

Baseline Survey Summary Report 2012

Fair Registration Practices Act



Preface

The Fair Registration Practices Act (FRPA) Review Office would like to extend our sincere thanks to the regulatory bodies for taking the time to participate in the baseline survey. While this survey is not part of the formal FRPA review it has provided us with a clear picture of registration processes in Nova Scotia. Many of the questions in the baseline survey will become part of the formal FRPA review. The information collected here and in future FRPA reviews will allow us to measure the progress of the regulatory bodies.

This report is intended to provide the regulatory bodies with a summary of the findings of the baseline survey. A few outstanding surveys were received by our office after the completion of this report, and therefore are not included in the findings.

Introduction

Fair Registration Practices Act

The Fair Registration Practices Act (FRPA), Bill 211, received Royal Assent on November 25, 2008, and was proclaimed on December 7, 2009. FRPA can help to ensure that every applicant has access to a registration process that is transparent, objective, impartial, and procedurally fair. This legislation does not impact the occupational standards set by the regulatory bodies. Regulatory bodies are best positioned to set occupational standards that protect the public, environment, and health and to determine who does or does not meet the required standard. FRPA seeks to ensure that registration practices do not pose any unnecessary barriers to all applicants, individuals educated outside Nova Scotia or Canada.

A regulated occupation is one where standards are set according to legislation, regulations and/or bylaws, and require workers to be certified to practice and/or use an occupation title (e.g. regulated professions such as nurses and skilled trades such as plumbers). Regulatory bodies (also called regulators or regulatory authorities) oversee regulated occupations. Most regulatory bodies have their own web sites that describe their licensing requirements including information on eligibility requirements, foreign credential recognition, and registration fees. FRPA currently applies to 43 regulatory bodies and 65 designated trades (listed in Schedule A and B of the FRPA). We have identified 53 regulatory bodies covering 58 occupations. Those regulatory bodies not currently listed in Schedule A and B of the FRPA will be added.

The FRPA Review Office (Review Office) was established in 2011 and is responsible for administering the Act. The Review Office is part of the Department of Labour and Advanced Education (LAE). LAE is also responsible for the Office of Immigration, recognition of prior learning and labour mobility activities including: Chapter 7, the labour mobility chapter, of the Agreement on Internal Trade (AIT), the Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications (or FQR Framework), and the Nova Scotia Recognition of Prior Learning Framework.

Baseline Survey

Early 2012, the Review Office distributed a survey to the 53 Nova Scotia regulatory bodies. The survey was designed to collect information on current practices and activities of the regulatory bodies in Nova Scotia. The survey will enable the Review Office to identify gaps in registration practices and work with the regulators to develop a plan for compliance with the Act. The survey will ultimately be used to help the Review Office track the effectiveness of the FRPA legislation as well as help inform the annual work plan. It also solicited feedback on regulator compliance with Chapter 7 of the AIT,

which was collated separately and used by the Labour Mobility Coordinating Group (LMCG), a working group of the Forum of Labour Market Ministers, to assess the effectiveness of Chapter 7 of the AIT. In total, 41 of 53 (77%) regulatory bodies responded to the Baseline Survey.

