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## COVID-19 UPDATE

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In response to the provincial easing of restrictions, proof of vaccination will no longer be required for attendance to CMLTM meetings. However, CMLTM will continue to require masks for all visitors going forward. This will be reviewed monthly in comparison to COVID-19 positive case reports.

If you have symptoms or have tested positive, we ask that you do not come in until you have completed the required self-isolation period and are no longer exhibiting symptoms.

**Do you have an interesting article that you would like to see published in the CMLTM Newsletter?**

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Send it in to the CMLTM at [janelle@cmltm.ca](mailto:janelle@cmltm.ca) for consideration!  
All articles are reviewed and approved by Council.



College of Medical Laboratory Technologists of Manitoba

Call us: 204.231.0311 or Toll Free: 1.877.331.0311  
**College of Medical Laboratory Technologists of Manitoba**  
245 Lilac Street, Winnipeg, Manitoba, R3M 2S2, Canada

## REGULATED HEALTH PROFESSIONS ACT (RHPA) UPDATE

The RHPA was passed by the Manitoba Government in 2009. The RHPA is an umbrella legislation that will eventually regulate twenty-two (22) health professions. The RHPA comes into force as each of the regulated health professions develop their new regulations and transition to the RHPA.

There are currently five (5) health professions and four (4) Colleges that are under the RHPA,

- College of Audiologist and Speech Language Pathologists of Manitoba
- College of Registered Nurses of Manitoba
- College of Physicians and Surgeons of Manitoba
- College of Paramedics of Manitoba

The College of Registered Psychiatric Nurses of Manitoba will be transitioning to the RHPA soon.

CMLTM has been invited by the Manitoba Health legislative unit to work on the new CMLTM regulations. The current Medical Laboratory Technologist Act/Regulations will eventually transition to the RHPA.

CMLTM has hired a consultant to assist in the development of the new regulations and reserved act applications.

Manitoba Health requires all professions transitioning to the RHPA to use a standardized template for the development of the new regulations. There are some regulatory requirements that will change for all professions that transition to RHPA.

The current CMLTM legislation has a requirement for \$2,000,000 liability insurance coverage but does not specify if the coverage is professional liability insurance or employer liability insurance.

Professional liability insurance (PLI) and employer liability insurance are not the same. The RHPA regulation template requires practicing members to carry \$5,000,000 in professional liability coverage.

After considerable discussion with the CMLTM consultant and Manitoba Health, CMLTM will only maintain a register of practicing members once CMLTM transitions to the RHPA. The inactive, retired, and student registers discontinued.

The new regulation will include an updated scope of practice statement and some changes to the legislated committees. Public representatives will be required on all legislated committees.

In an effort to ensure we have identified all reserved acts performed by MLTs in Manitoba and across Canada, CMLTM will send a survey to practicing members in the near future. The information from the survey is a very important component of the reserved act application and the future of the profession. Please remember to complete the survey when it is emailed.

Submitted by,  
Adam Chrobak, BSc, MBA, MLT

## CMLTM 15 YEAR ANNIVERSARY

For 15 years, the CMLTM has been protecting patient safety by upholding ethical and competent practice of MLTs within Manitoba.

The CMLTM was first established in 2007 under guidance from our first Registrar, Robert Jonuk, who served the CMLTM from 2002 to 2006 before it was officially established. It was then managed by Helmut Friesen from 2007 to 2009. Since 2010 it has been managed by our current Registrar/CEO, Adam Chrobak.

In 2011, the current Administrative Assistant, Janelle Baril, joined the team, followed by the current Deputy Registrar, Tricia VanDenakker in 2016.

Since then, CMLTM's Council has seen many different faces, and each of them has brought something important to the table. The CMLTM would not be where it is now if not for the hard work of its Employees and the many Council and Committee members and volunteers that have worked tirelessly to support the CMLTM mandate of patient safety.

## CMLTM REGISTRATION FEE UPDATE

In 2018 the CMLTM Council developed a 5-year financial plan (2019-2023) that consisted of several financial goals.

