College of Chiropractors of Ontario
l'Ordre des Chiropraticiens de l'Ontario
59 Hayden Street
Suite 800
Toronto, Ontario
M4Y 0E7
Tel: 416-922-6355
Fax: 416-925-9610
E-mail: cco.info@cco.on.ca
Website: www.cco.on.ca

MEMORANDUM

Information on the Legislation and Ethics Exam and the Record Keeping Workshop

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Subject: **Legislation and Ethics Examination**

DATE: Thursday October 22, 2026

TIME: Due to the online delivery of the examination, please be available for the entire day. Candidates will be contacted by MonitorEDU (the company administering the exam) approximately two weeks prior to the exam date to schedule an exact exam writing time. If you do not receive an email from them, please contact **schedule@monitoredu.com**.

LOCATION: Online

LENGTH: **2 ½ hours**

FORMAT: multiple choice and short answer questions
*** please note: the examination is "OPEN-BOOK" – only your examination study material may be used. Please have your examination study material with you for the exam. You may include postings and other markings in the study material.

Any updates for the exam will be provided by email. Please advise CCO if there are changes to your email address and other contact information. If you have any questions, please feel free to contact Ms Madeline Cheng at mcheng@cco.on.ca.

Subject: **Record Keeping Workshop (Mandatory)**

All candidates are required to complete the workshop on *Regulatory Excellence for CCO Members* within one year of being registered with CCO. Please contact Ms Rose Bustria at rbustria@cco.on.ca for information. Opportunities to attend the workshop will be available throughout the year. Workshops that have been scheduled will be posted on the homepage of our website at www.cco.on.ca.

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EXAMINATION INFORMATION PACKAGE
October 2026

TO: **All Examination Candidates**

DATE: **October 2026**

Please make sure that enclosed with your ChiroCare PDF, you also have copies of the following documents:

Document	Subject Area
	GENERAL INFORMATION
A 1	Legislation and Ethics Examination and Time Restrictions for Registration
A 2	Information on Registration Requirements
A 3	Duties and Objects of Colleges
A 4	Mission and Strategic Objectives of CCO
A 5	Description of Chiropractic Organizations
A 6	Partnership of Care *(Patient's Charter of Rights & Responsibilities)*
	ONTARIO LEGISLATION
B 1	*Regulated Health Professions Act,* 1991
B 2	*Chiropractic Act,* 1991 – Bill 46
B 3	*Healing Arts Radiation Protection Act,* 1993
B 4	Information on Laboratory Testing, Memo
B 5	*Child and Family Services Act* – Reporting of Child Abuse Provisions
	OPERATION OF A CHIROPRACTIC PRACTICE – CCO POLICIES AND DIRECTIVES
	Billings and Treatment Procedures
C 1	Healing Arts Radiation Protection Guidelines, June 1987
	Signage and Promotion
D 1	Suggested form for exterior signs for chiropractors, Memo
D 2	Suggested form for opening announcement, Memo
D 3	Suggested forms for recall cards, Memo
	Office Procedures and Professional Conduct
E 1	Use of designation "C.A.", Memo
	CCO POLICY RELATING TO COLLEGE PROCEDURES
F 1	Rules of Procedure of the Discipline Committee of the College of Chiropractors of Ontario (the "College")

You will be tested on all study materials provided (Sections A1 – F1 and all regulations, standards of practice, policies and guidelines).

If you are missing any of the above items, please contact the CCO immediately.

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MEMORANDUM A1

To: **All Examination Candidates**

Date: **October 2026**

Subject: **Legislation and Ethics Examination and Time Restrictions for Registration**

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1. Legislation and Ethics Examination

Please be advised that the Legislation and Ethics examination is issued by CCO and administered by MonitorEDU. Please review the study material in preparation for this exam. Examination results will be emailed out to candidates approximately 3 - 4 weeks after the examination date. If successful, an application for registration will be included. You must complete and return the application form to be processed. If the application meets all requirements, you will be issued a registration number / registered under the General class.

2. Time Restrictions for Registration

Please note that the **current** Registration Regulation under the *Chiropractic Act, 1991,* requires applicants for registration in Ontario to successfully complete the examinations and apply for registration ***within two years*** of graduation from an accredited chiropractic program. An applicant who fails to do so must either successfully complete a refresher course approved by the Registration Committee or otherwise satisfy the Registration Committee that he or she is competent to practice.

Accordingly, all candidates are **encouraged** to complete the examinations and submit their application for registration ***within two years*** of their graduation.

Please contact Ms Madeline Cheng, Manager, Registration at (416) 922-6355, ext. 113 or at mcheng@cco.on.ca to obtain further information on registration.

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A2

MEMORANDUM

To: **All Examination Candidates**

Date: **October 2026**

Subject: **Information on Registration Requirements**

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1. **You are only permitted to practise chiropractic in the Province of Ontario if you are registered with CCO,** which means you have passed all required examinations, paid the application and registration fees, satisfied any other requirements and have received confirmation of your registration number and effective date.

2. CCO's public register is available on CCO's website at www.cco.on.ca and contains the most current and up-to-date information. It is important that you have your name and address listed correctly. Any change of address that you may have from time to time should be sent to this office **immediately.** It is your responsibility to notify CCO of any changes to your address.

3. All candidates are required to complete the workshop on Regulatory Excellence for CCO Members. Please contact Ms Rose Bustria at rbustria@cco.on.ca for information. Opportunities to attend the workshop will be available throughout the year. Workshops that have been scheduled will be posted on the homepage of our website at www.cco.on.ca.

4. An application fee is required to apply for registration. The initial certificate fee covers your registration to practice for the **balance of the current year.** Both payments may be put together in one cheque. In **October** of the subsequent year, you will receive a notice that your registration must be renewed. **The renewal fee must be paid by the first of January, each year.** If the renewal fee is not received by that date, CCO will send a letter of suspension, your registration will be suspended on March 1st and the late penalty fee would be in effect to become re-registered. When your registration is suspended, you are no longer entitled to practice. **It is your responsibility to contact us if you have not received your notice.**

Duties and Objects of Colleges

A3

Duty of College

2.1 It is the duty of the College to work in consultation with the Minister to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated health professionals. 2008, c. 18, s. 1.

Objects of College

3. (1) The College has the following objects:

1. To regulate the practice of the profession and to govern the members in accordance with the health profession Act, this Code and the *Regulated Health Professions Act, 1991* and the regulations and by-laws.

2. To develop, establish and maintain standards of qualification for persons to be issued certificates of registration.

3. To develop, establish and maintain programs and standards of practice to assure the quality of the practice of the profession.

4. To develop, establish and maintain standards of knowledge and skill and programs to promote continuing evaluation, competence and improvement among the members.

4.1 To develop, in collaboration and consultation with other Colleges, standards of knowledge, skill and judgment relating to the performance of controlled acts common among health professions to enhance interprofessional collaboration, while respecting the unique character of individual health professions and their members.

5. To develop, establish and maintain standards of professional ethics for the members.

6. To develop, establish and maintain programs to assist individuals to exercise their rights under this Code and the *Regulated Health Professions Act, 1991*.

7. To administer the health profession Act, this Code and the *Regulated Health Professions Act, 1991* as it relates to the profession and to perform the other duties and exercise the other powers that are imposed or conferred on the College.

8. To promote and enhance relations between the College and its members, other health profession colleges, key stakeholders, and the public.

9. To promote inter-professional collaboration with other health profession colleges.

10. To develop, establish, and maintain standards and programs to promote the ability of members to respond to changes in practice environments, advances in technology and other emerging issues.

11. Any other objects relating to human health care that the Council considers desirable. 1991, c. 18, Sched. 2, s. 3 (1); 2007, c. 10, Sched. M, s. 18; 2009, c. 26, s. 24 (11).

Duty

(2) In carrying out its objects, the College has a duty to serve and protect the public interest. 1991, c. 18, Sched. 2, s. 3 (2).

COLLEGE OF CHIROPRACTORS OF ONTARIO
MISSION, VISION, VALUES AND STRATEGIC OBJECTIVES

MISSION

The College of Chiropractors of Ontario regulates the profession in the public interest to assure ethical and competent chiropractic care.

VISION

Committed to Regulatory Excellence in the Public Interest in a Diverse Environment.

VALUES

- Integrity
- Respect
- Collaborative
- Innovative
- Transparent
- Responsive

STRATEGIC OBJECTIVES

1. Build public trust and confidence and promote understanding of the role of CCO amongst all stakeholders.

2. Ensure the practice of members is safe, ethical, and patient-centered.

3. Ensure standards and core competencies promote excellence of care while responding to emerging developments.

4. Optimize the use of technology to facilitate regulatory functions and communications.

5. Continue to meet CCO's statutory mandate and resource priorities in a fiscally responsible manner.

Developed at the strategic planning session: September 2017

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A5

MEMORANDUM

To: **All Examination Candidates**

Date: **October 2026**

Subject: **Description of Chiropractic and Regulatory Organizations**

College of Chiropractors of Ontario (CCO) is the regulatory body for chiropractors in the Province of Ontario. You must be registered and maintain your registration with the CCO in order to practice in Ontario. CCO is responsible for:

- developing standards of admission to the profession;
- establishing standards of practice, policies and guidelines for members' conduct and practice;
- developing quality assurance programs to help maintain their skills and knowledge;
- investigating complaints and reports against members; and
- disciplining members who have committed acts of professional misconduct or who are incompetent or incapacitated.

The Council of the CCO is composed of 9 chiropractors elected by the members of the college and 6-7 public members appointed by the Lieutenant Governor in Council. CCO is responsible for regulating the chiropractic profession, in the public interest, under the provisions of the *RHPA*, the *Chiropractic Act, 1991* and other legislation.

Ontario Chiropractic Association (OCA) is the **voluntary** professional membership association, which represents the interests of its members in the province. The OCA is responsible for representing its members in fee negotiations and in the provision of numerous member services and programs.

Alliance for Chiropractic (AFC) is a voluntary organization that creates public awareness of chiropractic.

Canadian Chiropractic Association (CCA) is a federation of provincial chiropractic associations. The CCA speaks for chiropractors in Canada on national issues and provides services to its registered members on matters other than licensing.

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Canadian Chiropractic Protective Association (CCPA) is a national professional organization of chiropractors which provides professional liability protection.

Canadian Memorial Chiropractic College (CMCC) is an accredited chiropractic educational program located in Toronto, Ontario.

Federation of Canadian Chiropractic (FCC) is a national association of professional and territorial chiropractic licensing authorities and accredited educational programs.

Health Professions Appeal and Review Board (HPARB) is an independent adjudicative agency that reviews decisions of the colleges' Inquiries, Complaints and Reports Committee decisions and Registration Committee decisions.

Health Professions Regulatory Advisory Council (HPRAC) is an organization that advises the Minister of Health and Long-Term Care on matters relating to the regulation to health professions in Ontario.

Approved by Council: December 11, 2008
Amendments Approved by Council: April 26, 2017

PARTNERSHIP OF CARE

(Patients' Charter of Rights & Responsibilities)

You and your chiropractor have an equal and vital role in the pursuit of your optimum health and well-being.

You have the right to expect your chiropractor to provide...

- ✓ ethical conduct of practice
- ✓ respectful, honest and clear communication in all aspects of consultation, consent, examination and care
- ✓ full disclosure of policies, procedures and fees
- ✓ relevant, safe and supportive patient-centred care
- ✓ accurate and comprehensive records
- ✓ a private, clean, accessible setting for receiving chiropractic care, that respects patient wishes
- ✓ accommodation and accessibility for disabilities and human rights, or alternative arrangements if accessibility is not possible
- ✓ an awareness of current health and well-being issues
- ✓ information about what chiropractic offers
- ✓ timely and necessary communication and/or referral to other health professionals
- ✓ timely transfer of records, upon request
- ✓ compliance with the College of Chiropractors of Ontario's (CCO) regulations, standards of practice, policies and guidelines (information posted on CCO's web site at www.cco.on.ca)
- ✓ privacy and confidentiality of your personal health information
- ✓ behaviour and clarity regarding dignified professional boundaries
- ✓ disclosure of real or perceived conflicts of interest
- ✓ a process for declining treatment and withdrawal of consent at any time

Your responsibilities to your chiropractor are to provide...

- ✓ honest, accurate and full disclosure of all pertinent health information
- ✓ constructive feedback (positive/negative) regarding all aspects of care
- ✓ a cooperative commitment to your treatment plan
- ✓ compliance with office policies, procedures and fees
- ✓ courtesy and respect for the office environment, staff and other patients
- ✓ up-to-date contact information

CCO is the governing body established by the provincial government to regulate chiropractors in Ontario. Every chiropractor practising in Ontario must be a registered member of CCO.

For more information, please visit www.cco.on.ca.

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Web site: www.cco.on.ca

Ontario

B1

Français

Regulated Health Professions Act, 1991

S.O. 1991, CHAPTER 18

Consolidation Period: From April 14, 2022 to the e-Laws currency date.

Last amendment: 2022, c. 11, Sched. 6.

Legislative History: [+]

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Interpretation

1 (1) In this Act,

"Board" means the Health Professions Appeal and Review Board under the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998*; ("Commission")

"Canadian experience" has the meaning prescribed by the regulations; ("expérience canadienne")

"certificate of authorization" means a certificate of authorization issued under this Act or the Code; ("certificat d'autorisation")

"Code" means the Health Professions Procedural Code in Schedule 2; ("Code")

"College" means the College of a health profession or group of health professions established or continued under a health profession Act; ("ordre")

"Council" means the Council of a College; ("conseil")

"health profession" means a health profession set out in Schedule 1; ("profession de la santé")

"health profession Act" means an Act named in Schedule 1; ("loi sur une profession de la santé")

"health profession corporation" means a corporation incorporated under the *Business Corporations Act* that holds a valid certificate of authorization issued under this Act or the Code; ("société professionnelle de la santé")

"member" means a member of a College; ("membre")

"Minister" means the Minister of Health and Long-Term Care; ("ministre")

"personal health information" has the same meaning as in section 4 of the *Personal Health Information Protection Act, 2004*; ("renseignements personnels sur la santé")

"personal information" means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*. ("renseignements personnels") 1991, c. 18, s. 1 (1); 1998, c. 18, Sched. G, s. 1; 2000, c. 42, Sched., s. 29; 2006, c. 19, Sched. L, s. 11 (2); 2007, c. 10, Sched. M, s. 1; 2009, c. 33, Sched. 18, s. 17 (2); 2017, c. 11, Sched. 5, s. 1; 2021, c. 25, Sched. 25, s. 1; 2022, c. 11, Sched. 6, s. 1.

Hearing not required unless referred to

(2) Nothing in this Act shall be construed to require a hearing to be held within the meaning of the *Statutory Powers Procedure Act* unless the holding of a hearing is specifically referred to. 1991, c. 18, s. 1 (2).

Section Amendments with date in force (d/m/y) [+]

Administration of Act
2 The Minister is responsible for the administration of this Act. 1991, c. 18, s. 2.

Duty of Minister
3 It is the duty of the Minister to ensure that the health professions are regulated and co-ordinated in the public interest, that appropriate standards of practice are developed and maintained and that individuals have access to services provided by the health professions of their choice and that they are treated with sensitivity and respect in their dealings with health professionals, the Colleges and the Board. 1991, c. 18, s. 3.

Code
4 The Code shall be deemed to be part of each health profession Act. 1991, c. 18, s. 4.

Powers of Minister
5 (1) The Minister may,

(a) inquire into or require a Council to inquire into the state of practice of a health profession in a locality or institution;

(b) review a Council's activities and require the Council to provide reports and information;

(c) require a Council to make, amend or revoke a regulation under a health profession Act, the *Drug and Pharmacies Regulation Act* or the *Drug Interchangeability and Dispensing Fee Act*;

(d) require a Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act, the health profession Acts, the *Drug and Pharmacies Regulation Act* or the *Drug Interchangeability and Dispensing Fee Act*. 1991, c. 18, s. 5 (1); 2009, c. 26, s. 24 (1).

Council to comply with Minister's request
(2) If the Minister requires a Council to do anything under subsection (1), the Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report. 1991, c. 18, s. 5 (2).

Regulations
(3) If the Minister requires a Council to make, amend or revoke a regulation under clause (1) (c) and the Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation. 1991, c. 18, s. 5 (3).

Idem
(4) Subsection (3) does not give the Lieutenant Governor in Council authority to do anything that the Council does not have authority to do. 1991, c. 18, s. 5 (4).

Expenses of Colleges
(5) The Minister may pay a College for expenses incurred in complying with a requirement under subsection (1). 1991, c. 18, s. 5 (5).

Section Amendments with date in force (d/m/y) [+]

College supervisor
5.0.1 (1) The Lieutenant Governor in Council may appoint a person as a College supervisor, on the recommendation of the Minister, where the Minister considers it appropriate or necessary. 2014, c. 14, Sched. 2, s. 9.

Factors to be considered
(2) In deciding whether to make a recommendation under subsection (1), the Minister may consider any matter he or she considers relevant, including, without limiting the generality of the foregoing,

(a) the quality of the administration and management, including financial management, of the College;

(b) the administration of this Act or the health profession Act as they relate to the health profession; and

(c) the performance of other duties and powers imposed on the College, the Council, the committees of the College, or persons employed, retained or appointed to administer this Act, the health profession Act, the *Drug and Pharmacies Regulation Act* or the *Drug Interchangeability and Dispensing Fee Act*. 2009, c. 26, s. 24 (2).

Notice

(3) At least 30 days before recommending to the Lieutenant Governor in Council that a College supervisor be appointed, the Minister shall give the College a notice of his or her intention to make the recommendation and in the notice advise the College that it may make written submissions to the Minister. 2009, c. 26, s. 24 (2).

Review of submissions

(4) The Minister shall review any submissions made by the College and if the Minister makes a recommendation to the Lieutenant Governor in Council to appoint a College supervisor, the Minister shall provide the College's submissions, if any, to the Lieutenant Governor in Council. 2009, c. 26, s. 24 (2).

Term of office

(5) The appointment of a College supervisor is valid until terminated by order of the Lieutenant Governor in Council. 2009, c. 26, s. 24 (2).

Powers of College supervisor

(6) Unless the appointment provides otherwise, a College supervisor has the exclusive right to exercise all the powers of a Council and every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act, the *Drug and Pharmacies Regulation Act* or the *Drug Interchangeability and Dispensing Fee Act*. 2009, c. 26, s. 24 (2).

Same

(7) The Lieutenant Governor in Council may specify the powers and duties of a College supervisor appointed under this section and the terms and conditions governing those powers and duties. 2009, c. 26, s. 24 (2).

Additional powers of College supervisor

(8) If, under the order of the Lieutenant Governor in Council, the Council continues to have the right to act respecting any matters, any such act of Council is valid only if approved in writing by the College supervisor. 2009, c. 26, s. 24 (2).

Right of access

(9) A College supervisor has the same rights as a Council and the Registrar in respect of the documents, records and information of the College. 2009, c. 26, s. 24 (2).

Report to Minister

(10) A College supervisor shall report to the Minister as required by the Minister. 2009, c. 26, s. 24 (2).

Minister's directions

(11) The Minister may issue one or more directions to a College supervisor regarding any matter within the jurisdiction of the supervisor, or amend a direction. 2009, c. 26, s. 24 (2).

Directions to be followed

(12) A College supervisor shall carry out every direction of the Minister. 2009, c. 26, s. 24 (2).

Section Amendments with date in force (d/m/y) [+]

***Fair Access to Regulated Professions and Compulsory Trades Act, 2006* not applicable**

5.1 The *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* does not apply to any College. 2006, c. 31, s. 35 (1); 2017, c. 2, Sched. 9, s. 10.

Section Amendments with date in force (d/m/y) [+]

***Ontario Labour Mobility Act, 2009* not applicable**

5.2 The *Ontario Labour Mobility Act, 2009*, except sections 21 to 24, does not apply to any College. 2009, c. 24, s. 33 (1).

Section Amendments with date in force (d/m/y) [+]

Reports

Annual report

6 (1) Each College shall report annually to the Minister on its activities and financial affairs. 2021, c. 25, Sched. 25, s. 2 (1).

(2) REPEALED: 2007, c. 10, Sched. M, s. 2 (1).

Audited financial statement

(3) Each College's annual report shall include an audited financial statement. 1998, c. 18, Sched. G, s. 2 (2).

Content and form

(4) The Minister may specify the content and form of the annual reports submitted by the College and, where the Minister has done so, the annual reports shall contain that content and be in that form. 2021, c. 25, Sched. 25, s. 2 (2).

Minister may publish information

(5) The Minister may, in every year, publish information from the annual reports of the Colleges. 2007, c. 10, Sched. M, s. 2 (2).

No personal information

(6) Information from the annual reports published by the Minister shall not include any personal information. 2007, c. 10, Sched. M, s. 2 (2).

Additional audits

(7) The College shall be subject, at any time, to any other audits relating to any aspect of its affairs as the Minister may determine to be appropriate, conducted by an auditor appointed by or acceptable to the Minister. 2021, c. 25, Sched. 25, s. 2 (3).

Auditor to submit results

(8) The auditor shall submit the results of any audit performed under subsection (7) to the Minister and the College. 2009, c. 26, s. 24 (3).

Section Amendments with date in force (d/m/y) [+]

7 REPEALED: 2021, c. 25, Sched. 25, s. 3.

Section Amendments with date in force (d/m/y) [+]

8 REPEALED: 2021, c. 25, Sched. 25, s. 3.

Section Amendments with date in force (d/m/y) [+]

9 REPEALED: 2021, c. 25, Sched. 25, s. 3.

Section Amendments with date in force (d/m/y) [+]

10 REPEALED: 2021, c. 25, Sched. 25, s. 3.

Section Amendments with date in force (d/m/y) [+]

11 REPEALED: 2021, c. 25, Sched. 25, s. 3.

Section Amendments with date in force (d/m/y) [+]

12 REPEALED: 2021, c. 25, Sched. 25, s. 3.

Section Amendments with date in force (d/m/y) [+]

13-15 REPEALED: 2021, c. 25, Sched. 25, s. 3.

Section Amendments with date in force (d/m/y) [+]

16 REPEALED: 2021, c. 25, Sched. 25, s. 3.

Section Amendments with date in force (d/m/y) [+]

17 REPEALED: 2021, c. 25, Sched. 25, s. 3.

Section Amendments with date in force (d/m/y) [+]

HEALTH PROFESSIONS BOARD

18-22 REPEALED: 1998, c. 18, Sched. G, s. 3.

Section Amendments with date in force (d/m/y) [+]

23 REPEALED: 1998, c. 18, Sched. G, s. 3.

Section Amendments with date in force (d/m/y) [+]

Investigations and expert advice

24 (1) REPEALED: 1998, c. 18, Sched. G, s. 4.

Investigators

(2) The Board may engage persons who are not public servants employed under Part III of the *Public Service of Ontario Act, 2006* to carry out investigations under paragraph 3 of subsection 28 (5) of the Code. 2006, c. 35, Sched. C, s. 116 (3); 2007, c. 10, Sched. M, s. 4 (1).

Experts

(3) The Board may engage persons who are not public servants employed under Part III of the *Public Service of Ontario Act, 2006* to provide expert or professional advice in connection with a registration hearing, complaint review or registration review. 2006, c. 35, Sched. C, s. 116 (3).

Independence of experts

(4) A person engaged under subsection (3) shall be independent of the parties, and, in the case of a complaint review, of the Inquiries, Complaints and Reports Committee. 2007, c. 10, Sched. M, s. 4 (2).

Advice disclosed

(5) The nature of any advice, including legal advice, given by a person engaged under subsection (3) shall be made known to the parties and they may make submissions with respect to the advice. 1991, c. 18, s. 24 (5).

Section Amendments with date in force (d/m/y) [+]

25 REPEALED: 1998, c. 18, Sched. G, s. 5.

Section Amendments with date in force (d/m/y) [+]

26 REPEALED: 2007, c. 10, Sched. M, s. 5.

Section Amendments with date in force (d/m/y) [+]

PROHIBITIONS

Controlled acts restricted

27 (1) No person shall perform a controlled act set out in subsection (2) in the course of providing health care services to an individual unless,

(a) the person is a member authorized by a health profession Act to perform the controlled act; or

(b) the performance of the controlled act has been delegated to the person by a member described in clause (a). 1991, c. 18, s. 27 (1); 1998, c. 18, Sched. G, s. 6.

Controlled acts

(2) A "controlled act" is any one of the following done with respect to an individual:

1. Communicating to the individual or his or her personal representative a diagnosis identifying a disease or disorder as the cause of symptoms of the individual in circumstances in which it is reasonably foreseeable that the individual or his or her personal representative will rely on the diagnosis.
2. Performing a procedure on tissue below the dermis, below the surface of a mucous membrane, in or below the surface of the cornea, or in or below the surfaces of the teeth, including the scaling of teeth.
3. Setting or casting a fracture of a bone or a dislocation of a joint.
4. Moving the joints of the spine beyond the individual's usual physiological range of motion using a fast, low amplitude thrust.
5. Administering a substance by injection or inhalation.
6. Putting an instrument, hand or finger,
    i. beyond the external ear canal,
    ii. beyond the point in the nasal passages where they normally narrow,
    iii. beyond the larynx,
    iv. beyond the opening of the urethra,
    v. beyond the labia majora,
    vi. beyond the anal verge, or
    vii. into an artificial opening into the body.
7. Applying or ordering the application of a form of energy prescribed by the regulations under this Act.
8. Prescribing, dispensing, selling or compounding a drug as defined in the *Drug and Pharmacies Regulation Act*, or supervising the part of a pharmacy where such drugs are kept.
9. Prescribing or dispensing, for vision or eye problems, subnormal vision devices, contact lenses or eye glasses other than simple magnifiers.
10. Prescribing a hearing aid for a hearing impaired person.
11. Fitting or dispensing a dental prosthesis, orthodontic or periodontal appliance or a device used inside the mouth to protect teeth from abnormal functioning.

12. Managing labour or conducting the delivery of a baby.
13. Allergy challenge testing of a kind in which a positive result of the test is a significant allergic response.
14. 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. 1991, c. 18, s. 27 (2); 2007, c. 10, Sched. L, s. 32; 2007, c. 10, Sched. R, s. 19 (1).

Exemptions
(3) An act by a person is not a contravention of subsection (1) if the person is exempted by the regulations under this Act or if the act is done in the course of an activity exempted by the regulations under this Act. 1991, c. 18, s. 27 (3).

Same
(4) Despite subsection (1), a member of the Ontario College of Social Workers and Social Service Workers is authorized to perform the controlled act set out in paragraph 14 of subsection (2), in compliance with the *Social Work and Social Service Work Act, 1998*, its regulations and by-laws. 2007, c. 10, Sched. R, s. 19 (2).

Section Amendments with date in force (d/m/y) [+]

Delegation of controlled act
28 (1) The delegation of a controlled act by a member must be in accordance with any applicable regulations under the health profession Act governing the member's profession.

Idem
(2) The delegation of a controlled act to a member must be in accordance with any applicable regulations under the health profession Act governing the member's profession. 1991, c. 18, s. 28.

Exceptions
29 (1) An act by a person is not a contravention of subsection 27 (1) if it is done in the course of,

(a) rendering first aid or temporary assistance in an emergency;
(b) fulfilling the requirements to become a member of a health profession and the act is within the scope of practice of the profession and is done under the supervision or direction of a member of the profession;
(c) treating a person by prayer or spiritual means in accordance with the tenets of the religion of the person giving the treatment;
(d) treating a member of the person's household and the act is a controlled act set out in paragraph 1, 5 or 6 of subsection 27 (2); or
(e) assisting a person with his or her routine activities of living and the act is a controlled act set out in paragraph 5 or 6 of subsection 27 (2).

Counselling
(2) Subsection 27 (1) does not apply with respect to a communication made in the course of counselling about emotional, social, educational or spiritual matters as long as it is not a communication that a health profession Act authorizes members to make. 1991, c. 18, s. 29.

Sexual orientation and gender identity treatments
29.1 (1) No person shall, in the course of providing health care services, provide any treatment that seeks to change the sexual orientation or gender identity of a person under 18 years of age. 2015, c. 18, s. 2.

Exception
(2) The treatments mentioned in subsection (1) do not include,

(a) services that provide acceptance, support or understanding of a person or the facilitation of a person's coping, social support or identity exploration or development; and

(b) sex-reassignment surgery or any services related to sex-reassignment surgery. 2015, c. 18, s. 2.

Person may consent

(3) Subsection (1) does not apply if the person is capable with respect to the treatment and consents to the provision of the treatment. 2015, c. 18, s. 2.

Substitute decision-maker cannot consent

(4) Despite the *Health Care Consent Act, 1996*, a substitute decision-maker may not give consent on a person's behalf to the provision of any treatment described in subsection (1). 2015, c. 18, s. 2.

Regulations

(5) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

(a) clarifying the meaning of "sexual orientation", "gender identity" or "seek to change" for the purposes of subsection (1);

(b) exempting any person or treatment from the application of subsection (1). 2015, c. 18, s. 2.

Section Amendments with date in force (d/m/y) [+]

Treatment, etc., where risk of harm

30 (1) No person, other than a member treating or advising within the scope of practice of his or her profession, shall treat or advise a person with respect to his or her health in circumstances in which it is reasonably foreseeable that serious bodily harm may result from the treatment or advice or from an omission from them. 1991, c. 18, s. 30 (1); 2007, c. 10, Sched. M, s. 6.

Exception

(2) Subsection (1) does not apply with respect to treatment by a person who is acting under the direction of or in collaboration with a member if the treatment is within the scope of practice of the member's profession. 1991, c. 18, s. 30 (2).

Delegation

(3) Subsection (1) does not apply with respect to an act by a person if the act is a controlled act that was delegated under section 28 to the person by a member authorized by a health profession Act to do the controlled act. 1991, c. 18, s. 30 (3).

Counselling

(4) Subsection (1) does not apply with respect to counselling about emotional, social, educational or spiritual matters. 1991, c. 18, s. 30 (4).

Exceptions

(5) Subsection (1) does not apply with respect to anything done by a person in the course of,

(a) rendering first aid or temporary assistance in an emergency;

(b) fulfilling the requirements to become a member of a health profession if the person is acting within the scope of practice of the profession under the supervision or direction of a member of the profession;

(c) treating a person by prayer or spiritual means in accordance with the tenets of the religion of the person giving the treatment;

(d) treating a member of the person's household; or

(e) assisting a person with his or her routine activities of living. 1991, c. 18, s. 30 (5).

Exemption

(6) Subsection (1) does not apply with respect to an activity or person that is exempted by the regulations. 1991, c. 18, s. 30 (6).

Section Amendments with date in force (d/m/y) [+]

Dispensing hearing aids

31 No person shall dispense a hearing aid for a hearing impaired person except under a prescription by a member authorized by a health profession Act to prescribe a hearing aid for a hearing impaired person. 1991, c. 18, s. 31.

Dental devices, etc.

32 (1) No person shall design, construct, repair or alter a dental prosthetic, restorative or orthodontic device unless,

(a) the technical aspects of the design, construction, repair or alteration are supervised by a member of the College of Dental Technologists of Ontario or the Royal College of Dental Surgeons of Ontario; or

(b) the person is a member of a College mentioned in clause (a).

Employers

(2) A person who employs a person to design, construct, repair or alter a dental prosthetic, restorative or orthodontic device shall ensure that subsection (1) is complied with.

Supervisors

(3) No person shall supervise the technical aspects of the design, construction, repair or alteration of a dental prosthetic, restorative or orthodontic device unless he or she is a member of the College of Dental Technologists of Ontario or the Royal College of Dental Surgeons of Ontario.

Denturists

(4) This section does not apply with respect to the design, construction, repair or alteration of removable dentures for the patients of a member of the College of Denturists of Ontario if the member does the designing, construction, repair or alteration or supervises their technical aspects.

Exceptions

(5) This section does not apply with respect to anything done in a hospital as defined in the *Public Hospitals Act* or in a clinic associated with a university's faculty of dentistry or the denturism program of a college of applied arts and technology. 1991, c. 18, s. 32.

Restriction of title "doctor"

33 (1) Except as allowed in the regulations under this Act, no person shall use the title "doctor", a variation or abbreviation or an equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals. 1991, c. 18, s. 33 (1).

Same

(1.1) Subsection (1) does not apply to a person who is a member of the College of Naturopaths of Ontario. 2007, c. 10, Sched. P, s. 20 (1).

Naturopathic doctor

(1.2) A member referred to in subsection (1.1) shall not use the title "doctor" in written format without using the phrase, "naturopathic doctor", immediately following his or her name. 2007, c. 10, Sched. P, s. 20 (1).

Idem

(2) Subsection (1) does not apply to a person who is a member of,

(a) the College of Chiropractors of Ontario;

(b) the College of Optometrists of Ontario;

(c) the College of Physicians and Surgeons of Ontario;

(d) the College of Psychologists of Ontario; or

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 33 (2) (d) of the Act is amended by striking out "College of Psychologists of Ontario" and substituting "College of Psychologists and Behaviour Analysts of Ontario who holds a certificate of registration in the profession of psychology". (See: 2021, c. 27, Sched. 4, s. 16 (1))

(e) the Royal College of Dental Surgeons of Ontario. 1991, c. 18, s. 33 (2).

Same

(2.1) Subsection (1) does not apply to a person who is a member of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario and who holds a certificate of registration that entitles the member to use the title "doctor". 2006, c. 27, s. 18 (1).

Definition

(3) In this section,

"abbreviation" includes an abbreviation of a variation. 1991, c. 18, s. 33 (3).

Section Amendments with date in force (d/m/y) [+]

Psychotherapist title

33.1 (1) Despite section 8 of the *Psychotherapy Act, 2007*, a person who holds a certificate of registration authorizing him or her to perform the controlled act of psychotherapy and is a member of one of the following Colleges may use the title "psychotherapist" if he or she complies with the conditions in subsections (2), (3) and (4):

1. The College of Nurses of Ontario.
2. The College of Occupational Therapists of Ontario.
3. The College of Physicians and Surgeons of Ontario.
4. The College of Psychologists of Ontario. 2009, c. 26, s. 24 (6).

Oral identification

(2) A person mentioned in subsection (1) shall not describe himself or herself orally as a "psychotherapist" to any person unless the member also mentions the full name of the College where he or she is a member and identifies himself or herself as a member of that College or identifies himself or herself using the title restricted to those who are members of the health profession to which the member belongs. 2009, c. 26, s. 24 (6).

Written identification

(3) A person mentioned in subsection (1) shall not use the title "psychotherapist" in writing in a way that identifies the member as a psychotherapist on a name tag, business card or any document, unless the member sets out his or her full name in writing, immediately followed by at least one of the following, followed in turn by "psychotherapist":

1. The full name of the College where he or she is a member.
2. The name of the health profession that the member practises.
3. The restricted title that the member may use under the health profession Act governing the member's profession. 2009, c. 26, s. 24 (6).

In accordance with regulations

(4) A person mentioned in subsection (1) shall use the title "psychotherapist" in accordance with the regulations made under subsection (5). 2009, c. 26, s. 24 (6).

Regulations

(5) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council of a College mentioned in paragraphs 1 to 4 of subsection (1) may make regulations governing the use of title "psychotherapist" by members of the College. 2009, c. 26, s. 24 (6).

Section Amendments with date in force (d/m/y) [+]

Holding out as a College

34 (1) No corporation shall falsely hold itself out as a body that regulates, under statutory authority, individuals who provide health care.

Idem

(2) No individual shall hold himself or herself out as a member, employee or agent of a body that the individual falsely represents as or knows is falsely represented as regulating, under statutory authority, individuals who provide health care. 1991, c. 18, s. 34.

Holding out as a health profession corporation

34.1 (1) No corporation shall hold itself out as a health profession corporation unless it holds a valid certificate of authorization. 2000, c. 42, Sched., s. 30.

Same

(2) No person shall hold himself or herself out as a shareholder, officer, director, agent or employee of a health profession corporation unless the corporation holds a valid certificate of authorization. 2000, c. 42, Sched., s. 30.

Section Amendments with date in force (d/m/y) [+]

MISCELLANEOUS

Exemption, aboriginal healers and midwives

35 (1) This Act does not apply to,

(a) aboriginal healers providing traditional healing services to aboriginal persons or members of an aboriginal community; or

(b) aboriginal midwives providing traditional midwifery services to aboriginal persons or members of an aboriginal community.

Jurisdictions of Colleges

(2) Despite subsection (1), an aboriginal healer or aboriginal midwife who is a member of a College is subject to the jurisdiction of the College.

Definitions

(3) In this section,

"aboriginal healer" means an aboriginal person who provides traditional healing services; ("guérisseur autochtone")

"aboriginal midwife" means an aboriginal person who provides traditional midwifery services. ("sage-femme autochtone") 1991, c. 18, s. 35.

Confidentiality

36 (1) Every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act* and every member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person except,

(a) to the extent that the information is available to the public under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*;

(b) in connection with the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*, including, without limiting the generality of this, in connection with anything relating to the registration of members, complaints about members, allegations of members' incapacity, incompetence or acts of professional misconduct or the governing of the profession;

(c) to a body that governs a profession inside or outside of Ontario;

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 36 (1) of the Act is amended by adding the following clause: (See: 2021, c. 27, Sched. 2, s. 70 (1))

(c.1) to the Health and Supportive Care Providers Oversight Authority for the purposes of administering the *Health and Supportive Care Providers Oversight Authority Act, 2021*;

(d) as may be required for the administration of the *Drug Interchangeability and Dispensing Fee Act*, the *Healing Arts Radiation Protection Act*, the *Health Insurance Act*, the *Health Protection and Promotion Act*, the *Independent Health Facilities Act*, the *Laboratory and Specimen Collection Centre Licensing Act*, the *Fixing Long-Term Care Act, 2021*, the *Retirement Homes Act, 2010*, the *Ontario Drug Benefit Act*, the *Coroners Act*, the *Controlled Drugs and Substances Act* (Canada) and the *Food and Drugs Act* (Canada);

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 36 (1) (d) of the *Act* is amended by striking out "the *Healing Arts Radiation Protection Act*". (See: 2017, c. 25, Sched. 9, s. 115 (1))

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 36 (1) (d) of the Act is amended by striking out "the *Independent Health Facilities Act*". (See: 2017, c. 25, Sched. 9, s. 115 (2))

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 36 (1) (d) of the Act is amended by adding "the *Oversight of Health Facilities and Devices Act, 2017*" before "the *Retirement Homes Act, 2010*". (See: 2021, c. 39, Sched. 2, s. 23 (2))

(d.1) for a prescribed purpose, to a public hospital that employs or provides privileges to a member of a College, where the College is investigating a complaint about that member or where the information was obtained by an investigator appointed pursuant to subsection 75 (1) or (2) of the Code, subject to the limitations, if any, provided for in regulations made under section 43;

(d.2) for a prescribed purpose, to a person other than a public hospital who belongs to a class provided for in regulations made under section 43, where a College is investigating a complaint about a member of the College or where the information was obtained by an investigator appointed pursuant to subsection 75 (1) or (2) of the Code, subject to the limitations, if any, provided for in the regulations;

(e) to a police officer to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;

(f) to the counsel of the person who is required to keep the information confidential under this section;

(g) to confirm whether the College is investigating a member, if there is a compelling public interest in the disclosure of that information;

(h) where disclosure of the information is required by an Act of the Legislature or an Act of Parliament;

(i) if there are reasonable grounds to believe that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons;

(j) with the written consent of the person to whom the information relates; or

(k) to the Minister in order to allow the Minister to determine,

(i) whether the College is fulfilling its duties and carrying out its objects under this Act, a health profession Act, the *Drug and Pharmacies Regulation Act* or the *Drug Interchangeability and Dispensing Fee Act*, or

(ii) whether the Minister should exercise any power of the Minister under this Act, or any Act mentioned in subclause (i). 2007, c. 10, Sched. M, s. 7 (1); 2014, c. 14, Sched. 2, s. 10; 2017, c. 11, Sched. 5, s. 2 (1, 2); 2021, c. 39, Sched. 2, s. 23 (1).

