

2022 Registration Review Report

College of Physicians and Surgeons of Manitoba



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Introduction

The Fair Registration Practices Office (FRPO) issues this registration review report for The College of Physicians and Surgeons of Manitoba (CPSM) under authority of The Fair Registration Practices in Regulated Professions Act (act). Registration reviews are conducted at times specified by the director of fair registration practices and in accordance with the review provisions in the act, section 15.1, 15.2, and 15.3. The purpose of this review is to determine compliance with the legislation and to identify areas that may need improvement. Compliance to the legislation refers both to the fairness of assessment and registration practice, with particular attention to the fair consideration of internationally educated applicants, as well as the co-operation of the regulator with the director.

Manitoba's fairness legislation was amended in December 2021. This review is largely restricted to the consideration of compliance regarding three new duties in the Fair Registration Practices Code: a duty that assessment criteria be necessary, a duty to abide domestic trade agreements and a duty to notify FRPO regarding changes in assessment and registration practice. Outstanding issues raised in previous registration review reports may also be raised or result in further recommendation for action.

This registration review results in an FRPO statement of compliance for the regulator. Reviews that result in recommendations to change practice or policy contain an action plan response from the regulator, current as of January 2023.

To provide context, a brief description of CPSM's state of progress under fairness legislation to date precedes the compliance analysis. The report also includes appendices containing a flowchart of the registration process for internationally educated applicants, as well as registration data. Data is the latest information available at the time of review completion.

State of Progress

Since the introduction of Manitoba's fairness legislation in 2009, the College of Physicians and Surgeons of Manitoba (CPSM) has and continues to work co-operatively with FRPO. CPSM is committed to the fair assessment and registration of internationally educated applicants (IEAs).

CPSM has taken several steps to improve the fairness of its assessment and registration process including:

- working with key stakeholders on the development of Manitoba's international medical graduate (IMG) programs
- participation in a review of the Manitoba Licensure Program for IMGs (MLPIMG) at the University of Manitoba resulting in, among other improvements, priority given to qualified Manitoba resident IMG applicants over out-of-province applicants
- supporting the elimination of the Medical Council of Canada Evaluating Exam for applicants with foreign qualifications
- working with the National Assessment Collaboration on a set of common standards, tools and materials for practice ready assessment (PRA) programs across the country and recognising an applicant with a PRA conducted in other participating provinces, without the requirement for further assessment
- improving applicant information and developing application guides for IMGs
- supporting the creation of Physicians Apply, a national online application portal and document repository that has helped to streamline the application process for IMGs and reduce duplication of documentation requests
- introducing the Manitoba Physician Assessment Program (MPAP), a practice setting based assessment, as an alternate route to qualification for physicians who, for various reasons, cannot complete written examinations
- supporting changes allowing applicants to the MLPIMG program to apply to be exempt from the currency of practice requirement if they have sufficient experience in Manitoba as clinical assistants
- adopting a progressive language proficiency policy

Fair Practice Analysis

I. Assessment criteria must be necessary – act, 8(4)

The criteria used in an assessment of qualifications must be necessary to assess competence in the practice of the profession.

With regard to substantive assessment criteria in a profession, for instance, the type and level of academic training required or the level of scrutiny brought to assess qualifications, FRPO recognises the authority of self-regulated professions setting these standards and will only question these requirements in the circumstance they are patently unreasonable. FRPO's evaluation focuses on the ways in which criteria and requirements may be unnecessary, unduly burdensome, or potentially result in forms of systemic discrimination, particularly as they may impact internationally educated applicants (IEAs).

CPSM's compliance to necessary assessment criteria

At this time, FRPO does not have concerns with the reasonableness and necessity of CPSM's assessment criteria and requirements for registration.

II. Duty to comply with domestic trade agreements – act, 4(1)

A regulated profession must ensure that its registration practices comply with the obligations of a domestic trade agreement.

The Manitoba government has labour mobility obligations that extend to regulated occupations, under both Chapter 7: Labour Mobility of the Canadian Free Trade Agreement (CFTA) and Article 13: Labour Mobility of the New West Partnership Trade Agreement (NWPTA). In Manitoba, regulated professions are required to comply with labour mobility obligations under The Fair Registration Practices in Regulated Professions Act, section 4(1), The Labour Mobility Act, section 3(1) and for health professions, under The Regulated Health Professions Act, section 32(3).