- Build the Legal reserve fund to \$500,000
- Create an Operating reserve fund
- Create a Capital reserve fund
- Consider all discretionary spending in the budget
- Implement a predictable and sustainable approach to annual fee increases that address inflationary pressures

Council implemented a \$100 special levy for the practice years 2020-2023 to achieve the Legal Reserve Fund goal. All funds collected from the levy since 2019 have been allocated to the Legal Reserve Fund. CMLTM Council is pleased to announce that the Legal Reserve Fund goal has been reached one year ahead of schedule. **The special levy will not be collected for the 2023 practice year.**

Council implemented an annual 3% registration fee increase for the duration of the 5-year plan. In response to the pandemic, Council decided not to implement the 3% increase for the 2021 practice year. Council will be developing a new financial plan to replace the current plan when it expires at the end of 2023.

## UPDATE: PHIA ONLINE TRAINING

The Personal Health Information Amendment Act (The Act) came into force on January 1, 2022. The Act can be [accessed by clicking here](#).

As a result of these amendments, all PHIA Online Training modules, namely Direct PHI Version, Indirect PHI Version and Administrator Version, are being updated to reflect the amendments made to PHIA. The modules are temporarily unavailable to enable this updating but are expected to be back online by early next week.

All users who had started but not completed their training sessions as of March 8, 2022, will have to start a new training session once the PHIA Online Training becomes available again.

Please note that MB Health is temporarily discontinuing the Refresher course as they are reviewing the content of this training. All current users who are due for their training renewal will have to retake the Online Training modules as listed above as relevant to their work.

## CONTINUING COMPETENCY PROGRAM AUDIT NOTICE

The Continuing Competency Committee has agreed to audit registrant portfolios this year.

The Continuing Competency Program policy requires that a minimum of 20% of CMLTM Active: Practicing registrants be audited per year. This translates to roughly two hundred (200) registrants. Three (3) audits are held per year, with 60, 80 and 60 registrants being audited.

Using a random number generator, the CMLTM's administrative assistant selects all 200 registrants at the beginning of the year and divides them into three groups.

In light of the ongoing pandemic, the Continuing Competency Committee granted an additional two (2) weeks to the notice period (six weeks total) to submit the portfolio requirements. The audit period for this year is January 1st, 2021 to December 31st, 2021.

The first audit notice was sent January 10th, 2022 to the first sixty (60) registrants and all portfolios were received by the due date of Monday February 21<sup>st</sup>, 2022. **At this point in time, half of the portfolios have been audited. The auditor is on track to finish all portfolios by the beginning of April.**

The second audit notice was sent March 2nd, 2022. Please check your e-mail (and junk folder). If you have received a notice of audit, please note that the deadline is Monday, April 11<sup>th</sup>, 2022.

## FAREWELL TO COUNCIL MEMBERS



Farewell to Laurel-Ann Rice

Laurel-Ann Rice was appointed to the CMLTM Council as a rural representative in 2020 with her three-year term starting January 2021. Sadly, she will be leaving the CMLTM as she pursues future endeavors in another province. The SSMLT will be lucky to have her.

During her time with CMLTM, Laurel was a staple member of Council meetings. She never hesitated to ask questions, share her opinion or join in on discussions.



Farewell to Michael Jean David

Michael Jean David was appointed to the CMLTM Council in 2020 with his three-year term starting January 2021. Unfortunately, Michael will be leaving the CMLTM to pursue future endeavors in another province. The CMLTM will be lucky to have him.

During his time with the CMLTM, Michael not only worked on Council, but he also took up the mantle of Chair of the Complaints Committee. He was knowledgeable, focused, and had a firm grasp on the requirements of his position, and he wasn't afraid to ask questions or seek assistance if needed. He made many motions on Council and was strong participant in all meetings.