Reports required under Code

(1.1) Clauses (1) (c) and (d) do not apply with respect to reports required under section 85.1 or 85.2 of the Code. 1993, c. 37, s. 1. 1998, c. 18, Sched. G, s. 7 (2).

Definition

(1.2) In clause (1) (e),

"law enforcement proceeding" means a proceeding in a court or tribunal that could result in a penalty or sanction being imposed. 1998, c. 18, Sched. G, s. 7 (2); 2007, c. 10, Sched. M, s. 7 (2).

Limitation

(1.3) No person or member described in subsection (1) shall disclose, under clause (1) (e), any information with respect to a person other than a member. 1998, c. 18, Sched. G, s. 7 (2); 2007, c. 10, Sched. M, s. 7 (3).

No requirement

(1.4) Nothing in clause (1) (e) shall require a person described in subsection (1) to disclose information to a police officer unless the information is required to be produced under a warrant. 1998, c. 18, Sched. G, s. 7 (2); 2007, c. 10, Sched. M, s. 7 (4).

Confirmation of investigation

(1.5) Information disclosed under clause (l) (g) shall be limited to the fact that an investigation is or is not underway and shall not include any other information. 2007, c. 10, Sched. M, s. 7 (5).

Restriction

(1.6) Information disclosed to the Minister under clause (1) (k) shall only be used or disclosed for the purpose for which it was provided to the Minister or for a consistent purpose. 2017, c. 11, Sched. 5, s. 2 (3).

Not compellable

(2) No person or member described in subsection (1) shall be compelled to give testimony in a civil proceeding with regard to matters that come to his or her knowledge in the course of his or her duties. 1991, c. 18, s. 36 (2).

Evidence in civil proceedings

(3) No record of a proceeding under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*, no report, document or thing prepared for or statement given at such a proceeding and no order or decision made in such a proceeding is admissible in a civil proceeding other than a proceeding under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act* or a proceeding relating to an order under section 11.1 or 11.2 of the *Ontario Drug Benefit Act*. 1991, c. 18, s. 36 (3); 1996, c. 1, Sched. G, s. 27 (2).

Section Amendments with date in force (d/m/y) [+]

Collection of personal information by College

36.1 (1) At the request of the Minister, a College shall collect information directly from members of the College as is reasonably necessary for the purpose of health human resources planning or research. 2017, c. 11, Sched. 5, s. 3 (1).

Unique identifiers

(2) A unique identifier shall be assigned by the Minister or a person designated by the Minister for each member of a College from whom information is collected under subsection (1). 2009, c. 26, s. 24 (7).

Form and manner

(2.1) The unique identifier shall be in the form and manner specified by the Minister. 2009, c. 26, s. 24 (7).

Members to provide information

(3) A member of a College who receives a request for information for the purpose of subsection (1) shall provide the information to the College within the time period and in the form and manner specified by the College. 2007, c. 10, Sched. M, s. 8.

Disclosure to Minister

(4) A College shall disclose the information collected under subsection (1) to the Minister within the time period and in the form and manner specified by the Minister. 2007, c. 10, Sched. M, s. 8.

Use, collection, disclosure and publication

(5) The following applies to information collected under subsection (1):

1. The information may only be used for the purposes set out under subsection (1).
2. The Minister shall not collect personal information if other information will serve the purposes set out under subsection (1).
3. The Minister shall not collect more personal information than is necessary for the purposes set out under subsection (1).
4. The Minister may disclose the information only for the purposes set out in subsection (1).
5. Reports and other documents using information collected under this section may be published for the purposes set out under subsection (1), and for those purposes only, but personal information about a member of a College shall not be included in those reports or documents. 2017, c. 11, Sched. 5, s. 3 (2).

(6) REPEALED: 2017, c. 11, Sched. 5, s. 3 (2).

Notice required by s. 39 (2) of FIPPA

(7) If the Minister requires a College to collect personal information from its members under subsection (1), the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* is given by,

(a) a public notice posted on the Ministry's website; or

(b) any other public method that may be prescribed. 2007, c. 10, Sched. M, s. 8.

Same

(8) If the Minister publishes a notice referred to under subsection (7), the Minister shall advise the College of the notice and the College shall also publish a notice about the collection on the College's website within 20 days of receiving the advice from the Minister. 2007, c. 10, Sched. M, s. 8.

Definitions

(9) In this section,

"health human resources planning" means ensuring the sufficiency and appropriate distribution of health providers; ("planification des ressources humaines en santé")

"information" includes personal information about members, but does not include personal health information; ("renseignements")

"Ministry" means the Ministry of Health and Long-Term Care; ("ministère")

"research" means the study of data and information in respect of health human resources planning. ("recherche") 2007, c. 10, Sched. M, s. 8; 2017, c. 11, Sched. 5, s. 3 (3, 4).

Section Amendments with date in force (d/m/y) [+]

Electronic health record

36.2 (1) The Minister may make regulations,

(a) requiring one or more Colleges to collect from their members information relating to their members that is specified in those regulations and that is, in the Minister's opinion, necessary for the purpose of developing or maintaining the electronic health record under Part V.1 of the *Personal Health Information Protection Act, 2004*, including ensuring that members are accurately identified for purposes of the electronic health record;

(b) requiring the College or Colleges to provide the information to the prescribed organization in the form, manner and timeframe specified by the prescribed organization;

(c) respecting the notice mentioned in subsection (4). 2016, c. 6, Sched. 1, s. 4.

Members to provide information

(2) Where the Minister has made a regulation under subsection (1), and a College has requested information from a member in compliance with the regulation, the member shall comply with the College's request. 2016, c. 6, Sched. 1, s. 4.

Use and disclosure by prescribed organization

(3) Despite a regulation made under subsection (1), the prescribed organization,

(a) may only collect, use or disclose information under this section for the purpose provided for in subsection (1);

(b) shall not use or disclose personal information collected under this section if other information will serve the purpose; and

(c) shall not use or disclose more personal information collected under this section than is necessary for the purpose. 2016, c. 6, Sched. 1, s. 4.

Notice required by s. 39 (2) of *FIPPA*

(4) Where the Minister has made a regulation under subsection (1), and a College is required to collect personal information from its members, the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* is given by,

(a) a public notice posted on the prescribed organization's website; or

(b) any other public method that may be prescribed in regulations made by the Minister under subsection (1). 2016, c. 6, Sched. 1, s. 4.

Same

(5) If the prescribed organization publishes a notice referred to under subsection (4), the prescribed organization shall advise the College of the notice and the College shall also publish a notice about the collection on the College's website within 20 days. 2016, c. 6, Sched. 1, s. 4.

Definitions

(6) In this section,

"information" includes personal information, but does not include personal health information; ("renseignements")

"prescribed organization" has the same meaning as in section 2 of the *Personal Health Information Protection Act, 2004*. ("organisation prescrite") 2016, c. 6, Sched. 1, s. 4; 2017, c. 11, Sched. 5, s. 4.

Section Amendments with date in force (d/m/y) [+]

Onus of proof to show registration

37 (1) A person who is charged with an offence to which registration under a health profession Act would be a defence shall be deemed, in the absence of evidence to the contrary, to have not been registered. 1991, c. 18, s. 37.

Onus of proof to show certificate of authorization

(2) A person who is charged with an offence to which holding a certificate of authorization would be a defence shall be deemed, in the absence of evidence to the contrary, to have not been issued a certificate of authorization. 2000, c. 42, Sched., s. 31; 2007, c. 10, Sched. M, s. 9 (1).

Injunctions

(3) Subsections (1) and (2) apply, with necessary modifications, to a person who is the subject of an application under section 87 of the Code. 2007, c. 10, Sched. M, s. 9 (2).

Section Amendments with date in force (d/m/y) [+]

Immunity

38 No action or other proceeding for damages shall be instituted against the Crown, the Minister, a College supervisor appointed under section 5.0.1 or his or her staff, an employee of the Crown, a College, a Council, or a member, officer, employee, agent or appointee of a College, a Council, a committee of a Council or a panel of a committee of a Council for an act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act, a health profession Act, the *Drug and Pharmacies Regulation Act* or a regulation or a by-law under those Acts or for any neglect or default in the performance or exercise in good faith of the duty or power. 1991, c. 18, s. 38; 1998, c. 18, Sched. G, s. 8; 2007, c. 10, Sched. M, s. 10; 2009, c. 26, s. 24 (8); 2021, c. 25, Sched. 25, s. 4.

Section Amendments with date in force (d/m/y) [+]

Service

39 (1) A notice or decision to be given to a person under this Act, the *Drug and Pharmacies Regulation Act* or a health profession Act may be given by mail or by fax. 2007, c. 10, Sched. M, s. 11.

When notice or decision given by mail received

(2) If a notice or decision is sent by mail addressed to a person at the person's last known address, there is a rebuttable presumption that it was received by the person on the fifth day after mailing. 2007, c. 10, Sched. M, s. 11.

When notice or decision given by fax received

(3) If a notice or decision is sent by fax to a person at the person's last known fax number, there is a rebuttable presumption that it was received by the person,

(a) on the day it was faxed, if faxed after midnight and before 4 p.m.; or

(b) on the following day, if faxed at any other time. 2007, c. 10, Sched. M, s. 11.

Section Amendments with date in force (d/m/y) [+]

Offences

40 (1) Every person who contravenes subsection 27 (1), 29.1 (1) or 30 (1) is guilty of an offence and on conviction is liable,

(a) for a first offence, to a fine of not more than $25,000, or to imprisonment for a term of not more than one year, or both; and

(b) for a second or subsequent offence, to a fine of not more than $50,000, or to imprisonment for a term of not more than one year, or both. 2007, c. 10, Sched. M, s. 12; 2015, c. 18, s. 3.

Same

(2) Every individual who contravenes section 31, 32 or 33 or subsection 34 (2), 34.1 (2) or 36 (1) is guilty of an offence and on conviction is liable to a fine of not more than $25,000 for a first offence and not more than $50,000 for a second or subsequent offence. 2007, c. 10, Sched. M, s. 12.

Same

(3) Every corporation that contravenes section 31, 32 or 33 or subsection 34 (1), 34.1 (1) or 36 (1) is guilty of an offence and on conviction is liable to a fine of not more than $50,000 for a first offence and not more than $200,000 for a second or subsequent offence. 2007, c. 10, Sched. M, s. 12.

Section Amendments with date in force (d/m/y) [+]

Responsibility of employment agencies

41 Every person who procures employment for an individual and who knows that the individual cannot perform the duties of the position without contravening subsection 27 (1) is guilty of an offence and on conviction is liable to a fine of not more than $25,000 for a first offence, and not more than $50,000 for a second or subsequent offence. 1991, c. 18, s. 41; 2007, c. 10, Sched. M, s. 13.

Section Amendments with date in force (d/m/y) [+]

Responsibility of employers

42 (1) The employer of a person who contravenes subsection 27 (1) while acting within the scope of his or her employment is guilty of an offence and on conviction is liable to a fine of not more than $25,000 for a first offence, and not more than $50,000 for a second or subsequent offence. 1991, c. 18, s. 42 (1); 2007, c. 10, Sched. M, s. 14 (1).

Responsibility of directors of corporate employers

(2) In addition, if the employer described in subsection (1) is a corporation, every director of the corporation who approved of, permitted or acquiesced in the contravention is guilty of an offence and on conviction is liable to a fine of not more than $25,000 for a first offence, and not more than $50,000 for a second or subsequent offence. 1991, c. 18, s. 42 (2); 2007, c. 10, Sched. M, s. 14 (2).

Exception

(3) Subsection (2) does not apply with respect to a corporation that operates a public hospital within the meaning of the *Public Hospitals Act* or to a corporation to which the *Not-for-Profit Corporations Act, 2010* applies. 1991, c. 18, s. 42 (3); 2010, c. 15, s. 241 (1).

Section Amendments with date in force (d/m/y) [+]

No limitation

42.1 Section 76 of the *Provincial Offences Act* does not apply to a prosecution under this Act, the *Drug and Pharmacies Regulation Act* or a health profession Act. 2007, c. 10, Sched. M, s. 15.

Section Amendments with date in force (d/m/y) [+]

Regulations

43 (1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

(0.a) prescribing the meaning of “Canadian experience” for the purposes of this Act;

(a) prescribing forms of energy for the purposes of paragraph 7 of subsection 27 (2);

(b) exempting a person or activity from subsection 27 (1) or 30 (1);

(c) attaching conditions to an exemption in a regulation made under clause (b);

(d) allowing the use of the title “doctor”, a variation or abbreviation or an equivalent in another language;

(e) respecting health profession corporations;

(f) governing the issue, renewal, suspension, revocation and expiration of certificates of authorization;

(g) governing the names of health profession corporations;

(g.1) prescribing purposes and providing for limitations for the purposes of clauses 36 (1) (d.1) and (d.2);

(g.2) providing for classes of persons for the purposes of clause 36 (1) (d.2);

(h) specifying in greater detail the things that shall be provided by or performed by a College under sections 15 to 22.11 of the Code;

(h.0.1) establishing and governing requirements with respect to the amount of time in which Colleges must make decisions under subsections 15 (1) and (4), 18 (2) and (4) and 19 (6) and (8) of the Code;

(h.0.2) requiring that notices required under subsections 15 (3) and 20 (1) of the Code and written reasons required under subsection 20 (1) of the Code be provided within a reasonable time;

(h.1) for the purposes of clause 36.1 (7) (b), prescribing alternative methods of giving the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act*;

Note: Clause (h.1) was enacted as clause (h) in the source law, the Statutes of Ontario, 2007, chapter 10, Schedule M, subsection 16 (1). The clause is renumbered in this consolidation to distinguish it from existing clause (h), enacted by the Statutes of Ontario, 2006, chapter 31, subsection 35 (2).

(h.2) prescribing information as information that is to be posted on a College website for the purposes of section 3.1 of the Code;

Note: Clause (h.2) was enacted as clause (i) in the source law, the Statutes of Ontario, 2007, chapter 10, Schedule M, subsection 16 (2). The clause is renumbered in this consolidation to distinguish it from existing clause (i), enacted by the Statutes of Ontario, 2006, chapter 31, subsection 35 (2).

(i) governing reports and certificates to be provided to the Fairness Commissioner, appointed under the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*, including their form, their manner of preparation, making them available to the public and requiring a College to provide such reports and certificates;

(j) governing other information to be provided to the Fairness Commissioner and requiring persons to provide that information;

(k) governing audits, including specifying audit standards and the scope of audits;

(k.1) establishing and governing English or French language proficiency requirements with which Colleges are required to comply, including prescribing what constitutes an English or French language proficiency testing requirement for the purposes of these requirements;

(k.2) establishing and governing exemptions from the restriction on requiring Canadian experience in section 16.2 of the Code;

(k.3) establishing and governing requirements for emergency classes of registration that are required by section 16.3 of the Code;

(l) prescribing a longer period in respect of a College for the purpose of section 22.23 of the Code;

(m) defining, for the purposes of sections 22.3 and 22.15 to 22.23 of the Code, any word or expression that is used in those sections but not defined in this Act;

(n) prescribing for the purposes of subsection 2 (2) of the Code, the provisions of the *Not-for-Profit Corporations Act, 2010* that apply to a College;

(o) establishing criteria for the definition of “patient” in relation to professional misconduct involving the sexual abuse of a patient for the purposes of subsection 1 (3) of the Code;

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 43 (1) of the Act is amended by adding the following clauses: (See: 2017, c. 11, Sched. 5, s. 5 (2))

(p) respecting the composition of committees that a College is required to have pursuant to subsection 10 (1) of the Code and governing the relationship between such regulations and the by-laws of the College;

(q) respecting the qualification, selection, appointment and terms of office of members of committees that a College is required to have pursuant to subsection 10 (1) of the Code and governing the relationship between such regulations and the by-laws of the College;

(r) prescribing conditions that disqualify committee members from sitting on committees that a College is required to have pursuant to subsection 10 (1) of the Code and governing the removal of disqualified committee members and governing the relationship between such regulations and the by-laws of the College;

(s) specifying the composition of panels selected from amongst the members of the Registration Committee, Inquiries, Complaints and Reports Committee, Discipline Committee and Fitness to Practise Committee for the purposes of subsections 17 (2), 25 (2), 38 (2) and 64 (2) of the Code, and providing for quorum for such panels.

(t) prescribing additional information to be contained in a College’s register for the purposes of paragraph 19 of subsection 23 (2) of the Code and designating such information as information subject to subsection 23 (13.1) of the Code;

(u) prescribing conduct for the purposes of subparagraph 3 vii of subsection 51 (5) of the Code;

(v) prescribing offences for the purposes of clause 51 (5.2) (a) of the Code;

(w) clarifying how a College is required to perform its functions under sections 25 to 69 and 72 to 74 of the Code with respect to matters involving allegations of a member’s misconduct of a sexual nature, and providing for further functions and duties that are not inconsistent with those functions;

(x) prescribing additional functions of the patient relations program for the purposes of subsection 84 (3.1) of the Code;

(y) prescribing additional purposes for which funding may be provided under the program which Colleges are required to maintain under section 85.7 of the Code, and prescribing additional persons or classes of persons to whom funding may be paid for the purposes of subsection 85.7 (8) of the Code;

(z) governing transitional matters arising from the enactment of Schedule 5 to the *Protecting Patients Act, 2017*. 1991, c. 18, s. 43 (1); 2000, c. 42, Sched., s. 33; 2006, c. 31, s. 35 (2); 2007, c. 10, Sched. M, s. 16; 2009, c. 24, s. 33 (2); 2010, c. 15, s. 241 (2); 2014, c. 14, Sched. 2, s. 11; 2015, c. 8, s. 38 (1); 2017, c. 2, Sched. 9, s. 10; 2017, c. 11, Sched. 5, s. 5 (1, 3-8); 2022, c. 11, Sched. 6, s. 2.

Scope of regulations

(2) A regulation may be general or particular in its application. 1991, c. 18, s. 43 (2).

Definition

(3) In clause (1) (d),

"abbreviation" includes an abbreviation of a variation. 1991, c. 18, s. 43 (3).

Section Amendments with date in force (d/m/y) [+]

Regulations

43.1 Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations governing funding under programs required under section 85.7 of the Code, including regulations,

(a) prescribing the maximum amount or a means of establishing the maximum amount of funding that may be provided for a person in respect of a case of sexual abuse;

(b) prescribing the period of time during which funding may be provided for a person in respect of a case of sexual abuse. 1993, c. 37, s. 3.

Section Amendments with date in force (d/m/y) [+]

Expert committees

43.2 The Lieutenant Governor in Council may make regulations,

(a) establishing one or more expert committees for the purposes of this Act, the Code and health profession Acts;

(b) specifying the functions, duties, powers and membership of an expert committee;

(c) requiring an expert committee to provide reports and information to the Minister and providing for the content of such reports and information;

(d) requiring information to be provided by a College or Council to an expert committee, and governing the content of the information and the form and manner and time within which the information is to be provided to the committee. 2009, c. 26, s. 24 (9).

Section Amendments with date in force (d/m/y) [+]

References to health professionals

44 A reference in an Act or regulation to a person described in Column 1 of the Table shall be deemed to be a reference to a person described opposite in Column 2. 1991, c. 18, s. 44.

45 Omitted (amends or repeals other Acts). 1991, c. 18, s. 45.

46 Omitted (revokes regulations). 1991, c. 18, s. 46.

47, 48 Omitted (amends or repeals other Acts). 1991, c. 18, ss. 47, 48.

49 Omitted (provides for coming into force of provisions of this Act). 1991, c. 18, s. 49.

50 Omitted (enacts short title of this Act). 1991, c. 18, s. 50.

TABLE

Item	Column 1	Column 2
1.	person registered as a chiropodist under the *Chiropody Act*	member of the College of Chiropodists of Ontario
2.	person registered as a dental technician under the *Dental Technicians Act*	member of the College of Dental Technologists of Ontario
3.	person licensed as a denture therapist under the *Denture Therapists Act*	member of the College of Denturists of Ontario
4.	person registered as a chiropractor under the *Drugless Practitioners Act*	member of the College of Chiropractors of Ontario
5.	person registered as a masseur under the *Drugless Practitioners Act*	member of the College of Massage Therapists of Ontario
6.	Repealed. See: Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006* – December 31, 2011.	
7.	person registered as a physiotherapist under the *Drugless Practitioners Act*	member of the College of Physiotherapists of Ontario
7.1	person registered under the *Drugless Practitioners Act*	member of the College of Naturopaths of Ontario
8.	person registered as a dental hygienist under Part II of the *Health Disciplines Act*	member of the College of Dental Hygienists of Ontario
9.	person licensed under Part II of the *Health Disciplines Act*	member of the Royal College of Dental Surgeons of Ontario
10.	person licensed under Part III of the *Health Disciplines Act*	member of the College of Physicians and Surgeons of Ontario
11.	person who is the holder of a certificate issued under Part IV of the *Health Disciplines Act*	member of the College of Nurses of Ontario
12.	person licensed under Part V of the *Health Disciplines Act*	member of the College of Optometrists of Ontario
13.	person licensed under Part VI of the *Health Disciplines Act*	member of the Ontario College of Pharmacists
14.	Person registered under the *Ophthalmic Dispensers Act*	member of the College of Opticians of Ontario
15.	person registered under the *Psychologists Registration Act*	member of the College of Psychologists of Ontario
16.	person registered under the *Radiological Technicians Act*	member of the College of Medical Radiation and Imaging Technologists of Ontario
17.	member of the College of Medical Radiation Technologists of Ontario	member of the College of Medical Radiation and Imaging Technologists of Ontario

1991, c. 18, Table; See: Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006* – December 31, 2011; 2007, c. 10, Sched. P, s. 20 (2); 2017, c. 25, Sched. 6, s. 17 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, item 15 of the Table to the Act is struck out and the following substituted: (See: 2021, c. 27, Sched. 4, s. 16 (2))

15.	person registered under the *Psychologists Registration Act*	member of the College of Psychologists and Behaviour Analysts of Ontario
15.1.	member of the College of Psychologists of Ontario	member of the College of Psychologists and Behaviour Analysts of Ontario

Section Amendments with date in force (d/m/y) [+]

SCHEDULE 1
SELF GOVERNING HEALTH PROFESSIONS

Health Profession Acts	*Health Profession*
Audiology and Speech-Language Pathology Act, 1991	Audiology and Speech-Language Pathology
Chiropody Act, 1991	Chiropody
Chiropractic Act, 1991	Chiropractic
Dental Hygiene Act, 1991	Dental Hygiene
Dental Technology Act, 1991	Dental Technology
Dentistry Act, 1991	Dentistry
Denturism Act, 1991	Denturism
Dietetics Act, 1991	Dietetics
Homeopathy Act, 2007	Homeopathy
Kinesiology Act, 2007	Kinesiology
Massage Therapy Act, 1991	Massage Therapy
Medical Laboratory Technology Act, 1991	Medical Laboratory Technology
Medical Radiation and Imaging Technology Act, 2017	Medical Radiation and Imaging Technology
Medicine Act, 1991	Medicine
Midwifery Act, 1991	Midwifery
Naturopathy Act, 2007	Naturopathy
Nursing Act, 1991	Nursing
Occupational Therapy Act, 1991	Occupational Therapy
Opticianry Act, 1991	Opticianry
Optometry Act, 1991	Optometry
Pharmacy Act, 1991	Pharmacy
Physiotherapy Act, 1991	Physiotherapy
Psychology Act, 1991	Psychology
Psychotherapy Act, 2007	Psychotherapy
Respiratory Therapy Act, 1991	Respiratory Therapy
Traditional Chinese Medicine Act, 2006	Traditional Chinese Medicine

1991, c. 18, Sched. 1; 1998, c. 18, Sched. G, s. 9; 2006, c. 27, s. 18 (2); 2007, c. 10, Sched. O, s. 14; 2007, c. 10, Sched. Q, s. 14; 2007, c. 10, Sched. R, s. 19 (3); 2007, c. 10, Sched. P, s. 20 (3); 2017, c. 25, Sched. 6, s. 17 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, Schedule 1 to the Act is amended by striking out,

Psychology Act, 1991	**Psychology**

and substituting the following: (See: 2021, c. 27, Sched. 4, s. 16 (3))

Psychology and Applied Behaviour Analysis Act, 2021	Psychology and applied behaviour analysis

Section Amendments with date in force (d/m/y) [+]

SCHEDULE 2
HEALTH PROFESSIONS PROCEDURAL CODE

Note: This Code is deemed by section 4 of the *Regulated Health Professions Act, 1991* to be part of each health profession Act.

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Interpretation

1 (1) In this Code,

"alternative dispute resolution process" means mediation, conciliation, negotiation, or any other means of facilitating the resolution of issues in dispute; ("processus de règlement extrajudiciaire des différends")

"Board" means the Health Professions Appeal and Review Board under the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998*; ("Commission")

"by-laws" means by-laws made by the Council; ("règlements administratifs")

"certificate of authorization" means a certificate of authorization issued under the *Regulated Health Professions Act, 1991* or this Code; ("certificat d'autorisation")

"certificate of registration" means a certificate of registration issued by the Registrar; ("certificat d'inscription")

"Council" means the Council of the College; ("conseil")

"drug" means drug as defined in subsection 117 (1) of the *Drug and Pharmacies Regulation Act*; ("médicament")

"health profession corporation" means a corporation incorporated under the *Business Corporations Act* that holds a valid certificate of authorization issued under the *Regulated Health Professions Act, 1991* or this Code; ("société professionnelle de la santé")

"incapacitated" means, in relation to a member, that the member is suffering from a physical or mental condition or disorder that makes it desirable in the interest of the public that the member's certificate of registration be subject to terms, conditions or limitations, or that the member no longer be permitted to practise; ("frappé d'incapacité")

"member" means a member of the College; ("membre")

"Minister" means the Minister of Health and Long-Term Care; ("ministre")

"patient relations program" means a program to enhance relations between members and patients; ("programme de relations avec les patients")

"prescribed" means prescribed in the regulations; ("prescrit")

"quality assurance program" means a program to assure the quality of the practice of the profession and to promote continuing evaluation, competence and improvement among the members; ("programme d'assurance de la qualité")

"Registrar" means the Registrar of the College; ("registrateur")

"registration" means the issuance of a certificate of registration. ("inscription") 1991, c. 18, Sched. 2, s. 1 (1); 1998, c. 18, Sched. G, s. 10; 2000, c. 42, Sched., s. 34; 2006, c. 19, Sched. L, s. 11 (2); 2007, c. 10, Sched. M, s. 17; 2009, c. 26, s. 24 (10).

Hearing not required unless referred to

(2) Nothing in the health profession Act or this Code shall be construed to require a hearing to be held within the meaning of the *Statutory Powers Procedure Act* unless the holding of a hearing is specifically referred to. 1991, c. 18, Sched. 2, s. 1 (2).

Sexual abuse of a patient

(3) In this Code,

"sexual abuse" of a patient by a member means,

(a) sexual intercourse or other forms of physical sexual relations between the member and the patient,

(b) touching, of a sexual nature, of the patient by the member, or

(c) behaviour or remarks of a sexual nature by the member towards the patient. 1993, c. 37, s. 4.

Exception

(4) For the purposes of subsection (3),

"sexual nature" does not include touching, behaviour or remarks of a clinical nature appropriate to the service provided. 1993, c. 37, s. 4.

Exception, spouses

(5) If the Council has made a regulation under clause 95 (1) (0.a), conduct, behaviour or remarks that would otherwise constitute sexual abuse of a patient by a member under the definition of "sexual abuse" in subsection (3) do not constitute sexual abuse if,

(a) the patient is the member's spouse; and

(b) the member is not engaged in the practice of the profession at the time the conduct, behaviour or remark occurs. 2013, c. 9, s. 1 (1).

Definitions

(6) For the purposes of subsections (3) and (5),

"patient", without restricting the ordinary meaning of the term, includes,

(a) an individual who was a member's patient within one year or such longer period of time as may be prescribed from the date on which the individual ceased to be the member's patient, and

(b) an individual who is determined to be a patient in accordance with the criteria in any regulations made under clause 43 (1) (o) of the *Regulated Health Professions Act, 1991*; ("patient")

"spouse", in relation to a member, means,

(a) a person who is the member's spouse as defined in section 1 of the *Family Law Act*, or

(b) a person who has lived with the member in a conjugal relationship outside of marriage continuously for a period of not less than three years. ("conjoint") 2017, c. 11, Sched. 5, s. 6.

Section Amendments with date in force (d/m/y) [+]

Statement of purpose, sexual abuse provisions

1.1 The purpose of the provisions of this Code with respect to sexual abuse of patients by members is to encourage the reporting of such abuse, to provide funding for therapy and counselling in connection with allegations of sexual abuse by members and, ultimately, to eradicate the sexual abuse of patients by members. 2017, c. 11, Sched. 5, s. 7.

Section Amendments with date in force (d/m/y) [+]

College

College is body corporate

2 (1) The College is a body corporate without share capital with all the powers of a natural person. 1991, c. 18, Sched. 2, s. 2 (1).

Not-for-Profit Corporations Act, 2010

(2) The *Not-for-Profit Corporations Act, 2010* does not apply to the College, except as may be prescribed by regulation made under clause 43 (1) (n) of the *Regulated Health Professions Act, 1991*. 2010, c. 15, s. 241 (3).

Section Amendments with date in force (d/m/y) [+]

Duty of College

2.1 It is the duty of the College to work in consultation with the Minister to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated health professionals. 2008, c. 18, s. 1.

Section Amendments with date in force (d/m/y) [+]

Objects of College

3 (1) The College has the following objects:

1. To regulate the practice of the profession and to govern the members in accordance with the health profession Act, this Code and the *Regulated Health Professions Act, 1991* and the regulations and by-laws.
2. To develop, establish and maintain standards of qualification for persons to be issued certificates of registration.
3. To develop, establish and maintain programs and standards of practice to assure the quality of the practice of the profession.
4. To develop, establish and maintain standards of knowledge and skill and programs to promote continuing evaluation, competence and improvement among the members.

4.1 To develop, in collaboration and consultation with other Colleges, standards of knowledge, skill and judgment relating to the performance of controlled acts common among health professions to enhance interprofessional collaboration, while respecting the unique character of individual health professions and their members.

5. To develop, establish and maintain standards of professional ethics for the members.
6. To develop, establish and maintain programs to assist individuals to exercise their rights under this Code and the *Regulated Health Professions Act, 1991*.
7. To administer the health profession Act, this Code and the *Regulated Health Professions Act, 1991* as it relates to the profession and to perform the other duties and exercise the other powers that are imposed or conferred on the College.
8. To promote and enhance relations between the College and its members, other health profession colleges, key stakeholders, and the public.
9. To promote inter-professional collaboration with other health profession colleges.
10. To develop, establish, and maintain standards and programs to promote the ability of members to respond to changes in practice environments, advances in technology and other emerging issues.
11. Any other objects relating to human health care that the Council considers desirable. 1991, c. 18, Sched. 2, s. 3 (1); 2007, c. 10, Sched. M, s. 18; 2009, c. 26, s. 24 (11).

Duty

(2) In carrying out its objects, the College has a duty to serve and protect the public interest. 1991, c. 18, Sched. 2, s. 3 (2).

Section Amendments with date in force (d/m/y) [+]

College website

3.1 (1) The College shall have a website, and shall include on its website information as may be prescribed in regulations made under clause 43 (1) (h.2) of the *Regulated Health Professions Act, 1991*. 2007, c. 10, Sched. M, s. 19.

Paper or electronic form

(2) Upon request and, if required by the College, the payment of a reasonable fee, the College shall provide the information required to be posted under subsection (1) in paper or electronic form. 2007, c. 10, Sched. M, s. 19.

Section Amendments with date in force (d/m/y) [+]

Council

4 The College shall have a Council that shall be its board of directors and that shall manage and administer its affairs. 1991, c. 18, Sched. 2, s. 4.

Terms

5 (1) No term of a Council member who is elected shall exceed three years.

Multiple terms

(2) A person may be a Council member for more than one term but no person who is elected may be a Council member for more than nine consecutive years. 1991, c. 18, Sched. 2, s. 5.

Quorum

6 A majority of the members of the Council constitute a quorum. 1991, c. 18, Sched. 2, s. 6.

Meetings

7 (1) The meetings of the Council shall be open to the public and reasonable notice shall be given to the members of the College, to the Minister, and to the public. 2007, c. 10, Sched. M, s. 20 (1).

Posting of meeting information

(1.1) The College shall post on its website information regarding upcoming meetings of the Council, including the dates of those meetings, matters to be discussed at those meetings, and information and documentation that will be provided to members of the Council for the purpose of those meetings. 2017, c. 11, Sched. 5, s. 8.

Items where public excluded

(1.2) If the Registrar anticipates that the Council will exclude the public from any meeting or part of a meeting under subsection (2), the grounds for doing so shall be noted in the information posted under subsection (1.1) and information and documentation related to that meeting or part of that meeting shall not be posted under subsection (1.1). 2017, c. 11, Sched. 5, s. 8.

Exclusion of public

(2) Despite subsection (1), the Council may exclude the public from any meeting or part of a meeting if it is satisfied that,

(a) matters involving public security may be disclosed;

(b) financial or personal or other matters may be disclosed of such a nature that the harm created by the disclosure would outweigh the desirability of adhering to the principle that meetings be open to the public;

(c) a person involved in a criminal proceeding or civil suit or proceeding may be prejudiced;

(d) personnel matters or property acquisitions will be discussed;

(e) instructions will be given to or opinions received from the solicitors for the College; or

(f) the Council will deliberate whether to exclude the public from a meeting or whether to make an order under subsection (3). 1991, c. 18, Sched. 2, s. 7 (2); 2007, c. 10, Sched. M, s. 20 (2).

Orders preventing public disclosure

(3) In situations in which the Council may exclude the public from meetings, it may make orders it considers necessary to prevent the public disclosure of matters disclosed in the meeting, including banning publication or broadcasting of those matters. 1991, c. 18, Sched. 2, s. 7 (3).

Grounds noted in minutes

(4) If the Council excludes the public from a meeting or makes an order under subsection (3), it shall have its grounds for doing so noted in the minutes of the meeting. 2007, c. 10, Sched. M, s. 20 (3).

Section Amendments with date in force (d/m/y) [+]

Remuneration and expenses

8 Council members appointed by the Lieutenant Governor in Council shall be paid, by the Minister, the expenses and remuneration the Lieutenant Governor in Council determines. 1991, c. 18, Sched. 2, s. 8; 2006, c. 19, Sched. L, s. 10 (1).

Section Amendments with date in force (d/m/y) [+]

Employees

9 (1) The Council may employ persons it considers advisable.

Registrar

(2) The Council shall appoint one of its employees as the Registrar. 1991, c. 18, Sched. 2, s. 9.

Committees

10 (1) The College shall have the following committees:

1. Executive Committee.
2. Registration Committee.
3. Inquiries, Complaints and Reports Committee.
4. Discipline Committee.
5. Fitness to Practise Committee.
6. Quality Assurance Committee.
7. Patient Relations Committee. 1991, c. 18, Sched. 2, s. 10 (1); 2007, c. 10, Sched. M, s. 21 (1).

Transitional

(1.1) For greater certainty, where, at the time subsection 21 (1) of Schedule M to the *Health System Improvements Act, 2007* comes into force, any matter that is before the Board based on anything done by the Committee formerly known as the Complaints Committee shall proceed as if the Board had the authority to do anything it could have done before the coming into force of sections 30 to 32 of that Schedule. 2007, c. 10, Sched. M, s. 21 (2).

Same

(1.2) Where a regulation made under the *Regulated Health Professions Act, 1991* or a health profession Act that was made before the coming into force of subsection 21 (1) of Schedule M to the *Health System Improvements Act, 2007* refers to the Complaints Committee, the reference shall be deemed to be to the Inquiries, Complaints and Reports Committee. 2009, c. 26, s. 24 (12).

Appointment

(2) The Council shall appoint the members of the committees. 1991, c. 18, Sched. 2, s. 10 (2).

Composition

(3) The composition of the committees shall be in accordance with the by-laws. 1991, c. 18, Sched. 2, s. 10 (3); 1998, c. 18, Sched. G, s. 11.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 10 (3) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 9)

Composition

(3) The composition of the committees shall be in accordance with the by-laws and with any regulations made pursuant to clauses 43 (1) (p) to (r) of the *Regulated Health Professions Act, 1991*. 2017, c. 11, Sched. 5, s. 9.

Section Amendments with date in force (d/m/y) [+]

Annual reports

11 (1) Each committee named in subsection 10 (1) shall monitor and evaluate their processes and outcomes and shall annually submit a report of its activities to the Council in a form acceptable to the Council. 2007, c. 10, Sched. M, s. 22.

