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A COMPLETE GUIDE TO THE REGULATED HEALTH PROFESSIONS ACT

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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 release features updates to the caselaw and commentary in Chapters 2 (Role and Structure of the Colleges), 3 (Registration), 4 (Mandatory Reports and the Public Register), 5 (Investigations and Complaints), 6 (Discipline Proceedings), 6A (Disciplinary Sanctions and Orders), 8 (Appeals, Reinstatement and other Remedies), 9 (Quality Assurance), 10 (Sexual Abuse Provisions) and 11 (Controlled Acts and Protected Titles). Additionally, the legislation in the Appendices has been updated.

Highlights:

- The recently added chapter 6A on Disciplinary Sanctions and Orders continues to be updated with the evolving principles in this fast-moving area. For example, in *Okafor v. Ontario College of Teachers*, 2025 ONSC 6089 (Ont. Div. Ct.), the Court said: "There is a principle of law that systemic racism and unconscious bias must be considered by the Discipline Committee, or other professional regulatory body, when determining a fit sentence for professional misconduct…." In another decision, *Moore v. College of Chiropractors*, 2025 ONSC 6190 (Ont. Div. Ct.), the Court indicated that determining the amount of costs is not a mathematical exercise and the panel must consider the proportionality of the order, especially where a significant amount is ordered.
- *Song v. The Law Society of Alberta*, 2025 ABKB 525 (Alta. K.B.) (An Alberta challenge to rules implementing a mandatory professional development program on Indigenous cultural competence and prohibiting members from discriminatory or harassing conduct towards anyone, including colleagues and employees, not just clients, was unsuccessful. However, the government of Alberta has enacted the *Regulated Professions Neutrality Act*, SA 2025 cR-13.3, that will reverse this outcome and will generally prevent regulators from requiring members to facilitate equity, diversity and inclusion unless the conduct is contrary to human rights law.)
- *Law Society of Ontario* v. AA, 2026 ONCA 47 (Ont. C.A.) (Good character requirements have two components: the likelihood that the applicant will not engage in misconduct once registered and ensuring that public confidence and trust in the profession will not be undermined by registering the applicant.)
- *Jeyaranjan v. Health Professions Appeal and Review Board*, 2025 ONSC 6152 (Ont. Div. Ct.) (Immunity provisions often do not oust a College's ability to regulate an inappropriately made mandatory report under the *Highway Traffic Act*.)
- Welkoff v. Ontario (Health Professions Appeal Review Board), 2025 ONSC 4515 (Ont. Div. Ct.) ("There is nothing wrong

with remedial agreements per se if the facts are not particularly serious. If dispositions are crafted for the purpose of avoiding the transparency provisions of the Code and the amendments thereto in the PPA, this will undermine the openness and public scrutiny of the College's regulation and governance of physicians which the legislation seeks to ensure and may result in the disposition being found to be unreasonable.")

- *Komer v. Health Professions Appeal and Review Board*, 2025 ONSC 7084 (Ont. Div. Ct.) (The discipline process is the wrong forum to address good faith regulatory actions by a member who is a staff member or Council member of a College)
- *Akinnawonu v. College of Physicians and Surgeons of Alberta*, 2025 ABKB 644 (Alta. K.B.) (The investigator does not need to take direction from the member as to how to conduct the investigation or when an investigation is complete.)
- *Moore v. College of Chiropractors*, 2025 ONSC 6190 (Ont. Div. Ct.) (A breach of confidentiality can occur in various ways including the insecure transfer of information (i.e., sealed envelope left outside office for pick up), unauthorized disclosure to third party in fee dispute, or including personal health information in a document beyond what is necessary in the circumstances.)
- *Cole v. The Law Society of British Columbia*, 2025 BCCA 423 (B.C. C.A.) (A fine has a lower deterrent value than a suspension and combining the two orders for deterrence purposes can be inappropriate.)
- Incongruent approaches have been taken on who constitutes a patient for the purposes of sexual abuse prohibitions. In *Tatla v. Ontario College of Pharmacists*, 2025 ONSC 6728 (Ont. Div. Ct.) (a pharmacist who dispenses medication to a person one time without spea, it was held that a pharmacist who dispenses medication to a person one time without speaking with them still has a "direct interaction" with them making them a patient. However, in *Ahmed v. Alberta College of Pharmacy*, 2026 ABCA 15 (Alta. C.A.), under differently worded legislation, the definition of "patient" was be read narrowly and did not necessarily include prescribing medications six times.