In the regulated occupations, the purpose of these obligations is to provide labour mobility through license-to-license recognition. This needs to occur without any material requirements for training, experience, examinations or assessments — CFTA, Article 705, paragraph 1, NWPTA, Article 13, paragraphs 1 and 2.

CPSM's compliance to abide labour mobility obligations

CPSM's labour mobility policy for individuals registered in other provincial jurisdictions applying for registration in Manitoba is not fully compliant with provisions set out in the Canadian Free Trade Agreement and the New West Partnership Trade Agreement.

FRPO identifies the following potential concerns:

1. CPSM asks mobility applicants to provide evidence of good standing in each jurisdiction in which they currently are or were authorised to practice medicine or any other regulated profession or occupation.

Under CFTA and NWPTA, it is not permissible for a regulatory authority to ask a mobility applicant to provide evidence of good standing from a jurisdiction where they were previously, but are no longer, certified. FRPO understands CPSM asks mobility applicants for a Certificate of Professional Conduct and that this request is meant to seek evidence of good character, not standing.

III. Notice of changes in registration practices – act, 5(2)

A regulated profession that proposes to change its registration practices, as described in the information provided under clause (1)(a), must notify the director of the proposed change, at the time and in the manner and form required by the director.

The purpose of notification is to ensure FRPO has accurate, up-to-date information about the registration practices of Manitoba regulators. This supports FRPO's oversight role and allows for proactive discussion about the fairness of proposed changes.

CPSM's compliance to the duty to notify

In preparation for this registration review, FRPO requested updates regarding changes to assessment and registration practice. CPSM responded to this request and is in compliance with the duty to notify.

IV. Outstanding from 2017 FRPO registration review

In 2017, FRPO recommended CPSM explore the development of additional capacity and routes for qualified IMGs to receive licensure opportunities in Manitoba. FRPO acknowledged that a major challenge in this profession is that opportunities to acquire Canadian clinical experience needed for licensure are limited as there are typically far more applicants than seats in the required programs. That a person does well on their medical exams and assessments is no guarantee they can complete the licensure process. At the time, CPSM indicated that they were beginning to accept applicants with a completed Practice Ready Assessment (PRA) from another Canadian jurisdiction without the need for further training but that decisions surrounding capacity development related to clinical training were largely the responsibility of other stakeholders.

In Manitoba and across the country, physician shortages are posing a serious challenge to provincial health care systems. This has resulted in renewed attention to the effectiveness and efficiency of IMG assessment and registration practice. FRPO understands that new pathways to licensure are being explored in other provinces as a result. FRPO continues to see opportunity for CPSM to take a lead role in the development of increased capacity and routes for qualified IMGs to receive licensure in Manitoba.

Recommendations

The Fair Registration Practices Office sees the following opportunities for The College of Physicians and Surgeons of Manitoba (CPSM) to improve compliance to The Fair Registration Practices in Regulated Profession Act:

1. Revise information materials for mobility applicants to be clear CPSM is seeking evidence of good character in jurisdictions in which they are no longer registered.
2. Take a lead role in the development of additional capacity and routes for qualified IMGs to receive licensure opportunities in Manitoba.

Regulator Action Plan

In response to the recommendation made by the Fair Registration Practices Office, The College of Physicians and Surgeons of Manitoba committed to the following action plan, current as of January 2023:

Recommendation	Action(s)	Anticipated Completion Date
<p>1. Revise information materials for mobility applicants to be clear CPSM is seeking evidence of good character in jurisdictions in which they are no longer registered.</p>	<p>CPSM will update its information materials.</p>	<p>Immediately — action complete</p>
<p>2. Take a lead role in the development of additional capacity and routes for qualified IMGs to receive licensure opportunities in Manitoba.</p>	<p>CPSM takes this matter seriously and is committed to exploring opportunities to increase capacity and introduce new pathways to support the registration of qualified IMGs. The following changes are currently underway:</p> <p>CPSM has requested a change in Legislation to allow IMGs to register without the LMCC, if they are going through the Practice Ready Assessment.</p> <p>The University of Manitoba, with input from CPSM, is working towards increasing the amount of intake for the MLPIMG.</p> <p>In certain circumstances, the PRA has been waived for those that have been registered in a Fellowship through the University of Manitoba.</p> <p>Fast Track registration is a route that is coming soon. This will allow a physician, who is currently registered in another Canadian Province, to apply for registration in Manitoba without providing all the documents typically required, including past Certificates of Professional Conduct from all jurisdictions the physician has been registered.</p>	<p>Immediately — ongoing</p>