Exclusions from reports

(2) The Inquiries, Complaints and Reports Committee shall not submit a report that contains information, other than information of a general statistical nature, relating to,

(a) a referral by the Inquiries, Complaints and Reports Committee to the Discipline or Fitness to Practise Committee until a panel of the Discipline or Fitness to Practise Committee disposes of the matter;

(b) an approval for the Registrar to appoint an investigator until the investigation is completed and reported by the Registrar and the Inquiries, Complaints and Reports Committee decides not to make a referral with respect to the matter to the Discipline Committee or, if the Inquiries, Complaints and Reports Committee makes a referral with respect to the matter to the Discipline Committee, until a panel of the Discipline Committee disposes of the matter; or

(c) an interim order made by the Inquiries, Complaints and Reports Committee in respect of a member until a panel of the Discipline Committee disposes of the matter. 2007, c. 10, Sched. M, s. 22.

Section Amendments with date in force (d/m/y) [+]

Executive Committee's exercise of Council's powers

12 (1) Between the meetings of the Council, the Executive Committee has all the powers of the Council with respect to any matter that, in the Committee's opinion, requires immediate attention, other than the power to make, amend or revoke a regulation or by-law.

Report to Council

(2) If the Executive Committee exercises a power of the Council under subsection (1), it shall report on its actions to the Council at the Council's next meeting. 1991, c. 18, Sched. 2, s. 12.

Members

13 (1) A person registered by the College is a member.

Suspended members

(2) A person whose certificate of registration is suspended is not a member. 1991, c. 18, Sched. 2, s. 13.

13.1

Section Amendments with date in force (d/m/y) [+]

Continuing jurisdiction

14 (1) A person whose certificate of registration is revoked or expires or who resigns as a member continues to be subject to the jurisdiction of the College for professional misconduct or incompetence referable to the time when the person was a member and may be investigated under section 75. 2007, c. 10, Sched. M, s. 23 (1).

Idem

(2) A person whose certificate of registration is suspended continues to be subject to the jurisdiction of the College for incapacity and for professional misconduct or incompetence referable to the time when the person was a member or to the period of the suspension and may be investigated under section 75. 1991, c. 18, Sched. 2, s. 14 (2); 2007, c. 10, Sched. M, s. 23 (2).

Section Amendments with date in force (d/m/y) [+]

Registration

Registration

15 (1) If a person applies to the Registrar for registration, the Registrar shall,

(a) register the applicant; or

(b) refer the application to the Registration Committee. 1991, c. 18, Sched. 2, s. 15 (1).

Referrals to Registration Committee

(2) The Registrar shall refer an application for registration to the Registration Committee if the Registrar,

(a) has doubts, on reasonable grounds, about whether the applicant fulfils the registration requirements;

(a.1) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant is an individual described in subsection 22.18 (1);

(b) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant does not consent to the imposition; or

(c) proposes to refuse the application. 1991, c. 18, Sched. 2, s. 15 (2); 1993, c. 37, s. 6; 2009, c. 24, s. 33 (3).

Notice to applicant

(3) If the Registrar refers an application to the Registration Committee, he or she shall give the applicant notice of the statutory grounds for the referral and of the applicant's right to make written submissions under subsection 18 (1). 1991, c. 18, Sched. 2, s. 15 (3).

Terms, etc., attached on consent

(4) If the Registrar is of the opinion that a certificate of registration should be issued to an applicant with terms, conditions or limitations imposed and the applicant consents to the imposition, the Registrar may do so with the approval of a panel of the Registration Committee selected by the chair for the purpose. 1991, c. 18, Sched. 2, s. 15 (4).

Panels for consent

(5) Subsections 17 (2) and (3) apply with respect to the panel mentioned in subsection (4). 1991, c. 18, Sched. 2, s. 15 (5).

Section Amendments with date in force (d/m/y) [+]

Disclosure of application file

16 (1) The Registrar shall give an applicant for registration, at his or her request, all the information and a copy of each document the College has that is relevant to the application.

Exception

(2) The Registrar may refuse to give an applicant anything that may, in the Registrar's opinion, jeopardize the safety of any person. 1991, c. 18, Sched. 2, s. 16.

Process for dealing with request

(3) The Registrar shall establish a process for the purposes of dealing with an applicant's request under subsection (1). 2015, c. 8, s. 38 (2).

Fee for access

(4) The Registrar may require an applicant to pay a fee for making information and documents available to the applicant if the Registrar first gives the applicant an estimate of the fee. 2015, c. 8, s. 38 (2).

Amount of fee

(5) The amount of the fee shall not exceed the amount of reasonable cost recovery. 2015, c. 8, s. 38 (2).

Waiver of fee

(6) The Registrar may waive the payment of all or any part of the fee that an applicant is required to pay under subsection (4) if, in the Registrar's opinion, it is fair and equitable to do so. 2015, c. 8, s. 38 (2).

Section Amendments with date in force (d/m/y) [+]

Note: On a day to be named by proclamation of the Lieutenant Governor, Schedule 2 to the Act is amended by adding the following section: (See: 2022, c. 11, Sched. 6, s. 3 (1))

Language proficiency requirements

16.1 A College shall ensure that it complies with any regulations made under clause 43 (1) (k.1) of the *Regulated Health Professions Act, 1991* respecting its English or French language proficiency requirements. 2022, c. 11, Sched. 6, s. 3 (1).

Section Amendments with date in force (d/m/y) [+]

Note: On a day to be named by proclamation of the Lieutenant Governor, Schedule 2 to the Act is amended by adding the following section: (See: 2022, c. 11, Sched. 6, s. 3 (2))

Canadian experience requirements

16.2 A College shall not require as a qualification for registration that a person's experience be Canadian experience unless an exemption is provided for in any regulations made under clause 43 (1) (k.2) of the *Regulated Health Professions Act, 1991*. 2022, c. 11, Sched. 6, s. 3 (2).

Section Amendments with date in force (d/m/y) [+]

Note: On a day to be named by proclamation of the Lieutenant Governor, Schedule 2 to the Act is amended by adding the following section: (See: 2022, c. 11, Sched. 6, s. 3 (3))

Emergency classes of registration

16.3 (1) The Council shall make regulations under clause 95 (1) (b) establishing an emergency class of registration. 2022, c. 11, Sched. 6, s. 3 (3).

(2) The emergency class of registration required by subsection (1) must meet the requirements in any regulation made under clause 43 (1) (k.3) of the *Regulated Health Professions Act, 1991*. 2022, c. 11, Sched. 6, s. 3 (3).

Section Amendments with date in force (d/m/y) [+]

Panels

17 (1) An application for registration referred to the Registration Committee or an application referred back to the Registration Committee by the Board shall be considered by a panel selected by the chair from among the members of the Committee. 1991, c. 18, Sched. 2, s. 17 (1); 2007, c. 10, Sched. M, s. 24 (1).

Composition of panels

(2) A panel shall be composed of at least three persons, at least one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council. 2007, c. 10, Sched. M, s. 24 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 17 (2) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 10)

Composition of panels

(2) The panel selected by the chair shall be composed in accordance with regulations made pursuant to clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*. 2017, c. 11, Sched. 5, s. 10.

Quorum

(3) Three members of a panel constitute a quorum. 1991, c. 18, Sched. 2, s. 17 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 17 (3) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 10)

Quorum

(3) Quorum for the panel shall be in accordance with regulations made pursuant to clause 43 (1) (s) of the Regulated Health *Professions Act, 1991*. 2017, c. 11, Sched. 5, s. 10.

Section Amendments with date in force (d/m/y) [+]

Consideration by panel

18 (1) An applicant may make written submissions to the panel within thirty days after receiving notice under subsection 15 (3) or within any longer period the Registrar may specify in the notice.

Orders by panel

(2) After considering the application and the submissions, the panel may make an order doing any one or more of the following:

1. Directing the Registrar to issue a certificate of registration.
2. Directing the Registrar to issue a certificate of registration if the applicant successfully completes examinations set or approved by the panel.
3. Directing the Registrar to issue a certificate of registration if the applicant successfully completes additional training specified by the panel.
4. Directing the Registrar to impose specified terms, conditions and limitations on a certificate of registration of the applicant and specifying a limitation on the applicant's right to apply under subsection 19 (1).
5. Directing the Registrar to refuse to issue a certificate of registration.

Idem

(3) A panel, in making an order under subsection (2), may direct the Registrar to issue a certificate of registration to an applicant who does not meet a registration requirement unless the requirement is prescribed as a non-exemptible requirement.

Order on consent

(4) The panel may, with the consent of the applicant, direct the Registrar to issue a certificate of registration with the terms, conditions and limitations specified by the panel imposed. 1991, c. 18, Sched. 2, s. 18.

Application for variation

19 (1) A member may apply to the Registration Committee for an order directing the Registrar to remove or modify any term, condition or limitation imposed on the member's certificate of registration as a result of a registration proceeding. 1991, c. 18, Sched. 2, s. 19 (1).

Limitations

(2) The right to apply under subsection (1) is subject to any limitation in the order imposing the term, condition or limitation or to which the member consented and to any limitation made under subsection (7) in the disposition of a previous application under this section. 1991, c. 18, Sched. 2, s. 19 (2).

Panels

(3) An application to the Registration Committee under subsection (1) or an application referred back to the Registration Committee by the Board shall be considered by a panel selected by the chair from among the members of the Committee. 1991, c. 18, Sched. 2, s. 19 (3); 2007, c. 10, Sched. M, s. 25 (1).

Idem

(4) Subsections 17 (2) and (3) apply with respect to the panel mentioned in subsection (3). 1991, c. 18, Sched. 2, s. 19 (4).

Submissions

(5) An applicant may make written submissions to the panel. 1991, c. 18, Sched. 2, s. 19 (5).

Orders

(6) After considering the application and the submissions, the panel may make an order doing any one or more of the following:

1. Refusing the application.
2. Directing the Registrar to remove any term, condition or limitation imposed on the certificate of registration.
3. Directing the Registrar to modify terms, conditions or limitations on the certificate of registration. 1991, c. 18, Sched. 2, s. 19 (6); 2007, c. 10, Sched. M, s. 25 (2).

Limitations on applications

(7) When an application has been disposed of under this section, the applicant may not make a new application under subsection (1) within six months of the disposition without leave of the Registrar. 2007, c. 10, Sched. M, s. 25 (3).

Registrar's leave

(8) The Registrar may only give leave for a new application to be made under subsection (7) if the Registrar is satisfied that there has been a material change in circumstances that justifies the giving of the leave. 2007, c. 10, Sched. M, s. 25 (3).

Section Amendments with date in force (d/m/y) [+]

Notice of orders

20 (1) A panel shall give the applicant notice of an order it makes under subsection 18 (2) or 19 (6) and written reasons for it if the order,

(a) directs the Registrar to refuse to issue a certificate of registration;

(b) directs the Registrar to issue a certificate of registration if the applicant successfully completes examinations or additional training;

(c) directs the Registrar to impose terms, conditions and limitations on a certificate of registration of the applicant; or

(d) refuses an application for an order removing or modifying any term, condition or limitation imposed on a certificate of registration. 1991, c. 18, Sched. 2, s. 20 (1).

Contents of notice

(2) A notice under subsection (1) shall inform the applicant of the order and of the provisions of section 19 and of subsections 21 (1) and (2). 1991, c. 18, Sched. 2, s. 20 (2); 2007, c. 10, Sched. M, s. 26.

Section Amendments with date in force (d/m/y) [+]

Appeal to Board

21 (1) An applicant who has been given a notice under subsection 20 (1) of an order may require the Board to hold a review of the application and the documentary evidence in support of it, or a hearing of the application, by giving the Board and the Registration Committee notice in accordance with subsection (2).

Requirements of notice

(2) A notice under subsection (1) shall be a written notice, given within thirty days after the notice under subsection 20 (1) was given, specifying whether a review or a hearing is required.

Order, etc., to Board

(3) If the Registration Committee receives a notice that an applicant requires a hearing or review, it shall, within fifteen days after receiving the notice, give the Board a copy of the order made with respect to the application, the reasons for it and the documents and things upon which the decision to make the order was based.

When order may be carried out

(4) An order of a panel, notice of which is required under subsection 20 (1), may be carried out only when,

(a) the applicant has given the Registrar notice that the applicant will not be requiring a review or hearing;

(b) thirty-five days have passed since the notice of the order was given under subsection 20 (1) without the applicant requiring a review or hearing; or

(c) the Board has confirmed the order. 1991, c. 18, Sched. 2, s. 21.

Registration hearings or reviews

22 (1) This section applies to a hearing or review by the Board required by an applicant under subsection 21 (1). 1991, c. 18, Sched. 2, s. 22 (1).

Procedural provisions

(2) The following provisions apply with necessary modifications to a hearing or review:

1. Subsection 38 (4) (exclusion from panel).

2. Section 42 (disclosure of evidence).
3. Section 43 (no communication by panel members).
4. Section 50 (members of panel who participate).
5. Section 55 (release of evidence). 1991, c. 18, Sched. 2, s. 22 (2).

Idem

(3) The following provisions also apply with necessary modifications to a hearing:

1. Section 45 (hearings open).
2. Section 47 (sexual misconduct witnesses).
3. Section 48 (transcript of hearings). 1991, c. 18, Sched. 2, s. 22 (3).

Same

(3.1) The following provisions of the *Statutory Powers Procedure Act* also apply with necessary modifications to a review by the Board:

1. Section 21.1 (correction of errors).
2. Section 25.1 (rules). 1998, c. 18, Sched. G, s. 12.

Findings of fact

(4) The findings of fact in a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15, 15.1, 15.2 and 16 of the *Statutory Powers Procedure Act*. 1991, c. 18, Sched. 2, s. 22 (4); 2007, c. 10, Sched. M, s. 27 (1).

Idem

(5) The findings of fact in a review shall be based exclusively on the application and documentary evidence admissible or matters that may be noticed under sections 15, 15.1, 15.2 and 16 of the *Statutory Powers Procedure Act*. 1991, c. 18, Sched. 2, s. 22 (5); 2007, c. 10, Sched. M, s. 27 (2).

Disposal by Board

(6) The Board shall, after the hearing or review, make an order doing any one or more of the following:

1. Confirming the order made by the panel.
2. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant if the applicant successfully completes any examinations or training the Registration Committee may specify.
3. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant and to impose any terms, conditions and limitations the Board considers appropriate.
4. Referring the matter back to the Registration Committee for further consideration by a panel, together with any reasons and recommendations the Board considers appropriate. 1991, c. 18, Sched. 2, s. 22 (6); 2007, c. 10, Sched. M, s. 27 (3).

Idem

(7) The Board may make an order under paragraph 3 of subsection (6) only if the Board finds that the applicant substantially qualifies for registration and that the panel has exercised its powers improperly. 1991, c. 18, Sched. 2, s. 22 (7).

Limitation on order

(8) The Board, in making an order under subsection (6), shall not require the Registration Committee to direct the Registrar to issue a certificate of registration to an applicant who does not meet a registration requirement that is prescribed as a non-exemptible requirement. 1991, c. 18, Sched. 2, s. 22 (8).

Parties

(9) The College and the applicant are parties to a hearing or review. 1991, c. 18, Sched. 2, s. 22 (9).

Section Amendments with date in force (d/m/y) [+]

Definitions

22.1 In this section and sections 22.2 to 22.14,

"audit" means an audit required under section 22.8; ("vérification")

"auditor" means an auditor appointed under section 22.8; ("vérificateur")

"Fairness Commissioner" means the Fairness Commissioner appointed under the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*; ("commissaire à l'équité")

"fair registration practices report" means a report required under section 22.7; ("rapport sur les pratiques d'inscription équitables")

"internationally trained individual" means an individual who has been trained in a country other than Canada to practise a health profession and who has applied for, or who intends to apply for, registration by a College; ("particulier formé à l'étranger")

"personal information" has the same meaning as in the *Freedom of Information and Protection of Privacy Act*; ("renseignements personnels")

"record" means a record as defined in the *Freedom of Information and Protection of Privacy Act*; ("document")

"regulations" means the regulations made under clauses 43 (1) (h) to (k) of the *Regulated Health Professions Act, 1991*. ("règlements") 2006, c. 31, s. 35 (3); 2017, c. 2, Sched. 9, s. 10.

Section Amendments with date in force (d/m/y) [+]

Fair registration practices: general duty

22.2 The College has a duty to provide registration practices that are transparent, objective, impartial and fair. 2006, c. 31, s. 35 (3).

Section Amendments with date in force (d/m/y) [+]

Information

22.3 The College shall provide information on its website with respect to the requirements for registration, the procedures for applying for registration and the amount of time that the registration process usually takes. 2009, c. 24, s. 33 (4).

Section Amendments with date in force (d/m/y) [+]

Qualifications

22.4 (1) The College shall make information publicly available on what documentation of qualifications must accompany an application and what alternatives may be acceptable to the College if an applicant cannot obtain the required documentation for reasons beyond his or her control. 2006, c. 31, s. 35 (3).

Same

(2) If the College makes its own assessment of qualifications, it shall do so in a way that is transparent, objective, impartial and fair and, if it relies on a third party to assess qualifications, it shall take reasonable measures to ensure that the third party makes the assessment in a way that is transparent, objective, impartial and fair. 2006, c. 31, s. 35 (3).

Same

(3) The College shall ensure that individuals assessing qualifications and making registration decisions or reviewing decisions have received training that includes, where appropriate,

(a) training on how to assess such qualifications and make such decisions;

(b) training in any special considerations that may apply in the assessment of applications and the process for applying those considerations. 2006, c. 31, s. 35 (3).

Section Amendments with date in force (d/m/y) [+]

Functions

22.5 (1) It is the function of the Fairness Commissioner to,

(a) assess the registration practices of a College based on its obligations under this Code and the regulations;

(b) specify audit standards, the scope of audits, times when fair registration practices reports and auditors' reports shall be filed, the form of all required reports and certificates and the information that they must contain;

(c) establish eligibility requirements that a person must meet to be qualified to conduct audits;

(d) establish a roster of persons who in the opinion of the Fairness Commissioner have satisfied the eligibility requirements established under clause (c);

(e) consult with Colleges on the cost, scope and timing of audits;

(f) monitor third parties relied on by a College to assess the qualifications of individuals applying for registration by the College to help ensure that assessments are based on the obligations of the College under this Code and the regulations;

(g) advise a College or third parties relied on by a College to assess qualifications with respect to matters related to registration practices under this Code and the regulations;

(h) provide advice and recommendations to the Minister, including advice and recommendations that a College do or refrain from doing any action respecting a contravention by a College if the Fairness Commissioner determines that the College has failed to comply with any requirement imposed on it by sections 22.2 to 22.11; and

(i) perform such other functions as may be assigned by the Lieutenant Governor in Council. 2006, c. 31, s. 35 (3).

Scope

(2) A matter specified under clause (1) (b) or established under clause (1) (c) or (d) may be general or specific in its application and may be limited as to time and place. 2006, c. 31, s. 35 (3).

Same

(3) The Fairness Commissioner shall give notice to the College of all matters specified under clause (1) (b) and established under clauses (1) (c) and (d) and the notice may be given in the manner he or she considers appropriate. 2006, c. 31, s. 35 (3).

Section Amendments with date in force (d/m/y) [+]

Review of practices

22.6 (1) The College shall undertake reviews of its registration practices at such times as the Fairness Commissioner may specify to ensure that the registration practices are transparent, objective, impartial and fair. 2006, c. 31, s. 35 (3).

Same

(2) The review shall include an analysis of,

(a) the extent to which the requirements for registration are necessary for or relevant to the practice of the profession;

(b) the efficiency and timeliness of decision-making; and

(c) the reasonableness of the fees charged by the College in respect of applications. 2006, c. 31, s. 35 (3).

Reports

(3) The College shall file a copy of the results of the review with the Fairness Commissioner within 30 days after the completion of the review. 2006, c. 31, s. 35 (3).

Section Amendments with date in force (d/m/y) [+]

Fair registration practices reports

22.7 (1) The College shall prepare a fair registration practices report annually or at such other times as the Fairness Commissioner may specify. 2006, c. 31, s. 35 (3).

Same

(2) The College may combine its fair registration practices report with such other report of the College as the Fairness Commissioner may permit and in such case an audit shall be confined to those parts of the report that relate to registration practices. 2006, c. 31, s. 35 (3).

Other reports

(3) The Fairness Commissioner may require that the College provide the Fairness Commissioner with reports or information relating to the College's compliance with sections 15 to 22.11 and the regulations and the College shall prepare and file the reports with, or provide the information to, the Fairness Commissioner. 2006, c. 31, s. 35 (3).

Same

(4) Reports and information required under subsection (3) are in addition to the reports required under subsection (1) and section 22.8. 2006, c. 31, s. 35 (3).

Section Amendments with date in force (d/m/y) [+]

Audits

22.8 (1) Every three years or at such other times as the Fairness Commissioner may specify, the Fairness Commissioner shall give notice to the College that an audit must be conducted in respect of its registration practices and of its compliance with this Code and the regulations. 2006, c. 31, s. 35 (3).

Notice of audit

(2) The Fairness Commissioner shall give the notice required by subsection (1) at least 90 days before the audit is to begin and the notice shall state,

(a) that the College must choose and appoint an auditor from the roster established by the Fairness Commissioner by the date specified in the notice;

(b) that if the College fails to choose and appoint an auditor by the date specified in the notice that the Fairness Commissioner will choose the auditor;

(c) the scope of the audit and the standards that will apply;

(d) the date by which the audit must be completed; and

(e) that the College is responsible for the payment of the auditor's fees and expenses. 2006, c. 31, s. 35 (3).

Choice of auditor

(3) The College shall, by the date specified in the notice, choose and appoint an auditor from the roster established by the Fairness Commissioner and notify the Fairness Commissioner of its choice. 2006, c. 31, s. 35 (3).

Failure to choose

(4) If the College fails to notify the Fairness Commissioner of the name of the auditor it has chosen and appointed by the date specified in the notice, the Fairness Commissioner shall choose the auditor and notify the College of his or her choice and the auditor shall be deemed to have been appointed by the College. 2006, c. 31, s. 35 (3).

Auditor's duties

(5) The auditor chosen and appointed under subsection (3) or (4) shall begin the audit promptly, shall conduct it in accordance with the scope of the audit and the audit standards set out in the notice under subsection (2) and shall complete it by the date set out in the notice. 2006, c. 31, s. 35 (3).

Collection of personal information

(6) An auditor may collect personal information, directly or indirectly, only for the purpose of an audit required under this section, but an auditor shall not retain any personal information after completing the audit and shall not include any personal information in any draft report or final report submitted in accordance with this section. 2006, c. 31, s. 35 (3).

Duty to furnish information
(7) A College shall co-operate with the auditor and shall,

(a) produce such records for, and provide such other information to, the auditor regarding its registration practices and any other matters related to compliance by the College with its obligations under sections 15 to 22.11 and the regulations as are reasonably necessary for the auditor to perform his or her duties under this Code, including any reports required from the College under section 22.6, 22.7 or 22.9 or the regulations; and

(b) provide the auditor with any assistance that is reasonably necessary, including assistance in using any data storage, processing or retrieval device or system, to produce a record in readable form. 2006, c. 31, s. 35 (3).

Limitation
(8) Despite subsection (7), a College may refuse access to a record if,

(a) the record or any information in the record is subject to a legal privilege that restricts disclosure of the record or the information; or

(b) an Act of Ontario or of Canada or a court order prohibits disclosure of the record or any information in the record in the circumstances. 2006, c. 31, s. 35 (3).

Draft report
(9) The auditor shall prepare a draft report on the audit and provide a copy of it to the College, together with a notice that the College may, within 30 days, make submissions to the auditor on the draft report. 2006, c. 31, s. 35 (3).

Same
(10) The auditor shall consider the submissions, if any, made by the College and may make any changes the auditor considers appropriate before finalizing the report. 2006, c. 31, s. 35 (3).

Auditor's reports
(11) The auditor shall make a final report on the audit and shall file it with the Fairness Commissioner and provide a copy to the College to which the audit relates. 2006, c. 31, s. 35 (3).

Auditor's certificate
(12) The auditor shall file a certificate with the Fairness Commissioner certifying that the auditor made the audit in accordance with this Act and the regulations and that he or she has provided a copy of the auditor's report to the College. 2006, c. 31, s. 35 (3).

When audit is complete
(13) An audit is complete when the auditor has provided a copy of the final report to the College to which the audit relates and has filed with the Fairness Commissioner the final report and the certificate referred to in subsection (12) and, if the College made submissions to the auditor on the draft report, a copy of the submissions made by the College. 2006, c. 31, s. 35 (3).

Filing with Minister
(14) The Fairness Commissioner shall provide the Minister of Health and Long-Term Care with a copy of all auditors' reports within a reasonable time after receiving them. 2006, c. 31, s. 35 (3).

Auditor's fees and expenses
(15) The College shall pay the auditor's fees and expenses. 2006, c. 31, s. 35 (3).

Section Amendments with date in force (d/m/y) [+]

Filing of reports by College
22.9 (1) The College shall file its fair registration practices reports with the Fairness Commissioner by the dates specified by the Fairness Commissioner. 2006, c. 31, s. 35 (3).

Report available to public
(2) The College shall make reports filed under subsection (1) available to the public. 2006, c. 31, s. 35 (3).

Section Amendments with date in force (d/m/y) [+]

Form of reports
22.10 (1) Reports and certificates required by sections 22.7 and 22.8 and under the regulations shall be in the form and contain the information specified by the Fairness Commissioner or as may be specified in the regulations. 2006, c. 31, s. 35 (3).

Restriction on personal information
(2) Despite subsection (1), no report prepared by the College, the Fairness Commissioner or an auditor under sections 22.6 to 22.8 shall contain personal information. 2006, c. 31, s. 35 (3).

Section Amendments with date in force (d/m/y) [+]

Certification of report
22.11 (1) A fair practices registration report shall include a statement certifying that all the information required to be provided in the report has been provided and that the information is accurate. 2006, c. 31, s. 35 (3).

Signature
(2) A person with authority to sign on behalf of the College shall sign the statement required by subsection (1). 2006, c. 31, s. 35 (3).

Section Amendments with date in force (d/m/y) [+]

Offences
22.12 (1) A person is guilty of an offence who,

(a) furnishes false or misleading information in a fair registration practices report or other report or record filed with the Fairness Commissioner under this Code or otherwise provides false or misleading information to the Fairness Commissioner or to a person employed in the Office of the Fairness Commissioner;

(b) obstructs the Fairness Commissioner or a person employed in the Office of the Fairness Commissioner in exercising powers or performing duties under this Code;

(c) furnishes false or misleading information to an auditor;

(d) obstructs, fails to co-operate with or assist an auditor; or

(e) contravenes subsection (2). 2006, c. 31, s. 35 (3); 2017, c. 2, Sched. 9, s. 11 (1).

Same, intimidation
(2) No person shall intimidate, coerce, penalize or discriminate against another person because that person,

(a) has co-operated or may co-operate with the Fairness Commissioner, an auditor or a person employed in the Office of the Fairness Commissioner in exercising powers or performing duties under this Code; or

(b) has provided, or may provide, records or other information in the course of an audit or other activity or proceeding under this Code in respect of fair registration practices. 2006, c. 31, s. 35 (3); 2017, c. 2, Sched. 9, s. 11 (2).

Penalties
(3) Every person who is guilty of an offence under subsection (1) is liable on conviction,

(a) to a fine of not more than $50,000; or

(b) if the person is a corporation, to a fine of not more than $100,000. 2006, c. 31, s. 35 (3); 2009, c. 33, Sched. 18, s. 29 (1).

Consent to prosecution

(4) No prosecution for an offence under subsection (1) shall be instituted except with the consent in writing of the Attorney General. 2006, c. 31, s. 35 (3); 2009, c. 33, Sched. 18, s. 29 (2).

Section Amendments with date in force (d/m/y) [+]

Immunity

22.13 (1) No proceeding shall be commenced against the Fairness Commissioner or anyone employed in the Office of the Fairness Commissioner for any act done or omitted in good faith in the execution or intended execution of his or her duties under this Code. 2006, c. 31, s. 35 (3); 2017, c. 2, Sched. 9, s. 12.

Testimony

(2) Neither the Fairness Commissioner nor anyone employed in the Office of the Fairness Commissioner is a competent or compellable witness in a civil proceeding outside this Code in connection with anything done under this Code. 2006, c. 31, s. 35 (3); 2017, c. 2, Sched. 9, s. 12.

Section Amendments with date in force (d/m/y) [+]

Limitation on powers

22.14 Neither the Fairness Commissioner nor anyone employed in the Office of the Fairness Commissioner,

(a) has power to influence a registration decision by the College or Registration Committee, to provide representation or advice to an applicant or potential applicant for registration in respect of a registration decision or to otherwise involve himself or herself in a registration decision or any review decision on behalf of an applicant or potential applicant for registration;

(b) has status at any proceeding of a College, the Registration Committee, the Board, a court or other tribunal in relation to any matter arising from an application for registration; or

(c) has the power to act as legal counsel or agent for any person in a proceeding described in clause (b) or in preparing for the proceeding. 2006, c. 31, s. 35 (3); 2017, c. 2, Sched. 9, s. 12.

Section Amendments with date in force (d/m/y) [+]

Definitions

22.15 (1) In this section and in sections 22.16 to 22.23,

"Agreement on Internal Trade" means the Agreement on Internal Trade signed in 1994 by the governments of Canada, the provinces of Canada, the Northwest Territories and the Yukon Territory, as amended from time to time; ("Accord sur le commerce intérieur")

"occupational standards", in relation to a certificate of registration, means the knowledge, skills and judgment that an individual must possess in order to be issued the certificate of registration, as established by the College, and against which the College measures the qualifications of an applicant for registration when assessing whether the applicant is qualified to practise the profession to the extent permitted by the certificate of registration; ("normes professionnelles")

"out-of-province certificate" means a certificate, licence, registration, or other form of official recognition that,

(a) attests to an individual being qualified to practise the profession and authorizes the individual to practise the profession, use a title or designation relating to the profession, or both, and

(b) is granted to the individual by a body or individual that is authorized under an Act of Canada or of a province or territory of Canada that is a party to the Agreement on Internal Trade, other than Ontario, to grant such certificate, licence, registration, or other form of official recognition. ("certificat extraprovincial") 2009, c. 24, s. 33 (5).

Federal Act

(2) For greater certainty, the reference in clause (b) of the definition of "out-of-province certificate" in subsection (1), to an Act of Canada that authorizes a body or individual to grant a certificate, licence, registration, or other form of official recognition, does not include the *Trade-marks Act* (Canada). 2009, c. 24, s. 33 (5).

Section Amendments with date in force (d/m/y) [+]

Purposes

22.16 The purposes of sections 22.15 to 22.23 are,

(a) to eliminate or reduce measures established or implemented by the College that restrict or impair the ability of an individual to obtain a certificate of registration when the individual holds an equivalent out-of-province certificate; and

(b) to support the Government of Ontario in fulfilling its obligations under Chapter Seven of the Agreement on Internal Trade. 2009, c. 24, s. 33 (5).

Section Amendments with date in force (d/m/y) [+]

Ontario residency cannot be required

22.17 The College shall not make it a registration requirement that an applicant reside in Ontario, if the applicant resides in another province or territory of Canada that is a party to the Agreement on Internal Trade. 2009, c. 24, s. 33 (5).

Section Amendments with date in force (d/m/y) [+]

When applicant holds out-of-province certificate

22.18 (1) This section applies if an individual applying to the College for registration already holds an out-of-province certificate that is equivalent to the certificate of registration being applied for. 2009, c. 24, s. 33 (5).

Material additional training, etc., cannot be required

(2) The College shall not impose any registration requirement that would require the applicant to have, undertake, obtain or undergo any material additional training, experience, examinations or assessments. 2009, c. 24, s. 33 (5).

Exception, registration requirements listed on website

(3) Despite subsection (2), the College is not prohibited from imposing on the applicant any registration requirement that,

(a) is listed on the publicly accessible website referred to in clause 9 (3) (a) of the *Ontario Labour Mobility Act, 2009;* and

(b) is stated on the website to be a permissible registration requirement for the certificate of registration being applied for, adopted by the Government of Ontario under Article 708 of the Agreement on Internal Trade. 2009, c. 24, s. 33 (5).

Other exceptions

(4) Despite subsection (2), if the conditions set out in subsection (6) are met, the College is not prohibited from imposing one or both of the following registration requirements on the applicant:

1. Requiring the applicant to demonstrate proficiency in English or in French if equivalent proficiency in the language was not a requirement for the granting of the out-of-province certificate.
2. Requiring the applicant to undertake, obtain or undergo material additional training, experience, examinations or assessments if the applicant has not, within a period of time fixed by the College, before submitting the application for registration, practised the profession to the extent that would be permitted by the certificate of registration for which the applicant is applying. 2009, c. 24, s. 33 (5).

Other permitted registration requirements

(5) Subsection (2) does not prohibit the College from imposing registration requirements that would require the applicant to do one or more of the following:

1. If the conditions set out in subsection (6) are met:
    i. Pay a fee upon application for registration and upon registration.
    ii. Obtain professional liability insurance or any other insurance or similar protection.

iii. Post a bond.

iv. Undergo a police record check.

v. Provide evidence of good character.

2. If the condition set out in paragraph 2 of subsection (6) is met, provide a certificate, letter or other evidence from every body or individual from whom the applicant currently holds an out-of-province certificate, confirming that the out-of-province certificate is in good standing.
3. If the conditions set out in subsection (6) are met, demonstrate knowledge of matters applicable to the practice of the profession in Ontario, as long as this does not involve material additional training, experience, examinations or assessments.
4. If the conditions set out in subsection (6) are met, meet any other requirement specified by the College that does not involve material additional training, experience, examinations or assessments. 2009, c. 24, s. 33 (5); 2015, c. 30, s. 28.

Conditions for subss. (4) and (5)
(6) The conditions referred to in subsections (4) and (5) are:

1. Subject to subsection (9), the requirement imposed by the College on applicants who hold an out-of-province certificate must be the same as, or substantially similar to but no more onerous than, the requirement imposed by the College on applicants who do not hold an out-of-province certificate.
2. The requirement imposed by the College must not be a disguised restriction on labour mobility. 2009, c. 24, s. 33 (5).

Permitted measures
(7) This section does not prohibit the College from carrying out the following measures in respect of the applicant if the conditions set out in subsection (8) are met:

1. Refusing to issue a certificate of registration to the applicant or imposing terms, conditions or limitations on the applicant's certificate of registration if, in the opinion of the Registration Committee, such action is necessary to protect the public interest as a result of complaints, or criminal, disciplinary or other proceedings, against the applicant in any jurisdiction whether in or outside Canada, relating to the applicant's competency, conduct or character.
2. If the out-of-province certificate held by the applicant is subject to a term, condition or limitation,
    i. imposing an equivalent term, condition or limitation on the certificate of registration to be issued to the applicant, or

    ii. refusing to register the applicant, if the College does not impose an equivalent term, condition or limitation on the certificate of registration being applied for. 2009, c. 24, s. 33 (5).

Conditions for subs. (7)
(8) The conditions referred to in subsection (7) are:

1. Subject to subsection (9), the measure carried out by the College with respect to applicants who hold an out-of-province certificate must be the same as, or substantially similar to but no more onerous than, the measure carried out by the College with respect to applicants who do not hold an out-of-province certificate.
2. The measure carried out by the College must not be a disguised restriction on labour mobility. 2009, c. 24, s. 33 (5).

Costs
(9) The College shall ensure that any registration requirements it imposes on the applicant and any measures it carries out with respect to the applicant in connection with the registration of the applicant do not result in the imposition on the applicant of fees or other costs that are more onerous than those the College would impose if the applicant did not hold an out-of-province certificate, unless the difference in such fees or other costs reflects the actual cost differential to the College. 2009, c. 24, s. 33 (5).

Expeditious registration
(10) The College shall ensure that its imposition of registration requirements on the applicant under subsections (3), (4) and (5) and its imposition of terms, conditions or limitations on the applicant's certificate of registration under subsection (7) do not prevent the expeditious registration of the applicant. 2009, c. 24, s. 33 (5).

Section Amendments with date in force (d/m/y) [+]

Transition
22.19 Sections 22.17 and 22.18 apply to,

(a) an application for registration made to the College on or after the day this section comes into force; and

(b) an application for registration made to the College before the day this section comes into force, if the application has not been finally decided before that day. 2009, c. 24, s. 33 (5).

Section Amendments with date in force (d/m/y) [+]

Occupational standards
22.20 (1) The College shall, to the extent possible and where practical,

(a) ensure that the process it follows in establishing or amending occupational standards for certificates of registration is conducive to labour mobility within Canada;

(b) take steps to reconcile differences between the occupational standards it has established for certificates of registration and occupational standards in effect with respect to the profession in the other provinces and territories of Canada that are parties to the Agreement on Internal Trade; and

(c) ensure that the occupational standards it establishes for certificates of registration are consistent with such common interprovincial or international occupational standards as may have been developed for the profession. 2009, c. 24, s. 33 (5).

No limitation
(2) Subsection (1) does not limit the objects of the College under section 3 or the powers of the Council under section 95 to establish such occupational standards for the profession as it considers appropriate to protect the public. 2009, c. 24, s. 33 (5).

Section Amendments with date in force (d/m/y) [+]

Notice of proposed occupational standards
22.21 If the College wishes to establish or amend occupational standards for a certificate of registration, it shall,

(a) give notice of the proposed new or amended standards to,

(i) the Minister,

(ii) the co-ordinating Minister under the *Ontario Labour Mobility Act, 2009*, and

(iii) the granting bodies and individuals referred to in clause (b) of the definition of "out-of-province certificate" in subsection 22.15 (1); and

(b) afford those granting bodies and individuals an opportunity to comment on the development of the new or amended standards. 2009, c. 24, s. 33 (5).

Section Amendments with date in force (d/m/y) [+]

Conflict
22.22 (1) If any of sections 22.16 to 22.21 conflicts with the health profession Act or a regulation or by-law made under the health profession Act or under this Code, sections 22.16 to 22.21 prevail to the extent of the conflict. 2009, c. 24, s. 33 (5).

Same

(2) This conflict provision prevails over any other conflict provision in the health profession Act, even if the other conflict provision is enacted after this one, unless the other conflict provision refers expressly to sections 22.16 to 22.21 of this Code. 2009, c. 24, s. 33 (5).

Section Amendments with date in force (d/m/y) [+]

Regulations and by-laws to conform

22.23 Within 12 months after the day this section comes into force or within such longer period as may be prescribed, the Council shall take such steps as are within its power to make, amend or revoke regulations and by-laws under this Code and under the health profession Act so that they conform with sections 22.16 to 22.21 of this Code. 2009, c. 24, s. 33 (5).