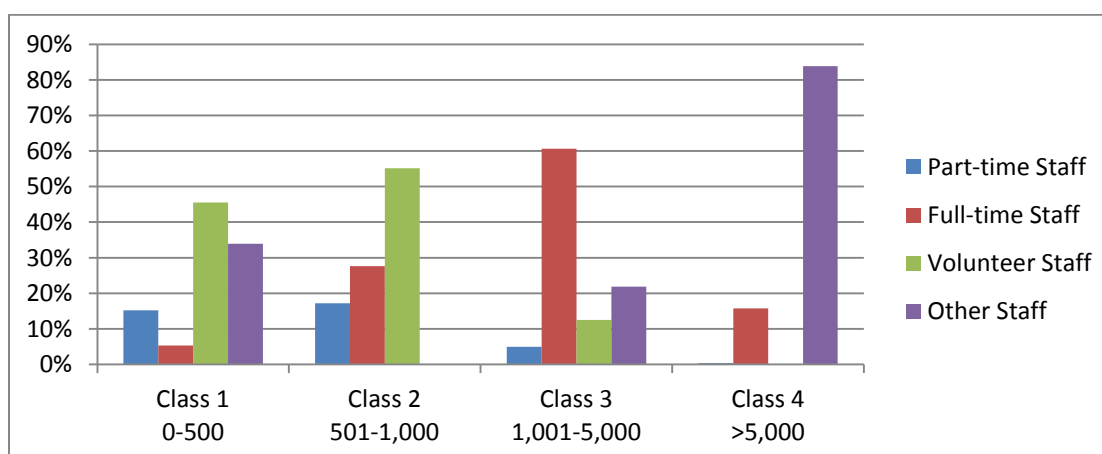
The survey questions were delivered in four parts. Part 1 related to information about the organization including contacts, employees, and membership. Part 2 asked questions pertaining to their registration process, including questions related to Chapter 7 of the AIT. Part 3 gathered information on training and professional development within the organization. Part 4 was intended to solicit feedback on the comprehensiveness and functionality of the baseline survey.

The following sections summarize the findings of the survey.

Organization Information

The survey revealed that, overall, Nova Scotia's regulatory bodies are small in terms of paid personnel. Fifty-nine per cent of respondents reported having full time employees and 41% reported having part-time. Other forms of staffing included volunteer, term, temporary, inspector staff, and board and council members. **Figure 1** shows the regulatory bodies and the associated staffing.

Figure 1- Regulator Staffing – Breakdown by Class



For the purpose of data analysis, we have put the regulatory body membership ranges into classes:

- Class 1 = 0 – 500 members,
- Class 2 = 501 – 1000 members,
- Class 3 = 1001 – 5000 members, and
- Class 4 = > 5000 members

The regulatory bodies in Nova Scotia with the highest membership (>10,000 full membership) include:

- College of Registered Nurses of Nova Scotia
- Nova Scotia Securities Commission
- Cosmetology Association of Nova Scotia
- Nova Scotia Teacher's Certification

Those regulatory bodies representing the lowest membership (<100) include:

- Nova Scotia Registered Music Teachers' Association
- Denturist Licensing Board
- Service Nova Scotia and Municipal Relations (SNSMR) - Permits for Direct Sellers and Salespersons- Hearing Aids
- Midwifery Regulatory Council of Nova Scotia

The Apprenticeship and Training Division (LAE) and Nova Scotia Department of Natural Resources issue licenses/certifications and are therefore not included in the data represented in Figures 2 and 3. Nova Scotia regulatory bodies are small in terms of membership. Refer to **Figure 3** which shows the relationship of the individual regulator membership and size. **Figure 2** shows the distribution of the membership by size and sector. Most of the 'health care' sector are in Classes 3 and 4, and almost all of the 'other' (Nova Scotia Teacher's Certification) and skilled trade (Cosmetology Association of Nova Scotia) sectors are in Class 4.