***CMLTM staff and Council would like to express our sincerest gratitude to Laurel-Ann, and Michael for all their hard work and the contributions made to CMLTM. They will be missed.***

***We wish you all the best in your future endeavors.***

## FAREWELL TO COMMITTEE MEMBERS



Farewell to Erin Sadler

Erin Sadler has been a long-standing member of the Complaints Committee. Her term started in 2013 and she continued to serve on the Committee even after being appointed to Council for 2016 to 2019. The CMLTM was very lucky that Erin continued to serve on the Committee after stepping down from Council. Her contributions and expertise were greatly appreciated, as Erin never hesitated to share her opinions and views. She was a strong member of Council, and on the Complaints Committee.

Erin will be sorely missed, and we wish her all the best with her future endeavors.

## CMLTM CALL FOR NOMINATIONS AND IMMEDIATE OPENINGS

### ***Call for Nominations Term 2023-2025***

CMLTM will be sending out the "Call for Nominations" email soon. The email will include links to the nomination forms that will be posted on the CMLTM website.

There will be one vacant Council seats in Winnipeg and one vacant Council seat in the rural district (outside of Winnipeg). These positions commence after the 2022 CMLTM annual General meeting, September 24, 2022, with a term of January 2023 to December 31, 2025.

### ***Immediate Openings***

CMLTM has two immediate openings due to members relocating to new opportunities out-of-province.

These positions are for a shorter term (the remaining 2022 year and 2023). Below are the number of volunteers needed for Council in the two divisions of Manitoba.

- Division 1 (City of Winnipeg): 1
- Division 2 (Rural): 1

If you are interested in joining Council, please email a current CV and a brief paragraph describing why you would like to be on Council. Emails can be sent to [janelle@cmltm.ca](mailto:janelle@cmltm.ca).

The CMLTM Council is responsible for the overall governance of the College. Volunteering on CMLTM Council affords Manitoba MLTs the ability to:

- Establish the strategic direction and key initiatives for the CMLTM;
- Influence the mandated programs and services of the CMLTM;
- Develop and strengthen leadership skills;
- Expand networks, create new relationships and strengthen existing contacts by participating in a shared activity;
- Contribute unique skills, experience and perspectives;
- Collaborate with people from diverse backgrounds to work toward a common goal;
- Strengthen the voice of the MLT professional community with the public and within the workplace
- Promote personal growth and enhance personal well-being;
- Gain professional experience and generate awareness of alternate career paths;
- Encourage civic responsibility and leadership among colleagues and
- Make a difference for your profession.

CMLTM provides orientation, education, and support to all Council members to assist them in their roles on Council.

If you are interested or you know of someone that you think would be interested in being on Council please consider putting your name forward to be elected to Council by contacting the CMLTM office at 204-231-0311 (extension 0) or by e-mail at [janelle@cmltm.ca](mailto:janelle@cmltm.ca).

Serving on Council is an excellent way to truly understand the responsibilities of professional self-regulation and how CMLTM operates to meet these obligations. It is also a great way to give back to your profession. Service on the CMLTM Council and Committees are considered eligible professional development activities (category 4) towards your professional portfolio.

Consider stepping up and serving your College.

Kamran Bashir, MLT  
Nominations Committee Chair  
CMLTM

## PROFESSIONAL REGULATION AND COVID “ANTI-VAXXERS”

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*The Ng Ariss Fong Newsletter, Issue #90*

2021 saw disputes between governments, which have been implementing COVID-related measures such as mask and vaccine mandates (which health colleges have in turn had to enforce against registrants), and vocal groups of individuals — including health professionals — asserting both opposing narratives and freedom from such measures.

For example, on October 2021, BC’s Provincial Health Officer ordered that regulated health professionals employed, contracted or funded to provide health care services by provincially funded organizations (including health authorities and provincial mental health facilities) be vaccinated against COVID-19. In the following month, at least one health college confirmed that an order of the PHO was imminent that would require that ALL regulated health professionals (and the staff in their offices or businesses) be fully vaccinated against COVID-19.

In response to one or both developments, attendees at the December AGM of the College of Chiropractors of BC — 173 of 261 AGM attendees, out of a total of about 1,300 registrants — [passed a resolution](#), albeit one that was not binding on the College, to “take a stand to protect and maintain the right to medical freedom of choice for all health/medical interventions for BC registrant chiropractic doctors... and BC chiropractic patients....”

