
POLICY ON CONSIDERING APPLICATIONS FOR REGISTRATION DURING THE COVID-19 PANDEMIC



Policy P-058

Registration Committee

Approved by Executive Committee: August 12, 2020

Note to Readers: In the event of any inconsistency between this document and the legislation that affects chiropractic practice, the legislation governs.

Please note: this is a temporary policy to accommodate applicants for registration during the COVID-19 pandemic as a result of the cancellation of the Spring 2020 sitting of the Canadian Chiropractic Examining Board (CCEB) examinations and CCO's Legislation and Ethics Examination. This policy will be further reviewed by December 1, 2020.

INTENT

The COVID-19 pandemic has prevented new graduates and other applicants for registration with CCO from being able to complete the requirements for registration. Most notably, the Canadian Chiropractic Examining Board (CCEB) examinations and CCO's Legislation and Ethics Examination scheduled for Spring of 2020 were cancelled. Also, some documents used to verify information are not available resulting in the inability for some applicants to provide a notarized copy of pictures of themselves and the inability of some applicants to provide a Canadian Police Information Centre (CPIC) Vulnerable Sector Check.

There are compelling public interest reasons for accommodating applicants for registration who cannot attempt the examinations and cannot provide all of the documentary verification. Accommodating such applicants enables members of the public to have greater access to chiropractic services, particularly as the pandemic has reduced access to them (e.g., due to voluntary and mandatory self-isolation and practice closure orders). In addition, accommodating applicants appropriately enables them to keep their competence current at the crucial period of time between completing their education and beginning independent practice.

In terms of the General class of registration, only the educational requirement is non-exemptible. While it is extremely rare to exempt the examination requirements, it is legally permissible to do so in appropriate circumstances.

The intent of this policy is to assist the Registration Committee to accommodate applicants for registration during the pandemic on a principled and consistent basis. The principles underlying this policy include the following:

1. The public interest requires that anyone registered as a chiropractor in Ontario must be competent and ethical and who will practise safely and professionally.

2. The COVID-19 pandemic calls for exceptional measures to be taken to accommodate applicants in the public interest who cannot meet all of the registration requirements because of the pandemic.
3. Exempting successful completion of the examinations, even temporarily, is a major concession that requires adequate alternative safeguards.
4. Any accommodations should be available to applicants from any jurisdiction or to graduates of any equivalent educational program. Such accommodations should not be limited to just the graduates of the two Canadian schools.
5. Any accommodations must be transparent to the public.
6. Any accommodations should be temporary. As soon as practicable, applicants who have been exempted from a requirement should have to complete them. Certificates of registration for those who attempt but are unsuccessful in completing a requirement will expire automatically.
7. While the Registration Committee strives to be consistent, nothing in the policy prevents a panel of the Registration Committee from making a different decision where the individual circumstances of the case warrant a different approach.

DESCRIPTION OF POLICY

Requirements for General (Provisional) Certificate of Registration

A panel of the Registration Committee may offer the following accommodations to the applicant, during the COVID-19 pandemic only, where an applicant meets all of the other registration requirements (e.g., graduation from an accredited chiropractic program, graduation within the last two years, professional liability protection, payment of registration and certificate fee).

1. Parts B and C of the CCEB examination and CCO's Legislation and Ethics Examination may be exempted with the following terms, conditions and limitations:
 - a. The applicant has successfully passed Part A of the CCEB examinations;
 - b. The applicant has registered for Parts B and/or C of the CCEB examinations for the Fall 2020 sitting; and
 - c. The applicant is otherwise not ineligible to register for Parts B and C of the CCEB examinations for the Fall 2020 sitting.
2. The applicant shall only practise under the supervision of a member of CCO who:
 - a. Holds a General (i.e. Active) certificate of registration;
 - b. Has been registered in the General class of registration for at least five years from the date of application;
 - c. Is currently actively providing direct care to patients;
 - d. Is in good standing with CCO;
 - e. Is not the subject of any disciplinary or incapacity proceeding or has an outstanding referral for a disciplinary or incapacity proceeding; and
 - f. Effectively supervises the applicant's performance of patient-related activities, including the requirement that the member be physically present on the premises and available for consultation at all times during the applicant's performance of patient-related activities.