Figure 2 - Membership Distribution

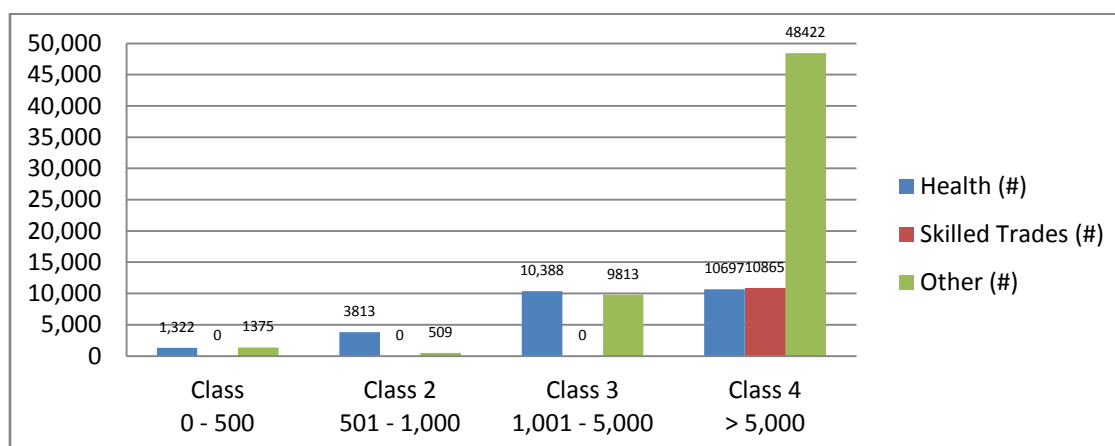
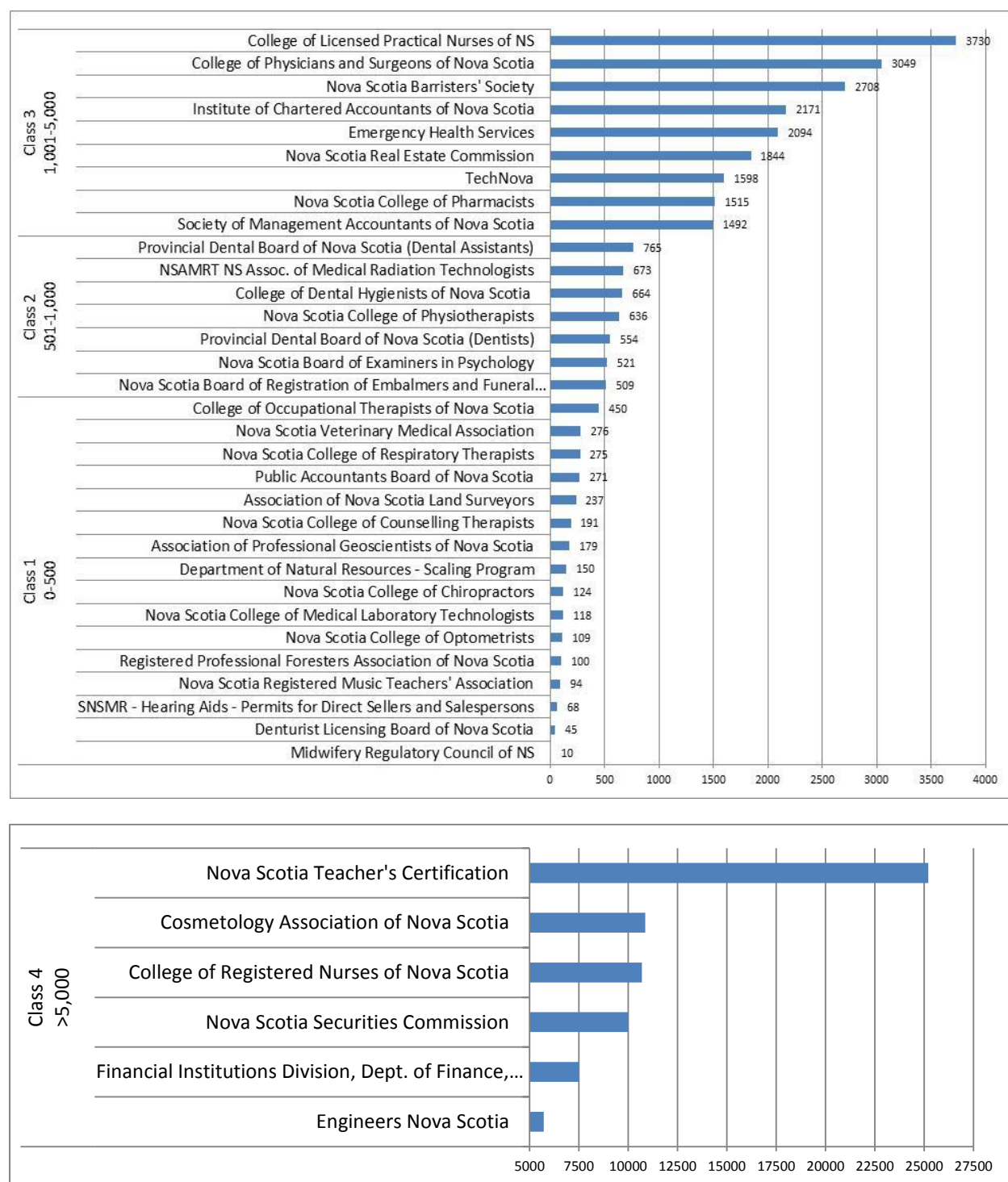


