

Table of Contents

CHAPTER 1. ROLE OF MINISTER OF HEALTH

I. ROLE OF MINISTER OF HEALTH

- § 1:1 Duties of Minister
- § 1:2 Powers of Minister

II. COLLEGE PERFORMANCE MEASUREMENT FRAMEWORK

- § 1:3 Generally

CHAPTER 2. ROLE AND STRUCTURE OF THE COLLEGES

I. CORPORATE STATUS

- § 2:1 Generally

II. OBJECTS AND DUTIES OF COLLEGE

- § 2:2 General Objects and Duties
- § 2:3 Particular Objects and Duties—Confidentiality
- § 2:4 —French Language Services

III. PERSONS UNDER JURISDICTION OF COLLEGE

- § 2:5 Generally

IV. INTERNAL STRUCTURE OF COLLEGE

- § 2:6 College Council
- § 2:7 Executive Committee
- § 2:8 Registrar
- § 2:9 Other Committees
- § 2:10 Members

V. REGULATIONS AND BY-LAWS

- § 2:11 Generally

VI. SPECIAL PROVISIONS AND PROTECTIONS

- § 2:12 Immunity Provision
- § 2:13 Restraining Orders
- § 2:14 Simplifying Proof of Matters
- § 2:15 Serving Documents

CHAPTER 3. REGISTRATION

I. APPLICATION FOR REGISTRATION

A. INTRODUCTION; BEFORE THE REGISTRAR

- § 3:1 Introduction
- § 3:2 Before the Registrar

B. BEFORE THE REGISTRATION COMMITTEE

- § 3:3 Functions of Registration Committee
- § 3:4 Procedure on New Applications
- § 3:5 Issues to be Determined on New Applications
- § 3:6 Interpreting Registration Requirements
- § 3:7 Good Character Requirements
- § 3:8 Equivalency and Mobility Issues
- § 3:9 Exemptions
- § 3:10 Possible Orders by Registration Committee on New Applications
- § 3:11 Applications to Vary Terms, Conditions or Limitations

C. BEFORE THE HEALTH PROFESSIONS APPEAL AND REVIEW BOARD

- § 3:12 Availability of Review or Hearing
- § 3:13 Procedure for Both Review and Hearing
- § 3:14 Procedure Specific to Reviews
- § 3:15 Procedure Specific to Hearings
- § 3:16 Disposition by Board

D. BEFORE THE COURTS

- § 3:17 Generally

II. FALSE STATEMENTS ON APPLICATION FOR REGISTRATION; FAIRNESS REQUIREMENTS

- § 3:18 False Statements on Application for Registration

TABLE OF CONTENTS

§ 3:19 Fairness Requirements

**III. ADMINISTRATIVE SUSPENSIONS;
PROFESSIONAL CORPORATIONS**

§ 3:20 Administrative Suspensions (E.G. Non-Payment of Fees)

§ 3:21 Professional Corporations

**CHAPTER 4. MANDATORY REPORTS
AND THE PUBLIC REGISTER**

I. MANDATORY REPORTS

A. THIRD PARTY REPORTS

§ 4:1 Introduction

§ 4:2 General Requirement to Report Sexual Abuse

§ 4:3 Reports of Sexual Abuse Obtained During Psychotherapy

§ 4:4 Termination Reports

§ 4:5 Facility Reports

B. SELF-REPORTS

§ 4:6 Introduction

§ 4:7 Findings of Offences

§ 4:8 Findings of Professional Negligence

§ 4:9 Status with Other Professional Regulators

§ 4:10 Offence Charges and Release Restrictions

**C. HANDLING OF MANDATORY REPORTS BY
COLLEGE**

§ 4:11 Generally

**II. NATURE OF THE REGISTER; CONTENT OF
THE REGISTER**

§ 4:12 Nature of the Register

§ 4:13 Content of the Register

**III. ACCESS TO THE REGISTER;
ADMINISTRATION OF THE REGISTER**

§ 4:14 Access to the Register

§ 4:15 Administration of the Register

CHAPTER 5. INVESTIGATIONS AND COMPLAINTS

I. INTRODUCTION: INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE

§ 5:1 Introduction

§ 5:2 Composition of Inquiries, Complaints and Reports Committee

II. INVESTIGATING A COMPLAINT

§ 5:3 What Constitutes a “Complaint”

§ 5:4 Providing Notice to the Member and the Complainant

§ 5:5 Providing Notice of the Prior History of the Member

§ 5:6 Securing Evidence Before Notification of the Member

§ 5:7 Frivolous and Vexatious Complaints

§ 5:8 Alternate Dispute Resolution (ADR)