Section Amendments with date in force (d/m/y) [+]

Register

23 (1) The Registrar shall maintain a register. 2007, c. 10, Sched. M, s. 28.

Contents of register

(2) The register shall contain the following:

1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.
2. Where a member is deceased, the name of the deceased member and the date upon which the member died, if known to the Registrar.
3. The name, business address and business telephone number of every health profession corporation.
4. The names of the shareholders of each health profession corporation who are members of the College.
5. Each member's class of registration and specialist status.
6. The terms, conditions and limitations that are in effect on each certificate of registration.
7. A notation of every caution that a member has received from a panel of the Inquiries, Complaints and Reports Committee under paragraph 3 of subsection 26 (1), and any specified continuing education or remedial programs required by a panel of the Inquiries, Complaints and Reports Committee using its powers under paragraph 4 of subsection 26 (1).
8. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and that has not been finally resolved, including the date of the referral and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved.
9. A copy of the specified allegations against a member for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and that has not been finally resolved.
10. Every result of a disciplinary or incapacity proceeding.
11. A notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a member has entered into with the College and that are in effect.
12. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
13. A notation of every revocation or suspension of a certificate of registration.
14. A notation of every revocation or suspension of a certificate of authorization.
15. Information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included.

16. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
17. Where, during or as a result of a proceeding under section 25, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.
18. Where the College has an inspection program established under clause 95 (1) (h) or (h.1), the outcomes of inspections conducted by the college.
19. Information that is required to be kept in the register in accordance with regulations made pursuant to clause 43 (1) (t) of the *Regulated Health Professions Act, 1991*.
20. Information that is required to be kept in the register in accordance with the by-laws. 2017, c. 11, Sched. 5, s. 11 (1).

Publication ban

(3) No action shall be taken under this section which violates a publication ban, and nothing in this section requires or authorizes the violation of a publication ban. 2007, c. 10, Sched. M, s. 28.

Panels specifying information in register

(4) In disposing of a matter, a panel of the Registration, Discipline or Fitness to Practise Committee may, for the purposes of paragraph 15 of subsection (2), specify information that is to be included in the register in addition to the information specified in other paragraphs of subsection (2). 2007, c. 10, Sched. M, s. 28; 2017, c. 11, Sched. 5, s. 11 (2).

Access to information by the public

(5) All of the information required by paragraphs 1 to 19 of subsection (2) and all information designated as public in the by-laws shall, subject to subsections (6), (7), (8), (9) and (11), be made available to an individual during normal business hours, and shall be posted on the College's website within a reasonable amount of time of the Registrar having received the information and in a manner that is accessible to the public or in any other manner and form specified by the Minister. 2017, c. 11, Sched. 5, s. 11 (3).

When information may be withheld from the public

(6) The Registrar may refuse to disclose to an individual or to post on the College's website an address or telephone number or other information designated as information to be withheld from the public in the by-laws if the Registrar has reasonable grounds to believe that disclosure may jeopardize the safety of an individual. 2007, c. 10, Sched. M, s. 28.

Same

(7) The Registrar may refuse to disclose to an individual or to post on the College's website information that is available to the public under subsection (5), if the Registrar has reasonable grounds to believe that the information is obsolete and no longer relevant to the member's suitability to practise. 2007, c. 10, Sched. M, s. 28.

Same, personal health information

(8) The Registrar shall not disclose to an individual or post on the College's website information that is available to the public under subsection (5) that is personal health information, unless the personal health information is that of a member and it is in the public interest that the information be disclosed. 2007, c. 10, Sched. M, s. 28.

Restriction, personal health information

(9) The Registrar shall not disclose to an individual or post on the College's website under subsection (8) more personal health information than is reasonably necessary. 2007, c. 10, Sched. M, s. 28.

Personal health information

(10) In subsections (8) and (9),

"personal health information" means information that identifies an individual and that is referred to in clauses (a) through (g) of the definition of "personal health information" in subsection 4 (1) of the *Personal Health Information Protection Act, 2004*. 2007, c. 10, Sched. M, s. 28.

Other cases when information may be withheld

(11) The Registrar shall refuse to disclose to an individual or to post on the College's website information required by paragraph 10 of subsection (2) if,

(a) a finding of professional misconduct was made against the member and the order made was only a reprimand or only a fine, or a finding of incapacity was made against the member;

(b) more than six years have passed since the information was prepared or last updated;

(c) the member has made an application to the relevant committee for the removal of the information from public access because the information is no longer relevant to the member's suitability to practise, and if,

(i) the relevant committee believes that a refusal to disclose the information outweighs the desirability of public access to the information in the interest of any person affected or the public interest, and

(ii) the relevant committee has directed the Registrar to remove the information from public access; and

(d) the information does not relate to disciplinary proceedings concerning sexual abuse as defined in clause (a), (b) or (c) of the definition of "sexual abuse" in subsection 1 (3). 2007, c. 10, Sched. M, s. 28; 2017, c. 11, Sched. 5, s. 11 (4, 5).

Other cases when information may be withheld

(11.1) The Registrar shall refuse to disclose to an individual or to post on the College's website information required by paragraph 10 of subsection (2) if,

(a) the result of a discipline proceeding was that no finding of professional misconduct or incompetence was made against the member; and

(b) more than 90 days have passed since the information was prepared or last updated, unless before the expiry of the 90 days the member to whom the information relates specifically requests in writing that the Registrar continue to maintain public access to the information. 2017, c. 11, Sched. 5, s. 11 (6).

Information from register

(12) The Registrar shall provide to an individual a copy of any information in the register that the individual is entitled to obtain, upon the payment of a reasonable fee, if required. 2007, c. 10, Sched. M, s. 28.

Positive obligation

(13) Subject to subsection (11), where an individual inquires about a member, the Registrar shall make reasonable efforts to ensure that the individual is provided with a list of the information that is available to the public under subsection (5). 2007, c. 10, Sched. M, s. 28.

Correction of information

(13.1) The Registrar shall correct any information contained in the register that is required by paragraph 12 of subsection (2) or that is both required by paragraph 19 of subsection (2) and designated as subject to this subsection in a regulation made under clause 43 (1) (t) of the *Regulated Health Professions Act, 1991*, where a member demonstrates, to the satisfaction of the Registrar, that the information contained in the register is incomplete or inaccurate and where the member provides the Registrar with the information that is necessary to enable the Registrar to correct the incomplete or inaccurate information. 2017, c. 11, Sched. 5, s. 11 (7).

Meaning of results of proceeding

(14) For the purpose of this section and section 56,

"result",

(a) when used in reference to a disciplinary proceeding, means the panel's finding that the member committed an act of professional misconduct or was incompetent, particulars of the grounds for the finding, a synopsis of the decision and the order made, including any reprimand, and where the panel has made no such finding, includes a notation that no such finding was made and the reason why no such finding was made, and

(b) when used in reference to an incapacity proceeding, means the panel's finding that the member is incapacitated and the order made by the panel. 2017, c. 11, Sched. 5, s. 11 (8).

Section Amendments with date in force (d/m/y) [+]

Suspension for non-payment of fees

24 If a member fails to pay a fee that he or she is required to pay in accordance with the by-laws, the Registrar shall give the member notice of intention to suspend the member and may suspend the member's certificate of registration for failure to pay the fee 30 days after notice is given. 1998, c. 18, Sched. G, s. 14; 2007, c. 10, Sched. M, s. 29.

Section Amendments with date in force (d/m/y) [+]

Complaints And Reports

Panel for investigation or consideration

25 (1) A panel shall be selected by the chair of the Inquiries, Complaints and Reports Committee from among the members of the Committee to investigate a complaint filed with the Registrar regarding the conduct or actions of a member or to consider a report that is made by the Registrar under clause 79 (a). 2007, c. 10, Sched. M, s. 30.

Composition

(2) A panel shall be composed of at least three persons, at least one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council. 2007, c. 10, Sched. M, s. 30.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 25 (2) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 12)

Composition of panels

(2) The panel selected by the chair shall be composed in accordance with regulations made pursuant to clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*. 2017, c. 11, Sched. 5, s. 12.

Quorum

(3) Three members of a panel constitute a quorum. 2007, c. 10, Sched. M, s. 30.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 25 (3) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 12)

Quorum

(3) Quorum for the panel shall be in accordance with regulations made pursuant to clause 43 (1) (s) of the *Regulated Health Professions Act, 1991*. 2017, c. 11, Sched. 5, s. 12.

Complaint must be recorded

(4) A panel shall not be selected to investigate a complaint unless the complaint is in writing or is recorded on a tape, film, disk or other medium. 2007, c. 10, Sched. M, s. 30.

Complainant to be informed

(5) The Registrar shall give a complainant notice of receipt of his or her complaint and a general explanation of the processes of the College, including the jurisdiction and role of the Inquiries, Complaints and Reports Committee, together with a copy of the provisions of sections 28 to 29. 2007, c. 10, Sched. M, s. 30.

Notice to member

(6) The Registrar shall give the member, within 14 days of receipt of the complaint or the report,

(a) notice of the complaint, together with a copy of the provisions of sections 28 to 29, or notice of the receipt of the report;

(b) a copy of the provisions of section 25.2; and

(c) a copy of all available prior decisions involving the member unless the decision was to take no further action under subsection 26 (5). 2007, c. 10, Sched. M, s. 30.

Section Amendments with date in force (d/m/y) [+]

Alternative dispute resolution with respect to a complaint

25.1 (1) The Registrar may, with the consent of both the complainant and the member, refer the complainant and the member to an alternative dispute resolution process,

(a) if the matter has not yet been referred to the Discipline Committee under section 26; and

(b) if the matter does not involve an allegation of sexual abuse. 2007, c. 10, Sched. M, s. 30.

Confidentiality

(2) Despite this or any other Act, all communications at an alternative dispute resolution process and the facilitator's notes and records shall remain confidential and be deemed to have been made without prejudice to the parties in any proceeding. 2007, c. 10, Sched. M, s. 30.

Facilitator not to participate

(3) The person who acts as the alternative dispute resolution facilitator shall not participate in any proceeding concerning the same matter. 2007, c. 10, Sched. M, s. 30.

Ratification of resolution

(4) If the complainant and the member reach a resolution of the complaint through alternative dispute resolution, they shall advise the Registrar of the resolution, and the Registrar may,

(a) adopt the proposed resolution; or

(b) refer the decision of whether or not to adopt the proposed resolution to the panel. 2017, c. 11, Sched. 5, s. 13.

Referral to panel

(5) Where the Registrar makes a referral to the panel under clause (4) (b), the panel may,

(a) adopt the proposed resolution; or

(b) continue with its investigation of the complaint. 2017, c. 11, Sched. 5, s. 13.

Time limit for ADR

(6) If the complainant and the member do not reach a resolution of the complaint within 60 days of a referral to alternative dispute resolution under subsection (1), the Registrar or the panel shall not adopt any resolution reached after that date and the panel shall proceed with its investigation of the complaint. 2017, c. 11, Sched. 5, s. 13.

Extension of time

(7) Despite subsection (6), the Registrar or the panel may, where the Registrar or the panel believes it is in the public interest to do so, and with the agreement of the complainant and the member, adopt a resolution reached within 120 days of a referral to alternative dispute resolution under subsection (1). 2017, c. 11, Sched. 5, s. 13.

Section Amendments with date in force (d/m/y) [+]

Submissions by member

25.2 (1) A member who is the subject of a complaint or a report may make written submissions to the Inquiries, Complaints and Reports Committee within 30 days of receiving notice under subsection 25 (6). 2007, c. 10, Sched. M, s. 30.

Exception

(2) The Inquiries, Complaints and Reports Committee may specify a period of time of less than 30 days in which the member may make written submissions, and inform the member to that effect, if the Committee is of the opinion, on reasonable and probable grounds, that the conduct of the member exposes or is likely to expose his or her patients to harm or injury. 2007, c. 10, Sched. M, s. 30.

Section Amendments with date in force (d/m/y) [+]

Withdrawal of complaint by Registrar

25.3 (1) At any time following the receipt of a complaint regarding the conduct or actions of a member and prior to any action being taken by a panel of the Inquiries, Complaints and Reports Committee under subsection 26 (1), the Registrar may, at the request of the complainant, withdraw the complaint if the Registrar believes that the withdrawal is in the public interest. 2017, c. 11, Sched. 5, s. 14.

Notice

(2) The Registrar shall give the complainant and the member, within 14 days of the Registrar having withdrawn the complaint, notice that the complaint has been withdrawn. 2017, c. 11, Sched. 5, s. 14.

Section Amendments with date in force (d/m/y) [+]

Interim suspension

25.4 (1) The Inquiries, Complaints and Reports Committee may, subject to subsections (2) and (6), at any time following the receipt of a complaint or following the appointment of an investigator pursuant to subsection 75 (1) or (2), make an interim order directing the Registrar to suspend, or to impose terms, conditions or limitations on, a member's certificate of registration if it is of the opinion that the conduct of the member exposes or is likely to expose the member's patients to harm or injury. 2017, c. 11, Sched. 5, s. 14.

No gender-based terms, conditions, limitations

(2) Despite subsection (1), the Inquiries, Complaints and Reports Committee shall not make an interim order directing the Registrar to impose any gender-based terms, conditions or limitations on a member's certificate of registration. 2017, c. 11, Sched. 5, s. 14.

Procedure following interim suspension

(3) If an order is made under subsection (1) by the Inquiries, Complaints and Reports Committee,

(a) the matter shall be investigated and prosecuted expeditiously; and

(b) the Inquiries, Complaints and Reports Committee, the Discipline Committee or the Fitness to Practise Committee, as the case may be, shall give precedence to the matter. 2017, c. 11, Sched. 5, s. 14.

Duration of order

(4) An order under subsection (1) continues in force until it is varied by the Inquiries, Complaints and Reports Committee or until the matter is withdrawn, resolved by way of an alternative dispute resolution process or otherwise finally disposed of by a panel of the Inquiries, Complaints and Reports Committee, the Discipline Committee or the Fitness to Practise Committee. 2017, c. 11, Sched. 5, s. 14.

Panel's order

(5) In a matter in which an order under subsection (1) was made, an order of a panel of the Discipline Committee or the Fitness to Practise Committee directing the Registrar to revoke, suspend or impose conditions on a member's certificate takes effect immediately despite any appeal. 2017, c. 11, Sched. 5, s. 14.

Restrictions on orders

(6) No order shall be made under subsection (1) unless the member has been given,

(a) notice of the intention to make the order;

(b) at least 14 days to make written submissions to the Committee; and

(c) a copy of the provisions of this section. 2017, c. 11, Sched. 5, s. 14.

Extraordinary action to protect public

(7) Despite subsection (6), an order may be made under subsection (1) without notice to the member, subject to the right of the member to make submissions while the suspension or the terms, conditions or limitations are in place, if the Committee is of the opinion, on reasonable and probable grounds, that the conduct of the member exposes or is likely to expose the member's patients to harm or injury and urgent intervention is needed. 2017, c. 11, Sched. 5, s. 14.

Section Amendments with date in force (d/m/y) [+]

What a panel may do

26 (1) A panel, after investigating a complaint or considering a report, considering the submissions of the member and making reasonable efforts to consider all records and documents it considers relevant to the complaint or the report, may do any one or more of the following:

1. Refer a specified allegation of the member's professional misconduct or incompetence to the Discipline Committee if the allegation is related to the complaint or the report.
2. Refer the member to a panel of the Inquiries, Complaints and Reports Committee under section 58 for incapacity proceedings.
3. Require the member to appear before a panel of the Inquiries, Complaints and Reports Committee to be cautioned.
4. Take action it considers appropriate that is not inconsistent with the health profession Act, this Code, the regulations or by-laws. 2007, c. 10, Sched. M, s. 30.

Prior decisions

(2) A panel of the Inquiries, Complaints and Reports Committee shall, when investigating a complaint or considering a report currently before it, consider all of its available prior decisions involving the member, including decisions made when that committee was known as the Complaints Committee, and all available prior decisions involving the member of the Discipline Committee, the Fitness to Practise Committee and the Executive Committee, unless the decision was to take no further action under subsection (5). 2007, c. 10, Sched. M, s. 30.

Quality assurance

(3) In exercising its powers under paragraph 4 of subsection (1), the panel may not refer the matter to the Quality Assurance Committee, but may require a member to complete a specified continuing education or remediation program. 2007, c. 10, Sched. M, s. 30.

Complaint in bad faith, etc.

(4) If the panel considers a complaint to be frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, it shall give the complainant and the member notice that it intends to take no action with respect to the complaint and that the complainant and the member have a right to make written submissions within 30 days after receiving the notice. 2007, c. 10, Sched. M, s. 30.

Same

(5) If the panel is satisfied, after considering the written submissions of the complainant and the member, that a complaint was frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, the panel shall not take action with respect to the complaint. 2007, c. 10, Sched. M, s. 30.

Section Amendments with date in force (d/m/y) [+]

Notice of decision

27 (1) A panel shall give the complainant and the member who is the subject of the complaint,

(a) a copy of its decision;

(b) a copy of its reasons, if the panel acted under paragraph 3 or 4 of subsection 26 (1); and

(c) a notice advising the member and the complainant of any right to request a review they may have under subsection 29 (2). 2007, c. 10, Sched. M, s. 30.

Same, report

(2) A panel shall give the member, in the case of a report,

(a) a copy of its decision; and

(b) a copy of its reasons, if the panel acted under paragraph 3 or 4 of subsection 26 (1). 2007, c. 10, Sched. M, s. 30.

Section Amendments with date in force (d/m/y) [+]

Timely disposal

28 (1) A panel shall dispose of a complaint within 150 days after the filing of the complaint. 2007, c. 10, Sched. M, s. 30.

Impact of ADR on timelines

(2) Time spent by a complainant and member in an alternative dispute resolution process pursuant to a referral under section 25.1 shall not be included in the calculation of time under this section. 2017, c. 11, Sched. 5, s. 15.

If complaint not disposed of

(3) If a panel has not disposed of a complaint within 150 days after the complaint was filed, the Registrar shall provide the complainant with written notice of that fact and an expected date of disposition which shall be no more than 60 days from the date of the written notice. 2007, c. 10, Sched. M, s. 30.

If further delay

(4) If a panel has not disposed of the complaint by the expected date of disposition described in subsection (3), the Registrar shall,

(a) provide the member and complainant with written notice and reasons for the delay and the new expected date of disposition which shall be no more than 30 days from the date of the revised notice or from the expected date of disposition described in subsection (3), whichever is sooner; and

(b) provide the Board with written notice of and reasons for the delay as were provided to the member and complainant. 2007, c. 10, Sched. M, s. 30.

Powers of the Board

(5) The Board, on application of the member or the complainant, shall consider the written reasons for the delay and shall do any one of the following:

1. Direct the Inquiries, Complaints and Reports Committee to continue the investigation.
2. Make recommendations the Board considers appropriate to the Inquiries, Complaints and Reports Committee.
3. Investigate the complaint and make an order under subsection (9) within 120 days of the decision to investigate the complaint. 2007, c. 10, Sched. M, s. 30.

Board's investigatory powers

(6) In investigating a complaint under paragraph 3 of subsection (5), the Board has all the powers of a panel of the Inquiries, Complaints and Reports Committee and of the Registrar with respect to the investigation of the matter and may appoint an investigator under clause 75 (1) (c). 2007, c. 10, Sched. M, s. 30.

Continuing power of Inquiries, Complaints and Reports Committee

(7) The Inquiries, Complaints and Reports Committee may take action under section 26 at any time before the Board completes its investigation. 2007, c. 10, Sched. M, s. 30.

Same

(8) For greater certainty, if the Inquiries, Complaints and Reports Committee takes action as provided for in subsection (7), the Board no longer has jurisdiction to take action under section 26. 2007, c. 10, Sched. M, s. 30.

Powers of Board re an investigation

(9) After an investigation, the Board may do any one or more of the following:

1. Refer the matter to the Inquiries, Complaints and Reports Committee.
2. Make recommendations the Board considers appropriate to the Inquiries, Complaints and Reports Committee.
3. Require the Inquiries, Complaints and Reports Committee or a panel to do anything the Committee or a panel may do under the health profession Act and this Code except to request the Registrar to conduct an investigation. 2007, c. 10, Sched. M, s. 30.

Section Amendments with date in force (d/m/y) [+]

Powers of Board re time limits

28.1 If the Board is satisfied that no person will be unduly prejudiced, it may, on reasonable grounds, extend any time limit with respect to,

(a) a requirement, under subsection 21 (1), for a review or hearing by the Board;

(b) a request, under subsection 29 (2), for a review by the Board; or

(c) the Registrar's obligation to give to the Board, under subsection 32 (1), a record of an investigation of a complaint against a member and all relevant documents and things. 2007, c. 10, Sched. M, s. 30.

Section Amendments with date in force (d/m/y) [+]

Review by Board

29 (1) Subject to section 30, the Board shall review a decision of a panel of the Inquiries, Complaints and Reports Committee if the Board receives a request under subsection (2). 2007, c. 10, Sched. M, s. 30.

Request for review

(2) The complainant or the member who is the subject of the complaint may request the Board to review a decision of a panel of the Inquiries, Complaints and Reports Committee unless the decision was,

(a) to refer an allegation of professional misconduct or incompetence to the Discipline Committee; or

(b) to refer the member to a panel of the Inquiries, Complaints and Reports Committee under section 58 for incapacity proceedings. 2007, c. 10, Sched. M, s. 30.

Time limit

(3) A request for a review may be made only within 30 days after the receipt of the notice of the right to request a review given under clause 27 (1) (c). 2007, c. 10, Sched. M, s. 30.

Limitation

(4) The Board shall not, under section 28.1, extend the time limit set out in subsection (3) for more than 60 days. 2007, c. 10, Sched. M, s. 30.

Parties

(5) The complainant and the member who is the subject of the complaint are parties to a review. 2007, c. 10, Sched. M, s. 30.

Section Amendments with date in force (d/m/y) [+]

When no review

30 (1) The Board shall not review a decision if the party who requested the review withdraws the request and the other party consents. 1991, c. 18, Sched. 2, s. 30 (1).

Request in bad faith, etc.
(2) If the Board considers a request to review a decision to have been frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, it shall give the parties notice that it intends not to proceed with the review and that the parties have a right to make written submissions within thirty days after receiving the notice. 1991, c. 18, Sched. 2, s. 30 (2); 2007, c. 10, Sched. M, s. 31 (1).

Idem
(3) If the Board is satisfied, after considering the written submissions of the parties, that a request was frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, the Board shall not review the decision. 1991, c. 18, Sched. 2, s. 30 (3); 2007, c. 10, Sched. M, s. 31 (2).

Section Amendments with date in force (d/m/y) [+]

Personal representative as complainant
31 A complainant's personal representative may act as the complainant for the purposes of a review of the decision by the Board if the complainant dies or becomes incapacitated. 1991, c. 18, Sched. 2, s. 31.

Record of decision to be reviewed
32 (1) If the Board is requested to review a decision, the Registrar shall give the Board, within fifteen days after the Board's request, a record of the investigation and the documents and things upon which the decision was based.

Disclosure
(2) Before reviewing a decision, the Board shall disclose to the parties everything given to it by the Registrar under subsection (1).

Exceptions
(3) The Board may refuse to disclose anything that may, in its opinion,

(a) disclose matters involving public security;

(b) undermine the integrity of the complaint investigation and review process;

(c) disclose financial or personal or other matters of such a nature that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that disclosure be made;

(d) prejudice a person involved in a criminal proceeding or in a civil suit or proceeding; or

(e) jeopardize the safety of any person. 1991, c. 18, Sched. 2, s. 32.

Conduct of review
33 (1) In a review, the Board shall consider either or both of,

(a) the adequacy of the investigation conducted; or

(b) the reasonableness of the decision.

Procedure
(2) In conducting a review, the Board,

(a) shall give the party requesting the review an opportunity to comment on the matters set out in clauses (1) (a) and (b) and the other party an opportunity to respond to those comments;

(b) may require the College to send a representative;

(c) may question the parties and the representative of the College;

(d) may permit the parties to make representations with respect to issues raised by any questions asked under clause (c); and

(e) shall not allow the parties or the representative of the College to question each other. 1991, c. 18, Sched. 2, s. 33.

Procedural provisions

34 (1) The following provisions apply with necessary modifications to a review by the Board:

1. Section 43 (no communication by panel members).
2. Section 45 (hearings open).
3. Section 47 (sexual misconduct witnesses).
4. Section 50 (members of panel who participate).
5. Section 55 (release of evidence). 1991, c. 18, Sched. 2, s. 34.

Same

(2) The following provisions of the *Statutory Powers Procedure Act* also apply with necessary modifications to a review by the Board:

1. Section 4 (waiver of procedural requirement).
2. Section 4.1 (disposition of proceeding without hearing).
3. Section 5.1 (written hearings).
4. Section 5.2 (electronic hearings).
5. Section 5.3 (pre-hearing conferences).
6. Section 21 (adjournments).
7. Section 21.1 (correction of errors).
8. Section 25.1 (rules). 1998, c. 18, Sched. G, s. 16.

Section Amendments with date in force (d/m/y) [+]

Powers of Board

35 (1) After conducting a review of a decision, the Board may do any one or more of the following:

1. Confirm all or part of the decision.
2. Make recommendations the Board considers appropriate to the Inquiries, Complaints and Reports Committee.
3. Require the Inquiries, Complaints and Reports Committee to do anything the Committee or a panel may do under the health profession Act and this Code except to request the Registrar to conduct an investigation. 1991, c. 18, Sched. 2, s. 35 (1); 2007, c. 10, Sched. M, s. 32 (1, 2).

Decision in writing

(2) The Board shall give its decision and reasons in writing to the parties and the Inquiries, Complaints and Reports Committee. 1991, c. 18, Sched. 2, s. 35 (2); 2007, c. 10, Sched. M, s. 32 (3).

Section Amendments with date in force (d/m/y) [+]

DISCIPLINE

Inquiries, Complaints and Reports Committee referral

36 (1) The Inquiries, Complaints and Reports Committee may refer a specified allegation of a member's professional misconduct or incompetence to the Discipline Committee. 2007, c. 10, Sched. M, s. 33 (1).

Allegations of sexual abuse

(2) In deciding whether or not to refer an allegation of the sexual abuse of a patient to the Discipline Committee, the Inquiries, Complaints and Reports Committee shall take into account any opinion, required under subsection 85.3 (5), as to whether or not the member who is the subject of the report is likely to sexually abuse patients in the future. 1993, c. 37, s. 9; 2007, c. 10, Sched. M, s. 33 (2).

Section Amendments with date in force (d/m/y) [+]

37 REPEALED: 2017, c. 11, Sched. 5, s. 16.

Section Amendments with date in force (d/m/y) [+]

Panel for discipline hearing

38 (1) The chair of the Discipline Committee shall select a panel from among the members of the Committee to hold a hearing of allegations of a member's professional misconduct or incompetence referred to the Committee by the Inquiries, Complaints and Reports Committee. 1991, c. 18, Sched. 2, s. 38 (1); 2007, c. 10, Sched. M, s. 35.

Composition

(2) A panel shall be composed of at least three and no more than five persons, at least two of whom shall be persons appointed to the Council by the Lieutenant Governor in Council. 1991, c. 18, Sched. 2, s. 38 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 38 (2) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 17 (1))

Composition

(2) The panel selected by the chair shall be composed in accordance with regulations made pursuant to clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*. 2017, c. 11, Sched. 5, s. 17 (1).

Idem

(3) At least one of the members of a panel shall be both a member of the College and a member of the Council. 1991, c. 18, Sched. 2, s. 38 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 38 (3) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 17 (1))

Exclusion from panel

(4) No person shall be selected for a panel who has taken part in the investigation of what is to be the subject-matter of the panel's hearing. 1991, c. 18, Sched. 2, s. 38 (4).

Quorum

(5) Three members of a panel, at least one of whom must be a member who was appointed to the Council by the Lieutenant Governor in Council, constitute a quorum. 1991, c. 18, Sched. 2, s. 38 (5).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 38 (5) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 17 (2))

Quorum

(5) Quorum for the panel shall be in accordance with regulations made pursuant to clause 43 (1) (s) of the *Regulated Health Professions Act, 1991*. 2017, c. 11, Sched. 5, s. 17 (2).

Section Amendments with date in force (d/m/y) [+]

Panel members deemed to continue

39 A member of a panel who ceases to be a member of the Discipline Committee after a hearing of a matter has commenced before the panel shall be deemed, for the purposes of dealing with that matter, to remain a member of the panel until the final disposition of the matter. 1991, c. 18, Sched. 2, s. 39.

Amendment of notice of hearing

40 A panel may at any time permit a notice of hearing of allegations against a member to be amended to correct errors or omissions of a minor or clerical nature if it is of the opinion that it is just and equitable to do so and the panel may make any order it considers necessary to prevent prejudice to the member. 1991, c. 18, Sched. 2, s. 40.

Parties

41 The College and the member against whom allegations have been made are parties to a hearing. 1991, c. 18, Sched. 2, s. 41.

Non-party participation in hearings

41.1 (1) A panel, on application by a person who is not a party, may allow the person to participate in a hearing if,

(a) the good character, propriety of conduct or competence of the person is an issue at the hearing; or

(b) the participation of the person, would, in the opinion of the panel, be of assistance to the panel. 1993, c. 37, s. 10; 2007, c. 10, Sched. M, s. 36.

Extent of participation

(2) The panel shall determine the extent to which a person who is allowed to participate may do so and, without limiting the generality of this, the panel may allow the person to make oral or written submissions, to lead evidence and to cross examine witnesses. 1993, c. 37, s. 10.

Section Amendments with date in force (d/m/y) [+]

Disclosure of evidence

42 (1) Evidence against a member is not admissible at a hearing of allegations against the member unless the member is given, at least ten days before the hearing,

(a) in the case of written or documentary evidence, an opportunity to examine the evidence;

(b) in the case of evidence of an expert, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence; or

(c) in the case of evidence of a witness, the identity of the witness. 1991, c. 18, Sched. 2, s. 42 (1); 1993, c. 37, s. 11.

Exception

(2) A panel may, in its discretion, allow the introduction of evidence that is inadmissible under subsection (1) and may make directions it considers necessary to ensure that the member is not prejudiced. 1991, c. 18, Sched. 2, s. 42 (2).

Section Amendments with date in force (d/m/y) [+]

Disclosure of evidence

42.1 (1) Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence. 1993, c. 37, s. 12.

Exception

(2) A panel may, in its discretion, allow the introduction of evidence that is inadmissible under this section and may make directions it considers necessary to ensure that the College is not prejudiced. 1998, c. 18, Sched. G, s. 17.

Section Amendments with date in force (d/m/y) [+]

Production orders

42.2 (1) Where, in relation to a hearing involving allegations of a member's misconduct of a sexual nature, the member seeks an order of the panel of the Discipline Committee for the production and disclosure of a record that contains information for which there is a reasonable expectation of privacy from a person who is not a party to the hearing, any one or more of the following assertions made by the member are not sufficient on their own to establish that the record is likely relevant to an issue in the hearing or to the competence of a witness to testify:

1. That the record exists.
2. That the record relates to medical or psychiatric treatment, therapy or counselling that the complainant or a witness has received or is receiving.
3. That the record relates to the incident that is the subject-matter of the proceedings.
4. That the record may disclose a prior inconsistent statement of the complainant or a witness.
5. That the record may relate to the credibility of the complainant or a witness.
6. That the record may relate to the reliability of the testimony of the complainant or a witness merely because the complainant or witness has received or is receiving psychiatric treatment, therapy or counselling.
7. That the record may reveal allegations of sexual abuse of the complainant or a witness by a person other than the member.
8. That the record relates to the sexual activity of the complainant or a witness with any person, including the member.
9. That the record relates to the presence or absence of a recent complaint.
10. That the record relates to the sexual reputation of the complainant or a witness.
11. That the record was made close in time to a complaint or report or to the activity that forms the subject-matter of the allegation against the member. 2017, c. 11, Sched. 5, s. 18.

Same

(2) A panel of the Discipline Committee may order the person who has possession or control of the record to produce the record or part of the record if the panel is satisfied that the member has established that the record is likely relevant to an issue in the hearing or to the competence of a witness to testify in the hearing and the production of the record is necessary in the interest of justice. 2017, c. 11, Sched. 5, s. 18.

Factors to be considered

(3) In determining whether to grant an order for the production of records in accordance with this section, the panel shall consider,

(a) the regulatory nature of the proceedings;

(b) the primary purpose of the proceedings, which is to protect the public and regulate the profession in the public interest;

(c) the privacy interest of the complainant or a witness in the record sought; and

(d) the nature and purpose of the record sought in the motion. 2017, c. 11, Sched. 5, s. 18.

Standing

(4) Despite subsection 41.1 (1), the panel shall, upon the application of any person who has a privacy interest in the records referred to in subsection (1) of this section, grant the person standing on the member's motion for production of the records. 2017, c. 11, Sched. 5, s. 18.

Interpretation

(5) In subsection (1),

"allegations of a member's misconduct of a sexual nature" include, but are not limited to, allegations that the member sexually abused a patient. 2017, c. 11, Sched. 5, s. 18.

Section Amendments with date in force (d/m/y) [+]

No communication by panel members

43 No member of a panel holding a hearing shall communicate outside the hearing, in relation to the subject-matter of the hearing, with a party or the party's representative unless the other party has been given notice of the subject-matter of the communication and an opportunity to be present during the communication. 1991, c. 18, Sched. 2, s. 43.

Legal advice

44 If a panel obtains legal advice with respect to a hearing, it shall make the nature of the advice known to the parties and they may make submissions with respect to the advice. 1991, c. 18, Sched. 2, s. 44.

Hearings public

45 (1) A hearing shall, subject to subsection (2), be open to the public. 1991, c. 18, Sched. 2, s. 45 (1).

Exclusion of public

(2) The panel may make an order that the public be excluded from a hearing or any part of it if the panel is satisfied that,

(a) matters involving public security may be disclosed;

(b) financial or personal or other matters may be disclosed at the hearing of such a nature that the harm created by disclosure would outweigh the desirability of adhering to the principle that hearings be open to the public;

(c) a person involved in a criminal proceeding or in a civil suit or proceeding may be prejudiced; or

(d) the safety of a person may be jeopardized. 1991, c. 18, Sched. 2, s. 45 (2); 2007, c. 10, Sched. M, s. 37.

Orders preventing public disclosure

(3) In situations in which the panel may make an order that the public be excluded from a hearing, it may make orders it considers necessary to prevent the public disclosure of matters disclosed at the hearing, including orders banning the publication or broadcasting of those matters. 1991, c. 18, Sched. 2, s. 45 (3).

Public information may be disclosed

(4) No order shall be made under subsection (3) that prevents the publication of anything that is contained in the register and available to the public. 1991, c. 18, Sched. 2, s. 45 (4).

Exclusion of public

(5) The panel may make an order that the public be excluded from the part of a hearing dealing with a motion for an order under subsection (2). 1991, c. 18, Sched. 2, s. 45 (5).

Orders with respect to matters in submissions

(6) The panel may make any order necessary to prevent the public disclosure of matters disclosed in the submissions relating to any motion described in subsection (5), including prohibiting the publication or broadcasting of those matters. 1991, c. 18, Sched. 2, s. 45 (6).

Reasons for order, etc.

(7) The panel shall ensure that any order it makes under this section and its reasons are available to the public in writing. 1991, c. 18, Sched. 2, s. 45 (7).

Reconsidering of order

(8) The panel may reconsider an order made under subsection (2) or (3) at the request of any person or on its own motion. 1991, c. 18, Sched. 2, s. 45 (8).

Section Amendments with date in force (d/m/y) [+]

Exception to closed hearings

46 If a panel makes an order under subsection 45 (2) wholly or partly in relation to a person, the panel may allow the person and his or her personal representative to attend the hearing and may, in its discretion, allow another person to attend if, in the opinion of the panel, to do so does not undermine the reasons for making the order and does not cause undue prejudice to a party. 2007, c. 10, Sched. M, s. 38.

Section Amendments with date in force (d/m/y) [+]

Sexual misconduct witnesses

47 (1) A panel shall, on the request of a witness whose testimony is in relation to allegations of a member's misconduct of a sexual nature involving the witness, make an order that no person shall publish the identity of the witness or any information that could disclose the identity of the witness. 1991, c. 18, Sched. 2, s. 47.

Interpretation

(2) In subsection (1),

"allegations of a member's misconduct of a sexual nature" include, but are not limited to, allegations that the member sexually abused the witness when the witness was a patient of the member. 1993, c. 37, s. 13.

Section Amendments with date in force (d/m/y) [+]

Transcript of hearings

48 (1) The panel holding a hearing shall ensure that,

(a) the oral evidence is recorded;

(b) copies of the transcript of the hearing are available to a party on the party's request at the party's expense; and

(c) copies of the transcript of any part of the hearing that is not the subject of an order prohibiting publication are available to any person at that person's expense.

Transcripts filed with court

(2) If a transcript of a part of a hearing that is the subject of an order prohibiting publication is filed with a court in respect of proceedings, only the court and the parties to the proceedings may examine it unless the court orders otherwise. 1991, c. 18, Sched. 2, s. 48.

Admissibility of evidence

49 Despite the *Statutory Powers Procedure Act*, nothing is admissible at a hearing that would be inadmissible in a court in a civil action and the findings of a panel shall be based exclusively on evidence admitted before it. 1991, c. 18, Sched. 2, s. 49.

Members of panel who participate

50 Only the members of a panel who were present throughout a hearing shall participate in the panel's decision. 1991, c. 18, Sched. 2, s. 50.

Professional misconduct

51 (1) A panel shall find that a member has committed an act of professional misconduct if,

(a) the member has been found guilty of an offence that is relevant to the member's suitability to practise;

(b) the governing body of another health profession in Ontario, or the governing body of a health profession in a jurisdiction other than Ontario, has found that the member committed an act of professional misconduct that would, in the opinion of the panel, be an act of professional misconduct under this section or an act of professional misconduct as defined in the regulations;

(b.0.1) the member has failed to co-operate with the Quality Assurance Committee or any assessor appointed by that committee;

(b.1) the member has sexually abused a patient; or

(c) the member has committed an act of professional misconduct as defined in the regulations. 1991, c. 18, Sched. 2, s. 51 (1); 1993, c. 37, s. 14 (1); 2007, c. 10, Sched. M, s. 39 (1); 2017, c. 11, Sched. 5, s. 19 (1).