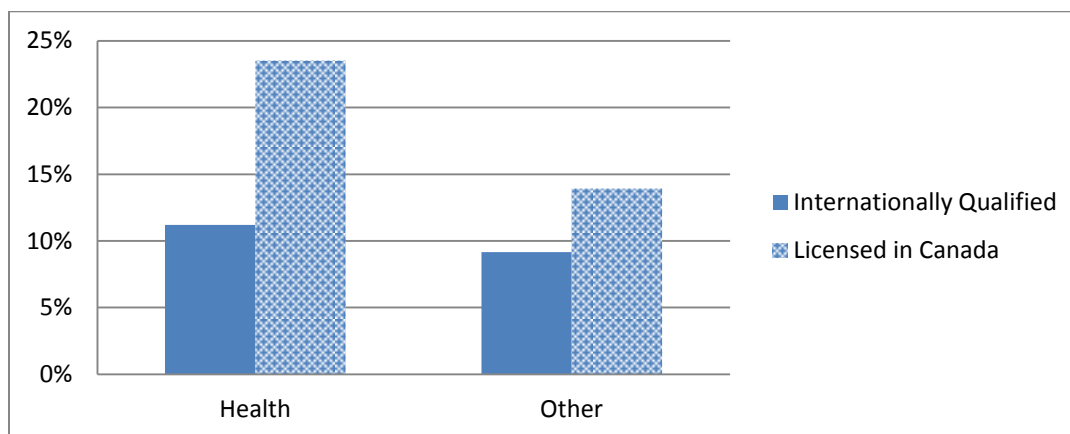
Figure3 - Individual Membership and Size



A large number (85%) of the regulatory bodies reported new membership in 2010. Of the 4307 new members reported, 423 received their qualifications in a country other than Canada, and 925 held a license to practice in a Canadian jurisdiction other than

Nova Scotia. **Figure 4** details the percentage of new membership from those with international qualification and those who were licensed in another Canadian jurisdiction.

Figure 4 - Percentage of New Membership



The largest number of internationally educated registrants was reported by:

- Nova Scotia Teacher's Certification – 125
- Society of Management Accountants of Nova Scotia – 91
- College of Registered Nurses of Nova Scotia – 71
- College of Physicians and Surgeons of Nova Scotia – 68

By contrast, the following regulatory bodies reported no internationally educated registrants (or do not keep records of internationally educated registrants):

- Apprenticeship and Training Division
- Association of Nova Scotia Land Surveyors
- Association of Professional Geoscientists of Nova Scotia
- College of Dental Hygienists of Nova Scotia
- Cosmetology Association of Nova Scotia
- Department of Natural Resources - Scaling Program
- Financial Institutions Division, Dept. of Finance, Province of Nova Scotia
- Midwifery Regulatory Council of Nova Scotia
- Nova Scotia Board of Registration of Embalmers and Funeral Directors
- Nova Scotia College of Counseling Therapists
- Nova Scotia College of Medical Laboratory Technologists
- Nova Scotia College of Respiratory Therapists
- Nova Scotia Dietetic Association
- Province of Nova Scotia Department. of Natural Resources
- Public Accountants Board of Nova Scotia
- Registered Professional Foresters Association of Nova Scotia
- SNSMR - Hearing Aids - Permits for Direct Sellers and Salespersons

Thirty-two per cent of respondents reported an increase in the number of applications from individuals who received their qualifications in a country other than Canada. Overall, respondents felt this change was probably a result of better bridging programs, labour mobility, quality of life, and the demand in the occupation. Forty-six per cent of respondents reported no change in the number of international applicants.