Yet despite vocal opposition by some health care professionals to masking and vaccination mandates, and indeed to the very concept that COVID-19 represents a significant health threat, regulatory authorities have been making clear that individual rights do not limit the professional obligations of registrants to ensure that their statements on social media have some basis in science, and that they follow (or at least not undermine) precautions in the public interest.

**Actions by regulatory authorities:** In 2021, a number of regulators across Canada took action against registrants who have apparently been disseminating (allegedly) misleading COVID-related (e.g., anti-mask and anti-vaccine) statements on social media. The College of Physicians and Surgeons of Ontario (CPSO), in particular, took a number of measures against “anti-vax” registrants in the form of cautions, interims suspensions, and even referrals to discipline. (We have gathered these examples from publicly-available resources; please refer to the linked judgments, notices, or articles for additional details!)

- In February 2021, CPSO issued a caution against Dr. Kulvinder Kaur Gill for his stating on social media, unequivocally and without providing any evidence, that there was no medical or scientific reason for the lockdown; and also for his “tweeting” that “If you have not yet figured out that we don’t need a vaccine, you are not paying attention.” Dr. Gill’s conduct resulted in seven public complaints, which in turn resulted in three decisions that Dr. Gill attend in person to be cautioned. The caution is currently under review by Ontario’s Health Professions Appeal and Review Board (HPARB). Dr. Gill applied for judicial review, but the court dismissed the application, as it related to the matters under HPARB review, as premature. The HPARB had jurisdiction to consider the

constitutional issues being raised by Dr. Gill: [Gill v. College of Physicians and Surgeons, 2021 ONSC 7549](#).

- In April 2021, CPSO issued a [“Statement on Public Health Misinformation”](#) in which it set out the following position statement for its registrants and the public: “The College is aware and concerned about the increase of misinformation circulating on social media and other platforms regarding physicians who are publicly contradicting public health orders and recommendations. Physicians hold a unique position of trust with the public and *have a professional responsibility to not communicate anti-vaccine, anti-masking, anti-distancing and anti-lockdown statements and/or promoting unsupported, unproven treatments for COVID-19. Physicians must not make comments or provide advice that encourages the public to act contrary to public health orders and recommendations.* Physicians who put the public at risk may face an investigation by the CPSO and disciplinary action, when warranted. When offering opinions, physicians must be guided by the law, regulatory standards, and the code of ethics and professional conduct. The information shared must not be misleading or deceptive and must be supported by available evidence and science.” (emphasis added)
- In September 2021, CPSO placed [restrictions](#) on the registration of Dr. Patrick Phillips, preventing him from providing medical exemptions relating to COVID-19 vaccines, COVID-19 testing and mask requirements, and preventing him from prescribing ivermectin, Fluvoxamine and Atorvastatin in relation to COVID-19. The College subsequently referred him to a discipline tribunal for (according to CPSO’s [public notice](#)) his social media communications, and his allegedly “misleading, incorrect or inflammatory statements about vaccinations, treatments and public health measures for COVID- 19.”
- In October 2021, CPSO also ordered an [interim suspension](#) of Dr. Rochagne Kilian, a physician whom one media [article](#) has reported as an opponent of vaccine mandates and passports. According to another media [article](#), CPSO had earlier in that month placed restrictions on her registration, preventing her from providing medical exemptions in relation to COVID-19 vaccinations, mask requirements and testing.
- In November 2021, an Ontario court dismissed an application for judicial review of an interim suspension. That case involved a physician, Dr. Jeffrey Matheson, who in March 2021 undertook to comply with standards published by the Ontario Ministry of Health during the COVID pandemic. However, later that same month, a patient complained about the physician’s conduct during three appointments. According to the court, on one occasion, the physician removed his mask, and told the patient she could remove his mask. He told the patient that COVID was a media conspiracy. On a later occasion (in March, after he had given his undertaking to CPSO), he (as alleged by the complainant) again removed his mask in the examination room, and made comments

about masks causing lung cancer. In April 2021, an inquiry committee ordered that Dr. Matheson’s registration be suspended during its investigation. The physician applied for judicial review of the interim suspension, but in November 2021, an Ontario court dismissed the application. Although the physician alleged procedural unfairness, due to his having only 14 days to provide submissions (instead of the 60 days he requested), the court found the process fair. The court also held that the decision to suspend his registration pending investigation was reasonable. *Matheson v. College of Physicians and Surgeons of Ontario, 2021 ONSC 7597*.

