



December 10, 2014

The Honourable Dr. Eric Hoskins
Minister of Health and Long Term Care
10th Floor, Hepburn Block
80 Grosvenor Street
Toronto, ON M7A 2C4

Dear Minister:

We write in follow up to our letter of November 19, 2014.

We are pleased to report that the CPSO Council made the following decisions relating to transparency at its meeting on December 4, 2014.

By-laws Approved

1. By-law 95: Criminal Findings
Criminal findings of guilt under the *Criminal Code* and *Health Insurance Act* made on or after June 1, 2015, will be posted on the CPSO public register after June 1, 2015.
2. By-law 96: Bail Conditions
Conditions of release that relate to a member's practice and are known to the College will be posted on the CPSO public register as of December 15, 2014.
3. By-law 97: Notification by Members
This by-law requires members to provide information to the College regarding conditions of release and criminal charges, as noted above.
4. By-law 98: Publication Bans
This by-law excludes information subject to a publication ban from the CPSO public register.

By-laws Approved for Circulation and Consultation

1. By-law 101: Cautions in Person
A summary of ICRC decisions that include a disposition of caution-in-person, for complaints (or, where there is no complaint, the first appointment of investigators) received on or after January 1, 2015 will be posted on the CPSO public register, 5 days after the decision is made.
2. By-law 102: SCERP (Specified Continuing Education and Remediation Program)
A summary of ICRC decisions that include a disposition of SCERP, for complaints

(or, where there is no complaint, the first appointment of investigators) received on or after January 1, 2015 will be posted on the CPSO public register, 5 days after the decision is made.

3. By-law 103: Criminal Charges
All charges under the *Criminal Code* and *Health Insurance Act*, when known by the College, will be posted on the CPSO public register, as of the date the by-law is passed. (To be considered by Council in May 2015).
4. By-law 104: Medical Licenses in Other Jurisdictions
The fact of licensure or registration to practice medicine in another jurisdiction, when known by the College, will be posted on the CPSO public register as of September 1, 2015.
5. By-law 105: Disciplinary Findings in Other Jurisdictions
Information (fact, date, jurisdiction) relating to a disciplinary finding made by another medical regulatory or licensing authority, when known by the College, will be posted on the CPSO public register, as of the date the by-law is passed. (To be considered by Council in May 2015).

These by-laws will be available for public comment and feedback on the CPSO website on Thursday, December 11, 2014. As previously noted, the CPSO conducts open consultations, and all comments will be available on the CPSO website at <http://www.cpso.on.ca/Policies-and-Publications/Consultations>. As directed by Council, consultation on these by-laws will be extended beyond the required 60 days to April 1, 2015 in order to give members of the public and profession more time to provide feedback. These by-laws will be considered by the CPSO Council at its May 28-29, 2015 meeting.

The CPSO would be pleased to provide more information to the Minister about its ongoing transparency work or to receive any feedback as this initiative moves forward.

Yours truly,



Carol Leet MD, FRCPC
President



Rocco Gerace MD
Registrar

c. Ms. Suzanne McGurn, Assistant Deputy Minister and Executive Officer

Attached: By-laws approved (No. 95, 96, 97 and 98)
By-laws approved for circulation and consultation (No. 101, 102, 103, 104 and 105)

**COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO
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By-laws Approved (No. 95, 96, 97 and 98)

By-law No. 95

Subsection 49(1) of By-law No. 1 (the General By-Law) is amended by adding the following paragraph:+

19. Where there has been a finding of guilt against a member under the *Criminal Code* or a finding of an offence under the *Health Insurance Act*, made on or after June 1, 2015, if the person against whom the finding was made was a member at the time of the finding, and if the finding and/ or appeal is known to the College, a brief summary of:

- (i) the finding;
- (ii) the sentence;
- (iii) where the finding is under appeal, a notation that it is under appeal, until the appeal is finally disposed of; and
- (iv) the dates of (i)-(iii), where known to the College.