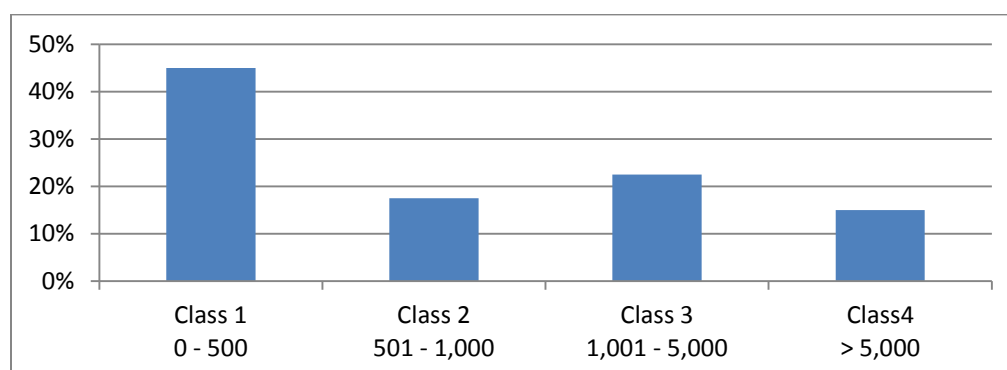
Registration Process - Assessment and Recognition

Seventy-eight per cent of the regulatory bodies who responded to the survey indicated that they have some services they provide to assist individuals who received their qualifications outside of Nova Scotia to meet the requirements of the regulatory body. Almost half (49%) provide assessments, others offered: supervised practice (32%), access to training to fill education gaps (27%), bridging programs (10%), and occupational specific language training (2%). Other services provided may include exam preparation, occupation specific assessment, qualification testing, observership programs, and referrals.

Sixty-one per cent of respondents reported using a third party agency or national association to assist with the registration process. National associations support the self-regulation of professionals and occupations by regulatory bodies across Canada. In many cases they collect and store data on behalf of the regulatory bodies. Other agencies or associations, such as World Education Services (also commonly known as WES), may provide assistance with academic qualifications (transcripts), credential assessment, verification of documents, equivalency of degree and course content, prior learning assessment, national qualifying exam, and language proficiency. Refer to **Figure 5** which shows the percentage of regulators who use third parties and their relative size.

Only 10% of the regulators have ever conducted a survey to get applicants' feedback on the organization's registration processes.

Figure 5 - Percentage of Regulators using Third Parties



Labour Mobility

Chapter 7 of the AIT, the Labour Mobility chapter, applies to individuals already certified in a Canadian jurisdiction other than Nova Scotia. For these individuals, the majority (68%) of regulators report the registration process takes only days to complete. The average time to process applications from those who received their qualifications (education and/or training) within Canada is approximately 2 weeks. The average registration fee charged to those applicants who were certified in a Canadian jurisdiction other than Nova Scotia is approximately \$272.70. Respondents indicated that fees include verification of credentials and administration costs.

Twelve per cent reported complaints, appeals and/or disputes concerning the application of Chapter 7 of the AIT to their profession, and none reported formal complaints involving the province of Nova Scotia. Similarly, 12% of respondents reported unintended adverse consequences as a result of the implementation of Chapter 7. Unintended adverse consequences are defined as an unintended, negative impact on labour market, economic, social, or other condition. Responses in both of these areas will be analyzed further by the LMCG.

A large portion (76%) of regulators indicated there are no barriers faced by applicants who were licensed to practice in another Canadian jurisdiction. Some of the barriers identified include scope of work in trades, exams (jurisprudence), no licensing requirement in other jurisdictions, and different standards. Follow up will be done with those who identified barriers.