- In December 2021, an Ontario court dismissed an application for judicial review against a CPSO inquiry committee decision to refer a matter concerning a physician, Dr. Caroline Turek, to a discipline hearing. Although the court decision does not set out the nature of the alleged misconduct, the respondent sought review on the basis the College was merely attempting to regulate free speech. The court dismissed the application as premature, as a discipline committee of the CPSO would have to first consider the defence that the College was merely investigating free speech, and had no basis for professional misconduct or incompetence. *Turek v. College of Physicians and Surgeons of Ontario, 2021 ONSC 8105*.
- Most recently, in January 2022, CPSO proceeded in court against three physicians (Drs. Mary Elizabeth O’Connor, Mark Raymond Trozzi, and Patrick Brian Phillips) for their refusing to cooperate with investigations relating to them issuing medical exemptions for COVID-19 vaccinations and diagnostic testing (and relating to one of them using online websites and social media to disseminate what CPSO characterized as misleading health information). The court ordered that the physicians cooperate with the investigations, “without prejudice to the Respondents’ right to bring a constitutional challenge to the investigation by the Applicant”: *College of Physicians and Surgeons of Ontario v. O’Connor, Trozzi and Phillips, 2022 ONSC 195*.

These are merely some examples. Other health colleges throughout Canada (including colleges superintending their professions of medicine, nursing, and chiropractic) have also addressed similar acts by registrants.

**Charter challenges:** Some constitutional (or quasi-constitutional) issues relating to vaccine mandates have, however, been preliminarily addressed outside of the professional regulatory context.

For example, with respect to Charter issues, a plaintiff challenged a federal vaccination requirement for supplier personnel. The plaintiff alleged a breach of his section 7 Charter right to life, liberty, and security of the person, and also that the policy was unsupported by evidence, arbitrary, overbroad, and had disproportionate effects. The Federal Court declined, however, to stay the vaccination requirement pending a hearing, as the plaintiff failed to show any serious issue of a Charter violation; that loss of a job did not constitute irreparable harm; and that the public interest outweighed the identified harms to the plaintiff: *Lavergne-Poitras v. Canada (Attorney General), 2021 FC 1232*.

Human rights challenges: Various complainants have also sought to challenge the legality of COVID-related measures, such as mandatory masking and vaccine passports, through the human rights regime. However, such challenges have been unsuccessful to date:

- Where a shop refuses entry to a person without a mask, and that person asserts an exemption due to health issues, but refuses to clarify what health issues (apart from a general difficulty breathing with a mask), such a situation does not disclose discrimination based on a physical or mental disability. BC’s Human Rights Code does not protect people who refuse to wear a mask based on personal preference. *The Customer v. The Store, 2021 BCHRT 39*. Also *Rael v Cartwright Jewelers and another, 2021 BCHRT 106*.
- Where a person asserts they are exempt from wearing a mask in a store due to a disability, and the store attempts to accommodate by requiring that they instead wear a face shield (which the person also refuses to wear), the store’s requirement for at least a face shield will be justified where the limitation is instituted for valid reasons, in good faith, and where it is impossible to accommodate without incurring undue hardship. *Szeles v. Costco Wholesale Canada Ltd., 2021 AHRC 154*.
- The human right against discrimination on the basis of “creed” is not engaged by a person who refuses to wear a mask to enter a store, based on a personal belief that the requirement to wear a mask does harm medically, physically, and spiritually. *Dubé v. Dutch Love Cannabis, 2021 HRTO 300*.
- Similarly, a requirement for proof of vaccination to access various events or services does not discriminate on the basis of political belief. While a genuinely held belief opposing government rules regarding vaccination could be a political belief within the meaning of the BC Human Rights Code, protection from discrimination based on political belief under the Code only extends to employment, employment advertisements, and membership in employment-related organizations. *Complainant obo Class of Persons v. John Horgan, 2021 BCHRT 120*.
- Although a person subject to a proof of vaccination requirement may have a disability, such as asthma, the requirement is not discriminatory unless the person must show a connection between having asthma and not being fully vaccinated, which is the basis for being denied service, e.g., that having asthma prevented them from being vaccinated. *Complainant v. Dr. Bonnie Henry, 2021 BCHRT 119*.

