

A. AMENDMENTS TO REFLECT COLLEGE PRACTICES

The following amendments are proposed so that the applicable by-law provisions better reflect current College practices. These amendments do not propose new information to be posted; they reflect information that is already being included on the register.

Subsection 49 of By-law No. 1 (the General By-law) is amended as follows:

Content of Register Entries

49. (1) In addition to the information required under subsection 23(2) of the Health Professions Procedural Code, the register shall contain the following information with respect to each member:

Proposed Amendment	Explanatory Note
<p>1. The member's name and aAny changes in the member's name since his or her undergraduate medical training <u>that is used or to be used in his or her practice, and the date of such change, if known to the College.</u></p>	<p>See also related change to s.51.1(1) below. Not all member name changes are posted on the register. The College posts name changes that affect the name used by the member in practice. In those cases, former names are posted, along with the date of the change. For example, if a member changes his/her name upon marriage but continues to practise using their pre-married name, this is not posted.</p> <p>The deletion of "the member's name" is a housekeeping change. Section 23(2)1 of the Health Professions Procedural Code (HPPC) already requires the member's name to be in the register. This removes the duplication.</p>
<p>6. A description of the member's postgraduate training <u>in Ontario.</u></p>	<p>The College only records post-graduate training in Ontario because only Ontario post-grad training is fully known and recorded in our database and verified.</p>
<p>7. If the member has been<u>is</u> certified by the Royal College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada,</p> <ul style="list-style-type: none"> i. that fact, ii. the date of the certification, <u>and</u> iii. the discipline or sub-discipline in which the member is certified, and 	<p>The register does not include the information in clause iv (crossed out). Once registered, the distinction between "certified by exam" and "certified without exam" is of no consequence for specialist recognition or advertising purposes. Either way the physician is a certified specialist.</p>

Proposed Amendment	Explanatory Note
<p>iv. whether the member was certified by examination and, if not, by what process</p>	
<p><u>7.1 If the member is formally recognized as a specialist by the College,</u></p> <p><u>i. that fact,</u></p> <p><u>ii. the date of recognition, and</u></p> <p><u>iii. the discipline or sub-discipline in which the member is recognized.</u></p>	<p>This amendment is proposed because many specialist recognitions are currently on the register. Note that s. 23(2)4 of the HPPC requires specialist status, and the advertising regulation makes specific reference to the CPSO specialist recognition. The CPSO specialist recognition is removed from the register once a member is certified by RCPSC or CFPC, and also when a member's registration expires if it is tied to the licence.</p>
<p>12. The identity of each hospital and health facility in Ontario where the member has professional privileges, and <u>where known to the College,</u> all revocations, suspensions, or restrictions, <u>resignations, relinquishments and rejections of appointment or reappointment applications</u> reported to the College by hospitals under s. 85.5 of the Health Professions Procedural Code <u>or s. 33 of the <i>Public Hospitals Act</i>, in each case</u> commencing from the date this by-law goes the relevant portion of this by-law went into effect.</p>	<p>1. This amendment reflects the fact that the College does not post member privileges in health facilities, nor is this information collected in a systematic way for all non-hospital facilities.</p> <p>2. The College receives notices under both HPPC and the <i>Public Hospitals Act</i>. It is not always clear from the notices whether they are being given pursuant to the HPPC or the <i>Public Hospitals Act</i>. The nature of the information under either is the same, and it makes sense to post information on the register whether it is under an HPPC or <i>Public Hospitals Act</i> notice.</p>
<p><u>29. If the terms, conditions and limitations (other than those required by regulation) are imposed on a member's certificate of registration or if terms, conditions and limitations in effect on a member's certificate of registration are amended,</u></p> <p><u>i. the effective date of the terms, conditions and limitations imposed or of the amendments,</u></p>	<p>This is a new provision to reflect the College's practice of including the effective date of TCLs in the register. Section 23(2)5 of HPPC requires TCLs to be on the register but is silent with respect to posting the effective date and committee (or the member) who imposed the TCLs.</p>

Proposed Amendment	Explanatory Note
<p><u>and</u></p> <p><u>ii. a notation as to the committee or the member, as applicable, that imposed or amended the terms, conditions and limitations on the member's certificate of registration.</u></p>	
<p><u>30. Where a member's certificate of registration is revoked or suspended, the committee that ordered the suspension or revocation of the member's certificate of registration, if applicable.</u></p>	<p>This is a new provision to reflect the College's practice of noting the committee that imposed a revocation or suspension on the register . Section 23(2)9 of HPPC requires revocations and suspensions to be noted on the register but is silent with respect to the effective date and committee. S. 49(1)8 of the by-law provides for the date of revocation or suspension to be posted.</p>
<p><u>31. Where a member's certificate of registration is expired, the reason for the expiry.</u></p>	<p>This is a new provision to reflect the College's practice of noting expired certificates of registration on the register, along with the basis for the expiry (i.e., resignation, failure to renew, etc.). Section 49(1)8 provides for posting the effective date of expiry.</p>
<p><u>32. Where a notation of a finding of professional negligence or malpractice in respect of the member is in the register,</u></p> <p><u>i. the date of the finding, and</u></p> <p><u>ii. the name and location of the court that made the finding against the member, if known to the College.</u></p>	<p>This is a new provision to reflect the College's practice of including the date of a negligence/malpractice finding and the court name and location on the register (if known to the College). Section 23(2)8 of HPPC requires such findings to be noted on the register but is silent with respect to the date or court information.</p>
<p><u>33. The date on which the College issued a certificate of authorization in respect of the member, and the effective date of any revocation or suspension of the member's certificate of authorization.</u></p>	<p>This is a new provision to reflect the College's practice of including the dates of issuance, revocation and suspension of a certificate of authorization (for a health profession corporation) on the register. Note that section 23(2)2 of HPPC requires</p>

Proposed Amendment	Explanatory Note
	the name and contact information for each health profession corporation to be on the register, and s. 23(2)10 requires notation of revocation or suspension of a certificate of authorization.
<p><u>34. The language(s) in which the member is competent to conduct practice, as reported by the member to the College.</u></p>	<p>This is a new provision to reflect the College's practice of listing languages in which the member is fluent on the register, based on the information provided by the member.</p>

Subsection 50.1(1) of By-law No. 1 (the General By-law) is amended as follows:

Proposed Amendment	Explanatory Note
<p>Public Information</p> <p>50.1 (1) All information contained in the register, other than:</p> <ul style="list-style-type: none"> (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, and (f) <u>any information that the registrar refuses or has refused to post on the College's website pursuant to subsection 23(6), (7), (8), (9) or (11) of the Health Professions Procedural Code,</u> <p>is designated as public except that if,</p> <ul style="list-style-type: none"> (i) a finding of professional misconduct was made against a member, (ii) the penalty imposed was a reprimand or a fine, and (iii) at least six years have elapsed 	<ul style="list-style-type: none"> 1. Section 23(11) of the HPPC eliminated the need for s. 50.1(1)(f) of the By-law. 2. The new clause (f) reinforces that information that the Registrar refuses to disclose or post for the reasons contemplated in s.23(6, 7, 8, 9 or 11) of the HPPC will not be public. 3. The change to clause (g) reflects the fact that terms, conditions and limitations (TCLs) that have been removed and no longer appear in the TCL section of the register still continue to appear in the member's registration history. Accordingly, the "fact" that a TCL had been imposed is technically public, but the contents of the TCL would no longer be posted.

<p style="color: blue;">since the penalty order became final, the finding of misconduct and the penalty are no longer public information; and</p> <p>(g) if,</p> <p style="padding-left: 20px;">(i) terms, conditions or limitations were directed to be imposed upon a member's certificate of registration by a committee other than the discipline committee, and</p> <p style="padding-left: 20px;">(ii) the terms, conditions or limitations have been removed,</p> <p>the fact and content of the terms, conditions or limitations are no longer public information.</p>	
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Subsection 51(1) of By-law No. 1 (the General By-law) is amended as follows:

Proposed Amendment	Explanatory Note
<p>Notification Required by Members</p> <p>51. (1) A member shall notify the College in writing or electronically as specified by the College of,</p> <p style="padding-left: 20px;">(a) the member's preferred address (both mailing and e-mail) for communications from the College;</p> <p style="padding-left: 20px;">(b) the address and telephone number of the member's principal place of practice;</p> <p style="padding-left: 20px;">(c) the identity of each hospital and health facility in Ontario where the member has professional privileges; and</p> <p style="padding-left: 20px;">(d) any currently existing conditions of release (not including any information subject to a publication</p>	<p>This amendment explicitly requires members to advise the College of a name change <u>within a given time period</u> (30 days under s. 51(2)). As noted re section 49(1)16, the College does not post all name changes. As it is professional misconduct to practise under a name that is different than the name in the register, we propose asking only for those changes in the member's name that the member will be practising under.</p>

Proposed Amendment	Explanatory Note
<p>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; <u>and</u></p> <p><u>(e) any changes in the member's name since his or her undergraduate medical training that is used or will be used in the member's practice.</u></p> <p>(2) If there is a change in the information provided under subsection (1), the member shall notify the College in writing or electronically as specified by the College of the change within thirty days of the effective date of the change.</p>	

B. HOUSEKEEPING AMENDMENTS

The following are the proposed amendments to the By-law that are corrections and minor improvements of a housekeeping nature:

Subsection 49 of By-law No. 1 (the General By-law) is amended as follows:

Content of Register Entries

49. (1) In addition to the information required under subsection 23(2) of the Health Professions Procedural Code, the register shall contain the following information with respect to each member:

Proposed Amendment	Explanatory Note
<p>8. The classes of certificate of registration held by the member and the date on which each certificate was issued and, if applicable, the <u>termination-revocation, suspension</u> or expiration date, <u>or date of removal of a suspension.</u></p>	<p>The word “termination” is replaced by “revocation” and “suspension” to reflect the terms used in the <i>Regulated Health Professions Act</i>. It also reflects College practice to note the date a suspension has been removed.</p>
<p>14. If a finding of professional misconduct</p>	<p>Section 23(2)7 of HPPC requires the</p>