International Qualification Recognition (IQR)

Only 12% of respondents track how long it takes for individuals who received their qualifications outside of Canada to be fully licensed to practice in Nova Scotia. That is, completing all requirements including: decision on the application, completion of additional requirements such as an internship, additional education, examinations and/or practical assessments. They include:

- College of Licensed Practical Nurses of Nova Scotia
- College of Occupational Therapists of Nova Scotia
- College of Registered Nurses of Nova Scotia
- Nova Scotia Barristers Society
- Nova Scotia Teacher's Certification

Thirty-nine per cent currently keep a record of results from their investigations into the qualifications received from other countries and only 17% use a national body or other organization to keep records on their behalf.

The average registration fees to assess individuals who received their qualification outside of Canada are approximately \$174.17. Compared to the labour mobility fees, 30% were higher, 40% were lower, and 23% were the same. Some of the costs that these fees may cover include assessment (academic, work experience, competency), examination, review by a national organization, investigation, administration, online review, translation, materials, bridging programs, and language testing.

Over half (61%) of the regulating bodies recognize that there are barriers in gaining a license to practice in Nova Scotia, faced by applicants who received their qualifications from a country other than Canada. The largest reported barriers were:

- obtaining verification of credentials (76%)
- language proficiency (68%)
- obtaining original documents (56%)
- finding programs or training to address gaps in knowledge/skill (48%)

Other barriers cited included lack of practice, experience, language and culture, testing formats, visa, citizenship, work permits, and formal training.

Internal Review

The majority (85%) of the regulatory bodies have the ability, through their legislation, regulations and/or by-laws, to conduct internal reviews on registration decisions.

Twenty-two per cent of respondents reported appeals, internal reviews or challenges to a registration decision in 2010.

Most (78%) of the respondents indicated that the number of registration appeals, internal reviews, or challenges have stayed the same over the past five years and 20% of the regulating bodies were unsure as to whether the numbers of appeals, internal reviews, or challenges have changed.

Training and Improving IQR Practices

Many (63%) of the regulators provide training to personnel who assess applications. This includes in-house, formal, and/or course work. Only 20% of the regulators reporting provide training to those individuals responsible for appeals or other internal reviews on registration decisions. This was also the area that most (44%) of the regulators are interested in gaining greater expertise with, followed by:

- verification of documents/credentials (32%)
- developing and using a data collection system (29%)
- assessment of an applicant's skills and knowledge (29%)

- cultural diversity training (27%)
- using plain language (24%)
- assessment of applications (22%)
- Chapter 7 of the AIT (17%)

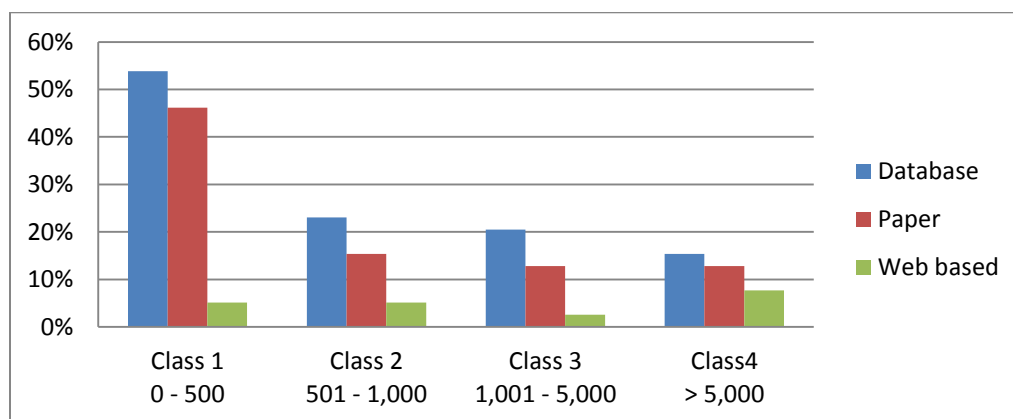
Data Collection & Information Management

All but one of the respondents reported collecting and storing data on applicants in some format. The majority (73%) of the regulators tracked the number of applications from individuals who received their qualifications from outside Canada (in 2010). Similarly, 78% of the regulatory bodies tracked how many applications they received in 2010 from individuals who were licensed to practice or held a comparable certificate in a Canadian jurisdiction other than Nova Scotia.