Given regulatory authorities starting this year to investigate the conduct of registrants acting in a professional capacity to oppose mandated COVID measures, the coming year will likely see disciplinary outcomes and resulting appeal or review proceedings.



**LAB  
CON**  
2022  
labcon.csmls.org



**KEYNOTE  
SPEAKER**

**Dr. Poliquin**  
The Transformative  
Nature of the Laboratory  
Response to  
COVID-19: Looking to  
the Future

# WE ARE BACK AND IN PERSON!

*JUNE 3 - 5, 2022  
WINNIPEG, MB*

**INNOVATION. INSPIRATION**

✉ [EVENTS@CSMLS.ORG](mailto:EVENTS@CSMLS.ORG)

# LAB CON 2022

labcon.csmls.org

## WE ARE BACK AND IN PERSON!

It has been a tough few years. You have put your profession first, and have risen to the challenges that COVID-19 had brought your way. We have put together a program to provide you with a variety of inspirational presentations for both your professional and personal lives. At 2022 LABCON you will connect with industry leaders and subject matter experts who have real-life experiences and technical information that will help you excel in the dynamic world of the medical laboratory profession.

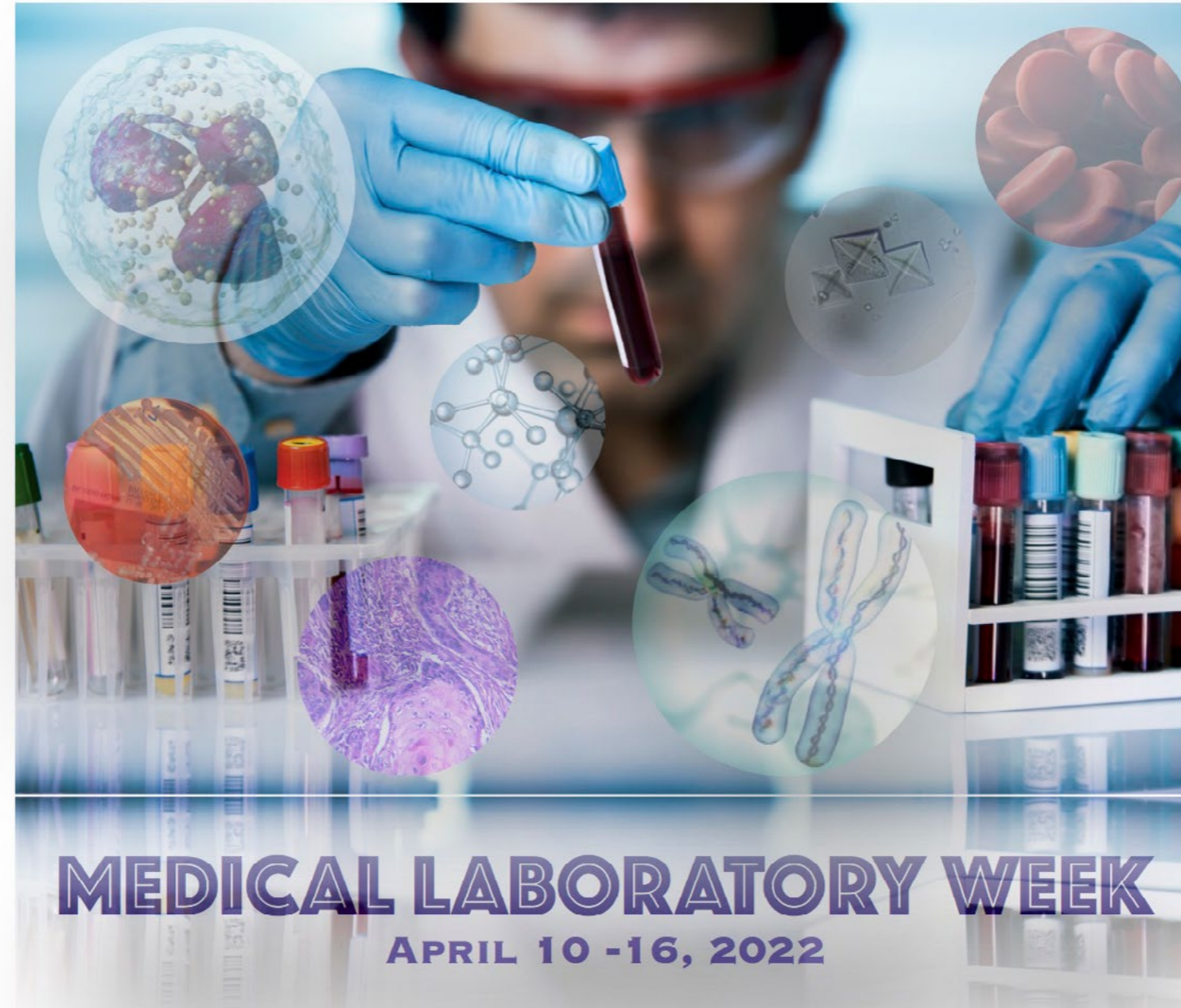
Register before April 17<sup>th</sup>, 2022  
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# MAMLS

