

ONTARIO NURSES' ASSOCIATION

SUBMISSION

ON

**Initiation of Psychotherapy by Registered Nurses and Registered Practical Nurses
(Proposed Amendments to Regulation 275/94 (General) under the *Nursing Act, 1991*)**

Health Workforce Regulatory Oversight Branch

November 15, 2019



ONTARIO NURSES' ASSOCIATION

85 Grenville Street, Suite 400

Toronto, ON M5S 3A2

Phone: (416) 964-8833

Web site: www.ona.org

ONA's Recommendations

ONA proposes the following recommendation:

ONA recommends that the government reconsider authorizing Registered Practical Nurses (RPNs) to independently initiate the controlled act of psychotherapy. As outlined in the College of Nurses' 3-factor framework, RPNs more appropriately practice with patients with less complex health needs and stable, predictable outcomes. The issue is that the controlled act of psychotherapy is limited to clients who have a serious disorder with the potential for serious impairment. The College of Nurses has described this controlled act as "the component of psychotherapy considered to be the highest risk to the client." Only a Registered Nurse (RN) has the advanced education, knowledge, skill set and assessment experience to safely care for these patients.

Introduction

The Ontario Nurses' Association (ONA) is the union representing 65,000 registered nurses and health-care professionals as well as 18,000 nursing student affiliates, providing care in hospitals, long-term care facilities, public health, the community, clinics and industry.

We welcome this opportunity to provide feedback on the proposed amendments to the Regulation 275/94 (General) under the *Nursing Act, 1991*, to authorize Registered Nurses (RNs) and Registered Practical Nurses (RPNs) to independently initiate the controlled act of psychotherapy without an order from a physician or Nurse Practitioner (NP) after December 2019.

ONA has long-supported independent initiation of psychotherapy for qualified RNs. However, we have concerns about unintended risks of extending this authorization to RPNs, which are outlined below in more detail.

In 2007, the *Regulated Health Professions Act, 1991* was amended to include the controlled act of psychotherapy, which is defined as: "Treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual's serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual's judgement, insight, behaviour, communication or social functioning."

In 2017, ten years later, the provincial government proclaimed psychotherapy into force and it became law. This change means that only regulated health professionals can perform this vital service. The government provided a two-year transition period – from December 31, 2017 to December 31, 2019 – for anyone performing the controlled act to be registered with one of the six health regulatory colleges, including the College of Nurses (CNO). Colleges are then responsible for regulating the controlled act within their respective professions.

ONA and our nursing stakeholder organizations have been advocating for the CNO to outline appropriate standards and guidelines to permit qualified RNs to initiate and perform psychotherapy when proclaimed. In 2017, we wrote to then Minister of Health and Long-term Care, Hon. Dr. Eric Hoskins, asking that he urgently direct the CNO to take action.

We are pleased that the CNO is now supporting the independent practice of RN psychotherapy.

ONA believes this change is vital to ensure patients and clients receive the highest level of skilled nursing care for our patients, and for increasing access to mental health services. We also note the CNO indicates that even with a regulation in place, an order may still be required for nurses to perform the controlled act under sector-specific legislation (e.g., the Public Hospitals Act) or organizational policy.

ONA supports the continued independent practice of qualified and experienced RNs who provide psychotherapy

ONA members who practice psychotherapy work primarily in community health clinics across the province. These expert RNs have been safely initiating and practicing psychotherapy for decades without an order from a physician or NP. In fact, RNs practicing as mental health nurses typically have more extensive experience initiating and practicing psychotherapy than members of some other regulated colleges.

There is ample evidence of the cost-effective improvements to care that RNs provide. Specifically, RNs who practice psychotherapy contribute to quality patient care across Ontario by:

- Increasing the public's ability to have timely access to experienced RNs educated in psychotherapy across the system.
- Maintaining sensitive therapeutic relationships.
- Halting unnecessary utilization of NPs and/or physicians, resulting in duplication of system resources.
- Valuing the competencies, knowledge and practice of RNs at a time when the system is embracing an expanded scope of practice for RNs.

Further, at a time when the mental health system is under immense pressure, this regulatory change will help to meet patient needs by increasing access to quality mental health services. We are pleased that the government is recognizing the value that RNs practicing as mental health nurses bring to the system. We agree that their vital role should be preserved.

ONA concerns regarding adding to RPN scope of practice

ONA is concerned about the unintended consequences of authorizing RPNs to independently initiate the controlled act of psychotherapy without an order.

As outlined in the College of Nurses' 3-factor framework, RPNs more appropriately practice with patients with less complex health needs and stable, predictable outcomes. The CNO Practice Guideline: *RN and RPN Practice: The Client, the Nurse and the Environment* clearly states: "The more complex the client situation and the more dynamic the environment, the greater the need for the RN to provide the full range of care, assess changes, reestablish priorities and determine the need for additional resources."¹

¹ College of Nurses, Practice Guideline: RN and RPN Practice: The Client, the Nurse and the Environment, p. 11.

While there are circumstances where RPNs can perform psychotherapy as part of their nursing practice that do not fall under the legislative definition of the controlled act, the issue is that the controlled act is limited to clients who have a serious disorder with the potential for serious impairment. These are *not* patients with less complex health needs and stable, predictable outcomes.

To revisit the definition from the *Regulated Health Professions Act, 1991* for controlled act of psychotherapy, it states: “Treating, by means of psychotherapy technique, delivered through a therapeutic relationship, an individual’s serious disorder of thought, cognition, mood, emotional regulation, perception or memory that may seriously impair the individual’s judgement, insight, behaviour, communication or social functioning.” Further, the CNO website describes this controlled act as “the component of psychotherapy considered to be the highest risk to the client.”²

Only an RN has the advanced education, knowledge, skill set and assessment experience to care for these mental health patients. ONA believes that the proposed regulatory changes authorizing independent initiation of psychotherapy by RPNs are inappropriate and beyond the RPN scope of practice, putting both their patient and registration at risk. We ask the government to reconsider this change.

Conclusion

Nurses know that mental health is health care – a guiding principle recognized by Minister of Health Hon. Christine Elliott many times. Expert RNs practicing psychotherapy play a critical role in contributing to the government’s goal of improving quality mental health services across Ontario. We are pleased this vital role is being recognized by the government.

ONA’s interest is to ensure that patients can access the right care, in the right place, at the right time, by the right provider. Currently, we are concerned that the proposed expansion of the RPN scope of practice is inappropriate and is not the right care or the right provider for the care requirements for these patients. We urge the government to give due consideration to our expressed concerns and recommendation.

Ontarians deserve the appropriate level of care for their conditions. The safety of patients must always come first.

² College of Nurses, Psychotherapy and the controlled act component of psychotherapy, September 14, 2018. <https://www.cno.org/en/learn-about-standards-guidelines/educational-tools/ask-practice/answers-to-your-questions-about-psychotherapy/>