiction in which they are already registered.	An OPHP’s originating jurisdiction may use titles that differ in Ontario (e.g., licensed practical nurse vs. registered practical nurse). Regardless of the differences in title, OPHPs must abide by Ontario legislation regarding the use of titles when practising in Ontario.
9	The person holds professional liability insurance or benefits from professional liability insurance coverage or a similar protection that extends coverage to Ontario.	Professional liability protection provides financial compensation for members of the public who have been harmed as a result of malpractice or negligence by a professional.

No.	Condition	Description / Notes
		The OPHP is responsible for ensuring they continue to meet this condition during the “As of Right” exemption period.
10	The person provides professional services to residents of Ontario only while the person is physically present in Ontario.	The “As of Right” exemption is intended for OPHPs seeking to settle and practise in Ontario. As this is the objective, OPHPs may only use the “As of Right” exemption to practise and provide care to residents of Ontario when they are physically present in the province.

An OPHP would lose their exemption in any of the following circumstances:

No.	Condition	Description
1	The person’s application for a certificate of registration has been rejected by the relevant Ontario health regulatory college before six months have elapsed since they first began to provide professional services in Ontario.	<p>OPHPs’ whose application for registration with the relevant Ontario health regulatory college (e.g., the College of Physicians and Surgeons of Ontario, the College of Nurses of Ontario, etc.) has been denied prior to the end of the six-month practice period must immediately stop practising.</p> <p>Employers are strongly encouraged to monitor and confirm the status of the OPHP’s application during the “As of Right” exemption period.</p>
2	The person has not been issued a certificate of registration by the College within the six months following the day they first began to provide professional services in Ontario.	<p>OPHPs may practice for a maximum of six-months before obtaining a certificate of registration from their respective Ontario health regulatory college.</p> <p>OPHPs who are not registered by the six-month mark must cease practising immediately.</p> <p>Employers are strongly encouraged to maintain a record of OPHPs they have employed, noting the first day they have provided professional services.</p>

No.	Condition	Description
3	The person ceases to meet the conditions described in the table above (See <i>Conditions of Practice</i>).	<p>OPHPs must continuously meet the above conditions in order to practice and must stop practising if they fail to meet them.</p> <p>An example of a condition of practice ceasing to apply would be where a finding of professional misconduct, incompetence, or incapacity has been made against the OPHP in relation to the relevant profession or where such a proceeding has been initiated against them during the “As of Right” exemption period.</p>

Obligations of OPHPs

Attesting to Eligibility

It is the responsibility of OPHPs to carefully review the conditions of exemption to ensure they are eligible for the “As of Right” exemption. A person who contravenes any provision of the *Medicine Act, 1991*, *Respiratory Therapy Act, 1991*, *Medical Laboratory Technology Act, 1991*, or the *Nursing Act, 1991* is guilty of an offence and, on conviction, is liable to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence¹. Upon determining that they want to practise in Ontario under the “As of Right” exemption, OPHPs are required to attest to the applicable Ontario regulatory college that they meet the conditions set out in regulation. OPHPs should contact the applicable college to begin the attestation process.

Upon completing the attestation and submitting an application for registration to the Ontario regulatory College, the professional would be permitted to practise for a maximum of six months without being registered. When applying for a position with an employer, OPHPs are required to indicate that they intend to participate in the “As of Right” exemption and that they meet the conditions. Additionally, employers are strongly encouraged to maintain a record of OPHPs they have employed, noting the first day they have provided professional services.

Registration in Ontario

OPHPs are required to obtain registration with the applicable college within six months of beginning practice in Ontario. As such, OPHPs are strongly encouraged to complete their application for registration with the relevant Ontario health regulatory college as

¹ RHPA, Schedule 2 Subsection 93(1). See also e.g., s.11 of the *Respiratory Therapy Act, 1991*.

soon as possible to increase the likelihood that their application will be processed and approved by the applicable Ontario health regulatory College within the six-month exemption period. It can take several months to obtain all required documentation to submit a completed application to the college. Also, regulatory colleges may have longer processing times especially during specific times of the year when new graduates are applying for membership. OPHPs should contact the applicable college to determine processing timelines.

