

Publisher’s Note

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<p>A COMPLETE GUIDE TO THE REGULATED HEALTH PROFESSIONS ACT Richard Steinecke Release No. 1, April 2025</p>

This publication provides a systematic explanation of how the law of self-regulation works, with particular focus on health practitioners in Ontario, and includes: examples, illustrations, flow charts, forms, checklists and precedents; an explanation of every aspect of the *Regulated Health Professions Act* (RHPA); complete text of the RHPA, Procedural Code and statutes such as the *Statutory Powers Procedure Act*, as well as everything needed for a hearing or meeting, and extensive case citations.

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What's New in this Update:

This publication starting with this release has been converted into a more user-friendly softbound book. Subscribers will receive a softbound book to replace any relevant revised content within the work. This should greatly improve the reader's experience in terms of filing pages within a limited binder system – allowing the work to easily expand as discussion of the law dictates.

This release features a substantially revised Chapter 6 (Discipline Proceedings), and updates to the caselaw and commentary in Chapters 2 (Role and Structure of the Colleges), 3 (Registration), 4 (Public Register) 5 (Investigations and Complaints), 6 (Discipline Proceedings), 8 (Appeals, Reinstatement and other Remedies), 10 (Sexual Abuse Provisions) and 11 (Controlled Acts and Protected Titles). Additionally, the Appendices have been updated.

Filing Instructions:

- REMOVE and RECYCLE the entire hard-cover binder treatise set.
- PLACE the new 2025 soft-cover pamphlet edition in your library.

Highlights:

- *A.B. v. The Law Society of Ontario*, 2024 ONCJ 380, 2024 CarswellOnt 12021 (Ont. C.J.) (Colleges cannot ask questions of an applicant for registration about their youth criminal justice history)
- *Harold The Mortgage Closer Inc. v. Chief Executive Officer of the Financial Services Regulatory Authority of Ontario*, 2024 ONSC 2236, 2024 CarswellOnt 5509 (Ont. Div. Ct.) (there is no procedural unfairness in publishing a notice to the public about upcoming enforcement proceedings against registrants)
- *Bauhuis v. Association of Professional Engineers and Geoscientists of Alberta*, 2024 ABKB 603, 2024 CarswellAlta 2575 (Alta. K.B.)—(parallel civil proceedings is often not a reason to delay a regulatory investigation)
- *Grid Link Corp. v. Foglia et al* (2024), 173 O.R. (3d) 322, 2024 ONSC 19, 2024 CarswellOnt 9152 (Ont. Div. Ct.)— (the implied undertaking rule applies to disclosure provided to a member for administrative proceedings, like discipline, preventing them from using the information for other purposes)
- *Trozzi v. College of Physicians and Surgeons of Ontario*, 2024 ONSC 6096, 2024 CarswellOnt 16980 (Ont. Div. Ct.) (when balancing a member's freedom of expression rights, where the statement by the member creates a risk of harm during the pandemic, revocation can be a proportionate sanction)

- *Gregory v. The Law Society of British Columbia*, 2024 BCCA 350, 2024 CarswellBC 3060 (B.C. C.A.) (“Professional misconduct, then, represents a marked departure from proper professional practice, but is not necessarily associated with moral turpitude or with intentional wrongdoing.”)
- *Kherani v Alberta Dental Association*, 2025 ABCA 2, 2025 CarswellAlta 2 (Alta. C.A.) (“Not every breach of a standard of practice amounts to unprofessional conduct. Conduct that does not engage the broader public interest or the profession’s reputation is often better addressed through other means”)
- *Casella v. Ontario (College of Chiropodists)*, 2024 ONSC 899, 2024 CarswellOnt 1738 (Ont. Div. Ct.) (it is misconduct to circumvent a suspension by making representations of professional status on website, sterilizing instruments, and drawing a salary from the practice)
- *Morabito v. British Columbia (Securities Commission)*, 2024 BCCA 377, 2024 CarswellBC 3379 (B.C. C.A.) (an inappropriately aggressive investigation can constitute abuse of process in the residual category)
- *Oladipo v. The College of Physicians and Surgeons of Saskatchewan*, 2024 SKCA 94, 2024 CarswellSask 417 (Sask. C.A.) (provides a list of objective criteria as to whether touching was sexual in nature)
- *Retirement Homes Regulatory Authority v. Moore*, 2024 ONCA 585, 2024 CarswellOnt 11066, 2024 A.C.W.S. 3876 (Ont. C.A.) (providing medication support services can amount to administering a drug even if the patient themselves actually consumes it)