Ninety-five per cent of the regulators collect and store data on registered members. For the applicant data, the paper format was most commonly used (90%) followed by databases (68%), excel spreadsheets (20%), and intranet/internet (18%). For the registered member data, the paper format was also the most commonly used (90%), followed by databases (85%), excel spreadsheets (28%), and intranet/internet (21%).

Refer to **Figure 6** which shows the relationship of organization size and data collection method. The survey broke the data collection methods into excel spreadsheets, databases, paper formats, internet/intranet or other. Since it was an area where respondents had trouble interpreting, for the purposes of analysis we grouped databases and spreadsheets as one category.

Figure 6 - Membership Data Collection Methods



Completing Baseline Survey

Almost half (41%) of regulators who responded to the Baseline Survey experienced difficulty completing the survey. Some of the issues reported included the applicability of the questions, availability of the information requested (i.e. database versus individual applications), similar questions were asked in the survey, and more explanation was required for some questions.

Twenty-nine percent of the regulating bodies had difficulty entering information into the survey. Difficulties included checking boxes, making edits after moving forward in survey, page display, information disappearing, printed data being truncated, and other macro issues. Additionally, it was recommended that two part questions be separated so they can be responded to accurately.

Other comments on the survey:

- include the definition and applicability of words like ‘membership’, ‘registration’ (ie. when does it start), and ‘application’
- group questions related to IQR and questions related to labour mobility
- the language used in questions was difficult to understand for some regulators
- the survey should identify an occupation group
- some felt many of the questions were not applicable to them
- some found the overall process to be very time consuming and detracting from the time available to process applications

Other general comments received were to:

- offer more support for small and/or inexperienced regulators (e.g. training decision makers, IT infrastructure)
- keep regulators informed of any changes to requirements or legislation
- offer more training
- provide more information on requirements in other provinces

Summary and Next Steps

The FRPA Review Office was very pleased with the number of surveys completed by the regulatory bodies. This may indicate a keen interest the regulators have in working with the Review Office and ultimately towards compliance with the legislation.

Over the coming months the Review Officer will work with the individual regulators to determine priorities and set goals for compliance. The review process is intended to identify and remove barriers and support continuous improvement. It is the intention of

the Review Office that this will be a mutually beneficial process whereby regulators comply with FRPA by assessing their processes and identifying better and more efficient ways of doing things.

Many of the questions in the baseline survey will become part of the formal FRPA review and corrections will be made to those survey questions that were not clear and needed context and additional explanation. It is critical that all regulators understand what data they should be collecting and why, both from a practical and economical standpoint. It is also important that regulators understand what standards and criteria will be used to measure the transparency, objectivity, impartiality and procedural fairness of their registration processes. Guidance materials are being developed and these will be posted on the website. The website will be launched in September and notification will be sent out to the regulatory bodies.

Also, a bi-monthly newsletter will be distributed to the regulators. The newsletter will share information with the regulatory bodies including, office updates, funding opportunities, workshops and training opportunities, and important dates. In addition to the newsletter as a conduit for sharing, there will be bi-monthly breakfast meetings for the regulators. These meetings will provide regulators with any FRPA related updates and business followed by time designated for regulators to share commendable or promising practices (e.g. Access database developed by the College of Physicians & Surgeons of Nova Scotia).

Other activities we are planning for this fiscal year include:

- Developing policies, best management practices, and guidelines for compliance
- Engaging Ad hoc Working Group
- Documenting and communicating the FRPA review process to the regulators
- Completing three pilot reviews of regulators
- Developing an on-line reporting tool and data base
- Developing and communicating the FRPA review schedule with and to the regulatory bodies
- Organizing regulator training and workshops
- Revising Schedule A and B of FRPA to include newly regulated occupations

A collaborative approach is essential to the successful implementation of our Fair Registration Practices Act. The Review Office will work closely with individual regulators while encouraging relationships between regulators. Understanding the purpose of the Act and how each regulator can influence change will support the goal of improved processes to reduce unnecessary barriers.