Once OPHPs have completed the full application for registration, colleges will have the opportunity to conduct their typical reviewal process of applicants, including validating credentials, education, good character, and criminal background. Any complaints of misconduct that the college receives from employers during the pre-registration period could be used to support their registration decisions.

OPHPs should notify their employer once they are registered as they will be practising as a regulated health professional instead of under the “As of Right” exemption.

Professional Liability Protection

Professional liability protection (PLP) provides financial compensation to members of the public who have been harmed as a result of malpractice or negligence by a professional.

As outlined in the conditions of exemption, OPHPs are required to hold professional liability insurance or benefit from PLP coverage or a similar protection that extends coverage to Ontario. PLP must be secured before the OPHP begins providing professional services in Ontario. The value of the coverage should be consistent with what is required by the applicable Ontario College so that there is no interruption in the services provided to patients or clients.

In Ontario, PLP is generally procured through an employer, a provincial or national association/protective association, or an insurance provider. It is the responsibility of the individual OPHP to procure (or to ensure that they benefit from) adequate coverage.

For guidance on PLP, including the level of coverage required, OPHPs should contact their prospective employer, the applicable Ontario college, or the Healthcare Insurance Reciprocal of Canada (HIROC), Canadian Nurses Protective Society (CNPS), or the Canadian Medical Protective Association (CMPA).

College Policies, Bylaws, and Practice Standards

During the six-month period, despite not yet being registered with the relevant Ontario health regulatory college, it is strongly recommended that OPHPs familiarize themselves with and uphold the College’s policies, practice standards and bylaws for

the duration of the “As of Right” exemption period. Employers may require applicants to familiarize themselves with the relevant legislation and College policies or practice standards as part of their conditions of employment. Failure to follow policies or practice standards may also reflect negatively on the applicant regarding the College’s decision to grant or deny their application for a certificate of registration.

In addition, observing policies or practice standards, laws, and by-laws may be expected of OPHPs by their new employers. OPHPs can access relevant information on the following college websites:

- [CPSO policies](#)
- [CPSO bylaws](#)
- [CNO bylaws](#)
- [CNO practice standards](#)
- [CMLTO bylaws](#)
- [CMLTO practice standards](#)
- [CRTO bylaws](#)
- [CRTO policies](#)
- [CRTO practice standards](#)

Reporting

Schedule 2 (Health Professions Procedural Code) of Ontario’s *Regulated Health Professions Act, 1991* (RHPA) requires members of health regulatory colleges to file mandatory reports under certain circumstances. While OPHPs are not bound by the following requirements for the duration of the “As of Right” exemption status, they are strongly encouraged to observe the following reporting requirements:

As set out in Schedule 2 of the *Regulated Health Professions Act* (the Health Professions Procedural Code), Members of Ontario’s regulatory colleges must file a report with their college when:

- They have been found guilty of a criminal offence;²
- They have been charged with an offence, and the report shall include information about any bail conditions or restrictions connected with the charge;³
- A finding of professional negligence or malpractice is made against them;⁴
- The person is a member of another body that governs a profession inside or outside Ontario;⁵

² RHPA, Schedule 2 Subsection 85.6.1(1)

³ RHPA, Schedule 2 Subsection 85.6.4(1)

⁴ RHPA, Schedule 2 Subsection 85.6.2(1)

⁵ RHPA, Schedule 2 Subsection 85.6.3(1)

- A finding of professional misconduct or incompetence is made against the person by another body that governs a profession inside or outside Ontario;⁶
- They have reasonable grounds, obtained in the course of their practice, to believe that a patient has been sexually abused by a member of the same or a different health regulatory college.⁷

While not bound by the RHPA, the following reporting requirements **do automatically apply** to OPHPs:

- An OPHP physician or nurse is required to report the presence or suspected presence of diseases of public health significance in non-hospital patients to the applicable medical officer of health. (*Health Protection and Promotion Act*)⁸
- If providing insured services in a public hospital or in a long-term care home, OPHP physicians and nurses are required to report suspected instances of health insurance fraud to the General Manager of the Ontario Health Insurance Plan. (*Health Insurance Act*)⁹
- Report to the Information and Privacy Commissioner when personal health information is lost, stolen, used, or disclosed without authority in the circumstances set out under the *Personal Health Information Protection Act, 2004*.¹⁰

What are OPHPs allowed to do?

