

# Annual Report 2009

## COLLEGE OF PHYSIOTHERAPISTS OF NEW BRUNSWICK

### REPORT OF THE BOARD AND EXECUTIVE DIRECTOR

It was not in 2009 after all, but as of March 26, 2010 the new Physiotherapy Act received Royal Assent by the N.B. Legislative Assembly (Bill 27)!!! Still, 2009 resources were pretty focused on our legislation efforts and finally, our years of preparation and work have been rewarded with the passage of the long-awaited Bill. CPTNB is indebted to its many members and others, who provided ongoing support.

This marks a new era for CPTNB and N.B. Physiotherapists. There is lots of work ahead and we're promised much enhancement to our self-governance model as a result of this multi-year and multi-stakeholder project. To develop the Act and its accompanying Regulations, CPTNB conducted a comprehensive consultation and research effort beginning in earnest with local member workshops as long ago as 2004 and kept listening, researching, debating and deliberating through several general meetings as well as wide-reaching provincial and national efforts. Finally, we submitted both documents concurrently to government in 2009. Even after all the planning, due to unforeseen outcomes of federal-provincial initiatives on labour mobility, CPTNB was required to make further changes to some of our provisions. We struggled to rework some critical sections while respecting members' wishes and stakeholders' input. We were finally able to develop documents which reflected the interests of our members and also achieved government and regulatory stakeholders' support – while still meeting our public interest mandate.

On another legislative matter, the study of the potential regulation of physiotherapy support personnel was approved at our 2009 AGM. Following the appointment of a task force, we also conducted national and inter-professional research in partnership with Management Dimensions Consulting firm. Following task force and Board deliberations, we conducted a workshop from which a discussion paper has been developed. The paper with its options for regulatory consideration is being presented to members at the 2010 AGM. No Canadian physiotherapy jurisdiction has yet moved to regulate such persons for reasons which are many and complex as CPTNB has learned. Members will need to reflect on the information and together with Council, decide what the next steps will be in this matter which holds such importance for them, their clients and the effective delivery of health care.

While the CPTNB Board met as a whole six times in 2009, their focus was on the Act and Regulations, complaints, special registration cases, general operations and on government-driven issues requiring input. Their advice was required on many evolving topics provincially and nationally including privacy legislation, continuing competency, labour mobility, fair and "best" regulatory practices, to name a few. With our single staff person we also continue to participate in several member and practice data collection programs, remaining the key source of professional statistics and reports for members and many stakeholders. Members continue to rely heavily on College responses and advice to practice-related questions which arise from trying to interpret and apply legislation in ever-changing settings and circumstances. On her own or as needed with legal counsel, the Executive Director Researches and replies to several hundred queries annually.

Nationally, CPTNB works in collaboration with the Alliance (a federation of all Canadian physiotherapy regulatory authorities - all provinces and the Yukon) and we have made significant progress in becoming a leading regulatory federation as well as being much more responsive and adaptable to its member regulators – and always – evaluating, reassessing and improving its major functions to provide entry-level examinations and credentialling, assessment and support programs for non-Canadian educated applicants. Government and public pressures are increasingly engaging regulators in many discussions and in general are expecting regulators to demonstrate full accountability and best practices in all aspects of professional regulatory matters, including development of effective continuing competency and fair access to the profession for all qualified applicants. Such factors will no doubt dominate our agendas for the foreseeable future. Both members and the public can glean a lot of informative trends by visiting the Alliance's web site [www.alliancept.org](http://www.alliancept.org)

## **Registration and Membership**

Registrations totaled 505 (exclusive of Temporary ones) which was a year over year increase of 13, most of which were new graduates (22). The completion of the recent entry-level Masters Degree program at Dalhousie University was the reason for more graduate applicants to CPTNB, compared to only 12 last year. However, there were fewer transfers of PTs from other jurisdictions and fewer reinstatements. The total number and ownership of private practices in N.B. did not see much change in 2009.

CPTNB continues to participate in data gathering agreements with the Alliance of Physiotherapy Regulators, the N.B. Department of Health and the Canadian Institute for Health Information (CIHI). CPTNB can generate several membership reports internally, but we also submit statistics to the Alliance and to universities and to CIHI. Some very interesting and physiotherapist-inclusive national health reports are now accessible at [www.cihi.ca](http://www.cihi.ca). The ongoing challenge for CPTNB is effectively and efficiently respond to public and government-driven statistics while running a concurrent data system to respond to administrative and member-driven needs. Software programs have finally advanced to be able to meet the complex needs of organizations like ours but they have been very expensive to implement; CPTNB will continue to monitor the cost-benefit of retaining the two current programs in comparison to purchasing and implementing a more integrated, web based one as almost all other Colleges have achieved.

Due to various circumstances 2009 saw the application of Conditional registration on several “new graduate” applicants due to their failure of the entry-level national competency examination (written component) prior to applying to CPTNB. Since the exam is a proven and valid measure of minimum entry-level competency, failure of a component is a demonstration of potential incompetency and therefore, a potential risk to the public. It was necessary to put supervised placements in effect for each one which included submission of performance evaluations while the PTs waited to re-write the exam. Three more results are pending but we did register all the others after successful completion of the exam component. CPTNB acknowledges the significant contributions of its members to cooperate in such undertakings. CPTNB also welcomed two Internationally Educated PTs – two from the USA, one from the UK. All had to receive credentials by the Alliance and pass the PCE (both components) to achieve full registration. All such special applications are time-consuming but these are the expected demands upon a professional regulatory body.

## **Administration and Finances**

The annual audit was performed without any concerns being noted about our financial procedures. CPTNB continues to operate with one staff member and also made effective use of a consulting contract to advance priority projects. Expenditures for the legal and translation costs for the ongoing legislation work were considerably higher than anticipated because of factors cited elsewhere in this report and also due to some ongoing, complex complaints against members. Due to these ongoing increases, we chose to under spend some of the discretionary amounts in the budget as a precaution and in the end we added a small amount to reserves. Revenue is also impacted by investment returns which continue to be lower than in the past as the market forces dictate, and our registration fees remain the lowest in Canada, with the exception of PEI and Yukon.

## **Complaints and Discipline**

Case 1: (continues from August, 2008) Insurer submitted a letter alleging a pattern of potential incorrect billing and lack of adequate charting and records in a private clinic. After some delay in confirming legal counsel for the PT, legal counsel retained by the PT (in 2009) has raised issues and made some requests to which the CPTNB has responded. The CPTNB is awaiting further correspondence from the PT's legal counsel which she has advised will be forwarded with respect to this matter. Meanwhile, the members of the duly appointed Committee of Inquiry are waiting legal advice as to when they may hold their initial deliberation.

Case 2: (from December, 2008) Employer submitted a letter and documentation essentially alleging professional incompetency. With the cooperation of the (currently Inactive) member, CPTNB arranged for a performance evaluation while the PT was under a comprehensive clinical placement which concluded in late 2009. Subsequently, and in keeping with our legislated authority, a Committee of Inquiry has been appointed and will consider the matter shortly.