Proposed Amendment	Explanatory Note
<p>or incompetence has been made against the member in Ontario. If the result of a disciplinary proceeding in which a finding was made by the discipline committee in respect of the member is in the register,</p> <p>that fact,</p> <p>i. the date on which the discipline committee made the finding, and the place where it was made,</p> <p>ii. the date on which the discipline committee ordered any penalty, a brief summary of the facts on which the finding was based,</p> <p>iii. the penalty, and</p> <p>subject to subsection 23(2.1) of the Health Professions Procedural Code, where the finding is under appeal, a notation to that effect.</p>	<p>register to contain the result of the discipline proceeding if a finding was made, including a synopsis of the decision. Section 23(2)12 of HPPC also requires a notation of an appeal to be in the register until the appeal is disposed of. The redundancies have been removed.</p>
<p>16. If the result of an a finding of incapacity proceeding in which a finding was <u>has been made by the fitness to practise committee</u> in respect of the member <u>is in the register,</u></p> <p>i. that fact <u>the date on which the fitness to practise committee made the finding,</u></p> <p>ii. <u>the effective date of any order of the fitness to practise committee, a summary of the order made by the panel hearing the matter, and</u></p> <p>iii. where the finding is under appeal, a notation to that effect, <u>and</u></p> <p><u>iv. when an appeal of a finding of incapacity is finally disposed of, the notation added under subparagraph iii of this</u></p>	<p>Section 23(2)7 of HPPC requires the register to contain the result of the discipline proceeding if a finding was made, including a synopsis of the decision. The redundancies have been removed.</p> <p>The wording in clause (iv) is currently in subsection 49(2) of the by-law. It was originally added when s. 49(1)16 was the last paragraph in s. 49(1), so it flowed logically. Now that there are several subsequent paragraphs in s. 49, it would be better to place this within para. 16 to which it relates.</p>

Proposed Amendment	Explanatory Note
paragraph 16 shall be removed.	
<p>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") 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.</p>	<p>Adds a definition of SCERP.</p>
<p>24. In respect of the elements of the a SCERP referred to in paragraph 23 above, a notation that all of the elements have been completed, when so done.</p>	
<p>25. Where a decision referred to in paragraph 23 above is overturned on appeal or review, the summary shall be removed from the Rregister.</p>	
<p>27. Where a member is currently registered or licensed<u>ed</u> to practice medicine in another jurisdiction, and such licensce<u>se</u> or registration has been made known to the College as of or after September 1, 2015, the fact of that licensure or registration.</p>	
<p>49(2) When an appeal of a finding of incapacity is finally disposed of, the notation added under subparagraph iii of paragraph 16 of subsection (1) shall be removed</p>	<p>Subsection 49(2) of By-law No. 1 (the General By-law) is revoked. See note above re s. 49(1)16.</p>

Proposed Amendment	Explanatory Note
<p data-bbox="224 254 818 394">Subsection 50.2 of By-law No. 1 (the General by-law is amended by adding the following as a heading preceding the subsection:</p> <p data-bbox="224 436 513 470">Liability Protection</p>	<p data-bbox="846 254 1409 359">This is to clarify that s.50.2 does not fall under the prior section headed Public Information.</p>



The College of
Physicians and Surgeons of Ontario

GENERAL BY-LAW

May 29, 2015

General By-Law

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1 **COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO**

2
3 **General By-Law**

4
5 **Part 1. Business Practices**

6 **Banking**

7
8 1. (1) The executive committee shall appoint a bank chartered under the *Bank Act*
9 (Canada) for the use of the College.

10
11 (2) All money belonging to the College shall be deposited in the name of the College
12 with the bank.

13
14 **Execution of Contracts and Other Documents**

15
16 1a. Except as provided otherwise in section 4 of this By-Law, contracts, agreements,
17 instructions and other documents shall be signed on behalf of the College by the
18 registrar or deputy registrar.

19
20 **Investment**

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22 2. (1) Funds of the College that are not immediately required may be invested by an
23 investment dealer selected by, and acting in accordance with criteria or parameters
24 given by, the finance committee, only in,

25 (a) bonds, debentures or other evidences of indebtedness of, or guaranteed by,
26 the Government of Canada,

27 (b) deposit receipts, deposit notes, certificates of deposit, acceptances and other
28 similar instruments issued or endorsed by a bank listed in schedule A to the
29 *Bank Act* (Canada), or

30 (c) an investment-grade money market fund previously approved for the purpose
31 by the finance committee.

32
33 (2) The executive committee may by resolution decide to invest or reinvest funds of
34 the College that are not immediately required in any investment which the executive
35 committee considers advisable, and two signing officers may implement the decision.

36
37 **Borrowing**

38
39 3. (1) The council may by resolution,

40 (a) borrow money on the credit of the College,

41 (b) limit or increase the amount or amounts to be borrowed, and

42 (c) secure any present or future borrowing, or any debt, obligation, or liability of
43 the College, by charging, mortgaging, hypothecating or pledging all or any of
44 the real or personal property of the College, whether present or future.

45
46 (2) Despite section 30, the executive committee shall not exercise the powers or duties
47 of the council under subsection (1) or take any similar action.

48
49 (3) The council or the executive committee may by resolution borrow money on behalf

50 of the College for periods of six months or less secured only by investments of the
51 College of the type mentioned in subsection 3(1).

52
53 (4) Two signing officers may sign documents to implement a decision made under
54 subsection (1) or subsection (3).

55 56 **Expenses**

57
58 **4.** (1) Goods may be purchased or leased, and services may be obtained, for the
59 benefit of the College if the purchase, lease or obtaining of services is authorized by,

- 60 (a) a signing officer (as defined in subsection 4(7)) if the expenditure is authorized
61 by the College budget;
- 62 (b) a signing officer if the resulting obligation does not exceed \$25,000 and the
63 expenditure is not authorized by the College budget;
- 64 (c) the registrar, deputy registrar or corporate services officer if the resulting
65 obligation exceeds \$25,000 but does not exceed \$75,000 and the expenditure
66 is not authorized by the College budget;
- 67 (d) one of the registrar, deputy registrar or corporate services officer and one of
68 the president or vice-president, after conferring with the chair of the finance
69 committee, if the resulting obligation exceeds \$75,000 and the expenditure is
70 not authorized by the College budget; or
- 71 (e) the executive committee or the council, by resolution.

72
73 (2) Two signing officers one or both of whom did not authorize the purchase, lease or
74 obtaining of services may sign,

- 75 (a) a cheque or other form of payment for goods purchased or leased, or services
76 obtained, in accordance with subsection (1); and
- 77 (b) a document for or relating to the purchase, lease or obtaining of services
78 authorized by the council or the executive committee by resolution.

79
80 (3) Without derogating from the authority under subsection (1) to obtain legal services,
81 legal advice or representation may be obtained for the benefit of the College,

- 82 (a) if the resulting obligation is authorized by the College budget, by the
83 administrative head of the College's legal office; or
- 84 (b) that is not authorized by the College budget, by the administrative head of the
85 College's legal office with the concurrence of,
- 86 (i) one of the registrar or the deputy registrar; and
- 87 (ii) one of the president or the vice-president after conferral with the finance
88 committee.

89
90 (4) Two signing officers may sign a cheque for legal services obtained in accordance
91 with subsection (3).

92
93 (5) Two signing officers may sign a salary cheque for an employee of the College or
94 may authorize salary payment to an employee of the College by means of electronic
95 transfer of funds to the employee's bank account.

96

97 (6) Despite section 4(2), an offer of employment or an agreement for employment with
98 the College, which employment position is authorized by the College budget, may be
99 signed by the director or associate director of the department in which the employee is to
100 be working, the manager responsible for hiring the employee, the associate director of
101 Human Resources, the registrar or the deputy registrar.

102
103 (7) For purposes of section 4, the term "signing officer" means any of the following:
104 the registrar, the deputy registrar, the corporate services officer, the manager of finance
105 and the corporate accountant.

106 107 **Fiscal Year**

108
109 5. The fiscal year of the College is the calendar year.

110 111 **Audit**

112
113 6. (1) In this section, "auditor" means the person or people appointed under clause
114 28(4)(b).

115
116 (2) The council shall fill any temporary vacancy in the office of auditor but, while such
117 vacancy continues, the surviving or continuing auditor, if any, shall continue as auditor.

118
119 (3) The registrar shall give notice of every appointment and reappointment of an
120 auditor to the auditor in writing promptly after the appointment or reappointment is made,
121 together with a copy of this part and of the Fees and Remuneration By-Law.

122
123 (4) The auditor shall make such examinations as will enable him or her to report to the
124 council as required by law and under this section.

125
126 (5) The auditor has a right of access at all reasonable times to all records, documents,
127 books, accounts and vouchers of the College and is entitled to require from the
128 councillors, officers and employees of the College such information as in his or her
129 opinion is necessary to enable him or her to report as required by law or under this
130 section.

131
132 (6) The auditor is entitled to attend any meeting of the council and to be heard at any
133 such meeting that he or she attends on any part of the business of the meeting that
134 concerns him or her as auditor.

135
136 (7) The auditor shall report,

137 (a) in person to the finance committee on the financial statements and related
138 matters as soon as possible after the financial statements are prepared and
139 as long as possible before the annual financial meeting, and

140 (b) to the annual financial meeting of the council on the financial statements
141 which shall be submitted to each annual financial meeting and shall state in
142 the report whether, in his or her opinion, the financial statements present
143 fairly, in all material respects, the financial position of the College and the
144 results of its operations for the period under audit in accordance with
145 generally accepted accounting principles,
146

147 (8) As shortly as practical after each annual financial meeting, the College shall, in a
148 publication sent to the membership of the College generally, publish the financial
149 statements submitted to that meeting, together with a report from the auditor on those
150 financial statements indicating whether, in his or her opinion, the financial statements
151 present fairly, in all material respects, the financial position of the College and the results
152 of its operations for the period under audit in accordance with generally accepted
153 accounting principles, and comparing the information in the statement with that of the
154 preceding fiscal year.

155
156 (9) For the purposes of subsection (7), the registrar is responsible to send notices of
157 every meeting of the council to the auditor.

158
159 (10) Despite section 30, the executive committee shall not exercise the powers or
160 duties of the council under this section.

161

162 **Indemnification**

163

164 7. (1) Every councillor, and his or her heirs, executors and administrators, and estate
165 and effects, shall from time to time and at all times be indemnified and saved harmless
166 out of the funds of the College from and against,

167 (a) all costs, charges and expenses whatsoever that he or she sustains or incurs in
168 or about any action, suit or proceeding that is brought, commenced or
169 prosecuted against him or her, for or in respect of any act, deed, matter or thing
170 whatsoever made, done or permitted by him or her, in or about the execution of
171 the duties of his or her office; and

172 (b) all other costs, charges and expenses that he or she sustains or incurs in or
173 about or in relation to the affairs thereof,

174 except such costs, charges or expenses as are occasioned by his or her own wilful
175 neglect or default.

176

177 (2) If an employee (including a lawyer who is an employee) of the College is named in
178 a civil suit or, in the case of a lawyer, in a law society proceeding, and the subject matter
179 relates to the person's employment by the College, the College will pay for the
180 employee's legal representation in the proceedings and any appeal, and will pay any
181 sum of money the employee or the employee's estate becomes liable to pay in
182 connection with the matter but, if the court finds that the employee has been deliberately
183 dishonest or has committed a criminal offence, the College will not be liable for such
184 payment.