Controlled Acts

A controlled act is a type of medical procedure available only to certain professions, as outlined in the *Regulated Health Professions Act 1991*, its regulations, and the professional acts of the various Health Colleges and their regulations.

With some exceptions outlined below, OPHPs will be allowed to practice as if they were an Ontario-registered health professional. Except where outlined below, they will be able to perform the same controlled acts as their Ontarian regulated counterparts and have access to the same scope of practice. OPHPs must abide by the Ontarian scope of practice for their profession and must refrain from performing controlled acts that are not authorized to be performed by members of their profession or certification in Ontario (regardless of the scope of practice for the relevant profession/certification in their home jurisdiction). OPHP's may only performs controlled acts in accordance with the standards

⁶ RHPA, Schedule 2 Subsection 85.6.3(2)

⁷ RHPA, Schedule 2 Subsection 85.1(1)

⁸ *Health Protection and Promotion Act*, 1990, s.25

⁹ *Health Insurance Act*, 1990, s. 43.1

¹⁰ O. Reg 329/04 (General) to the *Personal Health Information and Protection Act, 2004*, s. 6.3.

of practice outlined in the *Regulated Health Professions Act, 1991* and its regulations as well as the relevant professional acts and their regulations.

OPHPs must ensure they have the knowledge, skill, and judgement to perform the controlled acts they wish to perform – if they lack the knowledge, skill, or judgement to perform an act, particularly if they were not authorized to perform that act in their home jurisdiction, the OPHP should refrain from performing that act while practising in Ontario. The OPHP may only perform a controlled act should they develop the requisite knowledge, skill, and judgement to do so.

Ontario medical laboratory technologists, respiratory therapists, and some nurses also have restrictions on their ability to perform certain controlled acts independently – these restrictions also apply to those using the “As of Right” rules.

It is the responsibility of the OPHP to familiarize themselves with their new scope of practice and observe any restrictions to their practice set out in legislation or regulation, as well as detailed in Ontario regulatory health college policies, practice standards, laws, or bylaws, as well as any terms or conditions imposed on their professional practice imposed by their new employer(s).

Use of Titles

Ontario law sets out which professionals may use restricted professional titles, such as “Doctor” or “Respiratory Therapist”, as well as specialty designations such as “Anesthesiologist” or “Nurse Practitioner - Paediatrics”. An OPHP is restricted to using the titles that their Ontario counterpart could use, even if they were authorized to use a different or additional title in their originating jurisdiction.

Out-of-province physicians may use the title “doctor”, a variation or abbreviation or an equivalent in another language of the title that corresponds to their specialty certification by the College of Family Physicians of Canada or by the Royal College of Physicians and Surgeons of Canada.

Out-of-province nurses may use the title of “nurse”, as well as the Ontario title that is associated with their originating jurisdiction’s registration (i.e. registered nurse, registered practical nurse, or nurse practitioner) or any abbreviation or variation thereof. Out-of-province nurse practitioners with the appropriate specialty certificate or equivalent may add “Primary Health Care”, “Paediatrics”, or “Adult” to their title, as well as use any abbreviation or variation thereof (e.g., NP-PHC). Out-of-province nurses may only use these three subspecialty titles, even if they are accustomed to using another title in their home jurisdiction, as these are the only subspecialty designations used in Ontario.

Out-of-province respiratory therapists may use the title “respiratory therapist” or any abbreviation or variation thereof. Ontario does not recognize the use of any other title for respiratory therapists.

Out-of-province medical laboratory technologists may use the title “medical laboratory technologist” or any abbreviation thereof. Ontario does not recognize the use of any other title for medical laboratory technologists.