Orders

(2) If a panel finds a member has committed an act of professional misconduct, it may make an order doing any one or more of the following:

1. Directing the Registrar to revoke the member's certificate of registration.
2. Directing the Registrar to suspend the member's certificate of registration for a specified period of time.
3. Directing the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
4. Requiring the member to appear before the panel to be reprimanded.
5. Requiring the member to pay a fine of not more than $35,000 to the Minister of Finance.

5.1 If the act of professional misconduct was the sexual abuse of a patient, requiring the member to reimburse the College for funding provided for that patient under the program required under section 85.7.

5.2 If the panel makes an order under paragraph 5.1, requiring the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse under the order under paragraph 5.1. 1991, c. 18, Sched. 2, s. 51 (2); 1993, c. 37, s. 14 (2).

Idem

(3) In making an order under paragraph 2 or 3 of subsection (2), a panel may specify criteria to be satisfied for the removal of a suspension or the removal of terms, conditions and limitations imposed on a member's certificate of registration. 1991, c. 18, Sched. 2, s. 51 (3).

Suspension of order

(4) A panel may suspend the effect of all or part of an order made under subsection (2) for a specified period and on specified conditions. 1991, c. 18, Sched. 2, s. 51 (4); 2007, c. 10, Sched. M, s. 39 (2).

No gender-based terms, conditions, limitations

(4.1) In making an order under paragraph 3 of subsection (2), a panel shall not make any order directing the Registrar to impose any gender-based terms, conditions or limitations on a member's certificate of registration. 2017, c. 11, Sched. 5, s. 19 (2).

Interim suspension of certificate

(4.2) The panel shall immediately make an interim order suspending a member's certificate of registration until such time as the panel makes an order under subsection (5) or (5.2) if the panel finds that the member has committed an act of professional misconduct,

(a) under clause (1) (a) and the offence is prescribed for the purposes of clause (5.2) (a) in a regulation made under clause 43 (1) (v) of the *Regulated Health Professions Act, 1991*;

(b) under clause (1) (b) and the misconduct includes or consists of any of the conduct listed in paragraph 3 of subsection (5); or

(c) by sexually abusing a patient and the sexual abuse involves conduct listed under subparagraphs 3 i to vii of subsection (5). 2017, c. 11, Sched. 5, s. 19 (2).

Non-application to mandatory orders

(4.3) For greater certainty, subsection (4) does not apply to a mandatory order made under subsection (5) or a mandatory order made under subsection (5.2). 2017, c. 11, Sched. 5, s. 19 (2).

Orders relating to sexual abuse

(5) If a panel finds a member has committed an act of professional misconduct by sexually abusing a patient, the panel shall do the following in addition to anything else the panel may do under subsection (2):

1. Reprimand the member.
2. Suspend the member's certificate of registration if the sexual abuse does not consist of or include conduct listed in paragraph 3 and the panel has not otherwise made an order revoking the member's certificate of registration under subsection (2).
3. Revoke the member's certificate of registration if the sexual abuse consisted of, or included, any of the following:
    i. Sexual intercourse.
    ii. Genital to genital, genital to anal, oral to genital or oral to anal contact.
    iii. Masturbation of the member by, or in the presence of, the patient.
    iv. Masturbation of the patient by the member.
    v. Encouraging the patient to masturbate in the presence of the member.
    vi. Touching of a sexual nature of the patient's genitals, anus, breasts or buttocks.
    vii. Other conduct of a sexual nature prescribed in regulations made pursuant to clause 43 (1) (u) of the *Regulated Health Professions Act, 1991*. 2017, c. 11, Sched. 5, s. 19 (3).

Interpretation
(5.1) For greater certainty, for the purposes of subsection (5),

"sexual nature" does not include touching or conduct of a clinical nature appropriate to the service provided. 2017, c. 11, Sched. 5, s. 19 (3).

Mandatory revocation
(5.2) The panel shall, in addition to anything else the panel may do under subsection (2), reprimand the member and revoke the member's certificate of registration if,

(a) the member has been found guilty of professional misconduct under clause (1) (a) and the offence is prescribed in a regulation made under clause 43 (1) (v) of the *Regulated Health Professions Act, 1991*; or

(b) the member has been found guilty of professional misconduct under clause (1) (b) and the misconduct includes or consists of any of the conduct listed in paragraph 3 of subsection (5). 2017, c. 11, Sched. 5, s. 19 (3).

Statement re impact of sexual abuse
(6) Before making an order under subsection (5), the panel shall consider any written statement that has been filed, and any oral statement that has been made to the panel, describing the impact of the sexual abuse on the patient. 1993, c. 37, s. 14 (3).

Same
(7) The statement may be made by the patient or by his or her representative. 1993, c. 37, s. 14 (3).

Same
(8) The panel shall not consider the statement unless a finding of professional misconduct has been made. 1993, c. 37, s. 14 (3).

Notice to member
(9) When a written statement is filed, the panel shall, as soon as possible, have copies of it provided to the member, to his or her counsel and to the College. 1993, c. 37, s. 14 (3).

Section Amendments with date in force (d/m/y) [+]

Incompetence

52 (1) A panel shall find a member to be incompetent if the member's professional care of a patient displayed a lack of knowledge, skill or judgment of a nature or to an extent that demonstrates that the member is unfit to continue to practise or that the member's practice should be restricted. 1991, c. 18, Sched. 2, s. 52 (1); 2007, c. 10, Sched. M, s. 40 (1).

Order

(2) If a panel finds a member is incompetent, it may make an order doing any one or more of the following:

1. Directing the Registrar to revoke the member's certificate of registration.
2. Directing the Registrar to suspend the member's certificate of registration.
3. Directing the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified period of time or indefinite period of time. 1991, c. 18, Sched. 2, s. 52 (2); 2007, c. 10, Sched. M, s. 40 (2).

Idem

(3) In making an order under paragraph 2 or 3 of subsection (2), a panel may specify criteria to be satisfied for the removal of a suspension or the removal of terms, conditions and limitations imposed on a member's certificate of registration. 1991, c. 18, Sched. 2, s. 52 (3); 2007, c. 10, Sched. M, s. 40 (3).

Section Amendments with date in force (d/m/y) [+]

Costs if proceedings unwarranted

53 If a panel is of the opinion that the commencement of proceedings was unwarranted, it may make an order requiring the College to pay all or part of the member's legal costs. 1991, c. 18, Sched. 2, s. 53.

College's costs

53.1 In an appropriate case, a panel may make an order requiring a member who the panel finds has committed an act of professional misconduct or finds to be incompetent to pay all or part of the following costs and expenses:

1. The College's legal costs and expenses.
2. The College's costs and expenses incurred in investigating the matter.
3. The College's costs and expenses incurred in conducting the hearing. 1993, c. 37, s. 15.

Section Amendments with date in force (d/m/y) [+]

Decision to complainant

54 A panel shall give its decision and reasons in writing to the parties and, if the matter had been referred to the Discipline Committee by the Inquiries, Complaints and Reports Committee, to the complainant in the matter. 1991, c. 18, Sched. 2, s. 54; 2007, c. 10, Sched. M, s. 41.

Section Amendments with date in force (d/m/y) [+]

Release of evidence

55 The Discipline Committee shall release documents and things put into evidence at a hearing to the person who produced them, on request, within a reasonable time after the matter in issue has been finally determined. 1991, c. 18, Sched. 2, s. 55.

Publication of decisions

56 (1) The College shall publish a panel's decision and its reasons, or a summary of its reasons, in its annual report and may publish the decision and reasons or summary in any other publication of the College.

Publication of member's name

(2) In publishing a decision and reasons or summary under subsection (1), the College shall publish the name of the member who was the subject of the proceeding if,

(a) the results of the proceeding may be obtained by a person from the register; or

(b) the member requests the publication of his or her name.

Withholding of member's name

(3) The College shall not publish the member's name unless it is required to do so under subsection (2). 1991, c. 18, Sched. 2, s. 56.

Incapacity

Registrar's inquiry

57 If the Registrar believes that a member may be incapacitated, the Registrar shall make inquiries he or she considers appropriate and shall report the results of the inquiries to the Inquiries, Complaints and Reports Committee. 1991, c. 18, Sched. 2, s. 57; 2007, c. 10, Sched. M, s. 42.

Section Amendments with date in force (d/m/y) [+]

Panel shall inquire

58 (1) A panel selected by the chair of the Inquiries, Complaints and Reports Committee from among the members of the Committee shall inquire into whether a member is incapacitated if,

(a) the Inquiries, Complaints and Reports Committee receives a report from the Registrar under section 57; or

(b) a referral is made from a panel of the Inquiries, Complaints and Reports Committee under paragraph 2 of subsection 26 (1). 2007, c. 10, Sched. M, s. 43.

Notice to member

(2) The Inquiries, Complaints and Reports Committee shall give a member notice that it intends to inquire into whether the member is incapacitated. 2007, c. 10, Sched. M, s. 43.

Transitional

(3) A board of inquiry that was constituted under this section, as it existed immediately before the coming into force of section 43 of Schedule M to the *Health System Improvements Act, 2007*, shall be deemed to continue to be validly constituted and to have the authority to do anything that it could have done before the coming into force of section 44 of that Schedule, and where the board of inquiry was to give a copy of a report to the Executive Committee, that Committee may continue to act with respect to that matter and shall have the authority to do anything it could have done before the coming into force of sections 44 to 47 of that Schedule. 2007, c. 10, Sched. M, s. 43.

Section Amendments with date in force (d/m/y) [+]

Inquiries by panel

59 (1) A panel shall make the inquiries it considers appropriate. 2007, c. 10, Sched. M, s. 44.

Physical or mental examinations

(2) If, after making inquiries, a panel has reasonable and probable grounds to believe that the member who is the subject of the inquiry is incapacitated, the panel may require the member to submit to physical or mental examinations conducted or ordered by a health professional specified by the panel and may, subject to section 63, make an order directing the Registrar to suspend the member's certificate of registration until he or she submits to the examinations. 2007, c. 10, Sched. M, s. 44.

Section Amendments with date in force (d/m/y) [+]

Panel's report

60 The panel shall give a copy of its report and a copy of any report on an examination required under subsection 59 (2) to the member who was the subject of the inquiry. 2007, c. 10, Sched. M, s. 44.

Section Amendments with date in force (d/m/y) [+]

Referral to Fitness to Practise Committee

61 After giving a copy of its report and copy of any report on an examination required under subsection 59 (2) to the member, the panel may refer the matter to the Fitness to Practise Committee. 2007, c. 10, Sched. M, s. 44.

Section Amendments with date in force (d/m/y) [+]

Interim suspension

62 (1) The panel may, subject to section 63, make an interim order directing the Registrar to suspend or impose terms, conditions or limitations on a member's certificate of registration if it is of the opinion that the physical or mental state of the member exposes or is likely to expose his or her patients to harm or injury. 2017, c. 11, Sched. 5, s. 20.

No gender-based terms

(2) Despite subsection (1), the panel shall not make an interim order directing the Registrar to impose any gender-based terms, conditions or limitations on a member's certificate of registration. 2017, c. 11, Sched. 5, s. 20.

Procedure following interim suspension

(3) If an order is made under subsection (1) in relation to a matter,

(a) the College shall inquire into and prosecute the matter expeditiously; and

(b) the Inquiries, Complaints and Reports Committee and the Fitness to Practise Committee shall give precedence to the matter. 2017, c. 11, Sched. 5, s. 20.

Duration of order

(4) An order under subsection (1) continues in force until it is varied by the panel of the Inquiries, Complaints and Reports Committee or until the matter is finally disposed of by a panel of the Inquiries, Complaints and Reports Committee or the Fitness to Practise Committee. 2017, c. 11, Sched. 5, s. 20.

Section Amendments with date in force (d/m/y) [+]

Restrictions on orders

63 (1) No order shall be made with respect to a member under subsection 59 (2) or subsection 62 (1) unless the member has been given,

(a) notice of the intention to make the order;

(b) at least 14 days to make written submissions to the panel; and

(c) in the case of an order under subsection 62 (1), a copy of the provisions of section 62. 2017, c. 11, Sched. 5, s. 21.

Extraordinary action to protect the public

(2) Despite subsection (1), an order may be made without notice to the member, subject to the right of the member to make submissions while the suspension is in place to the panel that made the order, if the panel is of the opinion on reasonable and probable grounds that the physical or mental state of the member exposes or is likely to expose his or her patients to harm or injury and urgent intervention is needed. 2007, c. 10, Sched. M, s. 46.

Section Amendments with date in force (d/m/y) [+]

Panels for Fitness to Practise hearings

64 (1) The chair of the Fitness to Practise Committee shall select a panel from among the members of the Committee to hold a hearing of any matter referred to the Committee by a panel of the Inquiries, Complaints and Reports Committee. 1991, c. 18, Sched. 2, s. 64 (1); 2007, c. 10, Sched. M, s. 47 (1).

Composition

(2) A panel shall be composed of at least three persons, at least one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council. 1991, c. 18, Sched. 2, s. 64 (2); 2007, c. 10, Sched. M, s. 47 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 64 (2) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 22)

Composition of panels

(2) The panel selected by the chair shall be composed in accordance with regulations made pursuant to clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*. 2017, c. 11, Sched. 5, s. 22.

Quorum

(3) Three members of a panel constitute a quorum. 1991, c. 18, Sched. 2, s. 64 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 64 (3) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 22)

Quorum

(3) Quorum for the panel shall be in accordance with regulations made pursuant to clause 43 (1) (s) of the *Regulated Health Professions Act, 1991*. 2017, c. 11, Sched. 5, s. 22.

Section Amendments with date in force (d/m/y) [+]

Parties

65 The College, the member who is alleged to be incapacitated and any other person specified by the panel are parties to a hearing. 1991, c. 18, Sched. 2, s. 65.

Reports of health professionals

66 (1) A report prepared and signed by a health professional containing his or her findings and the facts upon which they are based is admissible as evidence at a hearing without proof of its making or of the health professional's signature if the party introducing the report gives the other parties a copy of the report at least ten days before the hearing.

Testimony of health professionals

(2) A health professional may not give evidence in his or her professional capacity at a hearing unless a report, prepared and signed by the health professional containing his or her findings and the facts upon which they are based, is introduced as evidence.

Cross-examination

(3) If a report described in subsection (1) is introduced by a party, the other parties may summon and cross-examine the person who prepared the report. 1991, c. 18, Sched. 2, s. 66.

Exception

(4) A panel may, in its discretion, allow a party to introduce evidence that is inadmissible under this section and may make directions it considers necessary to ensure that the other parties are not prejudiced. 1998, c. 18, Sched. G, s. 18.

Section Amendments with date in force (d/m/y) [+]

Procedural provisions

67 The following provisions apply with necessary modifications to a hearing by a panel of the Fitness to Practise Committee:

1. Subsection 22 (4) (findings of fact).
2. Subsection 38 (4) (exclusion from panel).
3. Section 39 (panel members deemed to continue).
4. Section 42 (disclosure of evidence).

4.1 Section 42.1 (disclosure of evidence by member).

5. Section 43 (no communication by panel members).

6. Section 44 (legal advice).

7. Section 47 (sexual misconduct witnesses).

8. Section 50 (members of panel who participate).

9. Section 55 (release of evidence). 1991, c. 18, Sched. 2, s. 67; 1993, c. 37, s. 16; 2007, c. 10, Sched. M, s. 48.

Section Amendments with date in force (d/m/y) [+]

Hearings closed

68 (1) A hearing by a panel of the Fitness to Practise Committee shall, subject to subsection (2), be closed to the public. 1991, c. 18, Sched. 2, s. 68 (1); 2007, c. 10, Sched. M, s. 49 (1).

Open on request of member in some cases

(2) A hearing shall be open to the public if the person who is alleged to be incapacitated requests it in a written notice received by the Registrar before the day the hearing commences, unless the panel is satisfied that,

(a) matters involving public security may be disclosed;

(b) financial or personal matters or other matters may be disclosed at the hearing of such a nature that the harm created by disclosure would outweigh the desirability of adhering to the principle that hearings be open to the public;

(c) a person involved in a criminal proceeding or civil suit may be prejudiced; or

(d) the safety of any person may be jeopardized. 1991, c. 18, Sched. 2, s. 68 (2); 2007, c. 10, Sched. M, s. 49 (2).

Section Amendments with date in force (d/m/y) [+]

Orders

69 (1) If a panel finds that a member is incapacitated, it shall make an order doing any one or more of the following:

1. Directing the Registrar to revoke the member's certificate of registration.

2. Directing the Registrar to suspend the member's certificate of registration.

3. Directing the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified period of time or indefinite period of time. 1991, c. 18, Sched. 2, s. 69 (1); 2007, c. 10, Sched. M, s. 50 (1).

Idem

(2) In making an order under paragraph 2 or 3 of subsection (1), a panel may specify criteria to be satisfied for the removal of a suspension or the removal of terms, conditions and limitations imposed on a member's certificate of registration. 1991, c. 18, Sched. 2, s. 69 (2); 2007, c. 10, Sched. M, s. 50 (2).

Varying

(3) A member or the College may apply to the Fitness to Practise Committee for an order directing the Registrar to remove or modify any term, condition or limitation imposed on the member's certificate of registration as a result of paragraph 3 of subsection (1) and the chair may select a panel to deal with the application. 2007, c. 10, Sched. M, s. 50 (3).

Limitations

(4) The right to apply under subsection (3) is subject to any limitation in the order or to which the member consented and to any limitation made under subsection (5) in the disposition of a previous application to vary. 2007, c. 10, Sched. M, s. 50 (3).

Limitations on applications

(5) The panel, in disposing of an application by a member under subsection (3), may fix a period of time not longer than six months during which the member may not make a further application. 2007, c. 10, Sched. M, s. 50 (3).

Section Amendments with date in force (d/m/y) [+]

Appeals to Court

Appeals from decisions

70 (1) A party to proceedings before the Board concerning a registration hearing or review or to proceedings before a panel of the Discipline or Fitness to Practise Committee, other than a hearing of an application under subsection 72 (1), may appeal from the decision of the Board or panel to the Divisional Court.

Basis of appeal

(2) An appeal under subsection (1) may be made on questions of law or fact or both.

Court's powers

(3) In an appeal under subsection (1), the Court has all the powers of the panel that dealt with the matter and, in an appeal from the Board, the Court also has all the powers of the Board. 1991, c. 18, Sched. 2, s. 70.

No stay of certain orders pending appeal

71 An order made by a panel of the Discipline Committee on the grounds of incompetence or by a panel of the Fitness to Practise Committee on the grounds of incapacity, directing the Registrar to revoke, suspend or impose terms, limitations or conditions on a member's certificate, takes effect immediately despite any appeal. 1991, c. 18, Sched. 2, s. 71.

No stay of certain orders pending appeal

71.1 Section 71 also applies to an order made by a panel of the Discipline Committee because of a finding that a member has committed sexual abuse of the kind described in paragraph 3 of subsection 51 (5) or an act of professional misconduct described in subsection 51 (5.2). 2017, c. 11, Sched. 5, s. 23.

Section Amendments with date in force (d/m/y) [+]

Order where public at risk

71.2 If the conduct of the member exposes or is likely to expose his or her patients to harm or injury and urgent intervention is needed, the College may apply to a judge of the Superior Court of Justice for an order declaring that an order that was made by a panel of the Discipline Committee on the grounds of professional misconduct and that directs the Registrar to revoke, suspend or impose terms, conditions or limitations on a member's certificate shall take effect immediately despite any appeal and any other Act. 2007, c. 10, Sched. M, s. 51.

Section Amendments with date in force (d/m/y) [+]

Reinstatement

Applications for reinstatement

72 (1) A person whose certificate of registration has been revoked or suspended as a result of disciplinary or incapacity proceedings may apply in writing to the Registrar to have a new certificate issued or the suspension removed. 1991, c. 18, Sched. 2, s. 72 (1).

Time of application

(2) An application under subsection (1) shall not be made earlier than,

(a) one year after the date on which the certificate of registration was revoked or suspended; or

(b) six months after a decision has been made in a previous application under subsection (1). 2007, c. 10, Sched. M, s. 52.

Time of application, sexual abuse cases

(3) An application under subsection (1), in relation to a revocation for sexual abuse of a patient, shall not be made earlier than,

(a) five years after the date on which the certificate of registration was revoked; or

(b) six months after a decision has been made in a previous application under subsection (1). 2007, c. 10, Sched. M, s. 52.

Notice where complainant

(4) The Registrar shall give the complainant in the original proceeding notice of an application under subsection (1). 2007, c. 10, Sched. M, s. 52.

Reasons for reinstatement

(5) The person making the application under subsection (1) shall provide reasons why the certificate should be issued or the suspension be removed. 2007, c. 10, Sched. M, s. 52.

Section Amendments with date in force (d/m/y) [+]

Referral to Committee

73 (1) The Registrar shall refer the application, if the revocation or suspension was on the grounds of,

(a) professional misconduct or incompetence, to the Discipline Committee; or

(b) incapacity, to the Fitness to Practise Committee.

Hearings

(2) The chair of a committee to which an application is referred shall select a panel from among the members of the committee to hold a hearing of the application.

Procedural provisions

(3) The following provisions apply with necessary modifications to a hearing of an application by a panel of the Discipline Committee:

1. Subsection 22 (4) (findings of fact).
2. Subsection 38 (2) (composition).
3. Subsection 38 (3) (composition).

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 3 of subsection 73 (3) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 24)

4. Subsection 38 (5) (quorum).
5. Section 43 (no communication by panel members).
6. Section 44 (legal advice).
7. Section 45 (hearings open).
8. Section 47 (sexual misconduct witnesses).
9. Section 48 (transcript of hearings).
10. Section 50 (members of panel who participate).
11. Section 55 (release of evidence).

Idem

(4) The following provisions apply with necessary modifications to a hearing of an application by a panel of the Fitness to Practise Committee:

1. Subsection 22 (4) (findings of fact).
2. Section 43 (no communication by panel members).
3. Section 44 (legal advice).
4. Section 47 (sexual misconduct witnesses).

5. Section 48 (transcript of hearings).
6. Section 50 (members of panel who participate).
7. Section 55 (release of evidence).
8. Subsection 64 (2) (composition).
9. Subsection 64 (3) (quorum).
10. Section 68 (hearings closed).

Order

(5) A panel may, after a hearing, make an order doing any one or more of the following:

1. Directing the Registrar to issue a certificate of registration to the applicant.
2. Directing the Registrar to remove the suspension of the applicant's certificate of registration.
3. Directing the Registrar to impose specified terms, conditions and limitations on the applicant's certificate of registration. 1991, c. 18, Sched. 2, s. 73 (1-5).

Limitation for sexual abuse cases

(5.1) A panel may not make an order directing that the Registrar issue a new certificate of registration to an applicant whose certificate had been revoked for sexual abuse of a patient unless the prescribed conditions are met. 1993, c. 37, s. 19.

Decision

(6) A panel that held a hearing of an application shall give its decision and reasons in writing to the applicant and the Registrar. 1991, c. 18, Sched. 2, s. 73 (6).

Section Amendments with date in force (d/m/y) [+]

Orders without hearing

74 (1) The Council or Executive Committee may, without a hearing, with respect to a person whose certificate of registration has been revoked or suspended as a result of disciplinary or incapacity proceedings, make an order doing any one or more of the following:

1. Directing the Registrar to issue a new certificate of registration to the applicant.
2. Directing the Registrar to remove the suspension of the applicant's certificate of registration.
3. Directing the Registrar to impose specified terms, conditions and limitations on the applicant's certificate of registration if an order is made under paragraph 1 or 2. 1991, c. 18, Sched. 2, s. 74.

Limitation

(2) This section does not apply with respect to a revocation for sexual abuse of a patient. 1993, c. 37, s. 20.

Section Amendments with date in force (d/m/y) [+]

Registrar's Powers of Investigation

Investigators

75 (1) The Registrar may appoint one or more investigators to determine whether a member has committed an act of professional misconduct or is incompetent if,

(a) the Registrar believes on reasonable and probable grounds that the member has committed an act of professional misconduct or is incompetent and the Inquiries, Complaints and Reports Committee approves of the appointment;

(b) the Inquiries, Complaints and Reports Committee has received information about a member from the Quality Assurance Committee under paragraph 4 of subsection 80.2 (1) and has requested the Registrar to conduct an investigation; or

(c) the Inquiries, Complaints and Reports Committee has received a written complaint about the member and has requested the Registrar to conduct an investigation. 2007, c. 10, Sched. M, s. 53.

Emergencies

(2) The Registrar may appoint an investigator if,

(a) the Registrar believes on reasonable and probable grounds that the conduct of the member exposes or is likely to expose his or her patients to harm or injury, and that the investigator should be appointed immediately; and

(b) there is not time to seek approval from the Inquiries, Complaints and Reports Committee. 2007, c. 10, Sched. M, s. 53.

Report

(3) Where an investigator has been appointed under subsection (2), the Registrar shall report the appointment of the investigator to the Inquiries, Complaints and Reports Committee within five days. 2007, c. 10, Sched. M, s. 53.

Section Amendments with date in force (d/m/y) [+]

Application of *Public Inquiries Act, 2009*

76 (1) An investigator may inquire into and examine the practice of the member to be investigated and section 33 of the *Public Inquiries Act, 2009* applies to that inquiry and examination. 2009, c. 33, Sched. 6, s. 84.

Reasonable inquiries

(1.1) An investigator may make reasonable inquiries of any person, including the member who is the subject of the investigation, on matters relevant to the investigation. 2009, c. 6, s. 1.

Idem

(2) An investigator may, on the production of his or her appointment, enter at any reasonable time the place of practice of the member and may examine anything found there that is relevant to the investigation. 1991, c. 18, Sched. 2, s. 76 (2); 2007, c. 10, Sched. M, s. 54.

Obstruction prohibited

(3) No person shall obstruct an investigator or withhold or conceal from him or her or destroy anything that is relevant to the investigation. 1991, c. 18, Sched. 2, s. 76 (3).

Member to co-operate

(3.1) A member shall co-operate fully with an investigator. 2009, c. 6, s. 1.

Conflicts

(4) This section applies despite any provision in any Act relating to the confidentiality of health records. 1991, c. 18, Sched. 2, s. 76 (4).

Section Amendments with date in force (d/m/y) [+]

Entries and searches

77 (1) A justice of the peace may, on the application of the investigator made without notice, issue a warrant authorizing an investigator to enter and search a place and examine any document or thing specified in the warrant if the justice of the peace is satisfied that the investigator has been properly appointed and that there are reasonable and probable grounds established upon oath for believing that,

(a) the member being investigated has committed an act of professional misconduct or is incompetent; and

(b) there is something relevant to the investigation at the place. 2007, c. 10, Sched. M, s. 55.

Hours of execution

(2) A warrant issued under subsection (1) may be executed only between 8 a.m. and 8 p.m. unless the warrant specifies otherwise. 2007, c. 10, Sched. M, s. 55.

Application for dwelling

(2.1) An application for a warrant under subsection (1) to enter a dwelling shall specifically indicate that the application relates to a dwelling. 2007, c. 10, Sched. M, s. 55.

Assistance and entry by force

(3) An investigator entering and searching a place under the authority of a warrant issued under subsection (1) may be assisted by other persons and may enter a place by force. 1991, c. 18, Sched. 2, s. 77 (3).

Investigator to show identification

(4) An investigator entering and searching a place under the authority of a warrant issued under subsection (1) shall produce his or her identification, on request, to any person at the place. 1991, c. 18, Sched. 2, s. 77 (4).

Section Amendments with date in force (d/m/y) [+]

Copying of documents and objects

78 (1) An investigator may copy, at the College's expense, a document or object that an investigator may examine under subsection 76 (2) or under the authority of a warrant issued under subsection 77 (1).

Removal for documents and objects

(2) An investigator may remove a document or object described in subsection (1) if,

(a) it is not practicable to copy it in the place where it is examined; or

(b) a copy of it is not sufficient for the purposes of the investigation.

Return of documents and objects or copies

(3) If it is practicable to copy a document or object removed under subsection (2), the investigator shall,

(a) if it was removed under clause (2) (a), return the document or object within a reasonable time; or

(b) if it was removed under clause (2) (b), provide the person who was in possession of the document or object with a copy of it within a reasonable time.

Copy as evidence

(4) A copy of a document or object certified by an investigator to be a true copy shall be received in evidence in any proceeding to the same extent and shall have the same evidentiary value as the document or object itself.

Definition

(5) In this section,

"document" means a record of information in any form and includes any part of it. 1991, c. 18, Sched. 2, s. 78.

Report of investigation

79 The Registrar shall report the results of an investigation to,

(a) the Inquiries, Complaints and Reports Committee if the investigator was appointed under clause 75 (1) (a) or (b) or subsection 75 (2);

(b) the Inquiries, Complaints and Reports Committee if the investigator was appointed under clause 75 (1) (c), at the request of the Inquiries, Complaints and Reports Committee; or

(c) the Board if the investigator was appointed under clause 75 (1) (c) by the Board exercising the Registrar's powers under subsection 28 (6). 2007, c. 10, Sched. M, s. 56.

Section Amendments with date in force (d/m/y) [+]

Quality Assurance Committee

79.1 Repealed: 2007, c. 10, Sched. M, s. 57.

Section Amendments with date in force (d/m/y) [+]

Quality assurance program required

80 The Council shall make regulations under clause 95 (1) (r) prescribing a quality assurance program. 1991, c. 18, Sched. 2, s. 80; 2000, c. 26, Sched. H, s. 3 (1).

Section Amendments with date in force (d/m/y) [+]

Minimum requirements for quality assurance program

80.1 A quality assurance program prescribed under section 80 shall include,

(a) continuing education or professional development designed to,

(i) promote continuing competence and continuing quality improvement among the members,

(ii) address changes in practice environments, and

(iii) incorporate standards of practice, advances in technology, changes made to entry to practice competencies and other relevant issues in the discretion of the Council;

(b) self, peer and practice assessments; and

(c) a mechanism for the College to monitor members' participation in, and compliance with, the quality assurance program. 2007, c. 10, Sched. M, s. 58.

Section Amendments with date in force (d/m/y) [+]

Powers of the Committee

80.2 (1) The Quality Assurance Committee may do only one or more of the following:

1. Require individual members whose knowledge, skill and judgment have been assessed under section 82 and found to be unsatisfactory to participate in specified continuing education or remediation programs.
2. Direct the Registrar to impose terms, conditions or limitations for a specified period to be determined by the Committee on the certificate of registration of a member,
   i. whose knowledge, skill and judgment have been assessed or reassessed under section 82 and have been found to be unsatisfactory, or
   ii. who has been directed to participate in specified continuing education or remediation programs as required by the Committee under paragraph 1 and has not completed those programs successfully.
3. Direct the Registrar to remove terms, conditions or limitations before the end of the specified period, if the Committee is satisfied that the member's knowledge, skill and judgment are now satisfactory.
4. Disclose the name of the member and allegations against the member to the Inquiries, Complaints and Reports Committee if the Quality Assurance Committee is of the opinion that the member may have committed an act of professional misconduct, or may be incompetent or incapacitated. 2007, c. 10, Sched. M, s. 58.

Notice

(2) No direction shall be given to the Registrar under paragraph 2 of subsection (1) unless the member has been given notice of the Quality Assurance Committee's intention to give direction, and at least 14 days to make written submissions to the Committee. 2007, c. 10, Sched. M, s. 58.

Section Amendments with date in force (d/m/y) [+]

Assessors

81 The Quality Assurance Committee may appoint assessors for the purposes of a quality assurance program. 1991, c. 18, Sched. 2, s. 81.

Co-operation with Committee and assessors

82 (1) Every member shall co-operate with the Quality Assurance Committee and with any assessor it appoints and in particular every member shall,

(a) permit the assessor to enter and inspect the premises where the member practises;

(b) permit the assessor to inspect the member's records of the care of patients;

(c) give the Committee or the assessor the information in respect of the care of patients or in respect of the member's records of the care of patients the Committee or assessor requests in the form the Committee or assessor specifies;

(d) confer with the Committee or the assessor if requested to do so by either of them; and

(e) participate in a program designed to evaluate the knowledge, skill and judgment of the member, if requested to do so by the Committee.

Inspection of premises

(2) Every person who controls premises where a member practises, other than a private dwelling, shall allow an assessor to enter and inspect the premises.

Inspection of records

(3) Every person who controls records relating to a member's care of patients shall allow an assessor to inspect the records.

Exception

(4) Subsection (3) does not require a patient or his or her representative to allow an assessor to inspect records relating to the patient's care.

Conflict

(5) This section applies despite any provision in any Act relating to the confidentiality of health records. 1991, c. 18, Sched. 2, s. 82.

Confidentiality of information

83 (1) Except as provided in section 80.2 and in this section, the Quality Assurance Committee and any assessor appointed by it shall not disclose, to any other committee, information that,

(a) was given by the member; or

(b) relates to the member and was obtained under section 82. 1991, c. 18, Sched. 2, s. 83 (1); 2007, c. 10, Sched. M, s. 59 (1).

Exception if member gave false information

(2) Where relevant to a proceeding before a committee, information described in subsection (1) may be disclosed to that committee for the purpose of showing that the member knowingly gave false information to the Quality Assurance Committee or an assessor. 2007, c. 10, Sched. M, s. 59 (2).

(3) REPEALED: 2007, c. 10, Sched. M, s. 59 (3).

Use in other Committees

(4) Information that was disclosed contrary to subsection (1) shall not be used against the member to whom it relates in a proceeding before the Discipline or Fitness to Practise Committees. 1991, c. 18, Sched. 2, s. 83 (4).

(5) REPEALED: 2004, c. 3, Sched. B, s. 11 (1).

Section Amendments with date in force (d/m/y) [+]

Quality assurance and other information

83.1 (1) In this section,

"disclose" means, with respect to quality assurance information, to provide or make the information available to a person who is not,

(a) a member of the Quality Assurance Committee,

(b) an assessor appointed by the Committee, a person engaged on its behalf such as a mentor or a person conducting an assessment program on its behalf, or

(c) a person providing administrative support to the Committee or the Registrar or the Committee's legal counsel,

and "disclosure" has a corresponding meaning; ("divulguer", "divulgation")

"proceeding" includes a proceeding that is within the jurisdiction of the Legislature and that is held in, before or under the rules of a court, a tribunal, a commission, a justice of the peace, a coroner, a committee of a College under the *Regulated Health Professions Act, 1991*, a committee of the Board under the *Drugless Practitioners Act*, a committee of the College under the *Social Work and Social Service Work Act, 1998*, an arbitrator or a mediator, but does not include any activities carried on by the Quality Assurance Committee; ("instance")

"quality assurance information" means information that,

(a) is collected by or prepared for the Quality Assurance Committee for the sole or primary purpose of assisting the Committee in carrying out its functions,

(b) relates solely or primarily to any activity that the Quality Assurance Committee carries on as part of its functions,

(c) is prepared by a member or on behalf of a member solely or primarily for the purpose of complying with the requirements of the prescribed quality assurance program, or

(d) is provided to the Quality Assurance Committee under subsection (3),

but does not include,

(e) the name of a member and allegations that the member may have committed an act of professional misconduct, or may be incompetent or incapacitated,

(f) information that was referred to the Quality Assurance Committee from another committee of the College or the Board, or

(g) information that a regulation made under this Code specifies is not quality assurance information and that the Quality Assurance Committee receives after the day on which that regulation is made; ("renseignements sur l'assurance de la qualité")

"witness" means a person, whether or not a party to a proceeding, who, in the course of the proceeding,

(a) is examined or cross-examined for discovery, either orally or in writing,

(b) makes an affidavit, or

(c) is competent or compellable to be examined or cross-examined or to produce a document, whether under oath or not. ("témoin") 2004, c. 3, Sched. B, s. 11 (2).

Conflict

(2) In the event of a conflict between this section and a provision under any other Act, this section prevails unless it specifically provides otherwise. 2004, c. 3, Sched. B, s. 11 (2).

Disclosure to Quality Assurance Committee

(3) Despite the *Personal Health Information Protection Act, 2004*, a person may disclose any information to the Quality Assurance Committee for the purposes of the committee. 2004, c. 3, Sched. B, s. 11 (2).

Quality assurance information

(4) Despite the *Personal Health Information Protection Act, 2004*, no person shall disclose quality assurance information except as permitted by the *Regulated Health Professions Act, 1991*, including this Code or an Act named in Schedule 1 to that Act or regulations or by-laws made under the *Regulated Health Professions Act, 1991* or under an Act named in Schedule 1 to that Act. 2004, c. 3, Sched. B, s. 11 (2).

Non-disclosure in proceeding

(5) No person shall ask a witness and no court or other body conducting a proceeding shall permit or require a witness in the proceeding to disclose quality assurance information except as permitted or required by the provisions relating to the quality assurance program. 2004, c. 3, Sched. B, s. 11 (2).

Non-admissibility of evidence

(6) Quality assurance information is not admissible in evidence in a proceeding. 2004, c. 3, Sched. B, s. 11 (2).

Non-retaliation

(7) No one shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage a person by reason that the person has disclosed information to the Quality Assurance Committee under subsection (3), but a person may be disciplined for disclosing false information to the Committee. 2004, c. 3, Sched. B, s. 11 (2).

Immunity

(8) No action or other proceeding may be instituted against a person who in good faith discloses information to a Quality Assurance Committee at the request of the Committee or for the purposes of assisting the Committee in carrying out its functions. 2004, c. 3, Sched. B, s. 11 (2).

Section Amendments with date in force (d/m/y) [+]

Patient Relations Program

Patient relations program

84 (1) The College shall have a patient relations program. 1991, c. 18, Sched. 2, s. 84 (1).

Measures for sexual abuse of patients

(2) The patient relations program must include measures for preventing and dealing with sexual abuse of patients. 1993, c. 37, s. 22 (1); 2007, c. 10, Sched. M, s. 60 (1).

Same

(3) The measures for preventing and dealing with sexual abuse of patients must include,

(a) educational requirements for members;

(b) guidelines for the conduct of members with their patients;

(c) training for the College's staff; and

(d) the provision of information to the public. 1991, c. 18, Sched. 2, s. 84 (3); 1993, c. 37, s. 22 (2); 2007, c. 10, Sched. M, s. 60 (2).

Other functions

(3.1) The patient relations program shall perform any other functions that are prescribed in regulations made under clause 43 (1) (x) of the *Regulated Health Professions Act, 1991*. 2017, c. 11, Sched. 5, s. 25.