185

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Part 2. The Council

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ELECTIONS

Definition

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191

8. In this part,

192 (a) "election" means an election of members to the council and includes a
193 regular election and a by-election; and

194 (b) "regular meeting" of the council includes an annual general meeting and an
195 annual financial meeting.

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Electoral Districts and Voter Eligibility

9. (1) The following electoral districts are established for the purpose of elections:

1. Electoral district 1, composed of the counties of Essex, Kent and Lambton.
2. Electoral district 2, composed of the counties of Elgin, Huron, Middlesex, Oxford and Perth.
3. Electoral district 3, composed of the counties of Bruce, Dufferin, Grey, Wellington and the Regional Municipality of Waterloo.
4. Electoral district 4, composed of the County of Brant and the regional municipalities of Haldimand-Norfolk, Halton, Hamilton-Wentworth and Niagara.
5. Electoral district 5, composed of the County of Simcoe, The District Municipality of Muskoka and the regional municipalities of Durham, Peel and York.
6. Electoral district 6, composed of the counties of Frontenac, Haliburton, Hastings, Leeds and Grenville, Lennox and Addington, Northumberland, Peterborough, Prince Edward and Victoria.
7. Electoral district 7, composed of the counties of Dundas, Glengarry, Lanark, Prescott, Renfrew, Russell and Stormont, and The Regional Municipality of Ottawa-Carleton.
8. Electoral district 8, composed of the territorial districts of Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury and Timiskaming.
9. Electoral district 9, composed of the territorial districts of Kenora, Rainy River and Thunder Bay.
10. Electoral district 10, composed of the City of Toronto.

(2) A member is eligible to vote in an election being held for an electoral district if, on the forty-fifth day prior to the date fixed for the election, the member principally practises in such electoral district, or if the member is not engaged in the practice of medicine, the member principally resides in such electoral district.

Number of Members to Be Elected

10. (1) Except for electoral districts 4, 5, 7 and 10, one member is to be elected for each electoral district.

(2) Two members are to be elected for each of electoral districts 4, 5 and 7 and four members are to be elected for electoral district 10.

Term of Office

11. The term of office of a member elected in a regular election is three years, starting at the first regular meeting of the council held in November after the election and expiring at the first regular meeting of the council held in November after the election three years later.

Election Date

- 244 **12.** (1) A regular election shall be held in,
245 (a) October 2000, and in every third year after that for Districts 6, 7, 8 and 9;
246 (b) October 2001, and in every third year after that for Districts 1, 2, 3 and 4; and
247 (c) October 2002, and in every third year after that for Districts 5 and 10.

248
249 (2) Subject to subsection (1), the council shall set the date for each election of
250 members to the council.

251
252 **Eligibility For Election**
253

- 254 **13.** (1) A member is eligible for election to the council in an electoral district if, on the
255 date of the election,
256 (a) the member is engaged in the practice of medicine in the electoral district for
257 which he or she is nominated or, if the member is not engaged in the practice
258 of medicine, is resident in the electoral district for which he or she is nominated;
259 (b) the member is not in default of payment of any fees prescribed in any
260 regulation made under the *Regulated Health Professions Act, 1991* or the
261 *Medicine Act, 1991*;
262 (c) the member is not the subject of any disciplinary or incapacity proceeding;
263 (d) the member's certificate of registration has not been revoked or suspended in
264 the six years preceding the date of the election;
265 (e) the member's certificate of registration is not subject to a term, condition or
266 limitation other than one prescribed in any regulation made under the
267 *Regulated Health Professions Act, 1991* or the *Medicine Act, 1991*;
268 (f) the member is not a director or officer of the Ontario Medical Association, the
269 Canadian Medical Protective Association, the Canadian Medical Association,
270 or the Coalition of Family Physicians and Specialists of Ontario;
271 (g) the member does not hold a position which would cause the member, if elected
272 as a councillor, to have a conflict of interest by virtue of having competing
273 fiduciary obligations to both the College and another organization;
274 (h) council has not disqualified the member during the three years before the
275 election date, and
276 (i) the member has completed and filed with the registrar a Conflict of Interest
277 form by the deadline set by the registrar.

278 (2) A member is not eligible for election to the council who, if elected, would be unable
279 to serve completely the three-year term prescribed by section 11 by reason of the nine-
280 consecutive-year term limit prescribed by subsection 5(2) of the Health Professions
281 Procedural Code.

282
283 **Notice of Election and Nominations**
284

285 **14.** No later than sixty days before the day of an election, the registrar shall notify
286 every member who is eligible to vote of the date, time and place of the election and of
287 the nomination procedure.
288

289 **Nomination Procedure**

290

291 **15.** The nomination of a candidate for election as a councillor shall be in writing and
292 shall be given to the registrar at least forty-nine days before the date of the election.

293

294 **Interruption of Services**

295

296 **16.** Where there is an interruption of electronic service provided for or by the College
297 or mail during a nomination or election, the registrar shall extend the holding of
298 nominations and the election for such minimum period of time as the registrar considers
299 necessary to compensate for the interruption.

300

301 **Acclamation**

302

303 **17.** If the number of candidates nominated for an electoral district is less than or equal
304 to the number of members to be elected in the electoral district, the registrar shall
305 declare the candidates to be elected by acclamation.

306

307 **Registrar's Electoral Duties**

308

309 **18.** (1) The registrar shall supervise and administer the election process and may, for
310 the purpose of carrying out that duty, subject to any other applicable provision in this by-
311 law,

312

(a) appoint returning officers and scrutineer;

313

(b) establish a deadline for the receiving of ballots;

314

(c) establish procedures for the opening, counting and verification of ballots;

315

(d) establish reliable and secure voting processes;

316

(e) provide for the notification of all candidates and members of the results of the
317 elections; and

318

(f) provide for the destruction of ballots or records of ballots following an election.

319

320 (2) No later than twenty-one days before the date of an election, the registrar shall
321 send to every member eligible to vote in an electoral district in which an election is to
322 take place a list of candidates in the electoral district, a ballot or electronic access to a
323 ballot and an explanation of the voting procedure as set out in the by-laws.

324

325 **Number of Votes to be Cast**

326

327 **19.** (1) A member may cast as many votes on a ballot in an election of members to
328 the council as are members to be elected to the council from the electoral district in
329 which the member is eligible to vote.

330

331 (2) A member shall not cast more than one vote for any one candidate.

332

333 **Tie Votes**

334

335 **20.** If there is a tie in an election of members to the council, the registrar shall break
336 the tie by lot.

337

338 **Recounts**

339

340 **21.** (1) A candidate may require a recount by giving a written request to the registrar
341 no more than fourteen days after the date of an election and paying a fee of \$500.

342

343 (2) The registrar shall hold the recount no more than thirty days after receiving the
344 request.

345

346 **Disqualification of Elected Members**

347

348 **22.** (1) An elected member is disqualified from sitting on the council if the member,

349 (a) is found to have committed an act of professional misconduct or is found to be
350 incompetent by a panel of the discipline committee;

351 (b) is found to be an incapacitated member by a panel of the fitness to practise
352 committee;

353 (c) with respect to a council member elected after October 1, 2011, ceases to hold
354 a certificate of registration that is not subject to a term, condition or limitation
355 other than one prescribed in any regulation made under the *Regulated Health*
356 *Professions Act, 1991* or the *Medicine Act, 1991*;

357 (d) fails, without cause, to attend three consecutive meetings of the council;

358 (e) fails, without cause, to attend three consecutive meetings of a committee of
359 which he or she is a member;

360 (f) ceases to either practise or reside in the electoral district for which the member
361 was elected;

362 (g) is in default of payment of any fee prescribed by College by-law for more than
363 thirty (30) days;

364 (h) fails, in the opinion of council, to discharge his or her duties to the College,
365 including having acted in a conflict of interest or otherwise in breach of College
366 by-law, the *Regulated Health Professions Act 1991*, or the College's
367 governance policies;

368 (i) is or becomes a director or officer of the Ontario Medical Association, the
369 Canadian Medical Protective Association, the Canadian Medical Association,
370 or the Coalition of Family Physicians and Specialists of Ontario; or

371 (j) holds a position which would cause the member to have a conflict of interest by
372 virtue of having competing fiduciary obligations to both the College and another
373 organization.

374

375 (2) If an elected member is disqualified from sitting on the council, his or her seat
376 becomes vacant.

377

378 (3) If a councillor believes that an elected member meets one or more of the criteria for
379 disqualification in subsection 22(1), he or she shall advise the registrar in writing.

380

381 (4) If the registrar receives information in writing that suggests that an elected council
382 member meets one of the criteria for disqualification set out in subsection 22(1), the
383 registrar shall report the matter to the Executive Committee.

384

385 (5) If the executive committee believes that the matter may warrant council's

386 consideration, it shall notify the member about the nature of the concern and provide the
387 member with a reasonable opportunity to respond to the concern before making a
388 decision.
389

390 (6) If the executive committee decides that the matter warrants council's consideration,
391 it shall place the matter on the agenda of council's next meeting, or the president shall
392 call a special council meeting for the purpose of determining whether the member meets
393 any of the criteria for disqualification under subsection 22(1). The registrar shall advise
394 the member of the date of the meeting and that the member may make written or oral
395 submissions to council at the meeting.
396

397 (7) Disqualification of an elected council member requires a two-thirds majority of
398 members present at the meeting. The member who is the subject of a motion for
399 disqualification shall not be present during the discussion following submissions, if any,
400 or during the vote, and shall not vote on the motion. Council shall not count the member
401 for the purpose of establishing quorum or calculating votes.
402

403 (8) A disqualified council member ceases to be a member of council and of any of its
404 committees.
405

406 (9) An elected member who becomes subject to any disciplinary or incapacity
407 proceeding shall not serve on council or on any committee until the proceeding is finally
408 completed.
409

410 **Filling of Vacancies**

411
412 **23.** (1) If the seat of an elected councillor becomes vacant not more than twelve
413 months before the expiry of the member's term of office the council may,

414 (a) leave the seat vacant;

415 (b) appoint as an elected member the candidate if any who had the most votes of
416 all the unsuccessful candidates in the last election of councillors for that
417 electoral district; or

418 (c) direct the registrar to hold a by-election for that electoral district in accordance
419 with this by-law.
420

421 (2) If the seat of an elected councillor becomes vacant more than twelve months
422 before the expiry of the member's term of office, the registrar shall hold a by-election for
423 that electoral district in accordance with this by-law.
424

425 (3) The term of office of a member appointed under clause (1)(b) or elected in a
426 by-election expires when the former councillor's term would have expired.
427

428 **ACADEMIC SELECTION**

429 **Academic Advisory Committee**

430
431
432 **24.** (1) An Academic Advisory Committee shall be established and shall be composed
433 of members appointed under this section.
434

435 (2) Between one and two months before the meeting of the council when the term of
436 office of newly elected councillors starts, the dean of each faculty of medicine of a

437 university in Ontario may appoint one member to the academic advisory committee.