As of Right Employers & The Public

As of June 5, 2025, all health settings, including public hospitals, long-term care homes, primary care clinics, home and community care settings, and community-based laboratories and x-ray settings are permitted to hire OPHPs. Employers are not obligated to hire OPHPs; these changes have been made to provide additional options for health settings to recruit and retain workers.

Employer Obligations

Mandatory Reporting Requirements

While OPHPs are not bound by the mandatory reporting requirements set out in Schedule 2 of the *Regulated Health Professions Act, 1991* (Health Professions Procedural Code), they are strongly encouraged to observe them. In addition, it is the employer’s responsibility to file a report with the applicable Ontario health regulatory college and the OPHP’s home jurisdiction regulatory college if the employer has reasonable grounds to believe that an OPHP has sexually abused a patient.

Accountability/Filing a Complaint Against an OPHP

During the six-month period, the OPHPs will operate outside the health regulatory college system, which may differ from an employer’s normal accountability and complaints processes. Patients who wish to file a complaint against an OPHP can do so by filing it with the health setting (e.g., patient relations office or department of a public hospital) where the OPHP is employed. The usual and customary process for resolving complaints will ensue. However, in the event that an employer has reasonable grounds to believe that an OPHP is incompetent, incapacitated, or engaged in wrongdoing or professional misconduct, employers are strongly recommended to notify both the relevant Ontario health regulatory college and the OPHP’s home jurisdiction regulatory college.

Employers, as health information custodians, should issue a notice to the appropriate regulatory college within 30 days when a OPHP resigns or is terminated or suspended due to an unauthorized collection, use, disclosure, retention, or disposal of personal health information.

These complaints may inform the Ontario health regulatory college's decision to grant or deny a certificate of registration and therefore provide a form of accountability, as an investigation, professional misconduct hearing, or denial of a certificate of registration may prevent the OPHP from practising in Ontario.

For more information on the Colleges' complaints processes, please visit the appropriate website:

[The College of Physicians and Surgeons of Ontario Complaints Website](#)

[The College of Nurses of Ontario Complaints Website](#)

[The College of Respiratory Therapists of Ontario Complaints Website](#)

[The College of Medical Laboratory Technologists of Ontario Complaints Website](#)

In addition, if a patient or family member has a complaint about an OPHP employed at a long-term care home, they can also contact the Ministry of Long-Term Care (MLTC). Through the MLTC's [long-term care home complaints process](#), individuals can file urgent complaints¹¹ or non-urgent complaints¹².

If a patient or family member is not satisfied with how a public hospital, long-term-care home, home care, or community surgical and diagnostic centre responded to their complaint, they have the option of filing a complaint with the [Ontario Patient Ombudsman](#). The Ontario Patient Ombudsman will review the complaint to ensure they have the jurisdiction to resolve the complaint, if needed. If the Ontario Patient Ombudsman determines that an investigation should occur, they will then provide the patient and/or family member with the results of their decision.

Optional Pathways to Registration

Select Ontario health regulatory colleges have implemented optional pathways for OPHPs to begin practising immediately. For example, upon completing an attestation, CNO offers OPHPs the option of registering with a temporary certificate of registration that allows the OPHP nurse to practise for six months while they put together a completed application for a full certificate of registration. The temporary certificate of registration enables the CNO to oversee the OPHP nurse during the six-month period and investigate any complaints regarding the nurse's practice.

If OPHPs pursue this route through the select Ontario health regulatory colleges, they will not be held to the "As of Right" exemption and its condition. As members of the

¹¹ Urgent complaints include cases of harm, neglect, or danger to residents.

¹² Non-urgent complaints include less serious complaints related to diet, activities, or care.

Ontario health regulatory colleges, they will be subject to the same rights, privileges, investigations processes, etc. that apply to all members.

Appendix A: Applicant Checklist

Before Providing Professional Services in Ontario:

- ✓ Review and ensure that all conditions of the “As of Right” exemption are met.
- ✓ Submit an attestation to the applicable Ontario health regulatory college confirming that the OPHP meets the conditions of exemption.
- ✓ Submit an application for a certificate of registration to the applicable Ontario health regulatory college.