(4) Repealed: 2021, c. 25, Sched. 25, s. 5.

Section Amendments with date in force (d/m/y) [+]

Advice to Council

85 The Patient Relations Committee shall advise the Council with respect to the patient relations program. 1991, c. 18, Sched. 2, s. 85.

Reporting of Health Professionals

Reporting by members

85.1 (1) A member shall file a report in accordance with section 85.3 if the member has reasonable grounds, obtained in the course of practising the profession, to believe that another member of the same or a different College has sexually abused a patient.

If name not known

(2) A member is not required to file a report if the member does not know the name of the member who would be the subject of the report.

If information from a patient

(3) If a member is required to file a report because of reasonable grounds obtained from one of the member's patients, the member shall use his or her best efforts to advise the patient of the requirement to file the report before doing so. 1993, c. 37, s. 23.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 85.1 of Schedule 2 to the Act is repealed and the following substituted: (See: 2021, c. 27, Sched. 2, s. 70 (2))

Reporting by members

85.1 (1) A member shall file a report in accordance with section 85.3 if the member has reasonable grounds, obtained in the course of practising the profession, to believe that,

(a) another member of the same or a different College has sexually abused a patient; or

(b) a registrant of the Health and Supportive Care Providers Oversight Authority has sexually abused a patient who receives health care or supportive care services from the registrant. 2021, c. 27, Sched. 2, s. 70 (2).

If name not known

(2) A member is not required to file a report if the member does not know the name of the member or registrant who would be the subject of the report. 2021, c. 27, Sched. 2, s. 70 (2).

If information from a patient

(3) If a member is required to file a report because of reasonable grounds obtained from one of the member's patients, the member shall use his or her best efforts to advise the patient of the requirement to file the report before doing so. 2021, c. 27, Sched. 2, s. 70 (2).

Section Amendments with date in force (d/m/y) [+]

Reporting by facilities

85.2 (1) A person who operates a facility where one or more members practise shall file a report in accordance with section 85.3 if the person has reasonable grounds to believe that a member who practises at the facility is incompetent, incapacitated, or has sexually abused a patient. 1993, c. 37, s. 23; 2007, c. 10, Sched. M, s. 61.

When non-individuals have reasonable grounds

(2) For the purposes of subsection (1), a person who operates a facility but who is not an individual shall be deemed to have reasonable grounds if the individual who is responsible for the operation of the facility has reasonable grounds. 1993, c. 37, s. 23.

If name not known

(3) A person who operates a facility is not required to file a report if the person does not know the name of the member who would be the subject of the report. 1993, c. 37, s. 23.

Section Amendments with date in force (d/m/y) [+]

Requirements of required reports

85.3 (1) A report required under section 85.1 or 85.2 must be filed in writing with the Registrar of the College of the member who is the subject of the report. 1993, c. 37, s. 23.

Timing of report

(2) The report must be filed within 30 days after the obligation to report arises unless the person who is required to file the report has reasonable grounds to believe that the member will continue to sexually abuse the patient or will sexually abuse other patients, or that the incompetence or the incapacity of the member is likely to expose a patient to harm or injury and there is urgent need for intervention, in which case the report must be filed forthwith. 2007, c. 10, Sched. M, s. 62 (1).

Contents of report

(3) The report must contain,

(a) the name of the person filing the report;

(b) the name of the member who is the subject of the report;

(c) an explanation of the alleged sexual abuse, incompetence or incapacity;

(d) if the grounds of the person filing the report are related to a particular patient of the member who is the subject of the report, the name of that patient, subject to subsection (4). 1993, c. 37, s. 23; 2007, c. 10, Sched. M, s. 62 (2).

Patients not named without consent

(4) The name of a patient who may have been sexually abused must not be included in a report unless the patient, or if the patient is incapable, the patient's representative, consents in writing to the inclusion of the patient's name. 1993, c. 37, s. 23.

If reporter providing psychotherapy

(5) If a member who is required to file a report under section 85.1 is providing psychotherapy to the member who would be the subject of the report, the report must also contain the opinion of the member filing the report, if he or she is able to form one, as to whether or not the member who is the subject of the report is likely to sexually abuse patients in the future. 1993, c. 37, s. 23.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 85.3 of Schedule 2 to the Act is repealed and the following substituted: (See: 2021, c. 27, Sched. 2, s. 70 (3))

Requirements of required reports

85.3 (1) A report required under section 85.1 or 85.2 must be filed in writing with,

(a) the Registrar of the College if a member of the College is the subject of the report; or

(b) the Health and Supportive Care Providers Oversight Authority if a registrant of the Authority is the subject of the report. 2021, c. 27, Sched. 2, s. 70 (3).

Timing of report

(2) The report must be filed within 30 days after the obligation to report arises unless the person who is required to file the report has reasonable grounds to believe that the member or registrant will continue to sexually abuse the patient or will sexually abuse other patients, or that the incompetence or the incapacity of the member is likely to expose a patient to harm or injury and there is urgent need for intervention, in which case the report must be filed forthwith. 2021, c. 27, Sched. 2, s. 70 (3).

Contents of report

(3) The report must contain,

(a) the name of the person filing the report;

(b) the name of the member or registrant who is the subject of the report;

(c) an explanation of the alleged sexual abuse, incompetence or incapacity; and

(d) if the grounds of the person filing the report are related to a particular patient of the member who is the subject of the report, the name of that patient, subject to subsection (4). 2021, c. 27, Sched. 2, s. 70 (3).

Patients not named without consent

(4) The name of a patient who may have been sexually abused must not be included in a report unless the patient, or if the patient is incapable, the patient's representative, consents in writing to the inclusion of the patient's name. 2021, c. 27, Sched. 2, s. 70 (3).

If reporter providing psychotherapy

(5) If a member who is required to file a report under section 85.1 is providing psychotherapy to the member who would be the subject of the report, the report must also contain the opinion of the member filing the report, if he or she is able to form one, as to whether or not the member who is the subject of the report is likely to sexually abuse patients in the future. 2021, c. 27, Sched. 2, s. 70 (3).

Section Amendments with date in force (d/m/y) [+]

Additional reports, psychotherapy

85.4 (1) A member who files a report in respect of which subsection 85.3 (5) applies, shall file an additional report to the same College if the member ceases to provide psychotherapy to the member who was the subject of the first report.

Timing of additional report

(2) The additional report must be filed forthwith. 1993, c. 37, s. 23.

Section Amendments with date in force (d/m/y) [+]

Reporting by employers, etc.

85.5 (1) A person who terminates the employment or revokes, suspends or imposes restrictions on the privileges of a member or who dissolves a partnership, a health profession corporation or association with a member for reasons of professional misconduct, incompetence or incapacity shall file with the Registrar within thirty days after the termination, revocation, suspension, imposition or dissolution a written report setting out the reasons. 1993, c. 37, s. 23; 2000, c. 42, Sched., s. 36.

Same

(2) Where a member resigns, or voluntarily relinquishes or restricts his or her privileges or practice, and the circumstances set out in paragraph 1 or 2 apply, a person referred to in subsection (3) shall act in accordance with those paragraphs:

1. Where a person referred to in subsection (3) has reasonable grounds to believe that the resignation, relinquishment or restriction, as the case may be, is related to the member's professional misconduct, incompetence or incapacity, the person shall file with the Registrar within 30 days after the resignation, relinquishment or restriction a written report setting out the grounds upon which the person's belief is based.
2. Where the resignation, relinquishment or restriction, as the case may be, takes place during the course of, or as a result of, an investigation conducted by or on behalf of a person referred to in subsection (3) into allegations related to professional misconduct, incompetence or incapacity on the part of the member, the person referred to in subsection (3) shall file with the Registrar within 30 days after the resignation, relinquishment or restriction a written report setting out the nature of the allegations being investigated. 2014, c. 14, Sched. 2, s. 12.

Application

(3) This section applies to every person, other than a patient, who employs or offers privileges to a member or associates in partnership or otherwise with a member for the purpose of offering health services. 1993, c. 37, s. 23.

Section Amendments with date in force (d/m/y) [+]

Immunity for reports

85.6 No action or other proceeding shall be instituted against a person for filing a report in good faith under section 85.1, 85.2, 85.4 or 85.5. 1993, c. 37, s. 23.

Section Amendments with date in force (d/m/y) [+]

Reporting by members re: offences

85.6.1 (1) A member shall file a report in writing with the Registrar if the member has been found guilty of an offence. 2007, c. 10, Sched. M, s. 63; 2009, c. 26, s. 24 (15).

Timing of report

(2) The report must be filed as soon as reasonably practicable after the member receives notice of the finding of guilt. 2007, c. 10, Sched. M, s. 63.

Contents of report

(3) The report must contain,

(a) the name of the member filing the report;

(b) the nature of, and a description of the offence;

(c) the date the member was found guilty of the offence;

(d) the name and location of the court that found the member guilty of the offence; and

(e) the status of any appeal initiated respecting the finding of guilt. 2007, c. 10, Sched. M, s. 63.

Publication ban

(4) The report shall not contain any information that violates a publication ban. 2007, c. 10, Sched. M, s. 63.

Same

(5) No action shall be taken under this section which violates a publication ban and nothing in this section requires or authorizes the violation of a publication ban. 2007, c. 10, Sched. M, s. 63.

Additional reports

(6) A member who files a report under subsection (1) shall file an additional report if there is a change in status of the finding of guilt as the result of an appeal. 2007, c. 10, Sched. M, s. 63.

Section Amendments with date in force (d/m/y) [+]

Reporting by members re: professional negligence and malpractice

85.6.2 (1) A member shall file a report in writing with the Registrar if there has been a finding of professional negligence or malpractice made against the member. 2007, c. 10, Sched. M, s. 63; 2009, c. 26, s. 24 (16).

Timing of report

(2) The report must be filed as soon as reasonably practicable after the member receives notice of the finding made against the member. 2007, c. 10, Sched. M, s. 63.

Contents of report

(3) The report must contain,

(a) the name of the member filing the report;

(b) the nature of, and a description of the finding;

(c) the date that the finding was made against the member;

(d) the name and location of the court that made the finding against the member; and

(e) the status of any appeal initiated respecting the finding made against the member. 2007, c. 10, Sched. M, s. 63.

Publication ban

(4) The report shall not contain any information that violates a publication ban. 2007, c. 10, Sched. M, s. 63.

Same

(5) No action shall be taken under this section which violates a publication ban and nothing in this section requires or authorizes the violation of a publication ban. 2007, c. 10, Sched. M, s. 63.

Additional reports
(6) A member who files a report under subsection (1) shall file an additional report if there is a change in status of the finding made against the member as the result of an appeal. 2007, c. 10, Sched. M, s. 63.

Section Amendments with date in force (d/m/y) [+]

Reporting by members re: other professional memberships and findings
85.6.3 (1) A member shall advise the Registrar in writing if the member is a member of another body that governs a profession inside or outside of Ontario. 2017, c. 11, Sched. 5, s. 26.

Findings of misconduct or incompetence
(2) A member shall file a report in writing with the Registrar if there has been a finding of professional misconduct or incompetence made against the member by another body that governs a profession inside or outside of Ontario. 2017, c. 11, Sched. 5, s. 26.

Timing of report
(3) The report must be filed as soon as reasonably practicable after the member receives notice of the finding made against the member. 2017, c. 11, Sched. 5, s. 26.

Contents of report
(4) The report must contain,

(a) the name of the member filing the report;

(b) the nature of, and a description of, the finding;

(c) the date that the finding was made against the member;

(d) the name and location of the body that made the finding against the member; and

(e) the status of any appeal initiated respecting the finding made against the member. 2017, c. 11, Sched. 5, s. 26.

Publication ban
(5) The report shall not contain any information that violates a publication ban. 2017, c. 11, Sched. 5, s. 26.

Same
(6) No action shall be taken under this section which violates a publication ban and nothing in this section requires or authorizes the violation of a publication ban. 2017, c. 11, Sched. 5, s. 26.

Additional reports
(7) A member who files a report under subsection (1) shall file an additional report if there is a change in status of the finding made against the member as the result of an appeal. 2017, c. 11, Sched. 5, s. 26.

Section Amendments with date in force (d/m/y) [+]

Reporting by members re: charges and bail conditions, etc.
85.6.4 (1) A member shall file a report in writing with the Registrar if the member has been charged with an offence, and the report shall include information about every bail condition or other restriction imposed on, or agreed to, by the member in connection with the charge. 2017, c. 11, Sched. 5, s. 27.

Timing of report
(2) The report must be filed as soon as reasonably practicable after the member receives notice of the charge, bail condition or restriction. 2017, c. 11, Sched. 5, s. 27.

Contents of report
(3) The report must contain,

(a) the name of the member filing the report;

(b) the nature of, and a description of, the charge;

(c) the date the charge was laid against the member;

(d) the name and location of the court in which the charge was laid or in which the bail condition or restriction was imposed on or agreed to by the member;

(e) every bail condition imposed on the member as a result of the charge;

(f) any other restriction imposed on or agreed to by the member relating to the charge; and

(g) the status of any proceedings with respect to the charge. 2017, c. 11, Sched. 5, s. 27.

Publication ban
(4) The report shall not contain any information that violates a publication ban. 2017, c. 11, Sched. 5, s. 27.

Same
(5) No action shall be taken under this section which violates a publication ban and nothing in this section requires or authorizes the violation of a publication ban. 2017, c. 11, Sched. 5, s. 27.

Additional reports
(6) A member who files a report under subsection (1) shall file an additional report if there is a change in the status of the charge or bail conditions. 2017, c. 11, Sched. 5, s. 27.

Section Amendments with date in force (d/m/y) [+]

Funding for Therapy and Counselling

Funding provided by College
85.7 (1) There shall be a program, established by the College, to provide funding for the following purposes in connection with allegations of sexual abuse by members:

1. Therapy and counselling for persons alleging sexual abuse by a member.
2. Any other purposes prescribed in regulations made under clause 43 (1) (y) of the *Regulated Health Professions Act, 1991*. 2017, c. 11, Sched. 5, s. 28 (1).

Funding governed by regulations
(2) The funding shall be provided in accordance with the regulations made under the *Regulated Health Professions Act, 1991*. 1993, c. 37, s. 23.

Administration
(3) The Patient Relations Committee shall administer the program. 1993, c. 37, s. 23.

Eligibility
(4) A person is eligible for funding if,

(a) it is alleged, in a complaint or report, that the person was sexually abused by a member while the person was a patient of the member; or

(b) the alternative requirements prescribed in the regulations made by the Council are satisfied. 2017, c. 11, Sched. 5, s. 28 (2).

Timing

(5) Where a request is made for funding pursuant to subsection (1), a determination of the person's eligibility for such funding in accordance with subsection (4) shall be made within a reasonable period of time of the request having been received. 2017, c. 11, Sched. 5, s. 28 (2).

Not a finding

(5.1) The determination of a person's eligibility for funding in accordance with subsection (4) does not constitute a finding against the member and shall not be considered by any other committee of the College dealing with the member. 2017, c. 11, Sched. 5, s. 28 (2).

Cessation of eligibility

(5.2) Despite subsection (4), a person's eligibility to receive funding pursuant to subsection (1) ceases upon the occurrence of any of the prescribed circumstances. 2017, c. 11, Sched. 5, s. 28 (2).

No assessment

(6) A person is not required to undergo a psychological or other assessment before receiving funding. 1993, c. 37, s. 23.

Choice of therapist or counsellor

(7) A person who is eligible for funding is entitled to choose any therapist or counsellor, subject to the following restrictions:

1. The therapist or counsellor must not be a person to whom the eligible person has any family relationship.
2. The therapist or counsellor must not be a person who, to the College's knowledge, has at any time or in any jurisdiction been found guilty of professional misconduct of a sexual nature or been found civilly or criminally liable for an act of a similar nature.
3. If the therapist or counsellor is not a member of a regulated health profession, the College may require the person to sign a document indicating that he or she understands that the therapist or counsellor is not subject to professional discipline. 1993, c. 37, s. 23.

Payment

(8) Funding shall be paid only to the therapist or counsellor chosen by the person or to other persons or classes of persons prescribed in any regulation made under clause 43 (1) (y) of the *Regulated Health Professions Act, 1991*. 2017, c. 11, Sched. 5, s. 28 (3).

Use of funding

(9) Funding shall be used only to pay for therapy or counselling and for any other purposes prescribed in any regulation made under clause 43 (1) (y) of the *Regulated Health Professions Act, 1991* and shall not be applied directly or indirectly for any other purpose. 2017, c. 11, Sched. 5, s. 28 (3).

Same

(10) Funding may be used to pay for therapy or counselling that was provided at any time after the alleged sexual abuse took place. 2017, c. 11, Sched. 5, s. 28 (3).

Other coverage

(11) The funding that is provided to a person for therapy and counselling shall be reduced by the amount that the Ontario Health Insurance Plan or a private insurer is required to pay for therapy or counselling for the person during the period of time during which funding may be provided for the person under the program. 2017, c. 11, Sched. 5, s. 28 (3).

Right of recovery

(12) The College is entitled to recover from the member, in a proceeding brought in a court of competent jurisdiction, money paid in accordance with this section for an eligible person referred to in subsection (4). 2017, c. 11, Sched. 5, s. 28 (3).

Person not required to testify

(13) The eligible person shall not be required to appear or testify in the proceeding. 1993, c. 37, s. 23.

Section Amendments with date in force (d/m/y) [+]

Health Profession Corporations

Professional corporations

85.8 (1) Subject to the regulations made under subsection 43 (1) of the *Regulated Health Professions Act, 1991* and the by-laws, one or more members of the same health profession may establish a health profession corporation for the purposes of practising their health profession. 2005, c. 28, Sched. B, s. 2 (1).

Same

(2) The provisions of the *Business Corporations Act*, including the regulations made under that Act, that apply with respect to professional corporations apply with respect to a health profession corporation established under subsection (1). 2005, c. 28, Sched. B, s. 2 (1).

Section Amendments with date in force (d/m/y) [+]

Notice of change of shareholder

85.9 A health profession corporation shall notify the Registrar within the time and in the form and manner determined under the by-laws of a change in the shareholders of the corporation who are members of the College. 2000, c. 42, Sched., s. 37; 2007, c. 10, Sched. M, s. 69.

Section Amendments with date in force (d/m/y) [+]

Application of Act, etc.

85.10 The following things apply to a member who practises a health profession through a health profession corporation:

1. The *Regulated Health Professions Act, 1991* and the regulations made under that Act.
2. The *health profession Act governing the member's health profession* and the regulations and by-laws made under that Act. 2001, c. 8, s. 220; 2007, c. 10, Sched. M, s. 65.

Section Amendments with date in force (d/m/y) [+]

Professional, fiduciary and ethical obligations to patients

85.11 (1) The professional, fiduciary and ethical obligations of a member to a person on whose behalf the member is practising a health profession,

(a) are not diminished by the fact that the member is practising through a health profession corporation; and

(b) apply equally to the corporation and to its directors, officers, shareholders, agents and employees. 2000, c. 42, Sched., s. 37; 2001, c. 8, s. 221 (1).

Investigation

(2) Subsections (3) and (4) apply if an action or the conduct of a member practising on behalf of a health profession corporation is the subject of one of the following:

1. A complaint.
2. A mandatory report.
3. A specified allegation of professional misconduct or incompetence.
4. An investigation, review or hearing by the Board.
5. An investigation, inspection or assessment by an investigator or assessor appointed under the Code.
6. An inquiry by a panel of the Inquiries, Complaints and Reports Committee.
7. A referral to the Discipline Committee or the Fitness to Practise Committee.
8. A hearing by a committee of the college. 2001, c. 8, s. 221 (2); 2007, c. 10, Sched. M, s. 66.

Same

(3) In the circumstances described in subsection (2), any power that the College may exercise in respect of the member may be exercised in respect of the health profession corporation. 2001, c. 8, s. 221 (2).

Liability

(4) In the circumstances described in subsection (2), the health profession corporation is jointly and severally liable with the member for all fines, costs and expenses that the member is ordered to pay. 2001, c. 8, s. 221 (2).

Section Amendments with date in force (d/m/y) [+]

Conflict in duties

85.12 If there is a conflict between a member's duty to a patient, the college or the public and the member's duty to a health profession corporation as a director or officer of the corporation, the duty to the patient, the college or the public prevails. 2001, c. 8, s. 222.

Section Amendments with date in force (d/m/y) [+]

Restrictions apply to corporation's certificate

85.13 A term, condition or limitation imposed on the certificate of registration of a member practising a health profession through a health profession corporation applies to the certificate of authorization of the corporation in relation to the practice of the health profession through the member. 2000, c. 42, Sched., s. 37.

Section Amendments with date in force (d/m/y) [+]

Prohibition, professional misconduct

85.14 (1) In the course of practising a health profession, a health profession corporation shall not do, or fail to do, something that would constitute professional misconduct if a member of the health profession did, or failed to do, it. 2001, c. 8, s. 223.

Prohibition, contraventions

(2) A health profession corporation shall not contravene any provision of,

(a) the *Regulated Health Professions Act, 1991* and the regulations made under that Act; or

(b) the health profession Act governing the member's health profession and the regulations and by-laws made under that Act. 2001, c. 8, s. 223; 2007, c. 10, Sched. M, s. 67.

Prohibition, corporate matters

(3) A health profession corporation shall not practise a health profession when it does not satisfy the requirements for a professional corporation under subsection 3.2 (2) of the *Business Corporations Act* or a requirement established under subsection 3.2 (6) of that Act. 2005, c. 28, Sched. B, s. 2 (2).

Section Amendments with date in force (d/m/y) [+]

Miscellaneous

Right to use French

86 (1) A person has the right to use French in all dealings with the College. 1991, c. 18, Sched. 2, s. 86 (1).

Language preferences

(1.1) The College shall identify and record the language preference of each College member and identify the language preference of each member of the public who has dealings with the College. 2007, c. 10, Sched. M, s. 68.

Council to ensure right

(2) The Council shall take all reasonable measures and make all reasonable plans to ensure that persons may use French in all dealings with the College. 1991, c. 18, Sched. 2, s. 86 (2).

Definition

(3) In this section,

"dealings" means any service or procedure available to the public or to members and includes giving or receiving communications, information or notices, making applications, taking examinations or tests and participating in programs or in hearings or reviews. 1991, c. 18, Sched. 2, s. 86 (3).

Limitation

(4) A person's right under subsection (1) is subject to the limits that are reasonable in the circumstances. 1991, c. 18, Sched. 2, s. 86 (4).

Section Amendments with date in force (d/m/y) [+]

Court orders

87 The College may apply to the Superior Court of Justice for an order directing a person to comply with a provision of the health profession Act, this Code, the *Regulated Health Professions Act, 1991*, the regulations under those Acts or the by-laws made under clause 94 (1) (l.2), (l.3) (s), (t), (t.1), (t.2), (v), (w) or (y). 1991, c. 18, Sched. 2, s. 87; 1998, c. 18, Sched. G, s. 20; 2000, c. 42, Sched., s. 38; 2001, c. 8, s. 224; 2006, c. 19, Sched. C, s. 1 (1).

Section Amendments with date in force (d/m/y) [+]

Evidence of Registrar

88 A statement purporting to be certified by the Registrar under the seal of the College as a statement of information from the records kept by the Registrar in the course of his or her duties is admissible in court as proof, in the absence of evidence to the contrary, of the information in it without proof of the Registrar's appointment or signature or of the seal of the College. 1991, c. 18, Sched. 2, s. 88.

89 REPEALED: 2002, c. 24, Sched. B, s. 25.

Section Amendments with date in force (d/m/y) [+]

90 REPEALED: 1993, c. 37, s. 24.

Section Amendments with date in force (d/m/y) [+]

91 REPEALED: 2007, c. 10, Sched. M, s. 70.

Section Amendments with date in force (d/m/y) [+]

Making false representations to obtain certificates

92 (1) Every person who makes a representation, knowing it to be false,

(a) for the purpose of having a certificate of registration issued is guilty of an offence and on conviction is liable to a fine of not more than $25,000 for a first offence and not more than $50,000 for a second or subsequent offence; or

(b) for the purpose of having a certificate of authorization issued is guilty of an offence and on conviction is liable to a fine of not more than $50,000 for a first offence and not more than $200,000 for a second or subsequent offence. 2007, c. 10, Sched. M, s. 71.

Assisting the making of false representation

(2) Every person who knowingly assists a person in committing an offence under subsection (1) is guilty of an offence and on conviction is liable,

(a) in the case of an individual, to a fine of not more than $25,000 for a first offence and not more than $50,000 for a second or subsequent offence; or

(b) in the case of a corporation, to a fine of not more than $50,000 for a first offence and not more than $200,000 for a second or subsequent offence. 2007, c. 10, Sched. M, s. 71.

Section Amendments with date in force (d/m/y) [+]

Protection for reporters from reprisals

92.1 No person shall do anything, or refrain from doing anything, relating to another person's employment or to a contract providing for the provision of services by that other person, in retaliation for that other person filing a report or making a complaint as long as the report was filed, or the complaint was made, in good faith. 1993, c. 37, s. 25.

Section Amendments with date in force (d/m/y) [+]

Offences

93 (1) Every person who contravenes an order made under subsection 7 (3) or section 45 or 47, or who contravenes subsection 76 (3), 82 (2) or (3), 85.2 (1), 85.5 (1) or (2) or 85.14 (2) or section 92.1 is guilty of an offence and on conviction is liable,

(a) in the case of an individual to a fine of not more than $25,000 for a first offence and not more than $50,000 for a second or subsequent offence; or

(b) in the case of a corporation to a fine of not more than $50,000 for a first offence and not more than $200,000 for a second or subsequent offence. 2007, c. 10, Sched. M, s. 72; 2009, c. 26, s. 24 (17).

Same

(2) Every person who contravenes subsection 85.1 (1) or 85.4 (1) is guilty of an offence and on conviction is liable to a fine of not more than $50,000. 2017, c. 11, Sched. 5, s. 29.

Sexual abuse reporting by facilities

(3) Despite subsection (1), every person who contravenes subsection 85.2 (1) in respect of a matter concerning the sexual abuse of a patient is guilty of an offence and on conviction is liable,

(a) in the case of an individual to a fine of not more than $50,000; or

(b) in the case of a corporation to a fine of not more than $200,000. 2017, c. 11, Sched. 5, s. 29.

Section Amendments with date in force (d/m/y) [+]

Forms

93.1 The College may require that forms approved by the College be used for any purpose under the Act. 1998, c. 18, Sched. G, s. 21.

Section Amendments with date in force (d/m/y) [+]

By-laws

94 (1) The Council may make by-laws relating to the administrative and internal affairs of the College and, without limiting the generality of the foregoing, the Council may make by-laws,

(a) adopting a seal for the College;

(b) providing for the execution of documents by the College;

(c) respecting banking and finance;

(d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;

(d.1) respecting the election of Council members, including the requirements for members to be able to vote, electoral districts and election recounts;

(d.2) respecting the qualification and terms of office of Council members who are elected;

(d.3) prescribing conditions disqualifying elected members from sitting on the Council and governing the removal of disqualified Council members;

(e) providing procedures for the election of the President and Vice-President of the College, the selection of the chairs of the committees, the filling of a vacancy in those offices, and setting out the duties and powers of the President, Vice-President and the chairs;

(f) respecting the calling, holding and conducting of the Council meetings and respecting the duties of the Council's members;

(g) respecting the calling, holding and conducting of meetings of the members;

(g.1) providing that a meeting of the Council or of members or a meeting of a committee or of a panel that is held for any purpose other than for the conducting of a hearing may be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously;

(g.2) prescribing what constitutes a conflict of interest for members of the Council or a committee and regulating or prohibiting the carrying out of the duties of those members in cases in which there is a conflict of interest;

(h) providing for the remuneration of the members of the Council and committees other than persons appointed by the Lieutenant Governor in Council and for the payment of the expenses of the Council and committees in the conduct of their business;

(h.1) respecting the filling of vacancies on the Council or on committees;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.1) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 30 (1))

(h.1) subject to the regulations made under clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*,

(i) respecting the filling of vacancies on the Council or on committees,

(ii) providing for the composition of committees,

(iii) respecting the qualification, selection, appointment and terms of office of members of committees required by subsection 10 (1) who are not members of the Council,

(iv) prescribing conditions that disqualify committee members from sitting on committees required under subsection 10 (1) and governing the removal of disqualified committee members;

(h.2) providing for the composition of committees;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.2) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))

(h.3) respecting the qualification, selection, appointment and terms of office of members of committees required by subsection 10 (1) who are not members of the Council;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.3) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))

(h.4) prescribing conditions disqualifying committee members from sitting on committees required under subsection 10 (1) and governing the removal of disqualified committee members;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.4) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))

(i) providing for the appointment, powers and duties of committees other than the committees required by subsection 10 (1);

(j) delegating to the Executive Committee powers and duties of the Council, other than the power to make, amend or revoke regulations and by-laws;

(k) providing for a code of ethics for the members;

(l) providing for the appointment of inspectors for the purposes of regulations made under clause 95 (1) (h);

(l.1) respecting the maintenance of the register kept by the Registrar and providing for the issuing of certificates when information contained in the register is made available to the public under section 23;

(l.2) specifying information as information to be kept in the register for the purposes of paragraph 20 of subsection 23 (2), designating information kept in the register as public for the purposes of subsection 23 (5), and designating information kept in the register as public for the purposes of subsection 23 (5) that may be withheld from the public for the purposes of subsection 23 (6);

(l.3) requiring members to give the College their home addresses and such other information as may be specified in the by-law about themselves and the places they practise the profession, the services they provide there, their participation in continuing education programs and the names, business addresses, telephone numbers and facsimile numbers of their associates, partners, employers and employees and prescribing the form and manner in which the information shall be given;

(l.4) respecting the duties and office of the Registrar;

(m) providing procedures for the making, amending and revoking of by-laws;

(n) prescribing forms and providing for their use;

(o) respecting the management of the property of the College;

(p) authorizing the College to make arrangements for the indemnity of members against professional liability and providing levies to be paid by members;

(q) respecting membership of the College in a national organization of bodies with similar functions, the payment of annual assessments and representation at meetings;

(r) authorizing the making of grants to advance scientific knowledge or the education of persons wishing to practise the profession, to maintain or improve the standards of practice of the profession or to provide public information about, and encourage interest in, the past and present role of the profession in society;

(s) requiring members to pay annual fees, fees upon application for a certificate and upon registration and fees for examinations, appeals from examinations, election recounts and continuing education programs and for anything the Registrar or a committee of the College is required or authorized to do and requiring members to pay penalties for the late payment of any fee;

(t) specifying the amount of any fee or penalty required under clause (s);

(t.1) prescribing the form and manner in which a health profession corporation shall notify the Registrar of a change in the shareholders of the corporation and the time period for doing so;

(t.2) requiring the payment of fees upon application for a certificate of authorization and for the issue or renewal of a certificate of authorization and specifying the amount of such fees;

(u) requiring persons to pay fees, set by the Registrar or by by-law, for anything the Registrar is required or authorized to do;

(v) requiring members to pay specified amounts to pay for the program required under section 85.7, including amounts that are different for different members or classes of members and including amounts,

(i) that are specified in the by-law,

(ii) that are calculated according to a method set out in the by-law, or

(iii) that are determined by a person specified in the by-law;

(w) requiring members to participate in an arrangement set up by the College in which members pay a person such amounts as may be determined by the person for the members or for classes of members and the person pays amounts to the College to pay for the program required under section 85.7;

(x) authorizing the Patient Relations Committee to require therapists and counsellors who are providing therapy or counselling that is funded through the program required under section 85.7 and persons who are receiving such therapy or counselling, to provide a written statement, signed in each case by the therapist or counsellor and by the person, containing details of the therapist's or counsellor's training and experience, and confirming that therapy or counselling is being provided and that the funds received are being devoted only to that purpose;

(y) requiring members to have professional liability insurance that satisfies the requirements specified in the by-laws or to belong to a specified association that provides protection against professional liability and requiring members to give proof of the insurance or membership to the Registrar in the manner set out in the by-laws;

(z) respecting the designation of life or honourary members of the College and prescribing their rights and privileges;

(z.1) exempting any member or class of member from a by-law made under this section;

(z.2) specifying or setting out anything that is required to be specified or set out under this subsection. 1991, c. 18, Sched. 2, s. 94 (1); 1998, c. 18, Sched. G, s. 22 (1-4); 2000, c. 42, Sched., s. 40; 2007, c. 10, Sched. M, s. 73 (1, 2); 2017, c. 11, Sched. 5, s. 30 (2).

Circulation of certain by-laws

(2) A by-law shall not be made under clause (1) (l.2), (l.3), (s), (t), (v), (w) or (y) unless the proposed by-law is circulated to every member at least 60 days before it is approved by the Council. 1998, c. 18, Sched. G, s. 22 (5).

Exception

(2.1) Despite subsection (2), the Council may, with the approval of the Minister, exempt a by-law from the requirement that it be circulated or abridge the 60-day period referred to in subsection (2) to such lesser period as the Minister may determine. 1998, c. 18, Sched. G, s. 22 (5).

Copies of by-laws, etc.

(3) A copy of the by-laws and standards of practice made by the Council, and any documents that are referred to in the by-laws and regulations made by the Council shall be given to the Minister and to each member and shall be made available to the public during normal business hours in the office of the College. 2007, c. 10, Sched. M, s. 73 (3).

Public copies

(3.1) Any person is entitled to a copy of any by-law, standard of practice or other document mentioned in subsection (3) on the payment of a reasonable fee, if required, to the Registrar. 2007, c. 10, Sched. M, s. 73 (3).

Unanimous by-laws, etc.

(4) A by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council called, constituted and held for the purpose. 1991, c. 18, Sched. 2, s. 94 (4).

Application

(5) Subsections (3) and (4) apply to by-laws made under this section or under a health profession Act. 1998, c. 18, Sched. G, s. 22 (6).

Section Amendments with date in force (d/m/y) [+]

Regulations

95 (1) Subject to the approval of the Lieutenant Governor in Council and with prior review of the Minister, the Council may make regulations,

(0.a) providing that the spousal exception in subsection 1 (5) applies in respect of the College;

(a) prescribing classes of certificates of registration and imposing terms, conditions and limitations on the certificates of registration of a class;

(b) respecting applications for certificates of registration or classes of them and the issuing, suspension, revocation and expiration of the certificates or classes of them;

(c) prescribing standards and qualifications for the issue of certificates of registration;

(d) prescribing certain registration requirements as non-exemptible requirements for the purposes of subsection 18 (3) and 22 (8);

(e) defining specialties in the profession, providing for certificates relating to those specialties, the qualifications for and suspension and revocation of those certificates and governing the use of prescribed terms, titles or designations by members indicating a specialization in the profession;

(f) requiring, for purposes associated with the registration of members, the successful completion of examinations as set and approved, from time to time, by the College, other persons or associations of persons and providing for an appeal of the results of the examinations;

(g) governing or prohibiting the delegation by or to members of controlled acts set out in subsection 27 (2) of the *Regulated Health Professions Act, 1991*;

(h) requiring and providing for the inspection and examination of premises used in connection with the practice of the profession and of equipment, books, accounts, reports and records of members relating to their practices;

(h.1) providing for the direct observation of a member in his or her practice, including the direct observation by inspectors of procedures, during the course of an inspection or examination provided for under clause (h);

(i) prescribing what constitutes a conflict of interest in the practice of the profession and regulating or prohibiting the practice of the profession in cases in which there is a conflict of interest;

(j) defining professional misconduct for the purposes of clause 51 (1) (c);

(k) designating acts of professional misconduct that must be reported;

(l) respecting the promotion or advertising of the practice of the profession;

(m) respecting the reporting and publication of decisions of panels;

(n) prescribing the standards of practice of the profession and prohibiting members from acting beyond the scope of practice of the profession in the course of practising the profession;

(o) requiring members to keep prescribed records in respect of their practice;

(p) regulating or prohibiting the use of terms, titles and designations by members in respect of their practices;

(q) prescribing alternative requirements for eligibility for funding under clause 85.7 (4) (b);

(q.1) prescribing the circumstances in respect of which a person's eligibility for funding ceases for the purposes of subsection 85.7 (5.2);

(r) prescribing a quality assurance program;

(r.1) specifying information for the purposes of clause (g) of the definition of "quality assurance information" in subsection 83.1 (1);

(s) respecting the giving of notice of meetings and hearings that are to be open to the public;

(t) providing for the exemption of any member from the regulations made by the Council;

(u) prescribing anything that is referred to in the health profession Act or this Code as being prescribed. 1998, c. 18, Sched. G, s. 23 (1); 2004, c. 3, Sched. B, s. 11 (3); 2007, c. 10, Sched. M, s. 74 (1); 2009, c. 6, s. 2; 2013, c. 9, s. 1 (2); 2017, c. 11, Sched. 5, s. 31.

Note: The following apply with respect to regulations made under paragraphs 1 to 7, 14, 22, 23, 27 to 31, 31.2 to 32, 34, 35 and 38 of subsection 95 (1) that are in force immediately before the Statutes of Ontario, 1998, chapter 18, Schedule G, subsection 23 (1) comes into force:

Despite the coming into force of the Statutes of Ontario, 1998, chapter 18, Schedule G, subsection 23 (1) (repealing the authority under which the regulations are made), the regulations shall be deemed to continue in force until they are revoked by the authority that made them.

A reference to by-laws in any Act listed in Schedule 1 shall be deemed to include a reference to regulations which are deemed to continue in force. See: 1998, c. 18, Sched. G, ss. 23 (2-4), 74.

Standards of practice

(1.1) A regulation under clause (1) (n) may adopt by reference, in whole or in part and with such changes as are considered necessary, any code, standard or guideline relating to standards of practice of the profession and require compliance with the code, standard or guideline as adopted. 1998, c. 18, Sched. G, s. 23 (1).

Rolling incorporation

(1.2) If a regulation under subsection (1.1) so provides, a scientific, administrative or technical document adopted by reference shall be a reference to it, as amended from time to time, and whether the amendment was made before or after the regulation was made. 2007, c. 10, Sched. M, s. 74 (2).

Third party external document

(1.2.1) A document adopted under subsection (1.2) must be a document created by a recognized body and must not be a document created by the College. 2007, c. 10, Sched. M, s. 74 (2).

Exception

(1.2.2) Despite subsection (1.2.1), the incorporation by reference of a document created by the College that was made before the coming into force of that subsection remains valid until it is revoked. 2007, c. 10, Sched. M, s. 74 (2).