438

439 (3) A member is eligible for appointment to the academic advisory committee if, on the
440 date of the appointment,

441 (a) the member is on the academic staff of the faculty of medicine;

442 (b) the member is not in default of payment of any fee payable to the College;

443 (c) the member is not the subject of any disciplinary or incapacity proceeding;

444 (d) the member's certificate of registration has not been revoked or suspended in
445 the six years preceding the appointment;

446 (e) the member's certificate of registration is not subject to a term, condition or
447 limitation other than one prescribed by a regulation; the member is not a
448 director or officer of the Ontario Medical Association, the Canadian Medical
449 Protective Association, the Canadian Medical Association, or the Coalition of
450 Family Physicians and Specialists of Ontario; and

451 (f) the member does not hold a position which would cause the member, if
452 appointed to the Academic Advisory Committee, to have a conflict of interest by
453 virtue of having competing fiduciary obligations to both the College and another
454 organization.
455

456 **Appointments**

457

458 **25.** A member shall be appointed to the academic advisory committee for a term of
459 about a year, from the first meeting of the council after his or her appointment when
460 elected councillors take office until the next such meeting.
461

462 **Selection of Councillors**

463

464 **26.** (1) Three members of the academic advisory committee shall be selected as
465 councillors in accordance with this section.
466

467 (2) At the last meeting of the council before the meeting when the term of office of
468 newly elected councillors starts, a vote shall be held by Council to select as councillors
469 three members of the academic advisory committee. The academic advisory committee
470 shall recommend three of its members to Council and Council shall vote by a show of
471 hands as to whether to accept the three proposed members as councillors.
472

473 (3) Should the majority of those present at Council eligible to vote accept the three
474 members proposed by the academic advisory committee as members of Council, those
475 members shall be councillors for the following year.
476

477 (4) Should the academic advisory committee not propose three members to be
478 selected as councillors, or should Council not select, by the method outlined in
479 paragraph 2 above, the three members proposed by the academic advisory committee,
480 a vote shall be held at Council in which all members of the academic advisory committee
481 are placed on a ballot. Each councillor may vote for up to three members of the
482 academic advisory committee. The three members of the academic advisory committee
483 for whom the most ballots are cast will be selected as councillors for the following year.
484

485 **Disqualification of Selected Councillors**

486

487 **27.** (1) A person selected as a councillor is disqualified from sitting on the council if
488 the member,

489 (a) is found to have committed an act of professional misconduct or is found to be
490 incompetent by a panel of the discipline committee;

491 (b) is found to be an incapacitated member by a panel of the fitness to practise
492 committee;

493 (c) with respect to a council member selected after October 1, 2011, ceases to
494 hold a certificate of registration that is not subject to a term, condition or
495 limitation other than one prescribed through regulation;

496 (d) fails without cause, to attend three consecutive meetings of the council;

497 (e) fails, without cause, to attend three consecutive meetings of a committee of
498 which he or she is a member;

499 (f) ceases to be on the academic staff of the faculty of medicine from which the
500 member was selected;

501 (g) is in default of payment of any fee prescribed by College by-law for more than
502 thirty (30) days;

503 (h) fails, in the opinion of council, to discharge his or her duties to the College,
504 including having acted in a conflict or otherwise in breach of a College by-law,
505 the *Regulated Health Professions Act, 1991*, or the College's governance
506 policies;

507 (i) is or becomes a director or officer of the Ontario Medical Association, the
508 Canadian Medical Association, or the Coalition of Family Physicians and
509 Specialists of Ontario; or

510 (j) holds a position which would cause the member to have a conflict of interest by
511 virtue of having competing fiduciary obligations to both the College and another
512 organization.

513

514 (2) If a councillor is disqualified from sitting on the council under subsection (1), the
515 council shall select a replacement from among the members of the academic advisory
516 committee who are not disqualified from sitting on the council and are not councillors.

517

518 (3) Subsections 22(3) through 22(9) apply with necessary modifications to the
519 disqualification of selected members.

520

521 **MEETINGS AND OFFICERS**

522

523 **Council Meetings**

524

525 **28.** (1) The council shall hold,

526 (a) an annual general meeting, which shall be called by the president between
527 November 1st and December 14th of each year,

528 (b) an annual financial meeting, which shall be called by the president between
529 March 1st and June 30th of each year,

- 530 (c) regular meetings other than the annual general meeting and the annual
531 financial meeting, which shall be called by the president from time to time, and
- 532 (d) special meetings, which may be called by the president or by any 12
533 councillors if the president or 12 councillors deposit with the registrar a written
534 requisition for the meeting containing the matter or matters for decision at the
535 meeting.

536
537 (2) The council shall at each annual general meeting,

- 538 (a) elect a president and vice-president to hold office until the next annual general
539 meeting and, if an election is not so held, the president and vice-president shall
540 continue in office until their successors are elected;
- 541 (b) appoint a member of the College who is a councillor to serve on the executive
542 committee ("Executive Member Representative"). If there is more than one
543 nominee, the council shall determine such member by first having an election
544 of nominees for this position, which election shall be in accordance with the
545 procedure set out in subsection 3.1. Following such election, the council shall
546 consider a motion to appoint the successful nominee to serve as the Executive
547 Member Representative; and
- 548 (c) approve a budget authorizing expenditures for the benefit of the College during
549 the following fiscal year.

550
551 (3) Council shall annually elect a President and a Vice President in accordance with
552 the procedure set out in subsection 3.1.

553

554 (3.1) The procedure for election of the president, vice-president and determination of
555 the member to be appointed as the Executive Member Representative (as defined in
556 subsection 28(2)(b)) shall be as follows:

557

- 558 (a) If there is only one nominee for an office or position, the presiding officer shall
559 declare the nominee elected by acclamation; or
- 560
561 (b) If there are two or more nominees for an office or position,
- 562
563 (i) prior to the first vote, each of these nominees shall be given an
564 opportunity to speak to the council for a maximum of two minutes about
565 his/her candidacy for the office or position;
- 566 (ii) that office or position shall be selected by voting by secret ballot, using
567 generally accepted democratic procedures;
- 568 (iii) the nominee who receives a majority of the votes cast for that office or
569 position shall be declared the successful nominee;
- 570 (iv) if no nominee receives a majority of the votes cast, the nominee who
571 receives the lowest number of votes shall be deleted from the nomination
572 (subject to clause (v)), and another vote by secret ballot shall be taken.
573 This procedure shall be followed until one nominee receives a majority of
574 the votes cast;
- 575 (v) if a tie vote occurs between two or more nominees having the lowest
576 number of votes and no nominee receives a majority of the votes cast:

- 577 i. if there is only one nominee other than the tied nominees, a vote by
578 secret ballot shall be taken to determine which of the tied nominees
579 shall be deleted from the nomination. If the nominees again receive
580 an equal number of votes, the presiding officer shall break the tie by
581 lot; or
582 ii. if there are two or more nominees other than the tied nominees, all of
583 the tied nominees shall be deleted from the nomination; and
584 (vi) if the nominees that remain have an equal number of votes, each of these
585 nominees shall be given an opportunity to speak to the council for a
586 maximum of two minutes about his/her candidacy for the office or
587 position, and then another vote by secret ballot shall be taken. If the
588 nominees again receive an equal number of votes, the presiding officer
589 shall break the tie by lot.
590

591 (3.2) The council may, at its option, use an electronic voting system for votes to be
592 held by ballot (including secret ballot) or by a show of hands. If an electronic voting
593 system is used for a vote by ballot, references in this by-law to ballot shall be deemed to
594 be references to an electronic ballot.
595

596 (4) The council shall at each annual financial meeting,

- 597 (a) consider and, if thought fit, approve the financial statements for the preceding
598 fiscal year and the auditor's report, and
599 (b) appoint one or more auditors who are duly licensed under the *Public*
600 *Accountancy Act* to hold office until the next annual financial meeting and, if
601 an appointment is not so made, the auditor in office shall continue until a
602 successor is appointed.
603

604 **Meeting Process**

605
606 **29.** (1) Meetings of the council shall take place in Ontario at a place, date and time
607 designated by the president or the 12 councillors calling the meeting but, if a place, date
608 or time is not designated or is incompatible with the by-laws, the registrar shall select a
609 place, date and time compatible with the by-laws which is as close as he or she can
610 reasonably select to the place, date and time designated by the person or people calling
611 the meeting.
612

613 (2) No formal notice is required for a meeting of the council and, at any meeting for
614 which notification has been sent in accordance with subsection (3), the council may
615 consider and transact any matter brought in accordance with subsection (4).
616

617 (3) The registrar shall cause each councillor to be notified in writing of the place, date
618 and time of a council meeting, by sending such notification at least,

- 619 (a) 14 days before a regular meeting; and
620 (b) 5 days before a special meeting;

621 and the registrar is responsible for including in or with the notification of a special
622 meeting the matter or matters for decision contained in the requisition of the meeting
623 deposited with him or her.
624

625 (4) The council shall, and may only, consider,

- 626 (a) at a special meeting, the matter for decision at the meeting contained in the
627 requisition deposited with the registrar;
- 628 (b) at a regular meeting, a motion made and seconded in writing,
629 (i) on behalf of the executive committee;
- 630 (ii) in a report by a committee which has received prior review by the
631 executive committee;
- 632 (iii) of which a notice of motion was given by a councillor at the preceding
633 council meeting; or
- 634 (iv) which the councillors agree to consider by a two-thirds vote of those in
635 attendance; and
- 636 (c) at any meeting, routine and procedural motions in accordance with the rules
637 of order.
638

639 (5) The president is responsible for the organization of an agenda for each council
640 meeting, which shall be distributed to the councillors as long a time before the meeting
641 as is practical.
642

643 (6) Each agenda for a Council meeting shall include an anticipated time for the
644 consideration of each item on the agenda, and a period during which councillors may
645 ask questions of the Executive Committee, or raise topics for informal discussion, that
646 are relevant to the affairs of the College.
647

648 (7) The president or his or her appointee for the purpose shall be the presiding officer
649 for meetings of the council.
650

651 (8) Unless otherwise required by law or by the by-laws, every motion which properly
652 comes before the council shall be decided by a simple majority of the votes cast at the
653 meeting by the councillors in attendance (including a councillor who is the presiding
654 officer) and, if there is an equality of votes on a motion, the motion shall be deemed to
655 have been defeated.
656

657 (9) Unless otherwise required or permitted by the by-laws, every vote at a council
658 meeting shall be by a show of hands except that, if any two councillors so require, the
659 presiding officer shall require the councillors voting in the affirmative and in the negative,
660 respectively, to stand until they are counted and, in either case, the presiding officer
661 shall declare the result of every vote, and his or her declaration is final.
662

663 (10) The registrar is responsible for the recording of the proceedings of each council
664 meeting, and the written record of the council meeting is, when signed by the persons
665 purporting to be the presiding and recording officers thereof, proof in the absence of
666 evidence to the contrary that the written record accurately reflects the proceedings of the
667 council meeting.
668

669 (11) The written record of the proceedings of a council meeting when accepted at a
670 subsequent council meeting, subject to any corrections made at such subsequent
671 meeting, is conclusive proof that the written record accurately reflects the proceedings of
672 the council meeting.
673

674 (12) Whether or not a quorum is present, the presiding officer may adjourn any
675 properly called council meeting and reconvene it at any time and from time to time and, if

676 a quorum is present at any reconvened meeting, any matter may be considered and
677 transacted at it which could have been transacted at the original meeting which was
678 adjourned.

