

Notice to the Professions

Interjurisdictional Practice

December 12, 2019

CSHBC registrants are responsible for complying with all of the standards of practice when they are providing speech and hearing services – regardless of where they are located.

Anyone who provides services as an audiologist, hearing instrument practitioner, or speech-language pathologist to patients in BC must be registered with the College of Speech and Hearing Health Professionals of BC (the “College”). This applies to professionals who are located outside of BC and providing virtual speech and hearing services to patients in BC.

The same professional standards and requirements apply to all College registrants, regardless of whether or not they are physically located in BC. Registrants located outside of BC who are providing services to patients inside BC may still be found to commit professional misconduct if their ethical or clinical practice falls below professional standards or breaches the Registrant Code of Ethics.

While professional standards may differ across jurisdictions, the College’s Standards of Practice include:

- Client Consent (PDF)
- Communication Health Assistants (Delegation & Assignment) (PDF)
- Duty to Report (PDF)
- Professional Accountability & Responsibility (PDF)
- Virtual Care (PDF)

For more information, see professional standards, clinical practice standards, and core documents on the Standards of Practice page.

Frequently Asked Questions

1. Do I have to be registered in another jurisdiction if I am practicing in that jurisdiction?

Persons who seek to practice in a jurisdiction other than BC should consult with the regulatory body in that jurisdiction. Different jurisdictions may have differing requirements for interjurisdictional practice.

2. What if I am a registered professional in more than one jurisdiction?

You can register to practice and for licensure with multiple colleges or jurisdictions. However, if you are a CSHBC registrant, you must comply with the College's standards and registration requirements, even if you are located outside of BC.

3. What if I am no longer actively providing care in BC, but still a CSHBC registrant?

Certain professional and ethical standards may still apply. Specifically, activities that bring the reputation of the profession into disrepute could result in a finding of professional misconduct.

Contact registration@cshbc.ca for more information about your registration status.

4. How do recent caselaw examples involving interjurisdictional practice – e.g., *Saplys* and *Essilor* – apply to CSHBC registrants?

Two recent cases in Ontario demonstrate some of the ongoing challenges and complexities of interjurisdictional practice of a profession, for both registrants and regulators.

In *Saplys v. Ontario Association of Architects*, 2019 ONSC 1679, the Ontario Supreme Court (ONSC) recently upheld a finding of professional misconduct of the Ontario Association of Architects' discipline committee (the "Committee") over a registrant's conduct in Saskatchewan. The architect was a licensed member of both Ontario and Saskatchewan's architectural regulatory bodies but failed to comply with the Ontario Association of Architects' standards while practicing in Saskatchewan.

ONSC found that the Committee had jurisdiction over the member, even though their actions complied with Saskatchewan's standards. As a member of the Ontario Association of Architects, the member was required to meet their standards as a condition of licensure.

In the *College of Optometrists of Ontario v. Essilor Group Inc.*, 2019 ONCA 265, the Ontario Court of Appeal (ONCA) held that Ontario regulators cannot stop a BC-based online company from selling prescription eyewear to online customers in the Ontario. The College of Optometrists and the College of Opticians argued that only licensed professionals could dispense eyewear in the province.

However, in its decision, ONCA supported the view of Essilor Group Canada that fulfilling the online orders did not constitute the controlled act of dispensing prescription eyewear. The Court also overturned the Superior Court's finding that there was a sufficient connection between provincial legislation establishing the controlled act and out-of-province defendant.