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SELF-GOVERNING PROFESSIONS

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What's New in this Update:

Reported and unreported decisions reviewed by the author up to March 15, 2026 have been included in this update. The following cases are of particular interest:

- *Card v. The College of Physicians and Surgeons of Newfoundland and Labrador*, (Newfoundland and Labrador S.C.)—An applicant's inadequate explanation of inconsistencies in their prior regulatory history constitutes sufficient grounds for refusing an application for registration in another jurisdiction.

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- *Covant v. College of Veterinarians of Ontario*, (Ont. C.A.)—Section 7 of the *Charter* does not protect economic interests and is not engaged in professional disciplinary proceedings. A regulation prohibiting veterinarians from knowingly dispensing drugs to another veterinarian or a pharmacist “in reasonably *limited* quantities in order to address a *temporary* shortage experienced by that other member or pharmacist is not vague or overly broad.
- *Sparkes v Newfoundland and Labrador (Occupational Therapy Board)*, (Newfoundland and Labrador S.C.)—A tribunal’s record of proceedings may promote a better understanding of its reasoning on a critical point, but it is not a substitute for a complete absence of reasons.
- *Al-Hallak v Alberta College of Pharmacy*, Alta. C.A.)—The College’s regulatory jurisdiction includes registrants’ provision of cosmetic services. A procedure offered by a health professional within their scope of practice does not cease to be within the regulatory scope of the *Health Professions Act* because its purpose is to improve a person’s appearance.
- *Al-Hallak v Alberta College of Pharmacy*, (Alta. C.A.)—Generally, regulatory bodies ought to avoid advancing allegations against a professional concerning how they respond to an investigation and defend themselves from allegations of unprofessional conduct. The specter of charges can have a chilling effect and compromise the fairness of the proceeding. If warranted, such allegations should be advanced separately from the original complaint.
- *Ahmed v. Alberta College of Pharmacy*, (Alta. C.A.)—While pharmacists, like most regulated health professionals, are subject to a zero-tolerance policy which generally prohibits “sexual relationships” with a patient, the College’s standards contain an exception to address the provision of service to person with whom a registrant is in an existing sexual relationship. The exception must be interpreted in accordance with societal norms and the purpose of the legislation and in a manner that does not produce absurd consequences.