679
680 (13) The rules of order contained in or adopted by schedule 1 to this by-law are the
681 rules of order for meetings of the council.

682 **Executive Delegation**

683
684
685 **30.** The executive committee may exercise all the powers and duties of the council
686 with respect to any matter that, in the opinion of the executive committee, requires
687 attention between meetings of the council.

688 **Presidential Officers**

689
690
691 **31.** (1) The president is the chief officer of the College, and the other members of the
692 executive committee shall assist the president in the discharge of his or her duties.

693
694 (2) The vice-president is the deputy chief officer of the College and shall discharge the
695 duties of the president if the president is unavailable.

696 **Vacancies in Presidential Offices**

697
698
699 **32.** (1) The office of president or vice-president becomes vacant if the holder of the
700 office dies, resigns, stops being a councillor or is removed from office by a vote of
701 council at a special meeting called for that purpose and, in the case of the vice-
702 president, in accordance with clause (2)(b).

703
704 (2) If the office of the president becomes vacant,

705 (a) the vice-president becomes the president for the unexpired term of the office;

706 (b) the office of vice-president thereby becomes vacant; and

707 (c) the council shall fill any vacancy in the office of vice-president at a special
708 meeting which the president shall call for that purpose as soon as practicable
709 after the vacancy occurs.

710
711 (3) If the offices of the president and of the vice-president become vacant
712 concurrently,

713 (a) the longest-serving member of the executive committee who is a member of
714 the College becomes the president *pro tempore* until the council fills the
715 vacancies;

716 (b) the council shall fill both vacancies at a special meeting which the president
717 *pro tempore* shall call for that purpose as soon as practicable after the
718 vacancies occur.

719

720

721 **Part 3. Committees**

722

723 **APPOINTMENTS AND PROCEDURE**

724 **Definition**

725

726 **33.** In this part, unless otherwise defined or required by the context, "committee"

726 means any committee of the College, whether established by or under the Health
727 Professions Procedural Code, the regulations or the by-laws.

728

729 **Committee Composition**

730

731 **34.** (1) Unless otherwise required by law or this by-law,

732 (a) the council shall appoint the members of each committee and a chair of each
733 committee;

734 (b) each committee shall be composed of such members of the College and others
735 as the council may appoint; and

736

737 (2) [*repealed: June 26, 2008*]

738

739 (3) The council and the executive committee may establish special committees, and
740 may appoint the members to, and establish the powers and duties of, any such special
741 committee.

742

743 **Appointment of Members to Committees**

744

745 **35.** (1) The council may appoint a member of the College to a committee only if, on
746 the date of the appointment,

747 (a) the member practises medicine in Ontario or resides in Ontario;

748 (b) the member is not in default of payment of any prescribed fees;

749 (c) the member is not the subject of any disciplinary or incapacity proceeding;

750 (d) the member's certificate of registration has not been revoked or suspended in
751 the six years preceding the date of the appointment; and

752 (e) the member's certificate of registration is not subject to a term, condition or
753 limitation other than one prescribed by a regulation.

754

755 (2) The council may appoint a person who is not a member of the College or a
756 councillor to a committee.

757

758 **Disqualification of Members from Committees**

759

760 **36.** (1) A committee member who is a member of the College is disqualified from
761 sitting on the committee if the member,

762 (a) is found to have committed an act of professional misconduct or is found to be
763 incompetent by a panel of the discipline committee;

764 (b) is found to be an incapacitated member by a panel of the fitness to practise
765 committee;

766 (c) ceases to hold a certificate of registration that is not subject to a term, condition
767 or limitation other than one prescribed in any regulation made under the
768 *Regulated Health Professions Act, 1991* or the *Medicine Act, 1991*;

769 (d) fails, without cause in the opinion of the executive committee, to attend three
770 consecutive meetings of the committee or of a subcommittee of which he or
771 she is a member;

772 (e) fails, without cause in the opinion of the executive committee, to attend a

- 773 hearing or review panel for which he or she has been selected;
- 774 (f) is in default of payment of any fee prescribed by College by-law for more than
775 thirty (30) days;
- 776 (g) fails, in the opinion of council, to discharge his or her duties to the College,
777 including having acted in a conflict of interest or otherwise in breach of a
778 College by-law of the *Regulated Health Professions Act, 1991*, or the College's
779 Governance policies; or
- 780 (h) neither practises nor resides in Ontario.

781
782 (2) A committee member who is a member of the council and becomes disqualified
783 from sitting on the council is thereby disqualified from sitting on the committee.

784
785 (3) The term of office of a committee member expires in the event that the committee
786 member is disqualified from sitting on the committee.

787
788 (4) A committee member who is a member of the College and who becomes subject to
789 any disciplinary or incapacity proceeding shall not serve on any committee until the
790 proceeding is finally completed.

791
792 (5) Council may remove a committee member who is a member of the College by
793 ordinary resolution requiring a simple majority.

794 **Committee Appointments and Term**

795
796
797 **37.** (1) The term of office of a committee member starts when he or she is appointed
798 or at such later time as the council specifies in the appointment.

799
800 (2) The term of office of a committee member automatically expires at the annual
801 general meeting of the council which occurs next after the appointment.

802
803 (3) Where one or more vacancies occur in the membership of a committee, the
804 committee members remaining in office constitute the committee so long as their
805 number is not fewer than the quorum prescribed by law or this by-law.

806
807 (4) The executive committee may and, if necessary for a committee to achieve its
808 quorum, shall make appointments to fill any vacancies which occur in the membership of
809 a committee.

810 **Committee Meetings**

811
812
813 **38.** (1) This section does not apply to a proceeding of a committee or a panel of a
814 committee that is held for the purpose of conducting a hearing.

815
816 (2) Each committee shall meet from time to time at the direction of the council or the
817 executive committee or the call of the chair at a place in Ontario, date and time
818 designated by the chair.

819
820 (3) No formal notice is required for a meeting of a committee but the chair of each
821 committee shall designate a College employee involved in the administration of the
822 committee's affairs who shall make reasonable efforts to notify all the committee
823 members informally of every meeting and to arrange the meeting date and time for the

824 convenience of the committee members.

825

826 (4) Unless otherwise required by law or this by-law, a majority of the members of a
827 committee constitutes a quorum.

828

829 (5) The chair or his or her appointee for the purpose shall preside over meetings of
830 the committee.

831

832 (6) Every question which comes before a committee may be decided by a majority of
833 the votes cast at the meeting (including a committee member who is the presiding
834 officer) and, if there is an equality of votes on a question, the question shall be deemed
835 to have been defeated.

836

837 (7) A meeting of the Council, or a meeting of members of a committee or of a panel of
838 a committee that is held for any purpose other than conducting a hearing, may in the
839 discretion of the chair be held in any manner that allows all the persons participating to
840 communicate with each other simultaneously and instantaneously.

841

842 (8) The presiding officer is responsible for the recording of the deliberations at every
843 committee meeting, and the written record is, when signed by the persons purporting to
844 be the presiding and recording officers thereof, proof in the absence of evidence to the
845 contrary that the written record accurately reflects the deliberations at the committee
846 meeting.

847

848 (9) The written record of the deliberations at a committee when accepted at a
849 subsequent committee meeting, subject to any corrections made at such subsequent
850 meeting, is conclusive proof that the written record accurately reflects the deliberations
851 at the committee meeting.

852

853 (10) The written record of the deliberations at every committee meeting shall be
854 deposited with the registrar promptly after it has been signed by the presiding and
855 recording officers.

856

857 **STATUTORY COMMITTEES**

858

859 **Executive Committee**

860

861 **39.** (1) The executive committee shall be composed of,

862 (a) the president and the vice-president;

863 (b) the past president and one member of the college who is a councillor or, if the
864 past president is unwilling or unable to serve on the executive committee, two
865 members of the College one or both of whom are councillors; and

866 (c) one or two councillors appointed to the council by the Lieutenant Governor in
867 Council.

868

869 (2) The president is the chair of the executive committee.

870

871 (3) In addition to the duties of the executive committee set out in section 30 of this by-
872 law and section 12 (1) of the Health Professions Procedural Code under the *Regulated*
873 *Health Professions Act*, the executive committee shall review the performance of the
874 registrar and shall set the compensation of the registrar.

- 875
876 (4) In order to fulfill its duties under subsection (3), the executive committee shall,
877 (a) consult with Council in respect of the performance of the registrar and with
878 respect to setting performance objectives in accordance with a process
879 approved from time to time by Council;
880 (b) receive the advice of the compensation committee, and
881 (c) ensure that decisions with respect to the appointment and re-appointment of
882 the registrar are approved by Council.

883

884 **Patient Relations Committee**

885

886 **39.1** The Patient Relations Committee shall be composed of only:

- 887 (a) no fewer than 2 and no more than 4 members of the College who are not
888 currently Councillors or current members of other committees; and
889 (b) one or two members of the public who are not members of the College and
890 who are not currently appointed to the Council by the Lieutenant Governor and
891 Council.

892

893 **Quality Assurance Committee**

894

895 **40.** A panel of three or more members of the quality assurance committee appointed
896 by the chair of the quality assurance committee is a quorum, and may discharge the
897 duties and exercise the authority, of the quality assurance committee.

898

899 **Summonses**

900

901 **40a.** Any member of a committee that is a tribunal may sign summonses issued under
902 subsection 12(1) of the *Statutory Powers Procedure Act*.

903

904

STANDING COMMITTEES

905 **Establishment**

906

907 **41.** The following committees are the standing committees.

- 908 1 Council Award Selection Committee
909 2 Education Committee
910 3 Finance Committee
911 3a Governance Committee
912 4 Methadone Committee
913 5 Nominating Committee [*repealed: May 2003*]
914 6 Outreach Committee
915 7 Premises Inspection Committee
916 8 Compensation Committee

917

918 **Council Award Selection Committee**

919

920

41a.-(1) The Council Award Selection Committee shall be composed of,

921

(a) the president and the three most immediate past presidents except for any of the three most immediate past presidents who are unable or unwilling to be on the committee; and

922

923

924

(b) a member of the Council who was appointed to the Council by the Lieutenant Governor in Council appointed by the Executive Committee.