Compliance

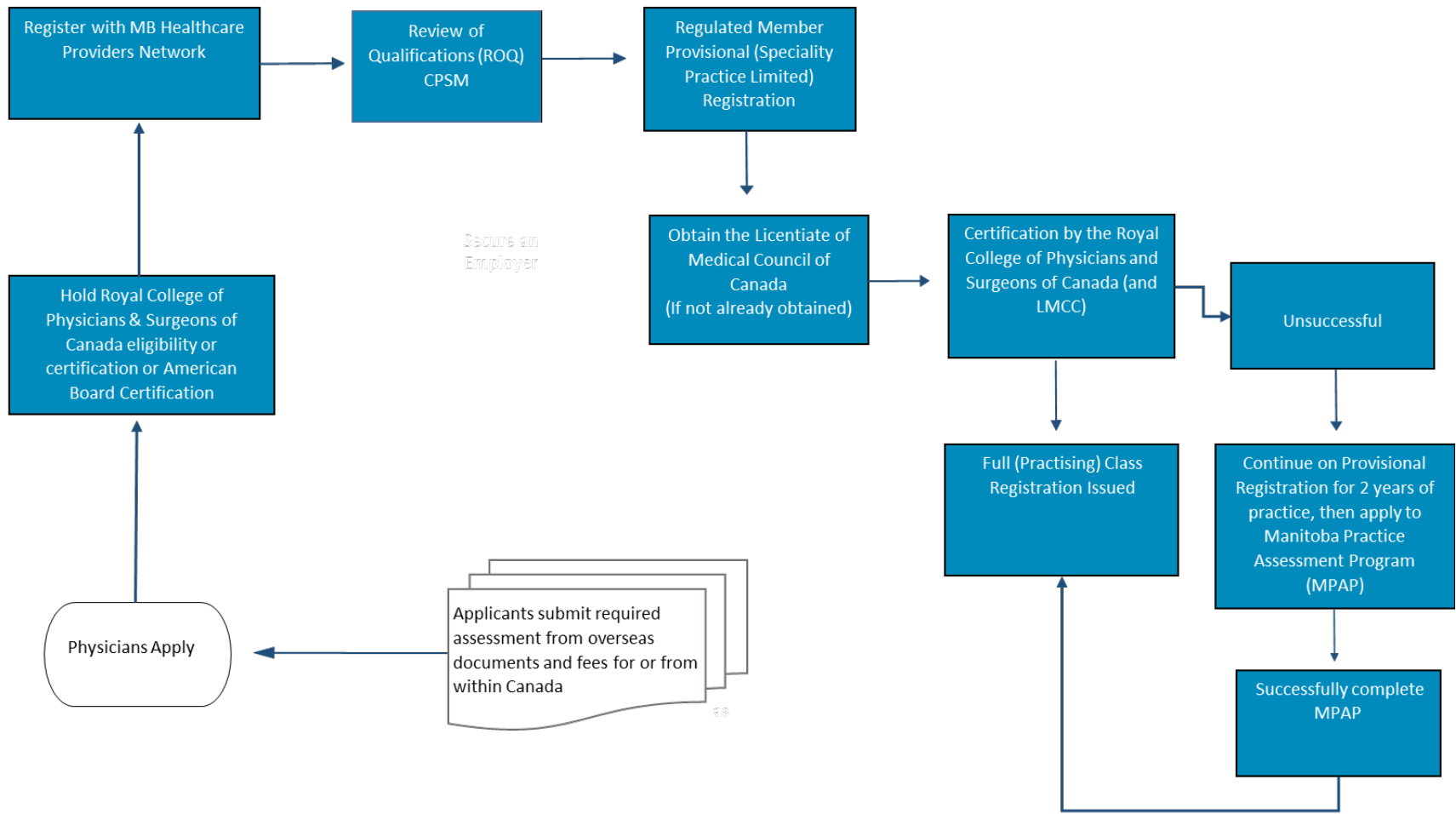
FRPO's 2022 registration review of the College of Physicians and Surgeons of Manitoba (CPSM) examines their compliance to three duties in the Fair Registration Practices Code of the act; assessment criteria are necessary, labour mobility obligations are respected and FRPO is notified regarding changes in assessment and registration practice.

FRPO finds CPSM compliant with the duty for necessary assessment criteria and the duty to notify. An information concern was raised with regard to the duty to abide labour mobility obligations and was quickly addressed by CPSM.