Copies available for inspection

(1.3) A copy of every code, standard or guideline adopted by reference under subsection (1.1) shall be available for public inspection during normal business hours in the office of the College and shall be posted on the College's website or be available through a hyperlink at the College's website. 2007, c. 10, Sched. M, s. 74 (2).

Circulation

(1.4) A regulation shall not be made under subsection (1) unless the proposed regulation is circulated to every member at least 60 days before it is approved by the Council. 1998, c. 18, Sched. G, s. 23 (1).

Same

(1.5) Subsection (1.4) does not apply to a regulation if the Minister required that the Council make the regulation under clause 5 (1) (c) of the *Regulated Health Professions Act, 1991*. 1998, c. 18, Sched. G, s. 23 (1).

Exception

(1.6) Despite subsection (1.4), the Council may, with the approval of the Minister, exempt a regulation from the requirement that it be circulated or abridge the 60-day period referred to in subsection (1.4) to such lesser period as the Minister may determine. 1998, c. 18, Sched. G, s. 23 (1).

Adopted documents

(1.7) Subsections (1.4) and (1.6) apply with necessary modifications to an amendment to a scientific, administrative or technical document adopted by reference under subsection (1.1). 2007, c. 10, Sched. M, s. 74 (3).

Quality assurance program – continuing education

(2) Regulations made under clause (1) (r) may require members to participate in continuing education programs. 1991, c. 18, Sched. 2, s. 95 (2); 2000, c. 26, Sched. H, s. 3 (2).

(2.1), (2.2) REPEALED: 2007, c. 10, Sched. M, s. 74 (4).

Scope of regulations

(3) A regulation may be general or particular in its application. 1991, c. 18, Sched. 2, s. 95 (3).

Section Amendments with date in force (d/m/y) [+]

Ontario

B2

Français

Chiropractic Act, 1991

S.O. 1991, CHAPTER 21

Consolidation Period: From June 3, 2021 to the e-Laws currency date.

Last amendment: 2021, c. 25, Sched. 25, s. 8.

Legislative History: [+]

Definitions

1 In this Act,

"College" means the College of Chiropractors of Ontario; ("Ordre")

"Health Professions Procedural Code" means the Health Professions Procedural Code set out in Schedule 2 to the *Regulated Health Professions Act, 1991*; ("Code des professions de la santé")

"member" means a member of the College; ("membre")

"profession" means the profession of chiropractic; ("profession")

"this Act" includes the Health Professions Procedural Code. ("la présente loi") 1991, c. 21, s. 1.

Health Professions Procedural Code

2 (1) The Health Professions Procedural Code shall be deemed to be part of this Act. 1991, c. 21, s. 2 (1).

Terms in Code

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

"College" means the College of Chiropractors of Ontario; ("ordre")

"health profession Act" means this Act; ("loi sur une profession de la santé")

"profession" means the profession of chiropractic; ("profession")

"regulations" means the regulations under this Act. ("règlements") 1991, c. 21, s. 2 (2).

Definitions in Code

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act. 1991, c. 21, s. 2 (3).

Scope of practice

3 The practice of chiropractic is the assessment of conditions related to the spine, nervous system and joints and the diagnosis, prevention and treatment, primarily by adjustment, of,

(a) dysfunctions or disorders arising from the structures or functions of the spine and the effects of those dysfunctions or disorders on the nervous system; and

(b) dysfunctions or disorders arising from the structures or functions of the joints. 1991, c. 21, s. 3.

Authorized acts

4 In the course of engaging in the practice of chiropractic, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Communicating a diagnosis identifying, as the cause of a person's symptoms,
    i. a disorder arising from the structures or functions of the spine and their effects on the nervous system, or
    ii. a disorder arising from the structures or functions of the joints of the extremities.
2. Moving the joints of the spine beyond a person's usual physiological range of motion using a fast, low amplitude thrust.
3. Putting a finger beyond the anal verge for the purpose of manipulating the tailbone. 1991, c. 21, s. 4.

Board continued as College

5 The Board of Directors of Chiropractic is continued under the name College of Chiropractors of Ontario in English and Ordre des chiropraticiens de l'Ontario in French. 1991, c. 21, s. 5.

Council

6 (1) The Council shall be composed of,

(a) nine persons who are members elected in accordance with the by-laws;

(b) at least six and no more than seven persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) members of a College as defined in the *Regulated Health Professions Act, 1991*, or

(iii) members of a Council as defined in the *Regulated Health Professions Act, 1991*. 1991, c. 21, s. 6 (1); 1998, c. 18, Sched. G, s. 26 (1); 2009, c. 26, s. 3.

Who can vote in elections

(2) Subject to the by-laws, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council. 1991, c. 21, s. 6 (2); 1998, c. 18, Sched. G, s. 26 (2).

Section Amendments with date in force (d/m/y) [+]

President and Vice-President

7 The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members. 1991, c. 21, s. 7.

8 REPEALED: 2015, c. 20, Sched. 15, s. 16.

Section Amendments with date in force (d/m/y) [+]

Restricted titles

9 (1) No person other than a member shall use the title "chiropractor", a variation or abbreviation or an equivalent in another language. 1991, c. 21, s. 9 (1).

Representations of qualification, etc.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a chiropractor or in a specialty of chiropractic. 1991, c. 21, s. 9 (2).

Definition

(3) In this section,

"abbreviation" includes an abbreviation of a variation. 1991, c. 21, s. 9 (3).

10 REPEALED: 2021, c. 25, Sched. 25, s. 8.

Section Amendments with date in force (d/m/y) [+]

Offence

11 Every person who contravenes subsection 9 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than $25,000 for a first offence and not more than $50,000 for a second or subsequent offence. 2007, c. 10, Sched. B, s. 3 (1).

Section Amendments with date in force (d/m/y) [+]

Transitional

12 A person who, on the day before this Act comes into force, was registered as a chiropractor under the *Drugless Practitioners Act* shall be deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the registration was subject. 1991, c. 21, s. 12.

13., 14 REPEALED: 2007, c. 10, Sched. B, s. 3 (2).

Section Amendments with date in force (d/m/y) [+]

15 Omitted (provides for coming into force of provisions of this Act). 1991, c. 21, s. 15.

16 Omitted (enacts short title of this Act). 1991, c. 21, s. 16.

Français

Ontario

B3

Français

Healing Arts Radiation Protection Act

R.S.O. 1990, CHAPTER H.2

Consolidation Period: From January 1, 2020 to the e-Laws currency date.

Note: This Act is repealed on a day to be named by proclamation of the Lieutenant Governor. (See: 2017, c. 25, Sched. 9, s. 84 (2))

Last amendment: 2019, c. 7, Sched. 17, s. 83.

Legislative History: [+]

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Interpretation

1 (1) In this Act,

"Appeal Board" means the Health Services Appeal and Review Board under the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998*; ("Commission d'appel")

"Director" means the Director of X-ray Safety appointed under section 19; ("directeur")

"inspector" means an inspector appointed under section 20; ("inspecteur")

"Minister" means the Minister of Health and Long-Term Care; ("ministre")

"owner", when used with reference to an X-ray machine, means the owner or other person who has the management and control of the X-ray machine; ("propriétaire")

"regulations" means the regulations made under this Act; ("règlements")

"X-ray equipment" includes X-ray imaging systems, processing equipment and equipment directly related to the production of images for diagnosis or directly related to irradiation with X-rays for therapy; ("matériel de rayons X")

"X-ray machine" means an electrically powered device the purpose and function of which is the production of X-rays for the irradiation of a human being for a therapeutic or diagnostic purpose; ("appareil à rayons X")

"X-rays" means artificially produced electromagnetic radiation with peak energy greater than five kilovolts. ("rayons X") R.S.O. 1990, c. H.2, s. 1 (1); 1998, c. 18, Sched. G, s. 51 (1); 2006, c. 19, Sched. L, s. 11 (2); 2009, c. 33, Sched. 18, s. 17 (2); 2011, c. 9, Sched. 19, s. 1.

Shielding

(2) In this Act, a reference to the installation of an X-ray machine includes a reference to the shielding of the area in which the X-ray machine is installed. R.S.O. 1990, c. H.2, s. 1 (2).

Section Amendments with date in force (d/m/y) [+]

Administration of Act

2 The Minister is responsible for the administration of this Act. R.S.O. 1990, c. H.2, s. 2.

Approval of installation

3 (1) No person shall install an X-ray machine unless the Director has issued written approval for the installation. R.S.O. 1990, c. H.2, s. 3 (1).

Issuance of approval

(2) Subject to subsection (3), any person who applies in accordance with this Act and the regulations for written approval for the installation of an X-ray machine and,

(a) submits to the Director the plans, specifications and information prescribed by the regulations;

(b) who meets the requirements of this Act and the regulations; and

(c) pays the fee for the approval established by the Minister,

is entitled to be issued the written approval. R.S.O. 1990, c. H.2, s. 3 (2); 1997, c. 15, s. 4 (1).

Criteria

(3) The Director may refuse to approve a proposed installation of an X-ray machine where,

(a) the proposed installation will not comply with this Act or the regulations;

(b) the application therefor is incomplete;

(c) the plans, specifications and information required by this Act and the regulations in respect of the installation of the X-ray machine have not been submitted to the Director or are incomplete; or

(d) any fees due are unpaid. R.S.O. 1990, c. H.2, s. 3 (3).

Installation

(4) Where the Director has issued written approval for the installation of an X-ray machine, no person shall install the X-ray machine other than in accordance with the plans, specifications and information on the basis of which the Director issued the written approval. R.S.O. 1990, c. H.2, s. 3 (4).

Revocation of approval

(5) Subject to section 10, the Director may revoke an approval where it was issued on mistaken or false information. R.S.O. 1990, c. H.2, s. 3 (5).

Approval of change

(6) Where the Director has given written approval for the installation of an X-ray machine and the X-ray machine has been installed in accordance with the plans, specifications and other information on the basis of which the Director issued the approval, no person shall change the installation without the written approval of the Director for the change. R.S.O. 1990, c. H.2, s. 3 (6).

Application of subss. (1-5)

(7) Subsections (1) to (5) apply with necessary modifications in respect of a change in an installation of an X-ray machine and, for the purpose, changing an installation of an X-ray machine shall be deemed to be installing an X-ray machine. R.S.O. 1990, c. H.2, s. 3 (7).

Section Amendments with date in force (d/m/y) [+]

Registration

4 (1) The owner of an X-ray machine shall not operate the X-ray machine or cause or permit the X-ray machine to be operated for the irradiation of a human being unless the X-ray machine, the location of the X-ray machine and the name and business address of the owner of the X-ray machine are registered with the Director. R.S.O. 1990, c. H.2, s. 4 (1).

Application

(2) Upon the application of the owner of an X-ray machine and upon payment of the fee established by the Minister, the Director shall register the X-ray machine, its location and the name and business address of the owner thereof. R.S.O. 1990, c. H.2, s. 4 (2); 1997, c. 15, s. 4 (2).

Notice of change

(3) An owner of an X-ray machine registered with the Director who changes his, her or its business address shall give written notice of the change to the Director within fifteen days of the occurrence of the change. R.S.O. 1990, c. H.2, s. 4 (3).

(4), (5) REPEALED: 2011, c. 1, Sched. 6, s. 2 (1).

Section Amendments with date in force (d/m/y) [+]

Use of X-ray machine

5 (1) No person shall operate an X-ray machine for the irradiation of a human being unless the person meets the qualifications and requirements prescribed by the regulations. R.S.O. 1990, c. H.2, s. 5 (1).

Persons deemed to be qualified

(2) The following persons shall be deemed to meet the qualifications prescribed by the regulations:

1. A legally qualified medical practitioner.
2. A member of the Royal College of Dental Surgeons of Ontario.

3. A member of the College of Chiropodists of Ontario who has been continuously registered as a chiropodist under the *Chiropody Act* and the *Chiropody Act, 1991* since before November 1, 1980 or who is a graduate of a four-year course of instruction in chiropody.

4. A member of the College of Chiropractors of Ontario.

5. Repealed: 1998, c. 18, Sched. G, s. 51 (2).

6. Repealed: 2011, c. 1, Sched. 6, s. 2 (1).

7. A member of the College of Medical Radiation and Imaging Technologists of Ontario.

8. A member of the College of Dental Hygienists of Ontario. R.S.O. 1990, c. H.2, s. 5 (2); 1998, c. 18, Sched. G, s. 51 (2, 3); 2011, c. 1, Sched. 6, s. 2 (1); 2017, c. 25, Sched. 6, s. 16.

Section Amendments with date in force (d/m/y) [+]

Instructions required

6 (1) No person shall operate an X-ray machine for the irradiation of a human being unless the irradiation has been prescribed by,

(a) a legally qualified medical practitioner;

(b) a member of the Royal College of Dental Surgeons of Ontario;

(c) a member of the College of Chiropodists of Ontario who has been continuously registered as a chiropodist under the *Chiropody Act* and the *Chiropody Act, 1991* since before November 1, 1980 or who is a graduate of a four-year course of instruction in chiropody;

(d) a member of the College of Chiropractors of Ontario; or

(e) Repealed: 1998, c. 18, Sched. G, s. 51 (4).

(f) Repealed: 2011, c. 1, Sched. 6, s. 2 (2).

(g) a member of the College of Nurses of Ontario who holds an extended certificate of registration under the *Nursing Act, 1991*.

R.S.O. 1990, c. H.2, s. 6; 1998, c. 18, Sched. G, s. 51 (4); 2009, c. 26, s. 9 (1); 2011, c. 1, Sched. 6, s. 2 (2, 3).

Same

(2) Despite subsection (1), a person may operate an X-ray machine for the irradiation of a human being if the irradiation is prescribed in a manner permitted by the regulations by a member of the College of Physiotherapists of Ontario. 2009, c. 26, s. 9 (2).

(3) Repealed: 2009, c. 26, s. 9 (2).

Section Amendments with date in force (d/m/y) [+]

Causing or permitting use of X-ray machine

7 No person shall cause or permit any other person to operate an X-ray machine for the irradiation of a human being unless the other person meets the qualifications and requirements prescribed by the regulations. R.S.O. 1990, c. H.2, s. 7.

X-ray machine standards

8 No person shall operate an X-ray machine for the irradiation of a human being, unless the X-ray machine meets the standards prescribed by the regulations. R.S.O. 1990, c. H.2, s. 8.

Radiation protection officer

9 (1) The owner of a portable X-ray machine or an installed X-ray machine shall designate a person as the radiation protection officer for the portable X-ray machine or the facility in which the X-ray machine is installed if he or she meets the qualifications prescribed by the regulations and is,

(a) a legally qualified medical practitioner;

(b) a member of the Royal College of Dental Surgeons of Ontario;

(c) a member of the College of Chiropodists of Ontario who has been continuously registered as a chiropodist under the *Chiropody Act* and the *Chiropody Act, 1991* since before November 1, 1980 or who is a graduate of a four-year course of instruction in chiropody; or

(d) a member of the College of Chiropractors of Ontario. 2011, c. 1, Sched. 6, s. 2 (5).

(2), (3) REPEALED: 2011, c. 1, Sched. 6, s. 2 (5).

Responsibilities

(4) A radiation protection officer for a facility is responsible,

(a) for ensuring that every X-ray machine operated in the facility is maintained in safe operating condition; and

(b) for such other matters related to the safe operation of each X-ray machine in the facility as are prescribed by the regulations. R.S.O. 1990, c. H.2, s. 9 (4).

Section Amendments with date in force (d/m/y) [+]

Proposal to refuse to issue or to revoke an approval

10 (1) Where the Director proposes to refuse to issue or to revoke an approval under section 3 for the installation or for a change in the installation of an X-ray machine, the Director shall serve notice of his or her proposal, together with written reasons therefor, on the applicant or the person to whom the approval was issued, as the case may be. R.S.O. 1990, c. H.2, s. 10 (1).

Notice

(2) A notice under subsection (1) shall inform the applicant or person to whom the approval was issued that he or she is entitled to a hearing by the Appeal Board if, within fifteen days after the notice under subsection (1) is served on him or her, the applicant or person gives written notice to the Director and the Appeal Board requiring a hearing by the Appeal Board and the applicant or person may so require such a hearing. R.S.O. 1990, c. H.2, s. 10 (2).

Powers of Appeal Board

(3) Where a hearing is required under subsection (2), the Appeal Board shall appoint a time for and hold the hearing and may direct the Director to carry out his or her proposal or refrain from carrying out his or her proposal and to take such action as the Appeal Board considers the Director ought to take in accordance with this Act and the regulations and, for such purposes, the Appeal Board may substitute its opinion for that of the Director. R.S.O. 1990, c. H.2, s. 10 (3).

Hearing

11 (1) The Director, the applicant or other person who has required the hearing and such other persons as the Appeal Board may specify are parties to proceedings before the Appeal Board under this Act. R.S.O. 1990, c. H.2, s. 11 (1).

Notice of hearing

(2) Notice of a hearing shall afford the applicant or other person who has required the hearing a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue of the approval of the Director. R.S.O. 1990, c. H.2, s. 11 (2).

Examination of documentary evidence

(3) Any party to proceedings under section 10 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. R.S.O. 1990, c. H.2, s. 11 (3).

Members holding hearing not to have taken part in investigation, etc.

(4) Members of the Appeal Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or the party's or person's representative except upon notice to and opportunity for all parties to participate, but the Appeal Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law. R.S.O. 1990, c. H.2, s. 11 (4).

Recording of evidence

(5) The oral evidence taken before the Appeal Board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Superior Court of Justice. R.S.O. 1990, c. H.2, s. 11 (5); 2006, c. 19, Sched. C, s. 1 (1).

Findings of fact

(6) The findings of fact of the Appeal Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. R.S.O. 1990, c. H.2, s. 11 (6).

(7) REPEALED: 1998, c. 18, Sched. G, s. 51 (7).

Release of documentary evidence

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to the person by the Appeal Board within a reasonable time after the matter in issue has been finally determined. R.S.O. 1990, c. H.2, s. 11 (8).

Section Amendments with date in force (d/m/y) [+]

Appeal to court

12 (1) Any party to the proceedings before the Appeal Board under this Act may appeal from its decision or order to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. H.2, s. 12 (1).

Record to be filed in court

(2) Where any party appeals from a decision or order of the Appeal Board, the Appeal Board shall forthwith file in the Superior Court of Justice the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Appeal Board's record, shall constitute the record in the appeal. R.S.O. 1990, c. H.2, s. 12 (2); 2006, c. 19, Sched. C, s. 1 (1).

Minister entitled to be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. R.S.O. 1990, c. H.2, s. 12 (3).

Powers of court on appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm, alter or rescind the decision of the Appeal Board and may exercise all powers of the Appeal Board to direct the Director to take any action which the Appeal Board may direct him or her to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Appeal Board, or the court may refer the matter back to the Appeal Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. R.S.O. 1990, c. H.2, s. 12 (4).

Section Amendments with date in force (d/m/y) [+]

Order by Director or inspector

13 (1) The Director or an inspector may make a written order directed to any one or more of,

(a) the owner of an X-ray machine;

(b) any person who operates the X-ray machine; or

(c) the radiation protection officer for the facility in which the machine is installed or, in the case of a portable X-ray machine, the radiation protection officer for the portable X-ray machine,

requiring the taking of such action as, in the opinion of the Director or inspector, upon reasonable and probable grounds, is necessary in order to achieve compliance with this Act or the regulations, or both, or is necessary or advisable to protect the health or safety of any patient or member of the public in or near the premises where the X-ray machine is operated. R.S.O. 1990, c. H.2, s. 13 (1).

Notice of proposal to make order

(2) The Director or the inspector who proposes to make an order under subsection (1) shall serve notice of the proposal, together with written reasons therefor, on the person to whom he or she proposes to direct the order. R.S.O. 1990, c. H.2, s. 13 (2).

Notice requiring hearing

(3) A notice under subsection (2) shall inform the person that the person is entitled to a hearing by the Appeal Board if the person gives notice in writing to the Director and the Appeal Board, within fifteen days after the notice under subsection (2) is served on the person, requiring a hearing, and the person may so require such a hearing. R.S.O. 1990, c. H.2, s. 13 (3).

Power of Director or inspector where no hearing

(4) Where a person served with notice under subsection (2) does not require a hearing in accordance with subsection (3), the Director or inspector may carry out the proposal stated in his or her notice. R.S.O. 1990, c. H.2, s. 13 (4).

Powers of Appeal Board where hearing

(5) Where a hearing is required under subsection (3), the Appeal Board shall appoint a time for and hold the hearing and by order may direct the Director or the inspector to carry out his or her proposal or refrain from carrying out his or her proposal and to take such action as the Appeal Board considers the Director or the inspector ought to take in accordance with this Act and the regulations and, for such purposes, the Appeal Board may substitute its opinion for that of the Director or the inspector. R.S.O. 1990, c. H.2, s. 13 (5).

Application of ss. 11, 12

(6) Sections 11 and 12 apply with necessary modifications to a proceeding under this section. R.S.O. 1990, c. H.2, s. 13 (6).

Emergency order

14 (1) Where the Director or an inspector is of the opinion, upon reasonable and probable grounds, that an emergency exists by reason of danger to the health or safety of any patient or member of the public in respect of an X-ray machine or the installation, operation or maintenance of an X-ray machine, the Director or inspector may make an oral or written order directed to any one or more of,

(a) the owner of the X-ray machine;

(b) any person who operates the X-ray machine;

(c) the radiation protection officer for the facility in which the X-ray machine is installed or, in the case of a portable X-ray machine, the radiation protection officer for the portable X-ray machine. R.S.O. 1990, c. H.2, s. 14 (1).

Contents of order

(2) An order under subsection (1) may require the person to whom it is directed to stop operating or stop the operation of the X-ray machine either permanently or for a specific period of time. R.S.O. 1990, c. H.2, s. 14 (2).

Immediate appeal

(3) A person affected by an order under subsection (1) may appeal therefrom in person or by an agent and by telephone or otherwise to the Director, and the Director, after receiving the submissions of the person and of the inspector, shall vary, rescind or confirm the order. R.S.O. 1990, c. H.2, s. 14 (3).

Written reasons for order

(4) Where the Director makes an order under subsection (1) or varies or confirms an order under subsection (3), the Director shall forthwith thereafter serve a written copy of the order or the order as varied or confirmed, together with written reasons therefor, upon the person to whom the order is directed. R.S.O. 1990, c. H.2, s. 14 (4).

Notice

(5) An order under subsection (1) or an order as varied or confirmed under subsection (3) shall inform the person to whom it is directed that the person is entitled to a hearing by the Appeal Board if the person gives to the Director and the Appeal Board, within fifteen days after a copy of the order or the order as varied or confirmed is served notice in writing requiring a hearing, and the person may so require such a hearing. R.S.O. 1990, c. H.2, s. 14 (5).

Effect of order

(6) Although an appeal is taken against an order under subsection (1) or an order as varied or confirmed under subsection (3), the order is effective at and from the time it is communicated to the person to whom it is directed until it is confirmed, varied or rescinded on appeal and the person shall comply with the order immediately. R.S.O. 1990, c. H.2, s. 14 (6).

Powers of Appeal Board

(7) Where a hearing is required under subsection (5), the Appeal Board shall appoint a time for and hold the hearing and the Appeal Board by order may confirm, alter or rescind the order of the Director and for such purposes the Appeal Board may substitute its opinion for that of the Director. R.S.O. 1990, c. H.2, s. 14 (7).

Application of ss. 11, 12

(8) Sections 11 and 12 apply with necessary modifications to proceedings under this section. R.S.O. 1990, c. H.2, s. 14 (8).

Where order rescinded by Director

(9) The Director by an order may rescind an order made under subsection (1) or an order as varied or confirmed and in such case shall serve a copy of the order upon the person to whom the order or the order as varied or confirmed was directed. R.S.O. 1990, c. H.2, s. 14 (9).

15 REPEALED: 2011, c. 9, Sched. 19, s. 2.

Section Amendments with date in force (d/m/y) [+]

16-18 REPEALED: 2011, c. 9, Sched. 19, s. 2.

Section Amendments with date in force (d/m/y) [+]

Director of X-ray Safety

19 The Minister shall appoint an employee of the Ministry of Health and Long-Term Care as Director of X-ray Safety for the purposes of this Act and the regulations. R.S.O. 1990, c. H.2, s. 19; 2006, c. 19, Sched. L, s. 11 (3).

Section Amendments with date in force (d/m/y) [+]

Inspectors

20 (1) The Minister may appoint in writing one or more employees in the Ministry of Health and Long-Term Care or other persons as inspectors for the purposes of this Act and the regulations and in an appointment may limit the authority of an inspector in such manner as the Minister considers necessary or advisable. R.S.O. 1990, c. H.2, s. 20 (1); 2006, c. 19, Sched. L, s. 11 (3).

Certificate of appointment

(2) The Minister shall issue to every inspector appointed under subsection (1) a certificate of appointment. R.S.O. 1990, c. H.2, s. 20 (2).

Production of certificate

(3) Every inspector, in the execution of duties under this Act and the regulations, shall produce his or her certificate of appointment upon request. R.S.O. 1990, c. H.2, s. 20 (3).

Inspection

(4) An inspector at all reasonable times may enter and inspect the premises and may inspect the operations and all records and radiographs where an X-ray machine is installed or operated and may require the production of proof that any person who operates an X-ray machine meets the qualifications and requirements prescribed by the regulations to ensure that this Act and the regulations are complied with. R.S.O. 1990, c. H.2, s. 20 (4).

Powers of inspector

(5) Upon an inspection under this section, an inspector is entitled to make tests and examinations to determine whether or not X-ray machines are installed and used in compliance with this Act and the regulations. R.S.O. 1990, c. H.2, s. 20 (5).

Copies

(6) Upon an inspection under this Act, an inspector, upon giving a receipt therefor, may remove any material that relates to the purpose of the inspection in order to make a copy thereof, but the copying shall be carried out with reasonable dispatch and the material in question shall be promptly thereafter returned to the person being inspected. R.S.O. 1990, c. H.2, s. 20 (6).

Admissibility of copies

(7) Any copy made as provided in subsection (6) and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original. R.S.O. 1990, c. H.2, s. 20 (7).

Obstruction

(8) No person shall obstruct an inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of an inspection. R.S.O. 1990, c. H.2, s. 20 (8).

Section Amendments with date in force (d/m/y) [+]

Information confidential

21 (1) The Director, each inspector appointed under this Act and each person engaged in the administration of this Act and the regulations shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of employment or duties pertaining to the health of any person and shall not communicate any such matter to any other person except as provided in this Act. R.S.O. 1990, c. H.2, s. 21 (1); 2011, c. 9, Sched. 19, s. 3.

Exceptions

(2) A person referred to in subsection (1) may furnish information pertaining to the health of a person,

(a) in connection with the administration of this Act or any Act of Ontario or of Canada related to the delivery of health services or to safety in relation to irradiation from X-rays or regulations made thereunder;

(b) in proceedings under this Act or the regulations;

(c) to the person who provided a service to which the information is related, the person's solicitor, other personal representative, executor, administrator, guardian of property, trustee in bankruptcy or other legal representative; or

(d) to the person who received the service to which the information is related, his or her solicitor, personal representative, another person who has lawful custody of or is guardian for the person or other legal representative of the person. R.S.O. 1990, c. H.2, s. 21 (2); 1992, c. 32, s. 14.

Exception for professional discipline

(3) The Director may communicate information of the kind referred to in subsection (2) and any other information related thereto to the statutory body governing the profession or to a professional association of which a person who provides a service referred to in subsection (2) is a member or governing the health practice practised by the person. R.S.O. 1990, c. H.2, s. 21 (3).

Section Amendments with date in force (d/m/y) [+]

Regulations

22 The Lieutenant Governor in Council may make regulations,

(a) prescribing any matter required or authorized by this Act to be, or referred to in this Act as, prescribed by the regulations;

(b) prescribing classes of or in respect of any matter that is or may be prescribed under the regulations;

(c) limiting the application of any regulation to any one or more of the classes prescribed under clause (b);

(d) exempting any class of persons, X-ray machines or facilities from any provision of this Act or the regulations and attaching conditions to any such exemption;

(e) governing or limiting, or both, the purposes for which any class of persons may operate X-ray machines or any class of X-ray machines;

(f) prescribing an X-ray Safety Code including,

(i) prescribing standards for the installation of X-ray machines,

(ii) prescribing standards for darkrooms and darkroom procedures associated with the operation of X-ray machines or any class of X-ray machines,

(iii) prescribing standards and procedures for the operation of X-ray machines and X-ray equipment or any class of X-ray machines or X-ray equipment,

(iv) prescribing physical standards for persons who operate X-ray machines or X-ray equipment,

(v) prescribing standards and procedures for the purpose of minimizing exposure to X-rays of patients and members of the public,

(vi) governing the testing of X-ray machines and X-ray equipment including, but not limited to, prescribing tests in respect of X-ray machines and X-ray equipment and requiring persons operating X-ray machines and X-ray equipment and radiation protection officers to perform the tests,

(vii) prescribing programs for evaluation of performance of procedures and observance of standards,

(viii) prescribing additional duties of radiation protection officers and persons who own or operate X-ray machines,

(ix) prescribing standards of design, construction, operation and performance for X-ray machines and X-ray equipment operated in Ontario,

(x) requiring compliance with any matter prescribed or governed under subclauses (i) to (ix);

(g) governing the keeping of records by persons who own or operate X-ray machines and by radiation protection officers and requiring and governing returns by them to the Director;

(h) prescribing classes of radiation protection officers and restricting or limiting the types of facilities or X-ray machines or both for which any such class may be designated as radiation protection officers;

(i) prescribing subject-matters for courses of study in the operation of X-ray machines and X-ray equipment;

(j) prescribing additional duties and powers of the Director and inspectors;

(k) REPEALED: 1997, c. 15, s. 4 (3).

(l) adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and requiring compliance with any code or standard that is so adopted.

(m) REPEALED: 1997, c. 15, s. 4 (3).

R.S.O. 1990, c. H.2, s. 22; 1997, c. 15, s. 4 (3); 2011, c. 9, Sched. 19, s. 4.

Section Amendments with date in force (d/m/y) [+]

Fees

22.1 The Minister may establish and charge fees for registrations and approvals. 1997, c. 15, s. 4 (4).

Section Amendments with date in force (d/m/y) [+]

C.A.T. scanners

23 (1) In this section,

"hospital" has the same meaning as in the *Public Hospitals Act*. R.S.O. 1990, c. H.2, s. 23 (1).

Designations by Minister

(2) The Minister may designate,

(a) a hospital or facility or a class of hospitals or facilities within which it is permitted to install or operate computerized axial tomography scanners; and

(b) the number of computerized axial tomography scanners that may be installed or operated in such hospitals or facilities. 1998, c. 18, Sched. G, s. 51 (8).

Prohibition

(3) No person shall install or operate or cause or permit the installation or operation of a computerized axial tomography scanner unless it is installed and operated in a hospital or facility that is designated under subsection (2) or in a hospital or facility that is part of a class of hospitals or facilities that is designated under subsection (2). 1998, c. 18, Sched. G, s. 51 (8).

Same

(3.1) No person shall install or operate or cause or permit the installation or operation of more computerized axial tomography scanners in a hospital or facility than the number designated under subsection (2). 1998, c. 18, Sched. G, s. 51 (8).

Application

(4) This section does not apply in respect of a computerized tomography scanner that was installed before the 1st day of May, 1984. R.S.O. 1990, c. H.2, s. 23 (4).

Section Amendments with date in force (d/m/y) [+]

Offence

24 (1) Every person is guilty of an offence who,

(a) knowingly furnishes false information in an application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(b) fails to comply with any order, direction or other requirement made under this Act; or

(c) contravenes any provision of this Act or the regulations. 2002, c. 18, Sched. I, s. 4.

Penalty, individual

(2) Every individual who is convicted of an offence under subsection (1) is liable,

(a) for a first offence, to a fine of not more than $25,000 or to imprisonment for a term of not more than 12 months, or to both;

(b) for a subsequent offence, to a fine of not more than $50,000 or to imprisonment for a term of not more than 12 months, or to both. 2002, c. 18, Sched. I, s. 4.

Same, corporation

(3) Every corporation that is convicted of an offence under subsection (1) is liable to a fine of not more than $50,000 for a first offence and to a fine of not more than $200,000 for a subsequent offence. 2002, c. 18, Sched. I, s. 4.

No limitation

(4) Section 76 of the *Provincial Offences Act* does not apply to a prosecution under this section. 2002, c. 18, Sched. I, s. 4.

Section Amendments with date in force (d/m/y) [+]

Proceeding to prohibit continuation or repetition of contravention

25 Where any provision of this Act or the regulations or any order issued under this Act by the Director is contravened, despite any other remedy or any penalty imposed, the Director may apply to the Superior Court of Justice for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the court, will or is likely to result in the continuation or repetition of the contravention by the person committing the contravention, and the court may make the order and it may be enforced in the same manner as any other judgment of the Superior Court of Justice. R.S.O. 1990, c. H.2, s. 25; 2006, c. 19, Sched. C, s. 1 (1).

Section Amendments with date in force (d/m/y) [+]

Protection from personal liability

26 (1) No action or other proceeding for damages shall be instituted against the Director or an inspector for any act done in good faith in the execution or intended execution of his or her duty or for any alleged neglect or default in the execution in good faith of his or her duty. R.S.O. 1990, c. H.2, s. 26 (1).

Crown not relieved of liability

(2) Subsection (1) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted. 2019, c. 7, Sched. 17, s. 83.

Section Amendments with date in force (d/m/y) [+]

Service

27 (1) Any notice, order, decision or other document required to be given, served or delivered under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by registered mail addressed to the person to whom it is required to be given, served or delivered at the latest address for service appearing on the records of the Ministry or, where there is no address for service so appearing, at the address, if any, last known to the Director. R.S.O. 1990, c. H.2, s. 27 (1).

When service deemed made

(2) Where service is made by registered mail in accordance with subsection (1), the service shall be deemed to be made on the seventh day after the day of mailing unless the person on whom service is being made establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice, order, decision or other document until a later date. R.S.O. 1990, c. H.2, s. 27 (2).

Français

College of Chiropractors of Ontario
l'Ordre des Chiropraticiens de l'Ontario
59 Hayden Street
Suite 800
Toronto, Ontario
M4Y 0E7
Tel: 416-922-6355
Fax: 416-925-9610
E-mail: cco.info@cco.on.ca
Website: www.cco.on.ca

B4

MEMORANDUM

To: **All Examination Candidates**

Date: **October 2026**

Subject: **Information on Laboratory Testing**

Currently, the *Laboratory and Specimen's Collection Centre Licensing Act* (the "Act") does not permit chiropractors to collect or analyze human tissue specimens. CCO has recommended that chiropractors be permitted to order a limited range of lab tests. These recommendations have not been implemented. The College is awaiting further action on this issue.

Any person who contravenes any provision of the Act or regulations is guilty of an offence and on conviction is liable to a fine or imprisonment or both, and may be the subject of a complaint and subsequent disciplinary action.

B5

Duty to Report

Duty to report child in need of protection

72 (1) Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:

1. The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's,

    i. failure to adequately care for, provide for, supervise or protect the child, or

    ii. pattern of neglect in caring for, providing for, supervising or protecting the child.

2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,

    i. failure to adequately care for, provide for, supervise or protect the child, or

    ii. pattern of neglect in caring for, providing for, supervising or protecting the child.

3. The child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 3 is repealed by the Statutes of Ontario, 2008, chapter 21, subsection 3 (1) and the following substituted:

3. The child has been sexually molested or sexually exploited, including by child pornography, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.

See: 2008, c. 21, ss. 3 (1), 6.

4. There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3.
5. The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment.
6. The child has suffered emotional harm, demonstrated by serious,

    i. anxiety,

    ii. depression,

    iii. withdrawal,

    iv. self-destructive or aggressive behaviour, or

    v. delayed development,

and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.

7. The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.
8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and that the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm.
10. The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
11. The child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.
12. The child is less than 12 years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment.
13. The child is less than 12 years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately. 1999, c. 2, s. 22 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 72 is amended by the Statutes of Ontario, 2008, chapter 21, subsection 3 (2) by adding the following subsections:

Reporting child pornography

(1.1) In addition to the duty to report under subsection (1), any person who reasonably believes that a representation or material is, or might be, child pornography shall promptly report the information to an organization, agency or person designated by a regulation made under clause 216 (c.3). 2008, c. 21, s. 3 (2).

Seeking out child pornography not required or authorized

(1.2) Nothing in this section requires or authorizes a person to seek out child pornography. 2008, c. 21, s. 3 (2).

Protection of informant

(1.3) No action lies against a person for providing information in good faith in compliance with subsection (1.1). 2008, c. 21, s. 3 (2).

Identity of informant

(1.4) Except as required or permitted in the course of a judicial proceeding, in the context of the provision of child welfare services, otherwise by law or with the written consent of an informant, no person shall disclose,

(a) the identity of an informant under subsection (1) or (1.1),

(i) to the family of the child reported to be in need of protection, or

(ii) to the person who is believed to have caused the child to be in need of protection; or

(b) the identity of an informant under subsection (1.1) to the person who possessed or accessed the representation or material that is or might be child pornography. 2008, c. 21, s. 3 (2).

Retaliation against informant prohibited

(1.5) No person shall dismiss, suspend, demote, discipline, harass, interfere with or otherwise disadvantage an informant under this section. 2008, c. 21, s. 3 (2).

See: 2008, c. 21, ss. 3 (2), 6.

Ongoing duty to report

(2) A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) shall make a further report under subsection (1) even if he or she has made previous reports with respect to the same child. 1999, c. 2, s. 22 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is repealed by the Statutes of Ontario, 2008, chapter 21, subsection 3 (3) and the following substituted:

Ongoing duty to report

(2) A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) or to believe that a representation or material is, or might be, child pornography under subsection (1.1) shall make a further report under subsection (1) or (1.1) even if he or she has made previous reports with respect to the same child. 2008, c. 21, s. 3 (3).

See: 2008, c. 21, ss. 3 (3), 6.

Person must report directly

(3) A person who has a duty to report a matter under subsection (1) or (2) shall make the report directly to the society and shall not rely on any other person to report on his or her behalf. 1999, c. 2, s. 22 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (3) is repealed by the Statutes of Ontario, 2008, chapter 21, subsection 3 (3) and the following substituted:

Person to report directly

(3) A person who has a duty to report under subsection (1) or (2) shall make the report directly to the society, a person who has a duty to report under subsection (1.1) shall make the report directly to any organization, agency or person designated by regulation to receive such reports, and such persons shall not rely on any other person to report on their behalf. 2008, c. 21, s. 3 (3).