925

926

927

(2) The past president shall be the chair of the Council Award Selection Committee if he or she is a member of the committee.

928

929

930

(3) The Council Award Selection Committee shall select the person or people to whom to award the Council Awards.

931

932

Education Committee

933

934

935

42. (1) The education committee shall include all the persons appointed to the academic advisory committee under section 24, as well as any other persons the council may appoint.

936

937

938

(2) The education committee shall,

939

(a) review and make recommendations to the council respecting matters of undergraduate and postgraduate medical education in Ontario;

940

941

(b) establish mechanisms to enhance continuing professional development by College members including:

942

943

(i) systematically tracking College-observed trends of needs in physician education;

944

945

(ii) advocating for these needs to be met by external educational providers; and

946

947

(iii) endorsing methods for measuring outcomes of educational interventions by the College.

948

949

(c) approve, monitor and/or evaluate methods for use by the College, which may include the following:

950

951

(i) Assessment methods and tools for competence and performance;

952

953

(ii) Programs to promote and enhance professionalism; and

954

955

(iii) Supervision roles.

956

Finance Committee

957

958

43. (1) The finance committee shall review and report to the council regarding the financial affairs and position of the College.

959

960

(2) In order to fulfil its duty under subsection (1), the finance committee shall,

961

(a) meet with the auditor each year,

962

963

(i) before the audit to review the timing and extent of the audit and to bring to the attention of the auditor any matters to which it considers the

- 964 auditor should pay attention; and
- 965 (ii) as shortly before the annual financial meeting as practical in order to
966 review and discuss with the auditor the financial statements, the
967 auditor's report and the management letter;
- 968 (b) review the draft budget before it is presented to the executive committee, and
969 report to the executive committee and the council arising from its review of,
- 970 (i) the assumptions in the draft budget;
- 971 (ii) the steps taken to maximize efficiency and minimize cost in relation to
972 the quality of goods and level of service; and
- 973 (iii) any other issue which the committee considers may affect the financial
974 affairs and position of the College; and
- 975 (c) review from time to time,
- 976 (i) the expenditures of the College in relation to the budget;
- 977 (ii) the performance and administration of the College's pension plans;
- 978 (iii) the investment strategies and performance of the College's non-
979 pension investments; and
- 980 (iv) the security of the College's assets generally.

981
982 (3) Except where the council or the executive committee directs otherwise by
983 resolution, no significant expenditure shall be made that is not authorized by the budget
984 without an opportunity for the finance committee to consider the implications of the
985 unbudgeted expenditure and provide to the executive committee a revised budget.
986

987 **Governance Committee**

- 988 **44.-(1)** The governance committee shall be composed of,
- 989 (a) the president, the vice-president and a past president;
- 990 (b) one councillor who is a member of the College and who is not a member of
991 the executive committee; and
992 (c) two persons appointed to the Council by the Lieutenant Governor in Council
993 who are not members of the Executive Committee.
994
- 995 (2) A past president shall chair the governance committee.
- 996 (3) The Governance Committee shall,
- 997 (a) monitor the governance process adopted by the Council and report annually to
998 the Council on the extent to which the governance process is being followed;
- 999 (b) consider and, if considered advisable, recommend to the Council changes to
1000 the governance process;
- 1001 (c) ensure nominations for the office of president and vice-president;
- 1002 (d) make recommendations to the Council regarding the members and chairs of
1003 committees; and
- 1004 (e) make recommendations to the Council regarding any other officers, officials or
1005 other people acting on behalf of the College.
1006
1007

1008

1009 **Methadone Expert Advisory Committee**

1010 **44.** *[repealed: May 31, 2002]*

1011

1012 **Methadone Committee**

1013

1014 **45.** The methadone committee shall,

1015 (a) administer and govern the College's methadone program, including,

1016 (i) brief programs of education in addiction medicine;

1017 (ii) the establishment of guidelines or standards applicable generally to the
1018 use of methadone in the management of opioid dependence; and

1019 (iii) a program to review the prescribing of methadone by members in the
1020 management of opioid dependence; and

1021 (b) decide whether,

1022 (i) to recommend to the Minister of National Health and Welfare the
1023 issuance, renewal or withdrawal of an authorization or exemption for a
1024 member to administer, prescribe, give or otherwise furnish methadone for
1025 the management of opioid dependence; and

1026 (ii) in accordance with any legislation enacted in Ontario, to issue, refuse to
1027 issue or withdraw a permit for a member to administer, prescribe, give or
1028 otherwise furnish methadone for the management of opioid dependence.

1029

1030 **Nominating Committee**

1031 **46.** *[repealed: May 29, 2003]*

1032

1033 **Outreach Committee**

1034

1035 **47.** (1) The Outreach Committee shall work collaboratively with the Communications
1036 and Government Relations department to:

1037 (a) help develop major communications and outreach initiatives to the
1038 profession and public;

1039 (b) assist in the development of major communications and government
1040 relations activities; and

1041 (c) develop plans to deliver on each of the communications and outreach
1042 related components of the College's strategic plan.

1043

1044 **Premises Inspection Committee**

1045

1046 **47.1** The Premises Inspection Committee shall administer and govern the College's
1047 premises inspection program in accordance with Part XI of Ontario Regulation 114/94,
1048 and its duties shall include, but not be limited to:

1049 (a) ensuring appropriate individuals are appointed to perform inspections or re-
1050 inspections as authorized by Ontario Regulation 114/94;

1051 (b) ensuring adequate inspections and re-inspections are undertaken and
1052 completed in a timely way using appropriate tools and mechanisms;

- 1053 (c) reviewing premises inspection reports and other material referred to in Ontario
1054 Regulation 114/94 and determining whether premises pass, pass with
1055 conditions or fail an inspection;
- 1056 (d) specifying the conditions that shall attach to each "pass with conditions";
- 1057 (e) delivering written reports as required under Ontario Regulation 114/94; and
- 1058 (f) establishing or approving costs of inspections and re-inspections and ensuring
1059 the member or members performing the procedures on the premises are
1060 invoiced for those costs.

1061

1062 **47.2** Three members of the Premises Inspection Committee, at least one of whom
1063 shall be a person who is not a member of the College, shall constitute a quorum.

1064

1065 **Compensation Committee**

1066

1067 **47.3** (1) The compensation committee shall be composed of:

- 1068 (a) the vice-president
- 1069 (b) the president
- 1070 (c) the past president
- 1071 (d) the current chair of the finance committee; and
- 1072 (e) a public member of the Executive Committee

1073

1074 (2) The compensation committee shall report to the executive committee and shall
1075 assist the executive committee in reviewing the performance of the registrar and in
1076 setting the compensation of the registrar.

1077

1078 (3) In performing its duties, the compensation committee shall follow a process
1079 approved from time to time by Council.

1080

1081 **Part 4. Registration Matters**

1082

1083 **Names in the Register**

1084

1085 **48.** (1) A member's name in the register shall be the member's full name and
1086 consistent with the name used by the member in his or her undergraduate medical
1087 training, as supported by documentary evidence.

1088

1089 (2) The registrar may direct that a member's name, which is not the name used by
1090 the member in his or her medical training, be entered in the register if the member
1091 satisfies the registrar that the member has validly changed his or her name since
1092 undergraduate medical training and that the use of the newer name is not for an
1093 improper purpose.

1094

1095 (3) The registrar may give a direction under subsection (2) before or after the initial
1096 entry of the member's name in the register.

1097

1098 **Content of Register Entries**

1099

1100 **49.** (1) In addition to the information required under subsection 23(2) of the Health
1101 Professions Procedural Code, the register shall contain the following information with
1102 respect to each member:

- 1103 1. ~~The member's name and a~~Any changes in the member's name since his or
1104 her undergraduate medical training that is used or to be used in his or her
1105 practice, and the date of such change, if known to the College.
- 1106 2. The member's gender and registration number.
- 1107 3. The member's date and place of birth.
- 1108 4. If the member has died, an indication that the member has died and the date
1109 of death, where that information is known to the College.
- 1110 5. The name of the medical school from which the member received his or her
1111 undergraduate medical degree and the date the member received the
1112 degree.
- 1113 6. A description of the member's postgraduate training in Ontario.
- 1114 7. If the member ~~has been~~is certified by the Royal College of Physicians and
1115 Surgeons of Canada or the College of Family Physicians of Canada,
1116 i. that fact,
1117 ii. the date of the certification, and
1118 iii. the discipline or sub-discipline in which the member is certified, and
1119 ~~iv. whether the member was certified by examination and, if not, by what~~
1120 process.
- 1121
- 1122 7.1. If the member is formally recognized as a specialist by the College,
1123 i. that fact,
1124 ii. the date of recognition, and
1125 iii. the discipline or sub-discipline in which the member is recognized.
1126
- 1127 8. The classes of certificate of registration held by the member and the date on
1128 which each certificate was issued and, if applicable, the ~~termination~~
1129 revocation, suspension or expiration date, or date of removal of a
1130 suspension.
- 1131 9. The member's electoral district for elections to the council and the county or
1132 other region within the electoral district where the member principally
1133 practises or resides.
- 1134 10. The member's preferred address for communications from the College.
- 1135 11. The address, telephone number, facsimile number and e-mail address of the
1136 member's principal place of practice.
- 1137 12. The identity of each hospital ~~and health facility~~ in Ontario where the member
1138 has professional privileges, and where known to the College, all revocations,
1139 suspensions, ~~or~~ restrictions, resignations, relinquishments and rejections of