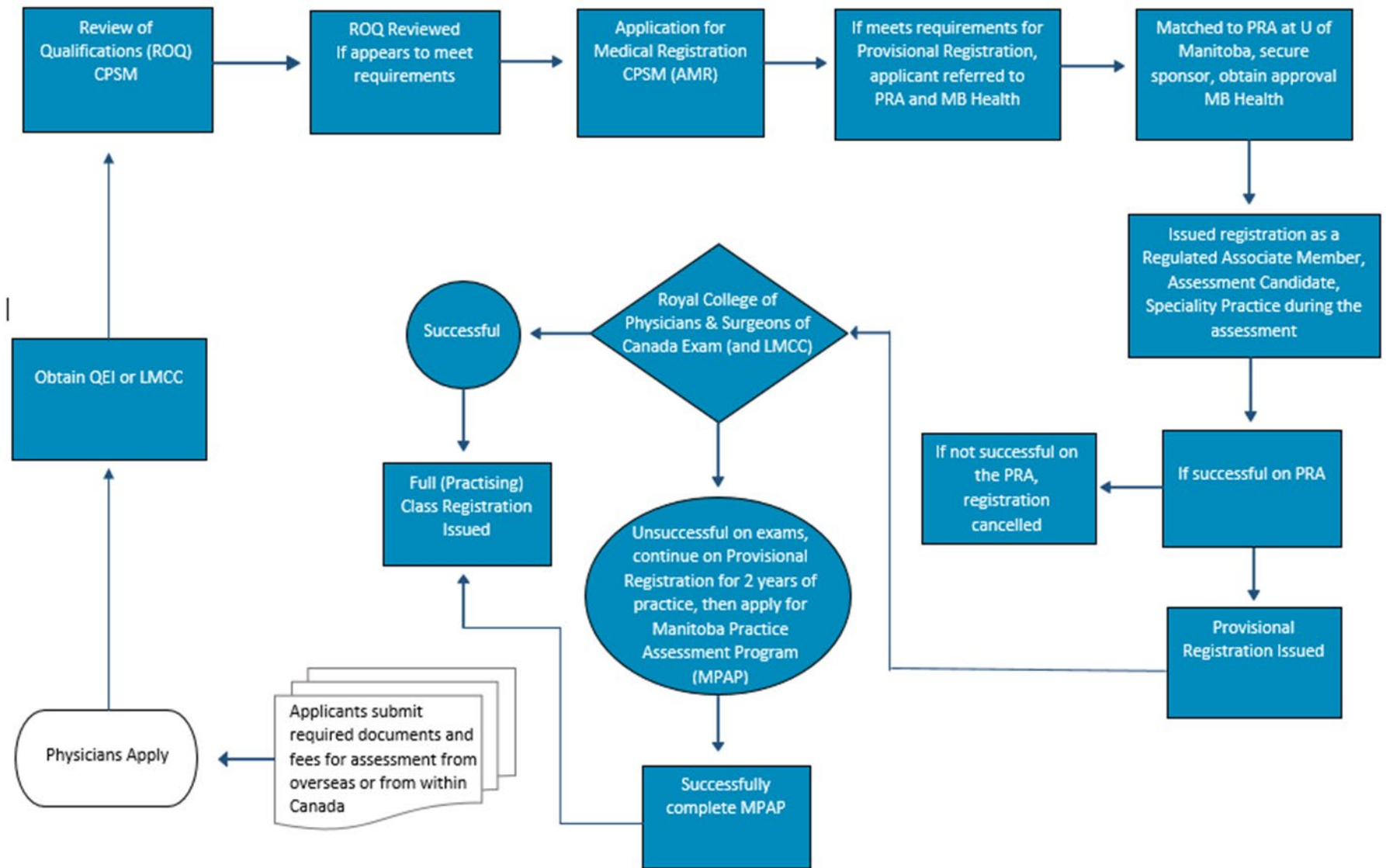
In follow-up to previous reviews, FRPO asked CPSM to take a lead role in development of pathways and capacity for the assessment and registration of IMGs to Manitoba. CPSM's response is very positive. Recent changes outlined in their action plan streamline processes for well qualified applicants and increase capacity in an IMG training program. These activities support fair registration practice and will increase access to the profession in Manitoba. FRPO is pleased CPSM is committed to work on these issues and that they see a strong role for themselves in the development of additional approaches that will lead to increased licensing of qualified IMGs.