See: 2008, c. 21, ss. 3 (3), 6.

Duty to report does not apply to older children

(3.1) Subsections (1) and (2) do not apply in respect of a child who is 16 or 17 years old, but a person may make a report under subsection (1) or (2) in respect of a child who is 16 or 17 years old if either a circumstance or condition described in paragraphs 1 to 11 of subsection (1) or a prescribed circumstance or condition exists. 2017, c. 14, Sched. 2, s. 13.

Offence

(4) A person referred to in subsection (5) is guilty of an offence if,

(a) he or she contravenes subsection (1) or (2) by not reporting a suspicion; and

(b) the information on which it was based was obtained in the course of his or her professional or official duties. 1999, c. 2, s. 22 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 72 is amended by the Statutes of Ontario, 2008, chapter 21, subsection 3 (4) by adding the following subsections:

Same

(4.1) A person is guilty of an offence if the person fails to report information as required under subsection (1.1). 2008, c. 21, s. 3 (4).

Same

(4.2) A person is guilty of an offence if the person,

(a) discloses the identity of an informant in contravention of subsection (1.4); or

(b) dismisses, suspends, demotes, disciplines, harasses, interferes with or otherwise disadvantages an informant in contravention of subsection (1.5). 2008, c. 21, s. 3 (4).

See: 2008, c. 21, ss. 3 (4), 6.

Same

(5) Subsection (4) applies to every person who performs professional or official duties with respect to children including,

(a) a health care professional, including a physician, nurse, dentist, pharmacist and psychologist;

(b) a teacher, person appointed to a position designated by a board of education as requiring an early childhood educator, school principal, social worker, family counsellor, youth and recreation worker, and operator or employee of a child care centre or home child care agency or provider of licensed child care within the meaning of the *Child Care and Early Years Act, 2014*;

(b.1) a religious official, including a priest, a rabbi and a member of the clergy;

(b.2) a mediator and an arbitrator;

(c) a peace officer and a coroner;

(d) a solicitor; and

(e) a service provider and an employee of a service provider. 1999, c. 2, s. 22 (3); 2006, c. 1, s. 2; 2010, c. 10, s. 23; 2014, c. 11, Sched. 6, s. 2 (1).

Same

(6) In clause (5) (b),

"youth and recreation worker" does not include a volunteer. 1999, c. 2, s. 22 (3).

Same

(6.1) A director, officer or employee of a corporation who authorizes, permits or concurs in a contravention of an offence under subsection (4) by an employee of the corporation is guilty of an offence. 1999, c. 2, s. 22 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (6.1) is repealed by the Statutes of Ontario, 2008, chapter 21, subsection 3 (5) and the following substituted:

Same

(6.1) A director, officer or employee of a corporation who authorizes, permits or concurs in a contravention of an offence under subsection (4) or (4.1) by an employee of the corporation is guilty of an offence. 2008, c. 21, s. 3 (5).

See: 2008, c. 21, ss. 3 (5), 6.

Same

(6.2) A person convicted of an offence under subsection (4) or (6.1) is liable to a fine of not more than $1,000. 1999, c. 2, s. 22 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (6.2) is repealed by the Statutes of Ontario, 2008, chapter 21, subsection 3 (6) and the following substituted:

Penalty

(6.2) A person convicted of an offence under subsection (4), (4.1), (4.2) or (6.1) is liable to a fine of not more than $50,000 or to imprisonment for a term of not more than two years, or to both. 2008, c. 21, s. 3 (6).

See: 2008, c. 21, ss. 3 (6), 6.

Section overrides privilege

(7) This section applies although the information reported may be confidential or privileged, and no action for making the report shall be instituted against a person who acts in accordance with this section unless the person acts maliciously or without reasonable grounds for the suspicion. R.S.O. 1990, c. C.11, s. 72 (7); 1999, c. 2, s. 22 (4).

Exception: solicitor client privilege

(8) Nothing in this section abrogates any privilege that may exist between a solicitor and his or her client. R.S.O. 1990, c. C.11, s. 72 (8).

Conflict

(9) This section prevails despite anything in the *Personal Health Information Protection Act, 2004*. 2004, c. 3, Sched. A, s. 78 (2).

Section Amendments with date in force (d/m/y) [+]

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by the Statutes of Ontario, 2008, chapter 21, section 4 by adding the following section:

Action by organization receiving report of child pornography

72.0.1 (1) An organization, agency or person that obtains information on child pornography under subsection 72 (1.1) shall review the report and, if it reasonably believes that the representation or material is or might be child pornography, it shall report the matter to a society or a law enforcement agency, or to both as necessary. 2008, c. 21, s. 4.

Annual report

(2) The organization, agency or person shall prepare and submit to the Minister an annual report with respect to its activities and actions relating to information it obtains on child pornography, and the Minister shall submit the report to the Lieutenant Governor in Council and then table the report in the Assembly if it is in session or, if not, at the next session. 2008, c. 21, s. 4.

See: 2008, c. 21, ss. 4, 6.

Section Amendments with date in force (d/m/y) [+]

Duty of society

72.1 (1) A society that obtains information that a child in its care and custody is or may be suffering or may have suffered abuse shall forthwith report the information to a Director. 1999, c. 2, s. 23 (1).

Definition

(2) In this section and sections 73 and 75,

"to suffer abuse", when used in reference to a child, means to be in need of protection within the meaning of clause 37 (2) (a), (c), (e), (f), (f.1) or (h). 1999, c. 2, s. 23 (1).

Section Amendments with date in force (d/m/y) [+]

Duty to report child's death

72.2 A person or society that obtains information that a child has died shall report the information to a coroner if,

(a) a court made an order under this Act denying access to the child by a parent of the child or making the access subject to supervision;

(b) on the application of a society, a court varied the order to grant the access or to make it no longer subject to supervision; and

(c) the child subsequently died as a result of a criminal act committed by a parent or family member who had custody or charge of the child at the time of the act. 2006, c. 24, s. 1.

Section Amendments with date in force (d/m/y) [+]

THE HEALING ARTS RADIATION PROTECTION GUIDELINES

JUNE 1987

Ministry of Health
Ontario

10 CHIROPRACTIC X-RAY GUIDELINES

The following guidelines specifically address patient selection and equipment used for radiological examination in chiropractic facilities. Further considerations relevant to quality assurance principles and patient exposure reduction can be found in Chapters 1-7 of these Guidelines.

10.1 Selection Of Patients For Radiological Examination

(a) It is the policy of the chiropractic profession that radiology of the spine and related structures is an intrinsic and necessary component of chiropractic diagnosis and care. However, the Chiropractor must exercise good clinical judgement and restraint in the selection of patients for x-ray examination, based on his understanding of the predictive value of the radiological examination under various circumstances and an appreciation of the ethics involved.

(b) The radiological information sought, even if negative, must be expected to have a significant impact on the future chiropractic management of the patient, (or on evaluating previous clinical management), and the examination should be efficacious to this end. In particular, the investigative procedure must be appropriate to the patient's symptoms and to the findings upon physical examination. It is expected that the radiographic examination be capable of providing the desired information on the patient's condition relative to spinal curvatures, static and dynamic joint dysfunctions, dislocations, congenital defects and pathological changes.

(c) Previous x-ray examinations should be utilized whenever possible and may be helpful in determining the necessity of an additional or supplementary examination. This recommendation is especially important when radiography of infants and children is considered since the risks associated with ionizing radiation is thought to be higher in this group than in adults.

(d) Contra-indications for radiological examination are as follows:

(i) Pregnancy or possible pregnancy. There are few conditions that warrant the use of spinal irradiation during the early months of pregnancy. (For further discussion on the radiography of pregnant women please see Chapter 8, Section 8.5).

(ii) Spinal radiography is not usually justified in infants and small children, since the risk associated with ionizing radiation is much higher in this group than in adults, while the potential benefit is reduced because of the juvenile appearance of the ossification of centres in the spine.

(iii) Radiology is not recommended when the patient's body type and/or size precludes good radiographic resolution, or when the physical state of the patient does not permit proper immobilization or positioning.

10.2 Selection Of Equipment

The following recommendations apply to equipment and image receptors used in chiropractic radiology:

(a) The x-ray generator should be capable of producing at least 300 mA at 125 kVp, with full-wave rectification.

(b) A rotating-anode tube is required.

(c) A fixed in-beam filter should provide a minimum of 2.5 mm Al equivalent total filtration (including inherent filtration). However, the recommended total filtration is 3-4 mm (Note: reference here is to total filtration, not HVL).

(d) A grid is essential for good radiographic quality in imaging the spine and related structures. The bucky should have a minimum grid ratio of 8:1 and a maximum ratio of 12:1 with a minimum of 60 lines to the inch. If preferred, a stationary fine-line grid may be used instead of a moving (potter-bucky) grid.

(e) A properly centred square-leaf collimator, equipped with a light beam localizer, is essential for chiropractic radiology.

(f) A film-screen combination, with either a high-speed or an ultra high-speed, i.e. rare-earth, intensifying screen should be used. (See Chapter 3, Section 3.6.) Non-screen films should <u>not</u> be used since the small increase in resolution obtained with these films does not justify the required large increase in patient exposure.

10.3 Good Radiographic Practice

The requirements for good radiographic practice in chiropractic imaging are similar to those for general medical radiology, but the following points are worth emphasizing with respect to radiology of the spine and related structures:

(a) The routine use of oblique projections in lumbar spine radiography is not justified. These projections should be used only when the antero-posterior and lateral views suggest further investigation.

(b) Comparative radiographs of the injured and uninjured limb should not be done routinely. When comparative x-rays are necessary, the minimum number of views should be taken.

(c) The focus-film distance should be at least 72 inches and preferably 84 inches for full spine radiography. For sectional radiography the longest FFD compatible with the grid should be used.

(d) An in-beam compensating filter (or filters) should be used in full spine radiography to reduce the amount of radiation received by the thinner body parts and to equalize the density across the film. Graduated or split screens must not be used.

(e) The highest kVp consistent with good image quality and minimum patient exposure should be employed.

(f) Gonad shields should be employed when radiographing children and adults of reproductive capacity, whenever such shielding is possible and does not interfere with the area under study.

(g) Radiosensitive tissues such as the breasts and thyroid should be shielded by the appropriate appliance whenever possible, so long as it does not hinder diagnosis.

(h) All foreign objects (e.g. hairpins, earrings, false teeth) which might produce unacceptable artifacts should be removed before the exposure is made.

(i) As in all radiographic examinations, proper patient positioning is essential in imaging of the spine and related structures.

(j) When conducting upright studies, the patient should be immobilized.

(k) Careful and appropriate beam collimation is particularly important in spinal studies in which the field area can be exceptionally large. The primary beam should exclude the eyes, sensitive organs such as the thyroid and gonads, and as much of the bone marrow as possible. In particular, the field should be no wider than is essential for the study: ideally, no wider than the mamillary line and the lateral margins of the acetabula. In any case, the x-ray beam must always be smaller than the film used. The reduction of field size is important both from the point of view of the radiation exposure of the patient and the attainment of good image quality (reduction of scattered radiation).

(m) Proper film-processing procedures, as discussed in Section 3.7, should always be followed. Sight processing should never be used.

10.4 Quality Assurance Program

A programme of radiological Q.A. in a chiropractic facility is no different from that in a general medical radiology facility of comparable size, and may be readily carried out, in-house, by the chiropractor or by technical staff using the appropriate test equipment. Alternatively, except for daily photographic quality control, the Q.A. program could be carried out by a consultant group or a mail-in service if available. The minimum requirements for a Quality Assurance program are listed in Table 10-1 below, and suggested techniques for conducting the required tests are found in Chapter 5.

It is emphasized that these sections relate to the minimum requirements and for an in-depth understanding of the rationale of quality assurance in x-ray diagnosis, the reader is advised to become familiar with Chapters 1-7 of these Guidelines and selected publications listed in Chapter 12.

College of Chiropractors of Ontario
l'Ordre des Chiropraticiens de l'Ontario
59 Hayden Street
Suite 800
Toronto, Ontario
M4Y 0E7
Tel: 416-922-6355
Fax: 416-925-9610
E-mail: cco.info@cco.on.ca
Website: www.cco.on.ca

D1

MEMORANDUM

To: **All Examination Candidates**

Date: **October 2026**

Subject: **Suggested form for Exterior Office Signs**

Numerous complaints have necessitated the College of Chiropractors of Ontario to make a determination with regard to exterior office signs displayed by chiropractors.

1. All signs should:

a) conform to similar professional signs in the neighborhood
b) display good taste and professionalism
c) not be ostentatious or include extraneous statements
d) include only legitimate titles and designations, (e.g. M.A., B.Sc., D.C., or specialties recognized by CCO).

2. The following examples are acceptable:

a)
Dr. Thomas J. Jones
Chiropractor

b)
BLOOR STREET CHIROPRACTIC OFFICE
Dr. Thomas J. Jones
Doctor of Chiropractic

c)
BLOOR STREET CHIROPRACTIC ASSOCIATES
Dr. Thomas J. Jones
Dr. Adam R. Smith

All registrants are encouraged to see prior approval from CCO for a variation from the above.

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Toronto, Ontario
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E-mail: cco.info@cco.on.ca
Website: www.cco.on.ca

D2

MEMORANDUM

To: **All Examination Candidates**

Date: **October 2026**

Subject: **Suggested Form for Opening Announcement**

JOHN A. DOE, DC
CHIROPRACTOR

Announces the opening of an

- office
- clinic

FOR THE PRACTICE OF CHIROPRACTIC

street, city, province, etc.

telephone hours

College of Chiropractors of Ontario
l'Ordre des Chiropraticiens de l'Ontario
59 Hayden Street
Suite 800
Toronto, Ontario
M4Y 0E7
Tel: 416-922-6355
Fax: 416-925-9610
E-mail: cco.info@cco.on.ca
Website: www.cco.on.ca

D3

MEMORANDUM

To: **All Examination Candidates**

Date: **October 2026**

Subject: **Suggested Form for Recall Cards**

1.

JOHN DOE, DC
Chiropractor
(address)

(name)

According to our records , ……. months have elapsed since your last visit. May we suggest that you make an appointment for re-examination.

2.

(Patient's name)

The customary interval having elapsed since your last call, may we suggest an appointment to visit the office for a check-up.

Name
Address and telephone number

3.

Name
Address and telephone number

We see by our files that it has been ……. months since your last check-up. As the importance of a periodic spinal check-up should not be under-estimated, please feel free to make an appointment by telephone at your earliest convenience.

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l'Ordre des Chiropraticiens de l'Ontario
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E-mail: cco.info@cco.on.ca
Website: www.cco.on.ca

E1

MEMORANDUM

To: **All Examination Candidates**

Date: **October 2026**

Subject: **Use of the Designation "C.A." for office staff**

Registrants are reminded that staff members of chiropractic offices are not permitted to use the designation, "C.A." following his/her name.

The term "C.A." is a U.S. chiropractic appellation, referring to Chiropractic Assistants. It is possible that in the United States, no laws prohibit this designation; as Accountants in the U.S. are generally referred to as Certified Public Accountants, i.e. "C.P.A.".

In Ontario, however, the Chartered Accountants Act, states, "No person, unless he is a member of the Institute (of Chartered Accountants), shall take or use …. the initials "C.A." … . Every person who contravenes any provision of this section … is liable to a penalty …. .

CCO trusts that each registrant will take note of the above regarding staff members.

CCO has no difficulty with a qualified staff member using the designation, "CHA" (Chiropractic Health Assistant) or "COA" (Chiropractic Office Assistant).

RULES OF PROCEDURE

OF THE DISCIPLINE COMMITTEE

OF THE COLLEGE OF CHIROPRACTORS OF ONTARIO

Pursuant to the *Statutory Powers Procedure Act*

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GENERAL MATTERS

RULE 1. Interpretation

1.1 In these rules, unless the context requires otherwise:

"**Code**" means the Health Professions Procedural Code, Schedule 2 to the *Regulated Health Professions Act, 1991,* as amended;

"**College**" means the College of Chiropractors of Ontario;

"**Discipline Committee**" means the Discipline Committee of the College;

"**Holiday**" has the same meaning as in the *Rules of Civil Procedure*, R.R.O. 1990, Regulation 194, as amended;

"**Independent Legal Counsel**" means a lawyer retained to give advice to the Discipline Committee, a Panel and/or a Pre-Hearing Conference Chair with respect to a proceeding;

"**Panel**" means a panel selected by the Chair of the Discipline Committee to hold a hearing, pursuant to s. 4.2 of the SPPA, or s. 38 or s. 73(2) of the Code;

"**Party**" means (a) a person specified by the Code as a party to a proceeding before a Panel; or (b) a person otherwise entitled by law to be a party to a proceeding before a Panel;

"**Pre-Hearing Conference Chair**" has the meaning set out in sub-rule 14.1;

"**Registrar**" means the registrar of the College;

"**SPPA**" means the *Statutory Powers Procedure Act*, as amended;

1.2 These rules shall be liberally construed to secure the just, most expeditious and least expensive determination of all proceedings on their merits.

RULE 2. Application

2.1 These rules apply to all proceedings before a Panel.

2.2 A Panel may exercise any of its powers under these rules on its own initiative or at the request of a party.

2.3 A failure to comply with these rules is an irregularity and does not render a proceeding or a step, document or order in a proceeding a nullity.

2.4 In respect of any proceeding before it, a Panel may waive or vary the requirements of any rule at any time:

(a) on the consent of the parties; or

(b) where it is just and equitable, or in the public interest, to do so.

2.5 In respect of any proceeding before it, a Panel may issue procedural directions or orders with respect to the application of the rules.

2.6 The Discipline Committee may, from time to time, issue procedural directions or practice guidelines with respect to the application of the Rules generally, as may be appropriate.

RULE 3. Time

3.1 In the computation of time under these rules or an order of a Panel,

(a) Where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;

(b) Where a period of less than seven days is prescribed, Holidays shall not be counted.

(c) Where the time for doing any act under these rules or an order expires on a Holiday, the act may be done on the next day that is not a Holiday.

3.2 A Panel may extend or abridge any time prescribed by these rules or in an order of the a Panel on such terms as are just.

SERVICE AND FILING OF DOCUMENTS

RULE 4. Service of Documents

4.1 All documents required to be served under these rules shall be served by one of the following methods:

(a) by personal delivery to the party or the representative of the party;

(b) by delivery to an adult person at the premises where the party resides, is employed or carries on business, or where the representative of the party carries on business;

(c) by regular, registered or certified mail to the last known address of the party or the representative of the party;

(d) electronically to the facsimile number of the party or the representative of the party

(e) electronically to the e-mail address of the party or the representative of the party, if the recipient has consented in advance to service by e-mail;

(f) by courier to the last known address of the party or the representative of the party; or

(g) by any other means authorized by a Panel.

4.2 Subject to sub-rule 4.3, service is deemed to be effective, when delivered:

(a) by personal delivery, on the day of delivery;

(b) by mail, on the fifth day after the day of mailing;

(c) electronically, on the same day;

(d) by courier, on the earlier of the date on the delivery receipt or the second day after it was sent; or

(e) by any other means authorized by a Panel, on the date specified by the Panel.

4.3 Documents served by personal delivery or electronically after 5:00 p.m. shall be deemed to have been served on the next day that is not a Holiday.

4.4 All documents required to be served on a party under these rules shall also be served on Independent Legal Counsel, by any of the methods set out in sub-rule 4.1.

4.5 Where a document has been served in a manner other than one set out in sub-rule 4.1, a Panel may make an order validating service where the Panel is satisfied that

(a) the document came to the notice of the person being served; or

(b) the document was served in such a manner that it would have come to the notice of the person served, except for the person's own attempts to evade service.

RULE 5. Filing of Documents

5.1 Documents shall be filed with the Discipline Committee together with an Affidavit indicated who has been served with the documents and what documents have been so served.

5.2 Documents to be filed should be directed to the Registrar, and may be filed (a) by personal delivery, (b) by regular, certified or registered mail, (c) by facsimile, (d) by courier, or (e) where the Chair of the Discipline Committee or a Panel consents, by email.

5.3 Documents are deemed to be filed on the date they are received by the Registrar.

RULE 6. Information to Appear on Served or Filed Documents

6.1 A person who serves or files a document should include with it the following information:

(a) the person's name, address, telephone number, facsimile number and e-mail address, as applicable; or

(b) if the person is represented by a representative, the name, address, telephone number, facsimile number and e-mail address of the representative, as applicable; and

(c) the name of the proceeding to which the document relates; and

(d) the name of the person or representative being served.

MOTIONS

RULE 7. General Procedure for Motions

7.1 A motion in a proceeding may be determined by a Panel by way of,

(a) oral hearing;

(b) electronic hearing; or

(c) in writing without the attendance of the parties.

7.2 Where a party intends to bring a motion, either at or prior to the hearing, written notice shall be given to all other parties and filed with the Discipline Committee at least three days before the motion is to be heard setting out the grounds of the motion, the evidence to be relied upon, the proposed hearing method and the relief sought.

7.3 The party bringing the motion shall serve the documentary evidence relied upon, and shall file sufficient copies of the Notice of Motion along with the documentary evidence relied upon with the Discipline Committee two days before the motion is to be heard.

7.4 Any other party intending to rely upon documentary evidence shall serve it and file sufficient copies of it one day before the motion is to be heard.

RULE 8. Motions to Decide Preliminary Issues

8.1 Where a party intends to bring a motion to decide an issue in a proceeding prior to a hearing on the merits, and proposes that the motion be heard orally or electronically, the party shall obtain an appointment for the return date of the motion from the appropriate employee of the College operating under the direction of the Chair of the Discipline Committee.

8.2 In constituting a Panel to hear a motion to decide a preliminary issue in a proceeding, the Chair of the Discipline Committee may assign a member or members of the Discipline Committee who are the same as or different from the members of the Panel assigned to hear the merits of the proceeding.

8.3 A Panel may direct that a motion filed under this rule be heard and determined at the hearing on the merits of the proceeding.

NOTICE OF CONSTITUTIONAL QUESTIONS

RULE 9. Notice of Constitutional Questions

9.1 Where a party intends to raise a question concerning the constitutional validity or applicability of legislation, a regulation or by-law made under legislation, or a rule of common law, or where a party claims a remedy under s.24(1) of the *Canadian Charter of Rights and Freedoms*, notice of a constitutional question shall be served on the other parties and the tribunal as soon as the circumstances requiring notice become known and, in any event, at least fifteen days before the question is to be argued.

9.2 Where the Attorneys General of Canada and Ontario are entitled to notice, each is entitled to adduce evidence and make submissions to the Discipline Committee regarding the constitutional question.

ACKNOWLEDGEMENT OF EXPERT'S DUTY

RULE 10. Acknowledgement of Expert's Duty

10.1 A party who intends to call an expert to give expert opinion evidence at a hearing shall file an "Acknowledgement Form – Expert's Duty" signed by the expert, in the form appended to these rules, before the commencement of the hearing.

DISCLOSURE

RULE 11. Disclosure Orders

11.1 At any stage in a proceeding, a Panel may order that a party make any disclosure required by law, within the time limits and on any conditions that the Panel may specify.

PRE-HEARING CONFERENCES

RULE 12. Initiating a Pre-Hearing Conference

12.1 The Chair of the Discipline Committee shall direct the parties to participate in a pre-hearing conference as soon as practical after a Notice of Hearing has been served.

RULE 13. Subject Matter of a Pre-Hearing Conference

13.1 The subject matter considered at a pre-hearing conference may include any of the following:

(a) issues relating to disclosure and the exchange of information;

(b) identification and simplification of issues;

(c) identification of preliminary motions to be raised;

(d) procedural issues, including the dates by which any steps in the proceeding are to be taken or begun, and the scheduling of the various stages of the hearing;

(e) the estimated duration of the hearing, and the time to be allotted to each party, either globally for the entire hearing, or for any component of the hearing, including: opening statements; examinations in chief, cross-examinations and re-examinations of witnesses; closing submissions; and, subject to sub-rule 21.2, argument on objections or motions;

(f) identification of potential intervenors;

(g) identification of facts, documents or evidence that may be agreed upon;

(h) the possibility of settlement of any or all issues between the parties; or

(i) any other matter that may assist in the just and expeditious disposition of the proceeding.

RULE 14. Procedure for a Pre-Hearing Conference

14.1 The Chair of the Discipline Committee may assign a member of the Discipline Committee or any other person to preside at a pre-hearing conference (the "**Pre-Hearing Conference Chair**").

14.2 A Pre-Hearing Conference Chair shall not sit on the Panel that hears the proceeding, unless the parties consent.

14.3 A pre-hearing conference at which only procedural matters will be discussed may be held in person or electronically by videoconference or teleconference.

14.4 A pre-hearing conference at which matters other than procedural matters will be discussed may be held:

(a) in person; or

(b) electronically by videoconference or teleconference, unless a party satisfies the Pre-Hearing Conference Chair that the party will suffer significant prejudice as a result of the electronic format.

14.5 Notice of a pre-hearing conference shall be served on the parties at least fourteen days before the pre-hearing conference is scheduled to take place.

14.6 The notice of a pre-hearing conference shall include:

(a) the date, time, place (or, in the case of an electronic pre-hearing, the manner of participation) and purpose of the pre-hearing conference;

(b) any direction of the Pre-Hearing Conference Chair regarding whether the parties are required to exchange or file documents or a pre-hearing memorandum as prescribed in sub-rule 14.7 of these rules and, if so, the issues to be addressed and the day when they are required;

(c) any direction of the Pre-Hearing Conference Chair regarding whether the parties are required to attend in person, and

(i) if so, that they may be represented by counsel or agent; or

(ii) if not, that their counsel or agent must be given authority to make agreements and undertakings on their behalf respecting the matters to be addressed at the prehearing conference; and

(d) a statement that, if a party does not participate (in person or by a representative, as required) at the pre-hearing conference, the Pre-Hearing Conference Chair may proceed in the absence of that party;

(e) a statement that, if the person(s) designated to preside at the prehearing conference, he or she may make orders with respect to the conduct of the proceeding which will be binding on all parties.

14.7 Unless otherwise directed by the Pre-Hearing Conference Chair, the parties shall, at least ten days prior to the pre-hearing conference, serve on the other party a pre-hearing memorandum in writing outlining the following,

(a) a summary of the party’s case, including factual contentions;

(b) a list of issues to be determined at the hearing;

(c) a list of outstanding motions to be brought at the hearing;

(d) any disclosure issues;

(e) the identity of experts and acknowledgement that expert reports have been served;

(f) any possibility of settlement;

(g) confirmation of readiness for the hearing.

14.8 A pre-hearing conference shall be held in the absence of the public.

14.9 The Pre-Hearing Conference Chair may direct the parties to participate in a continuation of the pre-hearing conference at any stage of a proceeding:

(a) at his or her own initiative; or

(b) at the request of any party, setting out the reasons for believing it may be useful and effective.

RULE 15. Discussion of Settlement at a Pre-Hearing Conference

15.1 At the pre-hearing conference, the Pre-Hearing Conference Chair may meet with each party separately to encourage settlement.

15.2 Any discussion of settlement at a pre-hearing conference and all statements made by the parties regarding settlement are made without prejudice and shall not be communicated to any member of the Panel that hears the proceeding, unless the parties consent.

RULE 16. Orders at a Pre-Hearing Conference

16.1 On consent of the parties, or after giving the parties an opportunity to make submissions, a Pre-Hearing Conference Chair may make such orders, consistent with these rules, as he or she considers necessary or advisable with respect to the conduct of the proceeding, including any procedural order that may be made by a Panel under these rules.

16.2 Orders, agreements and undertakings made at a pre-hearing conference:

(a) shall govern the conduct of the proceeding and are binding upon the parties to the proceeding, unless otherwise ordered by the Pre-Hearing Conference Chair; and

(b) shall be recorded in a memorandum prepared by or under the direction of the Pre-Hearing Conference Chair, which shall be provided to the parties and to the Panel that hears the proceeding.

ELECTRONIC HEARINGS

RULE 17. Initiating an Electronic Hearing

17.1 In the case of a hearing whose only purpose is to deal with procedural matters, the Chair of the Discipline Committee, or a Panel, may direct that all or part of a hearing be heard electronically.

17.2 In the case of a hearing to deal with matters other than procedural matters, the Chair of the Discipline Committee, or a Panel, may direct that all or part of a hearing be heard electronically, on consent of the parties, or after giving the parties an opportunity to make submissions, unless the Chair or the Panel is satisfied that holding an electronic hearing is likely to cause significant prejudice to a party.

17.3 Where the Chair of the Discipline Committee or a Panel orders that all or part of hearing be held electronically and a notice of an electronic hearing has not previously been given, the College shall give notice of the electronic hearing in accordance with section 6 of the SPPA unless the parties waive the requirement.

RULE 18. Procedure on Electronic Hearings

18.1 Electronic proceedings may be conducted by telephone conference or videoconference.

18.2 At least 48 hours before an electronic proceeding is scheduled to commence, every person participating in the proceeding shall give notice to the Registrar of the telephone number or videoconference co-ordinates, as the case may be, where he or she can be reached for the proceeding.

18.3 Unless otherwise provided in the rules, or by an order of a Panel, every person participating in the proceeding shall serve and file every document, in sequentially numbered pages, he or she intends to rely upon at least 3 days before the proceeding.

18.4 Every person participating in the proceeding shall ensure that he or she can be reached at the telephone number or videoconference co-ordinates, as the case may be, provided to the Registrar beginning at least five minutes before the proceeding is scheduled to commence.

18.5 In the case of an electronic hearing by videoconference:

(a) all participants at a site shall be in full view of the camera at all times;

(b) all locations connected to the video-conference shall be visible to one another at all times; and

(c) once the hearing commences, the camera shall not be moved.

WRITTEN HEARINGS

RULE 19. Initiating a Written Hearing

19.1 In the case of a hearing whose only purpose is to deal with procedural matters, the Chair of the Discipline Committee, or a Panel, may direct that all or part of a hearing be heard in writing.

19.2 In the case of a hearing to deal with matters other than procedural matters, the Chair of the Discipline Committee, or a Panel, may direct that all or part of a hearing be heard in writing, on consent of the parties, or after giving the parties an opportunity to make submissions, unless the Chair or the Panel is satisfied that there is a good reason not to do so.

19.3 Where the Chair of the Discipline Committee or a Panel orders that all or part of hearing be held in writing and a notice of a written hearing has not previously been given, the College shall give notice of the written hearing in accordance with section 6 of the SPPA unless the parties waive the requirement.

RULE 20. Procedure on Written Hearings

20.1 Where a Panel holds all or part of hearing in writing, the Panel may give direction to the parties as to:

(a) dates for service and filing of written materials;

(b) the categories of information that must be included written materials; and/or

(c) any other aspect of the procedure for exchanging and filing written materials.

TIME LIMITS

RULE 21. Time Limits

21.1 A Panel may set time limits in an oral or electronic proceeding before it, in respect of all or part of a hearing, after giving the parties an opportunity to make submissions in that regard.

21.2 Where a Panel sets time limits in respect of all or part of a hearing, the Panel may make an order that the total time spent by all parties arguing an objection or motion shall be deducted from the time remaining for the party who is unsuccessful on that objection or motion, subject to the discretion of the Panel.

EVIDENCE AT HEARINGS

RULE 22. Evidence by Agreement

22.1 A Panel may receive, orally or in writing, a statement of facts that are agreed upon by the parties as evidence of those facts.

22.2 A statement of agreed facts under sub-rule 22.1 may address some or all of the facts in issue in the proceeding.

RULE 23. Evidence by Affidavit

23.1 A party may present, and a Panel may receive, the evidence of any of the party's witnesses in the form of an affidavit that has been sworn or affirmed by the witness.

23.2 Where a party presents the evidence of a witness in the form of an affidavit:

(a) the party may examine the witness for not more than 10 minutes, or such other time as the Panel may direct;

(b) each opposing party may cross-examine the witness; and

(c) if the witness is cross-examined, the party who filed the affidavit may re-examine the witness.

23.3 Where a party intends to present the evidence of a witness in affidavit form, the party shall serve copies of the affidavit on all other parties at least 10 days before the commencement of the hearing, and file the original affidavit with the Discipline Committee.

23.4 Where an opposing party is served with an affidavit of a witness, the opposing party shall, at least 3 days prior to the commencement of the hearing, notify the party who served the affidavit as to whether or not the adverse party intends to cross-examine the witness at the hearing.

23.5 If no opposing party gives notice in accordance with sub-rule 23.4 that the opposing party intends to cross-examine a witness whose evidence is to be presented by affidavit, the witness's attendance at the hearing is not required, unless the Panel orders otherwise.

23.6 A Panel may make an order striking evidence that is presented in affidavit form and is inadmissible.

RULE 24. Evidence by Witness Panel

24.1 A Panel may receive evidence from a panel or panels of witnesses composed of two or more persons, on terms directed by the Panel, if the parties have first had an opportunity to make submissions in that regard.

Expert Opinion Witness Panel

24.2 Where a Panel agrees to receive evidence from a panel of expert witnesses opining on the same question, unless the Panel directs that a different procedure should apply:

(a) each expert witness shall give their opinion and may:

(i) comment on the opinions of other expert witnesses on the panel;

(ii) pose questions to the other expert witnesses on the panel; and/or

(iii) make a concluding statement;

(b) the members of the witness panel may then be cross-examined and re-examined by counsel in the sequence directed by the Panel.

Fact Witness Panel

24.3 Where a Panel agrees to receive evidence from a panel of witnesses all of whom are called by the same party, unless the Panel directs that a different procedure should apply:

(a) the party who calls the witness panel may conduct an examination in chief of the witnesses on the panel and may:

(i) do so in any order;

(ii) go back and forth between witnesses; and/or

(iii) address questions to the panel as a whole;

(b) any party who is adverse in interest to the party who called the witness panel may cross-examine any of the witnesses on the witness panel, and may:

(i) do so in any order;

(ii) go back and forth between witnesses; and/or

(iii) address questions to the panel as a whole;

(c) if a witness on a witness panel is cross-examined, the party who called the witness panel may re-examine that witness.

Other Witness Panel

24.4 Where a Panel agrees to receive evidence from any other type of witness panel, the Panel may give direction as to the applicable procedure.

24.5 Rule RULE 23 (Evidence by Affidavit) applies to the evidence of witness panels, with necessary modifications.

COSTS

RULE 25. Material to be Filed Regarding Costs

25.1 Where a party seeks costs of a proceeding under s. 53 or s. 53.1 of the Code, the party shall, within 20 days of the release of the Panel's reasons for decision, or such other time as the Panel directs, serve and file:

(a) an outline of the costs claimed, including:

(i) the total amount claimed by the party for legal costs, inclusive of taxes, including;

(A) for each step in the proceeding, the hours spent by the party's lawyer(s), the rate sought for costs, and the rate actually charged by the party's lawyer;

(B) a list of disbursement expenses incurred by the party, and the amount incurred for each disbursement;

(C) the party's lawyer's signature, certifying that the hours claimed were spent, the rates shown are correct and that each disbursement was incurred as claimed;

(ii) where the College claims its costs and expenses incurred in investigating the matter and/or conducting the hearing under s. 53.1 of the Code, the total amount claimed under each of these headings, inclusive of taxes, including:

(A) where costs are claimed for time spent by staff of the College in investigating the matter or conducting the hearing, a breakdown of the hours spent and any other information necessary to understand the calculation of such costs;

(B) a list of disbursement expenses incurred by the College in investigating the matter or conducting the hearing, and the amount incurred for each disbursement;

(b) a written submission in support of the claim for costs, not to exceed 10 pages in length; and

(c) any other material ordered by a Panel.

25.2 Any party that is served with a request for costs may, within 20 days thereafter, or such other time as the Panel directs, serve and file responding submissions in writing, not to exceed 10 pages in length.

RULE 26. Costs to be Heard in Writing

26.1 The issue of costs of a proceeding shall be heard in writing, unless the Panel is satisfied that there is a good reason for not doing so.

CORRECTING, CLARIFYING AND REVIEWING DECISIONS/ORDERS

RULE 27. Corrections and Clarifications

27.1 A Panel may at any time, on the request of a party or at its own initiative, correct a typographical error, error of calculation, technical error or other similar error made in an order or decision of that Panel.

27.2 A Panel may at any time, on the consent of the parties, clarify an order or decision of that Panel that contains a misstatement, ambiguity or other similar error.

27.3 If any member of the Panel that made the original order is unable, for any reason, to participate in the consideration of a request for a correction or clarification, a quorum of the original Panel will suffice for the purpose of this rule.

REINSTATEMENT APPLICATIONS

RULE 28. Initiating Reinstatement Applications

28.1 The following rules apply, in addition to all other rules, to applications for reinstatement made under sections 72 and 73 of the Code.

28.2 A person making an application for reinstatement shall serve and file a notice of the application specifying the order sought, the grounds of the application, the evidence that the person will introduce, the proposed method of hearing and the anticipated length of the hearing.

28.3 Unless the Chair of the Discipline Committee directs otherwise, the person making an application for reinstatement shall serve and file sufficient copies of the record of the original hearing and the record of any previous applications for reinstatement, copies of the transcript of the original hearing and any previous applications for reinstatement and copies of any document the person will introduce.

28.4 The Registrar shall assist the person making an application for reinstatement to comply with sub-rule 28.3 by providing reasonable access to the necessary documents maintained in the College's files including extra copies of transcripts or documents that are already available.

28.5 The Discipline Committee shall not schedule a reinstatement application for a hearing until the person making an application complies with sub-rules 28.2 and 28.3.

28.6 When a reinstatement application has been scheduled, the College shall provide a copy of the application to the members of the Panel who will be hearing the application at least ten days prior to the hearing date.

FORMS

Acknowledgement Form – Expert's Duty

(Title of Proceeding)

ACKNOWLEDGMENT OF EXPERT'S DUTY

1. My name is ..... *(name)*. I live at ..... *(city)*, in the ..... *(province/state)* of ..... *(name of province/state)*.

2. I have been engaged by or on behalf of ..... *(name of party/parties)* to provide evidence in relation to the above-noted proceeding.

3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:

   (a) to provide opinion evidence that is fair, objective and non-partisan;

   (b) to provide opinion evidence that is related only to matters that are within my area of expertise; and

   (c) to provide such additional assistance as the Discipline Committee may reasonably require, to determine a matter in issue.

4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date .....

_____

Signature