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- 1140 appointment or reappointment applications reported to the College by
 1141 hospitals under s. 85.5 of the Health Professions Procedural Code or s. 33 of
 1142 the Public Hospitals Act, in each case, commencing from the date ~~this by-~~
 1143 ~~law~~the relevant portion of this by-law went goes into effect.
- 1144 13. If an allegation of professional misconduct or incompetence against the
 1145 member has been referred to the discipline committee and not yet decided,
 1146 i. a summary of the allegation if it was referred to the discipline committee
 1147 prior to September 10, 2013,
 1148 ii. a summary of the allegation and/or the notice of hearing if it was referred
 1149 to the discipline committee after September 10, 2013,
 1150 iii. an indication that the matter has been referred to the discipline
 1151 committee,
 1152 iv. the anticipated date of the hearing, if the date has been set,
 1153 v. if the hearing has been adjourned after September 10, 2013 and no
 1154 future date has been set, the fact of the adjournment, and
 1155 vi. if the decision is under reserve, that fact.
- 1156 14. ~~If a finding of professional misconduct or incompetence has been made~~
 1157 ~~against the member in Ontario~~If the result of a disciplinary proceeding in
 1158 which a finding was made by the discipline committee in respect of the
 1159 member is in the register,
 1160 i. ~~that fact,~~
 1161 ii. the date on which the discipline committee made ~~of~~ the finding, and ~~the~~
 1162 place where it was made,
 1163 ~~iii. a brief summary of the facts on which the finding was based~~the date on
 1164 which the discipline committee ordered any penalty,
 1165 ~~iv. the penalty, and~~
 1166 ~~v. subject to subsection 23(2.1) of the Health Professions Procedural~~
 1167 ~~Code, where the finding is under appeal, a notation to that effect.~~
- 1168 15. If an allegation of the member's incapacity has been referred to the fitness to
 1169 practise committee and not yet decided, an indication of the referral.
- 1170 16. If the result of an a finding of ~~incapacity~~ proceeding in which a finding was
 1171 has been made by the fitness to practice committee in respect of the member
 1172 is in the register,
 1173 i. ~~that fact~~the date on which the fitness to practice committee made the
 1174 finding,
 1175 ii. a summary of the order made by the panel hearing the matter ~~the~~
 1176 effective date of any order of the fitness to practice committee, ~~and~~
 1177 iii. where the finding is under appeal, a notation to that effect, and
 1178 iv. when an appeal of a finding of incapacity is finally disposed of, the
 1179 notation added under subparagraph iii of this paragraph 16 shall be
 1180 removed.
- 1181 17. If an application to the discipline committee for reinstatement has been
 1182 scheduled,

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- 1183 i. the dates on which the application is scheduled to be heard,
1184 ii. if the hearing has been adjourned after September 10, 2013 and no
1185 future date has been set, the fact of that adjournment, and
1186 iii. if the decision is under reserve, that fact
- 1187 17.1 If an application to the discipline committee for reinstatement has been
1188 decided, the decision of the discipline committee.
1189
- 1190 17.2 (1) If an application for reinstatement has been made to the Council or the
1191 Executive Committee under s.75 of the Health Professions Procedure
1192 Code, with respect to a person whose certificate of registration has been
1193 revoked or suspended as a result of disciplinary proceedings, the date on
1194 which the Council or the Executive Committee will consider the
1195 application, and the decision of the Council or Executive Committee.
1196
- 1197 (2) If an application for reinstatement has been made to the Council or the
1198 Executive Committee under s.74 of the Health Professions Procedural
1199 Code, with respect to a person whose certificate of registration has been
1200 revoked or suspended as a result of incapacity proceedings, the date on
1201 which the Council or the Executive Committee will consider the
1202 application, and a summary of the decision of the Council or Executive
1203 Committee unless the Registrar determines that it is in the public interest
1204 that the decision be disclosed.
1205
- 1206 18. If a member is no longer practising in Ontario, contact information regarding
1207 the transfer or provisional custody of medical records, where that information
1208 has been provided to the College.
1209
- 1210 19. Where there has been a finding of guilt against a member under the
1211 *Criminal Code* or a finding of an offence under the *Health Insurance*
1212 *Act*, made on or after June 1, 2015, if the person against whom the
1213 finding was made was a member at the time of the finding, and if the
1214 finding and/ or appeal is known to the College, a brief summary of:
- 1215 (i) the finding;
1216 (ii) the sentence;
1217 (iii) where the finding is under appeal, a notation that it is under
1218 appeal, until the appeal is finally disposed of; and
1219 (iv) the dates of (i)-(iii), where known to the College.
1220
- 1221 20. Any currently existing conditions of release following a charge for a criminal
1222 or provincial offence, or subsequent to a finding of guilt and pending appeal,
1223 that relate to the member's practice, or any variations to those conditions,
1224 when known to the College.
1225
- 1226 21. In respect of a decision of the Inquiries, Complaints and Reports
1227 Committee that includes a disposition of a caution-in-person, if the
1228 complaint that led to the decision, or, in a case where there is no
1229 complaint, the first appointment of investigators in the file, is dated on
1230 or after January 1, 2015, a summary of that decision, and, where
1231 applicable, a notation that the decision has been appealed.

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22. Where a decision referred to in paragraph 21 above is overturned on appeal or review, the summary shall be removed from the Register.
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")~~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 a~~ SCERP referred to in paragraph 23 above, 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~~register.
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.
27. Where a member is currently registered or ~~licenced~~licensed to practice medicine in another jurisdiction, and such ~~license~~licence or registration has been made known to the College as of or after September 1, 2015, the fact of that licensure or registration.
28. Where a member has been the subject of a disciplinary finding by another medical regulatory or licensing authority on or after September 1, 2015, 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.
29. If the terms, conditions and limitations (other than those required by regulation) are imposed on a member's certificate of registration or if terms, conditions and limitations in effect on a member's certificate of registration are amended,
- i. the effective date of the terms, conditions and limitations imposed or of the amendments, and
 - ii. a notation as to the committee or the members, as applicable, that

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imposed or amended the terms, conditions and limitations on the member's certificate of registration.

30. Where a member's certificate of registration is revoked or suspended, the committee that ordered the suspension or revocation of the member's certificate of registration, if applicable.

31. Where a member's certificate of registration is expired, the reason for the expiry.

32. Where a notation of a finding of professional negligence or malpractice in respect of the member is in the register,

- i. the date of the finding, and
- ii. the name and location of the court that made the finding against the member, if known to the College.

33. The date on which the College issued a certificate of authorization in respect of the member, and the effective date of any revocation or suspension of the member's certificate of authorization.

34. The language(s) in which the member is competent to conduct practice, as reported by the member to the College.

~~-(2) When an appeal of a finding of incapacity is finally disposed of, the notation added under subparagraph iii of paragraph 16 of subsection (1) shall be removed.~~

(3) The register shall also contain the outcome and/or status of inspections of all premises (including conditions and/or reasons for fail results) carried out since April 2010 under Part XI of Ontario Regulation 114/94, including the relevant date. This paragraph applies to the most current outcome and/or status as of January 31, 2013, and every outcome and/or status thereafter.

Public Information

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, **and**

~~(e)~~(f) any information that the registrar refuses or has refused to post on the College's website pursuant to subsection 23(6), (7), (8), (9) or (11) of the Health Professions Procedural Code.

is designated as public except that,

- ~~(f)~~ **if,**
- (i) ~~a finding of professional misconduct was made against a member,~~

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- 1329 (ii) ~~the penalty imposed was a reprimand or a fine, and~~
1330 (iii) ~~at least six years have elapsed since the penalty order became final,~~
1331 ~~the finding of misconduct and the penalty are no longer public~~
1332 ~~information; and~~
- 1333 (g) if,
- 1334 (i) terms, conditions or limitations were directed to be imposed upon a
1335 member's certificate of registration by a committee other than the
1336 discipline committee, and
- 1337 (ii) the terms, conditions or limitations have been removed, the ~~fact and~~
1338 content of the terms, conditions or limitations are no longer public
1339 information
- 1340 (2) The information contained in the register which is designated as public shall be,
- 1341 (a) capable of being printed promptly; and
- 1342 (b) available in printed form to any person during the normal hours of operation
1343 of the offices of the College.
1344
- 1345 (3) The registrar may give any information contained in the register which is
1346 designated as public to any person in printed or oral form.

1347
1348 **Liability Protection**
1349

1350 **50.2** Each member shall obtain and maintain professional liability protection that
1351 extends to all areas of the member's practice, through one or more of

- 1352 (a) membership in the Canadian Medical Protective Association;
- 1353 (b) a policy of professional liability insurance issued by a company licensed to
1354 carry on business in the province, that provides coverage of at least
1355 \$10,000,000;
- 1356 (c) coverage under the Treasury Board Policy on Legal Assistance and
1357 Indemnification.
1358

1359 **Notification Required by Members**
1360

1361 **51.** (1) A member shall notify the College in writing or electronically as specified
1362 by the College of,

- 1363 (a) the member's preferred addresses (both mailing and e-mail) for
1364 communications from the College;
- 1365 (b) the address and telephone number of the member's principal place of
1366 practice;
- 1367 (c) the identity of each hospital and health facility in Ontario where the
1368 member has professional privileges; ~~and~~
- 1369 (d) any currently existing conditions of release (not including any information
1370 subject to a publication ban) following a charge for a criminal or provincial
1371 offence, or subsequent to a finding of guilt and pending appeal, and any
1372 variations to those conditions; ~~and,~~

1373 ~~(d)~~(e) any changes in the member's name since her or her undergraduate
1374 medical training that is used or will be used in the member's practice.-
1375

1376 (2) If there is a change in the information provided under subsection (1), the
1377 member shall notify the College in writing or electronically as specified by the College of
1378 the change within thirty days of the effective date of the change.

1379 (3) The College may forward to its members from time to time requests for
1380 information in a printed or electronic form approved by the Registrar. Each member
1381 shall accurately and fully complete and return such form, electronically or otherwise as
1382 specified by the College, by the due date set by the College. A request for member
1383 information may include (but is not limited to) the following:

- 1384 (a) his or her home address;
- 1385 (b) an e-mail address for communications from the College and the address of all
1386 locations at which the member practises medicine;
- 1387 (c) a description of the services and clinical activities provided at all locations at
1388 which the member engages in medical practice;
- 1389 (d) the names, business addresses and telephone numbers of the member's
1390 associates and partners.
- 1391 (e) information required to be maintained on the register of the College;
- 1392 (f) information respecting the member's participation in continuing professional
1393 development and other professional training;
- 1394 (g) the types of privileges held at each hospital at which a member holds
1395 privileges;
- 1396 (h) information that relates to the professional characteristics and activities of the
1397 member that may assist the College in carrying out its objects, including but not
1398 limited to:
- 1399 (i) information that relates to the member's health;
- 1400 (ii) information about actions taken by other regulatory authorities and
1401 hospitals in respect of the member;
- 1402 (iii) information related to civil law suits involving the member;
- 1403 (iv) information relating to criminal arrest(s) and charge(s); and
- 1404 (v) information relating to offences.
- 1405 (i) information for the purposes of compiling statistical information to assist the
1406 College in fulfilling its objects.

1407
1408 (3.1) (a) In this section "premises" and "procedure" have the definitions that are set
1409 out in s.44(1) of Ontario Regulation 114/94 made under the *Medicine Act*
1410 *1991*;

1411
1412 (b) Every member who performs a procedure in a premises subject to inspection
1413 under Part XI of Ontario Regulation 114/94 shall report to the College, within 24
1414 hours of learning of any of the following events:

- 1415 (i) Death within the premises;
- 1416 (ii) Death within 10 (ten) days of a procedure performed at the premises;

1417 (iii) Any procedure performed on wrong patient, site, or side; or
1418 (iv) Transfer of a patient from the premises directly to a hospital for care.
1419
1420 (c) In addition to reporting the event, the member shall provide all information
1421 underlying the event to the College in an Adverse Events Reporting form
1422 approved by the College.

