

## Questions and Answers

### **What is the authority for the College making this prospective regulation?**

The legislative authority for making this prospective regulation is set out in section 11(b) of the Naturopathy Act, 2007 which states:

#### Regulations

11 Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations, ...

(b) prescribing therapies involving the practice of naturopathy, governing the use of prescribed therapies and prohibiting the use of therapies other than the prescribed therapies in the course of the practice of naturopathy;

### **In brief, what is its purpose?**

The purpose of the draft prospective Naturopathic Therapies Regulation is intended to clarify for the public, other professions and registrants of the College what is included in naturopathic practice, to maximize the public protection benefit of the regulatory framework by enhancing safety, both physically and financially, and to augment accountability of the profession for the provision of therapies to patients in their practices.

### **What is the rationale for the regulation? Why is this a regulation as opposed to an alternative approach?**

The rationale for this regulation is to maximize the public protection benefit for Ontarians from the naturopathic regulatory framework. Public protection is enhanced by this regulation as it makes a very clear delineation between therapies that can be used as part of the profession and those that cannot.

Although consideration has been given to alternative approaches, such as a Standard of Practice or a Policy of the Council, a regulation is the preferred approach because a regulation is more enforceable by its nature and both a standard or policy would require expert testimony to enforce in discipline. Additionally, the regulation provides a very clear point of reference in law that supports identification of authorized or prohibited therapies which allows registrants and the public to be clear that it is neither speculative nor hopeful but fact.

### **How does this fit in with the RHPA, the Act and the public interest?**

The *Regulated Health Professions Act, 1991* (RHPA) establishes a regulatory framework for regulated health professions that places the public interest and patient safety at the forefront. The *Naturopathy Act, 2007* (the Act) establishes the College of Naturopaths of Ontario and its governing Council. The Act also establishes the regulation making authority for the Council of the College which includes, among other provisions, the authority to make a regulation governing naturopathic therapies, with prior review

by the Minister and with the consent of the Lieutenant Governor in Council. It should be presumed that legislators included this authority with the intent that it would be acted upon by the College.

The public interest includes important components, one of which is public safety. Safety means protection from physical, psychological and financial harm. This regulation directly addresses the potential for both physical and financial harm. Physical harm is addressed through the development of the standard of practice for using therapies in naturopathic practice which guides registrants in their decisions on which therapies to use with a patient. The prospective regulation also prohibits therapies that represent a serious risk of harm to patients or that are generally outside of the knowledge, skill and judgment of registrants.

Financial harm is addressed through the regulation through the prohibition of therapies that have insufficient or no evidence of efficacy or benefit to patients. Through this regulation, the College is ensuring that patients do not agree to the provision of therapies and pay for those therapies that have no reasonable likelihood of success because the therapy lacks sufficient scientific evidence that supports its use and suggested benefits.

### **Do any other naturopathic regulators take this approach or regulate therapies?**

Presently, none of the other naturopathic regulators in Canada take the approach that succinctly establishes a list of authorized, authorized with limitations and prohibited therapies in a regulation; however, the College of Complementary Health Professionals of BC (formerly the College of Naturopathic Physicians of BC) has a [Naturopathic Doctors Scope of Practice: Standards, Limits and Conditions](#) that establishes limits and conditions on certain aspects of naturopathic practice. For example, certain therapies require additional education, some require certifications be obtained before they can be used, and others are prohibited.

The following are examples of each of these; however, the full extent can be obtained from the standard itself:

- Therapies that require additional education include: Facial Mesotherapy, Fat Reduction and Body Contouring, peripherally inserted central catheters (PICCs) and ports prior to accessing existing PICCs and ports, etc.
- Therapies that require certification include: acupuncture, Naturopathic Advanced Life Support (NALs), Cosmetic Botulinum Toxin and Prescriptive Authority, Injectable Fillers and Prescriptive Authority, Provisional 1 Injectable Fillers certification, Provisional 2 Injectable filler certification, Platelet Rich Plasma (PRP) and Prescriptive Authority, IV Therapy and Prescriptive Authority, IV Therapy and Chelation Therapies, among others. A full list of certifications may be [found here](#).
- Therapies that are prohibited include: hyperbaric oxygen chamber, Stromal Vascular Fraction injections, bone marrow injections, and related injections, Intra-vaginal injections and intra-cavernous injections, Delegating restricted activities, etc.

**Do any other Ontario regulators governing the profession regulate therapies?**

Yes, as noted in the document titled “Similar Regulations from other Ontario Regulated Health Professions” several other health regulatory Colleges have similar regulations in place.

**What is the process the College will following to move forward with this regulation?**

At the conclusion of the consultation process, the College will review the feedback that has been provided. The matter will then be brought before the Council of the College who will be briefed on the regulation, the consultation, the feedback and any recommendations on whether to proceed.

If the Council of the College decides to proceed with the regulation by providing its approval in principle, an amended version of the regulation will be developed, background documents updated, and a formal 60-day consultation of all registrants and system partners will be undertaken.

At the conclusion of the formal consultation, the Council will again be briefed on the feedback received and presented with a final draft regulation and asked to approve it. If the Council approves it at that time, a formal submission to the Ministry of Health will be made.

**How would the College implement this regulation if it is approved?**

While important, this regulation is not seen as particularly limiting the scope of practice of Ontario NDs. It is primarily about providing clearing information to the registrants of the College and the public.

Implementation would involve informing the registrants of the final text of the regulation and when it was approved. The College’s website will be updated to provide detailed information about the therapies that are authorized, the conditions of use and prohibited therapies for easy access by registrants and the public.