

2023 Registration Review Report

College of Physiotherapists of Manitoba



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Introduction

The Fair Registration Practices Office (FRPO) issues this registration review report for the College of Physiotherapists of Manitoba (CPM) 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 March 2023.

To provide context, a brief description of CPM'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, CPM has and continues to work co-operatively with FRPO and is committed to the fair assessment and registration of internationally educated physiotherapists.

CPM has taken numerous steps to improve the fairness of its assessment and registration process. Some of the more significant measures include:

- supporting a comprehensive review of their national third-party assessor's — Canadian Association of Physiotherapy Regulators (CAPR) — credentialing program, resulting in significant process improvements and increased participation by internationally educated physiotherapists in the assessment process
- supporting the introduction of a PLAR process administered by CAPR for applicants deemed to have minor gaps in their academic training to assess skills and knowledge acquired through professional practice and to identify any needed remediation
- initiating discussions with CAPR regarding the need for transparency surrounding registration timelines and clearer, easier to navigate web-based information resulting in a significant website improvements and information sharing
- developing plain language informational materials for IEAs including development of an audio visual presentation outlining the registration process and creation of a document checklist to support IEPs with their application
- developing a policy regarding use of criminal record checks that clearly explains why this policy is in place and how various levels of criminal activity are to be handled
- supporting the development and implementation of a federally funded project for internationally educated health professionals at the University of Manitoba designed to improve registration outcomes and workplace integration
- updating their language proficiency policy to accept tests required for immigration purposes, as a result, reducing repeat testing of applicants
- introducing the Practice Based Competency Assessment Program as a short-term solution to the cancellation of the profession's national OSCE style certification examination. This new assessment has many progressive features, offering a multi-pronged, holistic evaluation that includes a candidate interview, supervisor assessment, chart audit and practice reflection.

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).

At this time, FRPO does not have concerns with the reasonableness and necessity of CPM'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.

CPM's compliance to domestic trade agreements

CPM's labour mobility policies for individuals registered in other provincial jurisdictions applying for registration in Manitoba do not fully comply with provisions set out in the Canadian Free Trade Agreement and the New West Partnership Trade Agreement.

FRPO identifies the following concerns:

1. CPM requires all applicants registered in other Canadian jurisdictions to have practiced 1,200 hours within the last five consecutive years and to provide documentation from their previous employer(s) confirming hours, broken down per year.

This practice hour requirement is material and not permitted under CFTA or NWPTA. If the applicant is considered current by the provincial regulator in their home jurisdiction at time of application to CPM, they must be considered qualified in this respect in Manitoba.

FRPO acknowledges that few mobility applicants to CPM are likely to be blocked by this policy, as physiotherapist regulators across the country employ similar currency of practice requirements and CPM is flexible with how this policy is applied. FRPO understands CPM will license a mobility applicant who is short practice hours and allow several months for the applicant to acquire the hours before revoking their license.

The documentation requirement is somewhat onerous and in the circumstance that a provincial regulator adopted a different policy from CPM, an applicant could face an unfair barrier. Under mobility legislation, mobility applicants should be treated the same as CPM registered members. This would mean confirming currency requirements are met at set registration renewal times only. That an applicant is licensed and in good standing in the jurisdiction from which they are coming, needs to be considered sufficient.

2. Upon application, CPM requires mobility applicants to provide proof of employment in Manitoba via submission of a letter of offer from an employer.

The requirement for applicants to secure a job offer in Manitoba is a material requirement under CFTA and NWPTA and is not permitted.

FRPO is aware CPM asks for a letter of offer from all applicants to fulfill Section 4(1)(d) of the Physiotherapists Regulation that states **the applicant must provide evidence that he or she intends to commence practise as a physiotherapist within three months after the date of application.**

Since securing a job offer in Manitoba is considered to be material under mobility legislation, CPM will need to provide mobility applicants an alternate, immaterial option(s) to show evidence of their intention to practice in Manitoba within the required timeframe. One option may be to accept a declaration.

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.

CPM's compliance to the duty to notify

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

Among CPM's recent notifications, FRPO was most impressed with CPM's new Practice Based Competency Assessment.

Recommendations

The Fair Registration Practices Office sees the following opportunity for the College of Physiotherapists of Manitoba to improve compliance to The Fair Registration Practices in Regulated Profession Act:

1. Remove the following requirements of applicants registered and in good standing in other Canadian jurisdictions:
 - completion of minimum practice hours
 - offer of employment in Manitoba

Regulator Action Plan

In response to the recommendation made by the Fair Registration Practices Office, the College of Physiotherapists of Manitoba committed to the following action plan, current as of March 2023:

Recommendation	Action(s)	Anticipated Completion Date
<p>1. Remove the following requirements of applicants registered and in good standing in other Canadian jurisdictions:</p> <ul style="list-style-type: none"> • completion of minimum practice hours • offer of employment in Manitoba 	<p>Practice hours: Asking for evidence of practice hours at renewal only.</p> <p>Offer of Employment in Manitoba: applicants for the Active register, coming to Manitoba under Labour Mobility, effective immediately will no longer be asked for confirmation of employment in Manitoba. They will be asked to update the College on the status of their employment through a declaration once our registration forms are updated. Registrants in Manitoba are not able to stay on the Active roster beyond three months without employment. They are requested to move to the Inactive register if they are not employed at that time.</p>	<p>Effective immediately</p> <p>Effective immediately will not require</p> <p>Website, Registration and Licensing Direction(s), and application form edits in place by July 1, 2023</p>