Appendix 1 – Registration Process for Internationally Educated Applicants

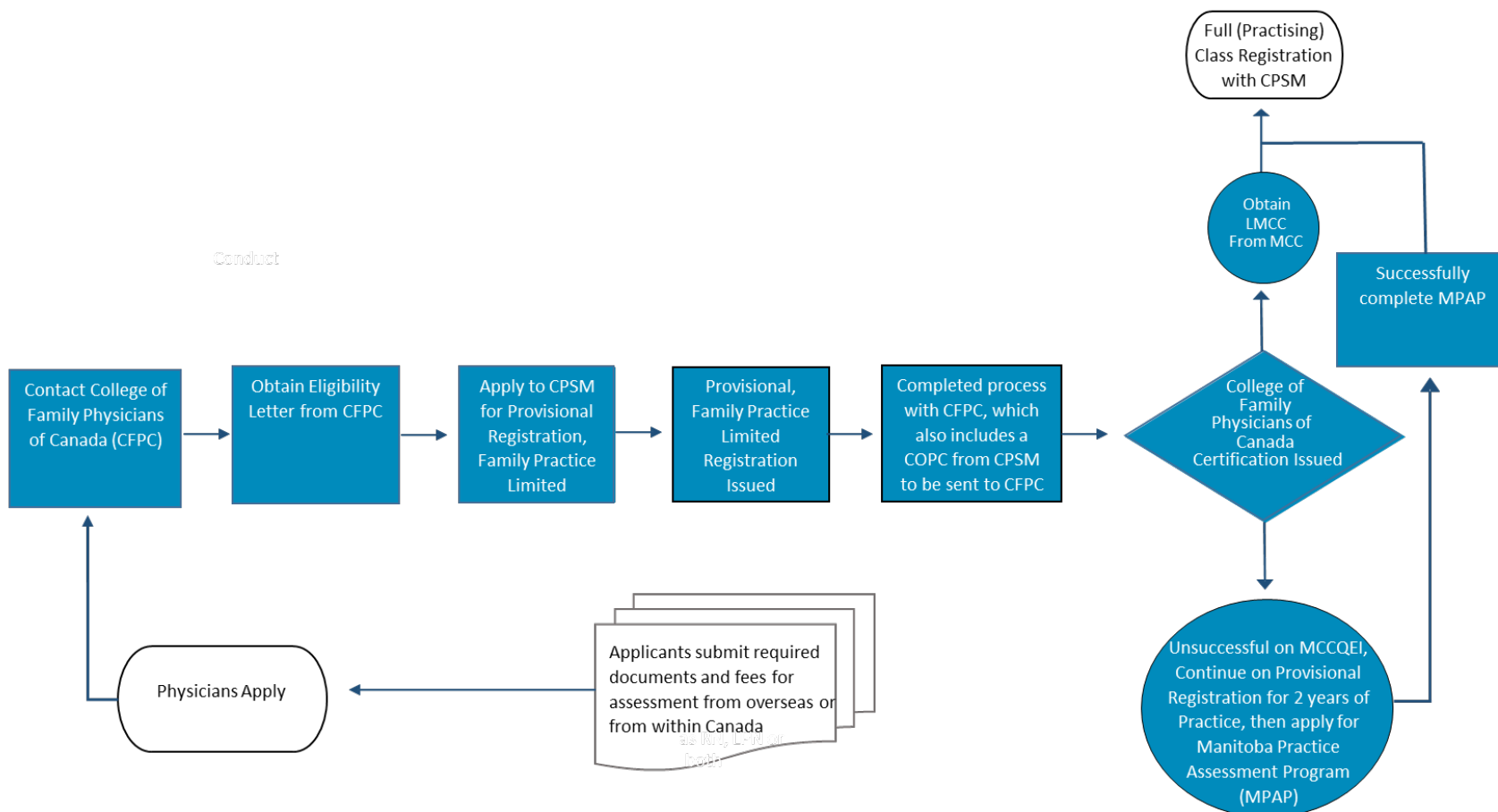
Specialist applicants with recognised post-graduate training