By-law No. 96

Subsection 49(1) of By-law No. 1 (the General By-Law) is amended by adding the following paragraph:

- 20. Any currently existing conditions of release following a charge for a criminal or provincial offence, or subsequent to a finding of guilt and pending appeal, that relate to the member's practice, or any variations to those conditions, when known to the College

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By-law No. 97

Subsection 51(1) of By-law No. 1 (the General By-Law) is revoked and the following is substituted:

51. (1) A member shall notify the College in writing or electronically as specified by the College of,
- (a) the member's preferred addresses (both mailing and e-mail) for communications from the College;
 - (b) the address and telephone number of the member's principal place of practice;
 - (c) the identity of each hospital and health facility in Ontario where the member has professional privileges; and
 - (d) Any currently existing conditions of release (not including any information subject to a publication ban) following a charge for a criminal or provincial offence, or subsequent to a finding of guilt and pending appeal, and any variations to those conditions.

By-law No. 98

Subsection 50.1(1) of By-law No. 1 (the General By-Law) is revoked and the following is substituted:

- 50.1(1) All information contained in the register, other than:
- (a) a member's preferred address for communications from the College,
 - (b) a member's e-mail address,
 - (c) a member's date of birth,
 - (d) a member's place of birth, and
 - (e) any information that, if made public, would violate a publication ban, if known to the College.

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By-laws Approved For Circulation And Consultation (No. 101, 102, 103, 104 and 105)

By-law No. 101

Subsection 49(1) of By-law No. 1 (the General By-Law) is amended by adding the following paragraphs:

21. In respect of a decision of the Inquiries, Complaints and Reports Committee that includes a disposition of a caution-in-person, if the complaint that led to the decision, or, in a case where there is no complaint, the first appointment of investigators in the file, is dated on or after January 1, 2015, a summary of that decision, and, where applicable, a notation that the decision has been appealed.
22. Where a decision referred to in paragraph 21 above is overturned on appeal or review, the summary shall be removed from the Register.

Explanatory Note: - This by-law must be circulated to the profession and will return to the Council after the circulation.
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By-law No. 102

Subsection 49(1) of By-law No. 1 (the General By-Law) is amended by adding the following paragraphs:

23. In respect of a decision of the Inquiries, Complaints and Reports Committee that includes a disposition of a Specified Continuing Education or Remediation Program ("SCERP"), if the complaint that led to the decision, or, in a case where there is no complaint, the first appointment of investigators in the file is dated on or after January 1, 2015, a summary of that decision, including the elements of the SCERP, and, where applicable, a notation that the decision has been appealed.
24. In respect of the elements of the SCERP, a notation that all of the elements have been completed, when so done.
25. Where a decision referred to in paragraph 23 above is overturned on appeal or review, the summary shall be removed from the Register.

Explanatory Note: - This by-law must be circulated to the profession and will return to the Council after the circulation.
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By-law No. 103

Subsection 49(1) of By-law No. 1 (the General By-Law) is amended by adding the following paragraph:

26. Where a member has been charged with an offence under the *Criminal Code of Canada* or the *Health Insurance Act*, and the charge is outstanding and is known to the College, the fact and content of the charge and, where known to the College, the date and place of the charge.

Explanatory Note: - This by-law must be circulated to the profession and will return to the Council after the circulation.
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By-law No. 104

Subsection 49(1) of By-law No. 1 (the General By-Law) is amended by adding the following paragraph:

27. Where a member is currently registered or licenced to practice medicine in another jurisdiction, and such license or registration has been made known to the College as of September 1, 2015, the fact of that licensure or registration.

Explanatory Note: - This by-law must be circulated to the profession and will return to the Council after the circulation.
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By-law No. 105

Subsection 49(1) of By-law No. 1 (the General By-Law) is amended by adding the following paragraph:

Discipline Findings in Other Jurisdictions

28. Where a member has been the subject of a disciplinary finding by another medical regulatory or licensing authority and that finding is known to the College,
- (i) the fact of the finding;
 - (ii) the date of the finding, where known to the College;
 - (iii) the jurisdiction in which the finding was made;
 - (iv) the date upon which the College was notified of the finding; and
 - (v) the existence and status of any appeal, when known to the College.

Explanatory Note: - This by-law must be circulated to the profession and will return to the Council after the circulation.
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