During the six-Month Practice Period

- ✓ Continue to meet all the conditions of exemption and report to the applicable Ontario health regulatory college if one or more conditions are no longer met.
- ✓ Continue the application process to obtain a certificate of registration with the applicable health regulatory college.
- ✓ Work with the applicable health regulatory college to obtain registration.

At six-months of Practice

- ✓ Hold a certificate of registration with the applicable Ontario regulatory college and is no longer practising under the “As of Right” exemption, OR
- ✓ Stop practising until a certificate of registration is issued by the applicable Ontario regulatory college.

Appendix B: Questions & Answers

1. What professions are permitted to practise under the proposed exemption?

The following professions registered in other Canadian jurisdictions are permitted to practise under the exemption:

- Physicians and surgeons
- Nurse practitioners, registered nurses, and registered practical nurses
- Respiratory therapists
- Medical laboratory technologists

The following professions licensed in a state of the United States of America or the District of Columbia (D.C.) are permitted to practise under the exemption:

- Board-certified physicians and surgeons (with the American Board of Medical Specialties or the American Osteopathic Association);
- Nurse practitioners, registered nurses, and registered practical nurses

2. What settings are OPHPs permitted to practise in?

As of June 5, 2025, OPHPs are permitted to practise in all health settings, including but not limited to:

- Primary care
- Home and community care
- Community laboratories and X-ray settings
- Any other settings where physicians, nurses, respiratory therapists or medical laboratory technologists may practise.

3. Are health settings required to hire OPHPs?

Health settings are not required to hire OPHPs. Employers are responsible for determining if they wish to hire OPHPs based on staffing needs and recruitment plans.

4. How long are OPHPs permitted to practise in Ontario without registering?

OPHPs are required to register with the applicable health regulatory college within six months of their first day of providing professional services in Ontario.

OPHPs who fail to register will not be able to practise in Ontario beyond the six-month period.

Also, an OPHP who's application has been denied by the Ontario health regulatory college must stop practising when they have been notified that their application has been rejected.

Lastly, an OPHP who no longer meets one or more of the conditions must immediately stop practising until they obtain a certificate of registration from the applicable Ontario health regulatory college.

5. What does it mean for an OPHP to apply for registration to the college and attest to the college that they meet the conditions of exemption prior to providing professional services in Ontario?

OPHPs are required to submit an application for registration with the applicable college and sign an attestation that they meet the conditions of exemption before they begin practising in Ontario. Please contact the applicable Ontario health regulatory college for more information on the attestation and registration process.

6. Who verifies if OPHPs meet the conditions to practise under the “As of Right” exemption?

The conditions have been developed to ensure that an individual practising under the “As of Right” exemption can provide health care services safely, competently, and ethically. Through the application process, which needs to be completed within six months of practise in Ontario, the health regulatory college would validate that the individual meets those conditions, such as holding a valid certificate or registration (licence) and having a clear disciplinary record.

All health regulatory colleges consider it an act of professional misconduct to sign a document they know or ought to know is false and an attestation that has been determined to be false could result in a health regulatory college refusing to issue a certificate of registration to the OPHP which would result in the immediate stopping of their ability to practise.

Lastly, the OPHP is responsible for ensuring they meet the conditions to practise under the “As of Right” exemption. A person who practises a profession in contravention of any provision of the *Medicine Act, 1991*, *Respiratory Therapy Act, 1991*, *Medical Laboratory Technology Act, 1991*, or the *Nursing Act, 1991* is guilty of an offence and, on conviction, is liable to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence.

7. Are OPHPs be permitted to perform controlled acts?

The proposed amendments to the Controlled Acts regulation made under the *Regulated Health Professions Act, 1991* (RHPA) would exempt OPHPs from the restrictions on the performance of controlled acts set out in section 27 of the Act. With the exception outlined below, OPHPs will be allowed to practice as if they

were an Ontario-registered health professional. They will be able to perform the same controlled acts as their Ontarian counterparts, having access to the same scope of practice. OPHPs must abide by the Ontarian scope of practice for their profession, refraining from performing controlled acts they were previously authorized to perform in their home jurisdiction if it is not authorized in Ontario.