1423
1424 (4) When applying for a certificate of registration or a renewal of a certificate of
1425 registration, an applicant must sign a declaration that he or she complies with section
1426 50.2 of the by-law.

1427
1428 (5) A member must have available at his or her office, in written or electronic form, for
1429 inspection by the College, evidence that he or she complies with section 50.2, or may
1430 have the provider of the protection under s. 50.2 provide regular updates to the College
1431 confirming compliance with s. 50.2.

1432
1433 (6) Section 50.2 and subsection (4) do not apply to:

1434 (a) a member who provides written evidence, satisfactory to the College, that
1435 s/he is not providing any medical service in Ontario to any person;

1436 (b) a person who holds emeritus status or who is designated as a life member
1437 under s. 43 of O. Reg. 577/75; or

1438 (c) a member who provides written evidence, satisfactory to the College, from his
1439 or her employer that:

1440 (i) the licensed member is only providing medical service to other
1441 employees of the employer, and not to any members of the public, and

1442 (ii) any professional liability claim made against the licensed member will be
1443 covered by the employer or the employer's insurer.

1444
1445 (7) Upon request of the College, a member shall provide to the College, in writing or
1446 electronically, acceptable documentation confirming completion of continuing
1447 professional development programs in which the member has participated during a
1448 specified period of time.

1449
1450 **51b.** Every health profession corporation that holds a certificate of authorization from
1451 the College shall provide the Registrar with notice in writing of any change in the
1452 shareholders of such corporation, who are members of the College, within fifteen (15)
1453 days following the occurrence of such change. The notification shall include the identity
1454 of the shareholder who has ceased to be a shareholder, and the identity of any new
1455 shareholder(s), and the date upon which such a change occurred. The notice shall be
1456 addressed to the Registrar, in care of the Registration Department of the College, re:
1457 Notice of Shareholder Change. The notification shall be signed by a director of the
1458 health profession corporation. The notification may be sent by regular mail, fax, courier
1459 or personal delivery, but may not be sent by electronic mail. The Registrar may from
1460 time to time approve a standard form for the purposes of providing the notice required by
1461 this section and where such form has been approved the notice shall be submitted in the
1462 approved form.
1463

1464 **Emeritus Status**

1465

1466 **52.** (1) The registrar may grant emeritus status to a former holder of a certificate of
1467 registration of any class who applies therefore and who,

1468 (a) has held a certificate of registration authorizing independent practice, a General
1469 licence under Part III of the *Health Disciplines Act* or the equivalent licence
1470 under a predecessor of that Act, or some combination of them, continuously for
1471 twenty-five years;

1472 (b) has not been the subject of a finding of professional misconduct or
1473 incompetence that has been entered in the register;

1474 (c) at the time of application, is not,

1475 (i) in default of payment of any fee payable to the College;

1476 (ii) in default of providing to the College any information required by or under
1477 an Act or regulation; and

1478 (iii) is not the subject of proceedings for professional misconduct or
1479 incompetence; and

1480 (d) is fully retired from the practice of medicine.

1481

1482 (2) The registration committee may grant emeritus status to a former holder of a
1483 certificate of registration of any class who applies therefore and complies with clauses
1484 (1)(c) and (d).

1485

1486 (3) A person with emeritus status may not practise medicine.

1487

1488 (4) A member who was designated as a life member under section 43 of Ontario
1489 Regulation 577/75 or a predecessor thereof shall be deemed to continue as a person
1490 with emeritus status but a life member who continues to meet the requirements of
1491 section 43 of Ontario Regulation 577/75 may elect to maintain his or her life
1492 membership.

1493

1494 **Expiry and Renewal of Emeritus Status**

1495

1496 **53.** (1) The registrar shall mail an application for renewal to each person with
1497 emeritus status and each life member at the person's last known address before April 15
1498 in each year, together with notification that the person's emeritus status or life
1499 membership will expire unless the completed application for renewal is received by the
1500 registrar by the following May 31.

1501

1502 (2) An emeritus status and a life membership expire unless the member's completed
1503 application for renewal is received by May 31 of each year.

1504

1505 (3) The registrar shall, and the registration committee may, renew the emeritus status
1506 of a person whose emeritus status has expired on the same basis as the registrar or the
1507 registration committee may grant emeritus status under section 52.

1508

1509 (4) A life membership which expires may not be renewed, but a life member whose
1510 membership has expired is entitled to emeritus status.

1511

1512

Part 5. By-Laws

1513 **Making and Numbering**

1514

1515 **54.** (1) A by-law may be made, amended and revoked by an ordinary motion except
1516 that subclause 29(4)(b)(iv) does not permit the making, amending or revoking of a by-
1517 law.

1518

1519 (2) Every by-law and every amendment and revocation of a by-law shall be numbered
1520 according to the order in which it was passed, certified by the presiding and recording
1521 officers of the meeting at which it was passed and maintained in a book in its numerical
1522 order.

1523

1524

Part 6. Conflict of Interest

1525

Definition of Conflict of Interest

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1528 **55.** A conflict of interest exists where a reasonable person would conclude that a council
1529 or committee member's personal or financial interest may affect his or her judgment or the
1530 discharge of his or her duties to the College. A conflict of interest may be real or perceived,
1531 actual or potential direct or indirect.

1532

Process for Resolution of Conflicts in Council Matters

1533

1534
1535 **56.** A council member who has or may have a conflict of interest in connection with
1536 council business shall consult with the registrar and disclose the conflict to council at the
1537 earliest opportunity, and in any case before council considers the matter to which the
1538 conflict relates. If there is any doubt as to whether a conflict exists, the member must
1539 declare it to council and accept council's decision as to whether a conflict exists.

1540

1541 **57.** A council member who has a conflict of interest shall:

1542 (a) disclose the conflict;

1543 (b) leave the room when council is discussing the matter; and

1544 (c) not vote on the matter, or try to influence the vote.

1545

Process for Resolution of Conflict in Committee Matters

1546

1547
1548 **58.** A committee member who has or may have a conflict of interest in connection with a
1549 matter before a committee shall consult with the appropriate committee support
1550 representative. For adjudicative committees, the committee member should consult with the
1551 Hearings Office. The committee member should disclose the conflict at the earliest
1552 opportunity, and in any case before the committee considers the matter. The committee
1553 member shall accept the Chair's direction as to whether there is a conflict of interest and
1554 any steps the Chair takes or requires to resolve the conflict. Where the Chair has or may
1555 have a conflict of interest, the Chair shall accept the executive committee's direction as to
1556 whether there is a conflict of interest and any steps the executive committee takes or
1557 requires to resolve the conflict.

1558

Record of Declarations

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1561 **59.** Declarations with respect to conflicts of interest shall be recorded in the minutes of
1562 the meeting.

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Part 7. Not-For-Profit Status

60. (1) No part of the College's income shall be payable to, or otherwise available for the personal benefit of, any member provided that this restriction shall not prevent a member from receiving reasonable remuneration, including fees, wages, honoraria and expense reimbursement, for any services provided by such member to or for the benefit of the College.

(2) It is further specifically provided that in the event of dissolution or winding up of the College, all of its remaining assets after payment of its liabilities shall be distributed or disposed of to other not-for-profit or charitable organizations in the province of Ontario which carry on work and activities similar to those of the College and approved by the College.

Schedule 1 to By-Law No. 1

RULES OF ORDER OF THE COUNCIL

General Procedure

1. The Council will ordinarily meet informally and allow discussion of a topic without a motion needing to be made first.
2. The Council may decide matters by consensus and may indicate preferences by a straw vote or other informal method but, subject to subsection 29(4) [the process rule for motions], motions will usually be made if,
 - (a) a decision will commit the College to an action or a public position, or
 - (b) the chair or the Council is of the opinion that the nature of the matter or of the discussion warrants a motion.
3. A motion may be made after a discussion on the topic. If a motion is made, the rules pertaining to motions will apply.

Motions

4. All motions shall be in writing, seconded and given to the chair before being considered except that, if a motion has been printed and distributed to the Council before being made, it does not need to be given to the chair before being considered.
5. When a motion that has not been printed and distributed to the Council is given to the chair, he or she shall then read it aloud, and any councillor may require it to be read at any time, but not so as to interrupt a councillor while speaking.
6. When the motion contains distinct propositions, any councillor may require the vote upon each proposition to be taken separately.
7. No councillor shall vote upon any motion in which he or she has a direct pecuniary interest, and the chair shall disallow the vote of any councillor on any motion in which the chair believes the councillor has a direct pecuniary interest.

Amendments and other subordinate motions

8. A substantive motion in writing that has been moved, seconded and given to the chair may be amended by a motion to amend. The chair shall rule a motion to amend out of order if it is irrelevant to the main motion or defeats the basic effect of the main motion.
9. When a motion has been moved, seconded and given to the chair, no other motion may be made except a motion to amend the motion, to refer the motion to a committee, to postpone the motion, either indefinitely or to a specific meeting, to call the question, to adjourn the debate or to adjourn the meeting.
10. When motion to refer a motion to a committee has been made, it shall be decided before any amendment is decided and, if it is passed, no further debate or discussion is permitted.

11. A motion to amend the main motion shall be disposed of before the main motion is decided and, where there is more than one motion to amend, they shall be decided in the reverse order to which they were made.

Preserving Order

12. The chair shall call upon councillors to speak as nearly as feasible in the order in which they indicate a wish to speak.

13. The chair shall preserve order and decorum, and shall rule on any question of order or procedure. However, a councillor who believes the chair's ruling is wrong may appeal the ruling to the Council.

14. Whenever the chair is of the opinion that a motion offered to the Council is contrary to these rules or the by-laws, he or she shall immediately inform the Council of his or her opinion, rule the motion out of order and explain why.

15. If a councillor believes that another councillor has behaved improperly or that the Council has broken the by-laws or these rules, the councillor may state a point of order. The chair shall promptly rule on the point of order, which is subject to an appeal to the Council. (There is no "point of personal privilege" or "point of privilege" in a body such as the Council).

16. The chair may limit the number of times a councillor may speak, limit the length of speeches and impose other restrictions reasonably necessary to finish the agenda of a meeting.

17. When a circumstance arises in a formal session that is not provided for by these rules or by other rules of the Council, the chair shall make a ruling, which is subject to an appeal to the Council.

18. Except where inconsistent with the *Regulated Health Professions Act, 1991*, the *Medicine Act, 1991*, the regulations or the by-laws of the College, any questions of procedure at or for any meetings of Council shall be determined by the chair of such meeting in accordance with the rules of order as contained in the current version of *Wainberg's Society Meetings Including Rules of Order*.