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May 4, 2023

CAITLIN CLEVELAND  
CHAIRPERSON  
STANDING COMMITTEE ON SOCIAL DEVELOPMENT

### **Department of Health and Social Services' Concerns Regarding Bill 80**

I understand the purpose of the Private Members Bill and support improvements to dental health for all residents. However, the Department of Health and Social Services' (Department) has concerns regarding Bill 80: *Dental Hygienists Profession Statutes Amendment Act*. The main concerns are broken down below.

1. Bill is inconsistent with what is contemplated by the statutory framework

The *Health and Social Services Professions Act* (HSSPA) sets out a legislated process to allow professions to be considered for designation as a profession under the umbrella statute. The approach for designating the dental hygiene profession in Bill 80 is inconsistent with this process.

Section 2 of the HSSPA allows a group or body representing a profession to apply for regulation under the HSSPA.

- The application must be considered by the Minister against criteria set out in section 4. A Committee may be established under s.2(3)(b) to investigate the merits of regulating the profession and prepare a written report with recommendations.
- The Minister's recommendation, along with the application, must be put forward to Executive Council for approval under subsection 2(4).
- If approved, work on the development of regulations with the profession can commence.
- An Advisory Committee with members from the profession would be formed to inform the development of the regulations.
- The final regulations must be provided to Executive Council to seek approval for the profession to be designated under HSSPA, as per subsection 3(1).
- The Commissioner-in-Executive Council may then, by order, designate the profession as a profession to which the HSSPA applies, as per s.5.

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As outlined, professions are designated as a profession to which the HSSPA applies via a Designation Order as required under section 5, rather than directly in the Act as proposed in Bill 80. Designating professions through an Order allows the Department to avoid amending the HSSPA each time a new profession is being designated. Should professions be designated through both processes, an Order and through a specific provision within the Act, it will become confusing as to which professions are subject to the HSSPA and whether there is a difference in how they are regulated based on how the designation is set out.

## 2. Interest from the Profession

The development of professional regulatory frameworks requires extensive collaboration and engagement with members of the profession, typically through an association or organization that represents the profession. To date, the Department has not had any explicit indication from the members of the dental hygiene profession that they are interested in being regulated under the HSSPA or having changes made to their regulatory framework. Without expressed interest from the profession, the Department has no indication of the changes the profession would like to see.

Further, the Department requires commitment from members representing the profession to inform the development of the regulations. In the absence of a dental hygienists' association or organization representing NWT dental hygienists, or an application from a group representing NWT dental hygienists under section 2 of the HSSPA, it would be difficult to ensure that appropriate subject matter expertise is available.

## 3. Timelines

The Bill requires that regulations be developed by March 31, 2024, and that the dental hygiene profession be designated as a profession to which the HSSPA applies effective April 1, 2024. The Bill further requires that the Department engage with Indigenous governments, the Canadian Dental Hygienists Association, and dental hygienists actively practicing in the NWT.

This schedule allows the Department fewer than 11 months to engage with stakeholders, develop drafting instructions, draft the regulations with the Department of Justice, and follow all required processes, including posting the regulations for public feedback in accordance with the "Cabinet Operational Guidelines on Publishing Proposed Regulations". Practically speaking, these timelines are simply unachievable, even if all necessary resources and subject matter experts were immediately available.

The Department's target timeline for the development of professional regulations under the HSSPA is approximately two years upon application from a profession under section 2, or direction from the Minister under section 3. This timeline is only achievable with the involvement of a committed professional association, organization, or group representing the profession, and where there is a clear indication from the profession about the changes they would like to see to their regulatory framework.

I also want to make you aware that the department has limited capacity to take on new work without delaying work already underway. If the development of dental hygiene profession regulations is prioritized and expedited over the department's other legislative priorities, the following commitments and priorities would have to be delayed:

- the advancement of other professional regulations under the HSSPA that are already underway with their respective professional associations, such as the *Midwifery Profession Regulations* and *Pharmacy Profession Regulations*;
- amendments to the *Child and Family Services Act* to reflect the federal *An Act respecting First Nations, Inuit and Métis children, youth and families* and recommendations from the Standing Committee on Social Development's recommendations "Report on the *Child and Family Services Act* – Lifting NWT Children, Youth and Families: An All of Territory Approach to Keeping Families Together".
- the completion of the *Meat Safety Regulations*;
- amendments to the *Vital Statistics Act* and *Change of Name Act*, legislative priorities from the 19<sup>th</sup> Legislative Assembly that will be carried over to the 20<sup>th</sup> Assembly;
- a review of the *Health Information Act*, as required under section 193 to be completed by October 1, 2025; and
- the development of standards of practice for physicians under the *Medical Profession Act*.

I trust that this information will be useful to Committee in its review of Bill 80. Should Committee wish to discuss any of these concerns in greater detail, Department staff and I can be available to meet with Committee staff at its convenience.

Sincerely,



Julie Green  
Minister of Health and Social Services

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