3. The applicant shall use the title “Chiropractor (Provisional)” in all written and oral communications describing the applicant’s professional or registration status.
4. When providing a professional service to a patient for the first time, the applicant shall inform each patient that the applicant’s registration status is provisional because the applicant has not yet completed their registration examinations. The applicant shall ensure that the patient has confirmed this disclosure in writing in the patient record (e.g., through a consent form).
5. The applicant must successfully pass the Fall sitting of CCO’s Legislation and Ethics examination. and
6. The provisional certificate of registration shall expire at the earlier of being notified of an unsuccessful attempt of any component of the CCEB or eight weeks after the first available sitting of the CCEB examinations unless, at that time, the applicant has successfully passed all components of the CCEB examinations and CCO’s Legislation and Ethics Examination, at which point the applicant may be issued a General certificate of registration without these Terms Conditions or Limitations (TCLs). No additional registration or certificate fee will be owing from the applicant, if this fee has already been paid for the General (Provisional) certificate of registration.

As a result of the COVID-19 pandemic, CCO may accept alternatives to additional registration requirements, such as the requirement to provide a notarized statement as to the authenticity of photographs provided and the requirement to provide a Canadian Police Information Centre Vulnerable Sector Check. These alternatives may be decided based on the ongoing state of the COVID-19 pandemic and the accessibility to the services involved with these requirements.

Applicants obtaining exemptions from the examinations should understand that, while these certificates of registration are technically General certificates of registration, they are in substance a different type of registration: Provisional. As such, applicants obtaining such a certificate of registration should not assume that they will be able to register as general or independent chiropractors in other Canadian jurisdictions under the Canada Free Trade Agreement.

Process for Application for a General (Provisional) Certificate of Registration

Applicants wishing to take advantage of the accommodations described in this policy shall complete a General (provisional) application form specifically designed by the CCO for such applications.

Under the *Health Professions Procedural Code (Code)*, exemptions must be granted by the Registration Committee.

An expedited process is available where the applicant consents to TCLs proposed by the Registrar. In such a case, the applicant will be registered with those TCLs if a panel of the Registration Committee approves. Where the Registrar indicates to the panel of the Registration

Committee that the application falls within the parameters of this policy and also indicates that the Registrar does not believe there are any special circumstances and the applicant indicates consent to the applicable TCLs, the Registration Committee will generally approve the issuance of the certificate of registration expeditiously.

Where the applicant does not consent to the TCLs, or the Registrar is unable to indicate that the application falls within the parameters of this policy or where the Registrar indicates that the Registrar believes there are special circumstances, the Registrar shall refer the application to the Registration Committee under s. 15(2) of the *Code* for more rigorous individual consideration.

The reasons for decision of the panel of the Registration Committee issuing a certificate of registration with the conditions outlined above will typically include the following points:

- The exemptions provided are exceptional and are only made because of the COVID-19 pandemic. There is a temporary, but compelling, public interest in ensuring public access to chiropractic services and in ensuring that applicants who have completed comprehensive training do not lose their competence by a pandemic-caused inability to practise or sit examinations.
- The TCLs are related to examinations, courses and assessments which are necessary to protect the public by ensuring that applicants provide safe and ethical services.
- The TCLs related to verifying information are necessary to ensure that applicants do not permanently escape the usual scrutiny of such information.

Principles for Terms, Conditions and Limitations and Supervision of the Applicant Under the General (Provisional) Certificate of Registration

For the purposes of this policy, the following additional TCLs and requirements shall be applied to the Applicant under the General (Provisional) Certificate of Registration:

1. The applicant shall identify the primary supervising member and the business address of the practice of that member in the General (Provisional) application form. The primary supervising member shall sign the applicant's General (Provisional) application form.
2. The applicant may list up to two additional members of CCO in the General (Provisional) application form who may perform the supervisory role identified in this policy for that applicant. These additional two members must meet the criteria of the supervising member in this policy and work with the primary supervising member at the indicated business address.
3. The applicant may list up to two additional business address(es) in the General (Provisional) application where the primary supervising member practises.
4. In the delivery of patient care, safe, ethical and effective care of patients and compliance with CCO regulations, standards of practice, policies and guidelines must always be upheld.