MANITOBA ASSOCIATION FOR  
MEDICAL LABORATORY SCIENCE



Greetings my amazing colleagues,

We would like to express our pride and admiration for all of the great work you have done in the past year. Despite the challenges that we have been forced to contend with, we remain strong and proud! It is such a privilege to be part of the medical laboratory profession and to be able to work with all of you.

As the annual National Medical Laboratory Week (NMLW) is fast approaching, Manitoba Association for Medical Laboratory Science (MAMLS) would like to celebrate and recognize the essential contribution that you have made. To show our appreciation, we would like to invite you to join our virtual NMLW festivities.

Near, far, wherever you are, let's all get connected!

Please visit our site for all our event updates and follow our social media accounts for daily NMLW games and activities.

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National Med Lab Week in 2022 will be April 10<sup>th</sup> to 16<sup>th</sup>.

How will you be celebrating?

Send pictures of how your lab is celebrating National Med Lab Week to [janelle@cmltm.ca](mailto:janelle@cmltm.ca) to be shared on the CMLTM Social Media Pages.





## COMING SOON HEALTH EQUITY AND CULTURAL HUMILITY LEARNING MODULE

CMLTM is collaborating with 15 other regulated health professions on the creation of a new jurisprudence module on the important topic of health equity and cultural safety. This will be the third eLearning module to be created to assist health professional practice.

Manitoba's health regulatory colleges are mandated by the government to protect the public interest, in part by developing and enforcing standards of practice. To ensure the safe, ethical, and competent provision of services to patients, regulatory Colleges also provide guidance to health professionals in interpreting and applying standards, policies, and legislation to all aspects of their practice. Creating resources such as this learning module is one way in which the College carries out its role.

Based on our colonial history, learning and systems, many individuals and groups continue to face bias and racism when interacting with the healthcare system. This module is aimed to create awareness of the conscious and unconscious bias we all have, increase your awareness of health equities across our system and consider your professional responsibility to pursue health equity for all.

The module will be finalized over the summer and is planned to be implemented as part of the 2023 renewal season.

## Newsletter Policy

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The College of Medical Laboratory Technologists of Manitoba is responsible for distributing current information about services or relevant information to the membership. This is done through a newsletter which will be distributed electronically or through the mail.

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## The Council is Responsible for Reviewing All Submitted Content

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The College is not responsible for any opinions expressed in the newsletter and nor are they responsible for the accuracy of the content published. The information presented in the newsletter can not be reprinted without the written consent of the Registrar/CEO