OPHPs must ensure they have the knowledge, skill, and judgement to perform the controlled acts they wish to perform – if they lack the knowledge, skill, or judgement to perform an act, particularly if that act was not authorized to them in their home jurisdiction, the OPHP should refrain from or refuse to perform that act. The OPHP may only perform a controlled act should they develop the requisite knowledge, skill, and judgement to do so.

Ontario medical laboratory technologists, respiratory therapists, and some nurses also have restrictions (e.g., on orders from a physician, medical directives, etc.) on their ability to perform certain controlled acts independently – these restrictions will also apply to OPHPs.

8. When does the exemption period begin and end?

The six-month exemption period begins on the OPHP's first day of practise in an Ontario health setting. The exemption period ends in any of the following circumstances:

- The OPHP's application for a certificate of registration has been rejected by the Ontario health regulatory college before six months have elapsed since they first began practising in Ontario
- The OPHP has not been issued a certificate of registration by the Ontario health regulatory college within six months following the day they first began practising in Ontario
- The OPHP no longer satisfies one or more of the conditions for exemption.

9. Who handles and addresses complaints and investigations during the six-month exemption period?

Employers are responsible for using existing mechanisms (e.g., patient relations office or department of the public hospital) to handle complaints and investigations during the six-month "As of Right" exemption period. The usual and customary process for resolving complaints will ensue.

However, in the event that an employer has reasonable grounds to believe that an OHPH is incompetent, incapacitated, or engaged in wrongdoing or professional misconduct, employers are strongly recommended to notify both the relevant Ontario health regulatory college and the OPHP's home jurisdiction

regulatory college. The Ontario health regulatory college may use this information to support its registration decision.

10. Who monitors OPHPs during the six-month exemption period of practice?

Employers use their existing employee monitoring mechanisms (e.g., medical advisory committees, etc.) to monitor OPHPs during the six-month grace period. Employers are responsible for ensuring that OPHPs are only assigned tasks or asked to deliver services that they are qualified to provide.

For those OPHP's without employers, it is their professional responsibility to practise competently, safely and ethically. In the event of a complaint, patients are encouraged to notify both the relevant Ontario health regulatory college and the OPHP's home jurisdiction regulatory college. The Ontario health regulatory college may use this information to support its registration decision.

11. Who verifies that OPHPs register with the applicable Ontario regulatory college within six months of providing services?

With the new attestation requirement, the applicable health regulatory college will be able to identify those practising under the "As of Right" exemption and whom they expect to complete the application process within six-months of their start of practice in Ontario.

12. Who ensures that OPHPs are not subject to an ongoing investigation in their home jurisdiction?

OPHPs who are subject to an ongoing investigation cannot practise under this exemption. The OPHP is responsible for ensuring they meet this condition. A person who contravenes any provision of the *Medicine Act, 1991*, *Respiratory Therapy Act, 1991*, *Medical Laboratory Technology Act, 1991*, or the *Nursing Act, 1991* is guilty of an offence and, on conviction, is liable to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence.

13. Are OPHPs required to have liability insurance while practising in Ontario?

Yes, OPHPs are required to hold professional liability insurance (PLP) or benefit from PLP coverage or a similar protection that extends coverage to Ontario. PLP must be secured before providing professional services in Ontario. The value of the coverage should be consistent with what is required by the applicable Ontario health regulatory college. In Ontario, PLP is generally procured through an employer, a provincial or national association/protective association, or an insurance provider. It is the responsibility of the individual OPHP to procure (or to ensure that they benefit from) adequate coverage.

14. Should OPHPs inform the Ontario health regulatory college about their place of employment or practice?

Yes, OPHP should inform the Ontario health regulatory college about their place of employment or practice during the initial application and attestation process. If they do not know their place of employment at the time of attestation and application, they should notify the college when the place of employment or practice is secured.

Should an OPHP change their place of employment or practice during the six-month grace period, they are required to notify the applicable Ontario health regulatory college as soon as possible. This is consistent with the requirements of regulated professionals in Ontario.