5. In accordance with Guideline G-009: Code of Ethics, any contractual agreement regarding supervision of the applicant by the member, must have terms that are equitable and agreeable to all parties and maintain professional integrity and offer high quality care.
6. The primary supervising member shall make any mandatory reports to CCO or any other authorities, in accordance with Guideline G-010: Mandatory and Permissive Reporting and any relevant legislation.
7. At any point, the primary supervising member may end their supervisory relationship with the applicant by notifying CCO. At this point, the applicant's General (Provisional) class of registration would expire, unless a secondary supervising member or another member who meets the criteria of this policy immediately confirms to CCO that will serve as the new primary supervising member.

DECLARATION

I acknowledge that I have reviewed this policy and will comply with all terms, conditions and limitations and requirements related to the General (Provisional) certificate of registration and will immediately (no more than 24 hours) advise CCO of any change in the General (provisional) form.

Printed Name of Applicant:

Signature of Applicant:

Printed Name of Witness:

Witness:

Date:

Printed Name of Primary Supervising Chiropractor:

Signature of Primary Supervising Chiropractor:

Printed Name of Witness:

Witness:

Date:

LEGISLATIVE CONTEXT

Section 15 of the *Code* reads as follows:

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 18 of the *Code* reads, in part, as follows:

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: ...

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)...

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.

Section 1 of the registration regulation under the *Chiropractic Act* reads as follows:

Classes of certificate

1. The following are prescribed as classes of certificate of registration:

1. General.
2. Temporary.
3. Inactive.
4. Retired. O. Reg. 137/11, s. 1.

Section 2 of the registration regulation reads as follows:

Application

2. A person shall apply for a certificate of registration by submitting a completed application in the provided form together with the applicable fees under the by-laws. O. Reg. 137/11, s. 2.

Paragraph 3.4 of the registration regulation reads as follows:

Registration requirements, all classes

3. The following are registration requirements for a certificate of registration of any class:

...

4. The applicant's past and present conduct must afford reasonable grounds for belief that the applicant,
 - i. is mentally and physically competent to practise chiropractic,
 - ii. will practise chiropractic with decency, integrity, honesty and in accordance with the law,
 - iii. has sufficient knowledge, skill and judgment to engage in chiropractic, and
 - iv. will display professional behaviour. O. Reg. 137/11, s. 3.

Section 6 of the registration regulation reads, in part, as follows:

Additional requirements, general certificate

6. The following are additional registration requirements for a general certificate of registration:

1. The applicant must have successfully completed the requirements for graduation from either a chiropractic education program that is accredited or recognized by the Council on Chiropractic Education (Canada) or a chiropractic education program considered equivalent by the Council to such a program. Subject to section 7, this requirement is non-exemptible.
2. Before applying for the certificate, the applicant must have passed,
 - i. a legislation examination set by the Council or set by another person or body and accepted by the Council as sufficiently testing the applicant's knowledge of relevant legislation, and
 - ii. the examinations set by the Canadian Chiropractic Examining Board or set by another person or association of persons and accepted by the Council as equivalent to the examinations set by the Board.
3. The applicant must complete a refresher course approved by the Registration Committee or otherwise satisfy the Registration Committee that he or she is currently competent to practise if the applicant applies for registration more than two years after completing the education program required under paragraph 1.

Paragraph 9.2 of the registration regulation reads as follows:

Additional requirements, temporary certificate

9. The following are additional registration requirements for a temporary certificate of registration: ...

2. The applicant must be registered or licensed to practise chiropractic in another jurisdiction....

Paragraph 1.16 of the professional misconduct regulation defines the following as professional misconduct:

16. Using a term, title or designation in respect of a member's practice contrary to the policies of the College.