Compliance

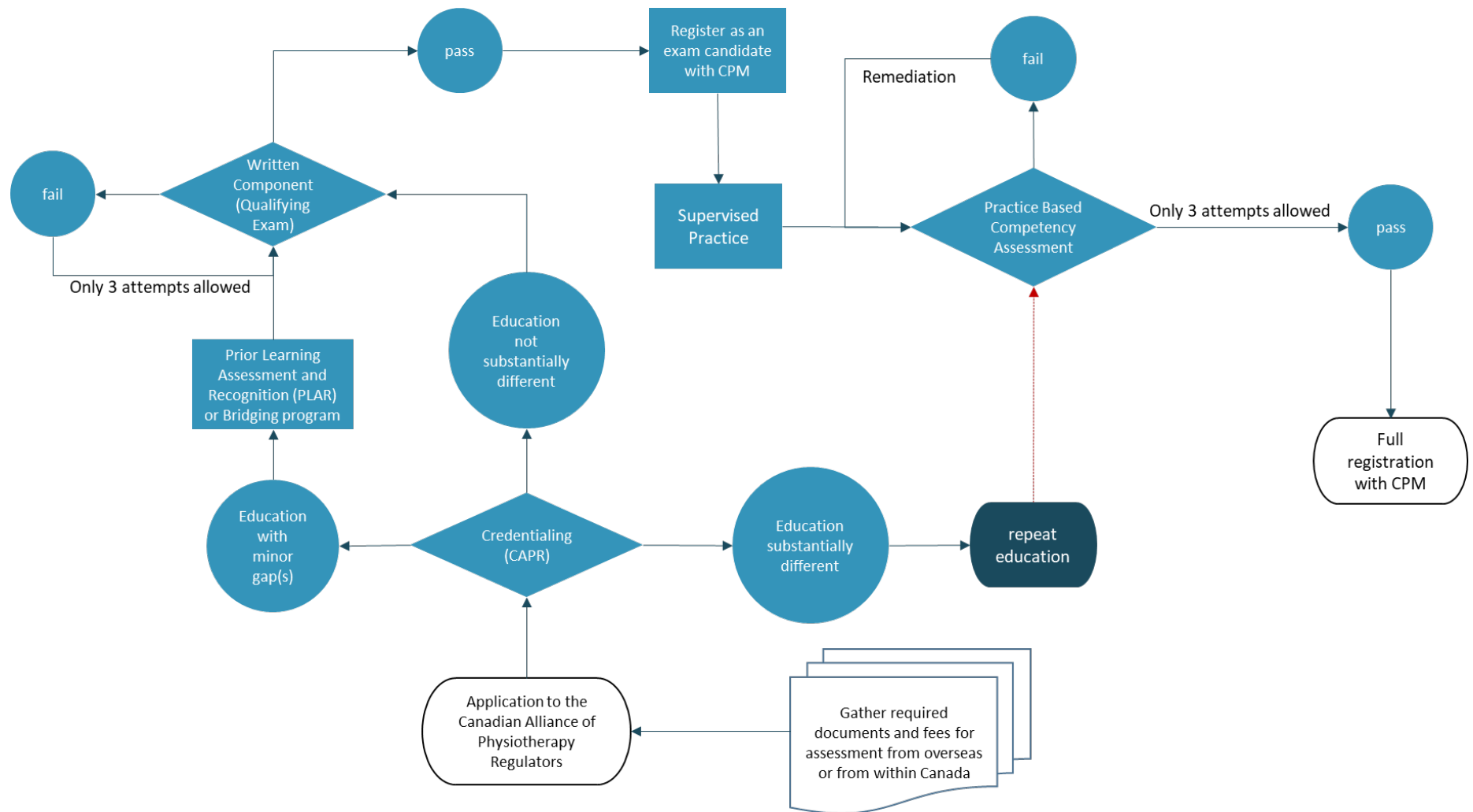
FRPO's 2023 registration review of the College of Physiotherapists of Manitoba (CPM) examines their compliance to three duties in The Fair Registration Practices Code of the act; assessment criteria are necessary, labour mobility obligations are respected and FRPO is notified regarding changes in assessment and registration practice.

FRPO finds CPM compliant with the duty to ensure assessment criteria are necessary and the duty to notify FRPO regarding changes in assessment in registration practices.

FRPO raises concerns with regards to a minimum practice hour requirement for mobility applicants as well as a requirement that mobility applicants have an employment offer in Manitoba.

CPM's action plan commitment is a positive response to FRPO's recommendation and addresses the concerns in a timely manner. These changes will help ensure fair treatment and better compliance to mobility legislation.

Appendix 1 – Registration Process for Internationally Educated Applicants



College of
Physiotherapists of
Manitoba



1,100
Registered
Members

(As of December 2021)

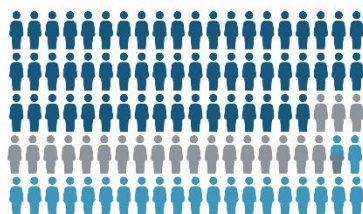
2011-2021 Internationally Educated Applicant Data



60

applications

Application Outcomes



registered - **57%** | in process - **21.5%** | file closed - **21.5%**

Closed File Status



85%
withdrawn



15%
not approved



Top Countries of Education



applicants were educated in **10**
different countries



Median Time to Registration

4 years

2012-2021 Domestic Applicant Data



510

applications

435 (85%)

registrations