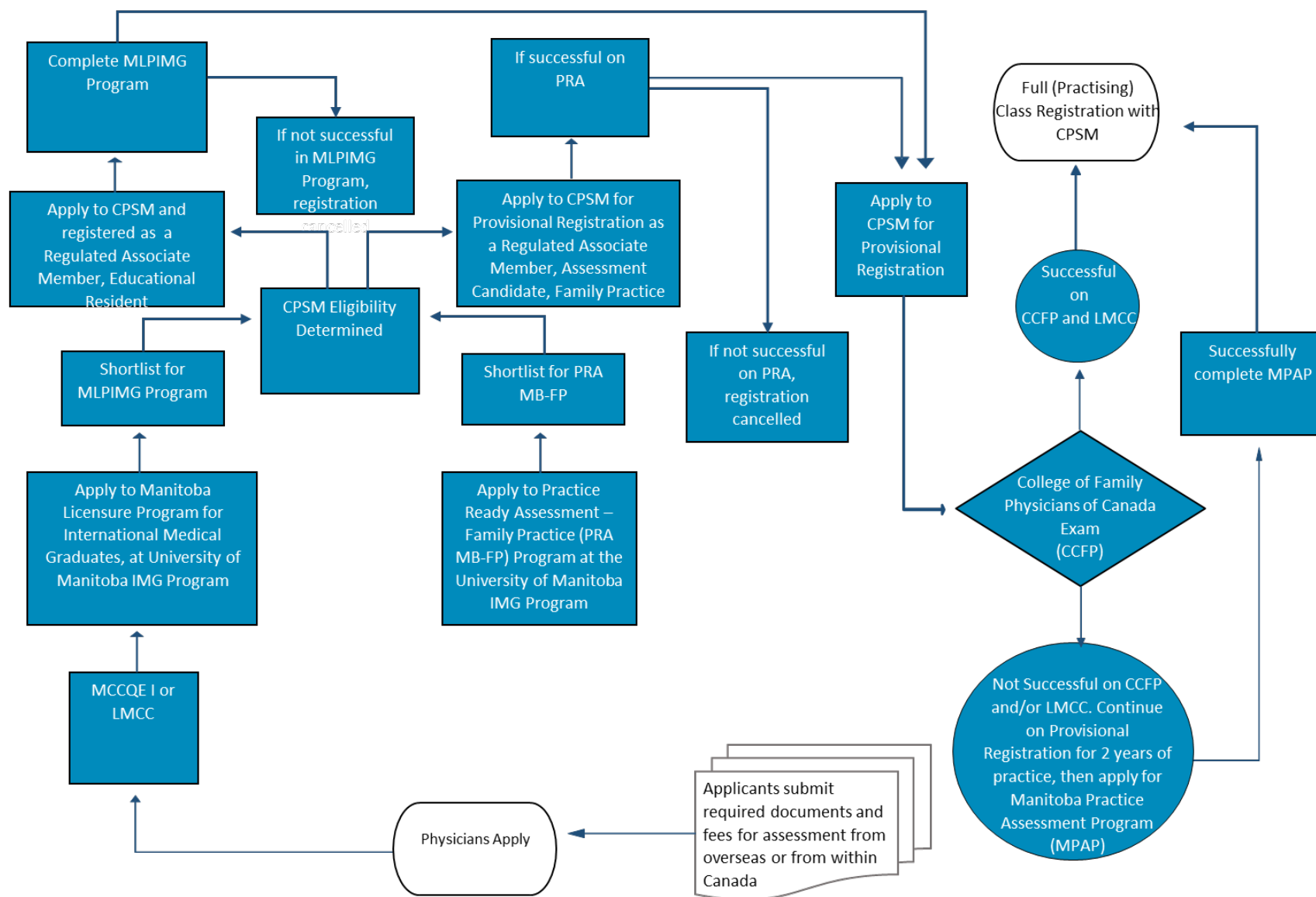
Specialist applicants with non-recognised post-graduate training



General Practitioner applicants with recognised training and certification from outside Canada



General practitioner applicants with non-recognised post-graduate training



College of Physicians
and Surgeons of
Manitoba



4,450
Registered
Members

(As of December 2021)

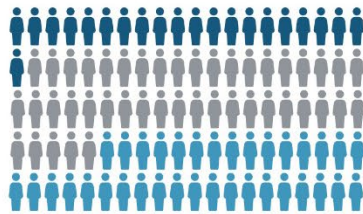
2011-2021 Internationally Educated Applicant Data



1,456

applications

Application Outcomes



registered - 21% | in process - 44% | file closed - 35%

Closed File Status



Top Countries of Education



applicants were educated in **89**
different countries



**Median Time to Registration
(MB process only)**

2.6 years

2012-2021 Domestic Applicant Data



1,260

applications

1,010 (80%)

registrations