§ 5:9 Investigative Steps in Complaints Matters

§ 5:10 Time Limits for Investigation and Board’s Power to Investigate

§ 5:11 Effect of the Complainant Withdrawing or Abandoning Complaint

§ 5:12 Death or Incapacity of Complainant

§ 5:13 Repeated Complaints by Same Complainant

III. FORMAL INVESTIGATIONS

§ 5:14 Introduction

§ 5:15 Investigations Without a Formal Appointment

§ 5:16 Types of Formal Appointments

§ 5:17 Making a Formal Appointment

§ 5:18 Powers of Investigator

§ 5:19 Obstruction of Investigators

IV. CONSIDERING A REGISTRAR’S REPORT

§ 5:20 Introduction

§ 5:21 Notice of Receipt of the Report to Member

TABLE OF CONTENTS

V. PROCEDURE BEFORE ICRC; DISPOSITION BY ICRC; NOTICE OF DECISION AND REASONS OF THE ICRC

- § 5:22 Procedure Before ICRC
- § 5:23 Disposition by ICRC
- § 5:24 Notice of Decision and Reasons of the ICRC

VI. REVIEW BY HEALTH PROFESSIONS APPEAL AND REVIEW BOARD IN COMPLAINTS MATTERS

- § 5:25 Availability of Review
- § 5:26 Procedure on Review
- § 5:27 Disposition by Board

VII. REVIEW BY A COURT

- § 5:28 Generally
- Appendix 5A. Precedents

CHAPTER 6. DISCIPLINE PROCEEDINGS

I. REFERRAL TO DISCIPLINE; INTERIM ORDERS

- § 6:1 Referral to Discipline
- § 6:2 Interim Orders

II. PROCEDURE BEFORE HEARING STARTS

- § 6:3 Introduction
- § 6:4 Notice of Hearing
- § 6:5 Disclosure Requirements
- § 6:6 Panel Composition and Quorum
- § 6:7 Appearance of Bias
- § 6:8 Parties and Other Participants in the Hearing
- § 6:9 Scheduling and Adjourning the Hearing
- § 6:10 Pre-Hearing Conferences

III. PROCEDURE AT DISCIPLINE HEARING

- § 6:11 Introduction

COMPLETE GUIDE TO THE REGULATED HEALTH PROFESSIONS ACT

- § 6:12 Checklist for Starting the Hearing
- § 6:13 Order of Proceedings
- § 6:14 Public Access to Discipline Hearings
- § 6:15 Amending the Notice of Hearing, Joining Referrals and Withdrawals
- § 6:16 Severing Multiple Allegations
- § 6:17 Objections and Motions
- § 6:18 Independent Legal Advice for the Discipline Committee
- § 6:19 Committee's Questioning of Witnesses
- § 6:20 Hearing Transcripts

IV. EVIDENCE AT HEARING

- § 6:21 Rules of Evidence
- § 6:22 Decisions to Be Based Exclusively on the Evidence
- § 6:23 Handling Exhibits and Compiling a Record
- § 6:24 Onus and Standard of Proof

V. FINDINGS OF PROFESSIONAL MISCONDUCT

A. INTRODUCTION; PROVISION DEFINING MISCONDUCT IS INVALID

- § 6:25 Introduction
- § 6:26 Provision Defining Misconduct is Invalid

B. DEFINITION OF PROFESSIONAL MISCONDUCT

- § 6:27 Introduction
- § 6:28 Breaking the Law
- § 6:29 Misconduct Findings by Other Regulators
- § 6:30 Sexual Misconduct
- § 6:31 Inappropriate Behaviour towards Patients or the Public
- § 6:32 General Catch-all Definition
- § 6:33 Conduct Unbecoming a Member
- § 6:34 Failure to Maintain the Standard of Practice
- § 6:35 Record-keeping Requirements
- § 6:36 Certificates, Reports and Copies of Records
- § 6:37 Informed Consent
- § 6:38 Delegation and Supervision
- § 6:39 Disclosing Confidential Information

TABLE OF CONTENTS

- § 6:40 Conflict of Interest
- § 6:41 Improper Fees
- § 6:42 Misrepresentation
- § 6:43 Theft and Taking Financial Advantage of Clients
- § 6:44 Improper Use of Names, Titles or Descriptions
- § 6:45 Improper Advertising
- § 6:46 Conduct towards Colleagues
- § 6:47 Conduct towards the College
- § 6:48 Mandatory Reporting Requirements
- § 6:49 Exceeding Restrictions on Certificate or Scope of Practice

C. INTENT TO ENGAGE IN MISCONDUCT

- § 6:50 Generally

D. LEGAL DEFENCES TO MISCONDUCT PROSECUTIONS

- § 6:51 Introduction
- § 6:52 Abuse of Process and Delay
- § 6:53 Issue Previously Determined by College
- § 6:54 Other Proceedings for Same Conduct
- § 6:55 Hearing Held While Person Not a Member
- § 6:56 Legal Immunity Applies
- § 6:57 Trivial Breach

VI. INCOMPETENCE

- § 6:58 Generally
- § 6:59 Decision and Reasons
- § 6:60 Publication and Public Access to Discipline Decisions

VIII. APPEALS AND REINSTATEMENT APPLICATIONS

- § 6:61 Appeals
- § 6:62 Reinstatement Applications

Appendix 6A. Precedents

CHAPTER 6.50. DISCIPLINARY SANCTIONS AND ORDERS

I. INTRODUCTION

- § 6.50:1 Generally
- § 6.50:2 Goals of Discipline Sanctions
- § 6.50:3 Protect the Public
- § 6.50:4 Preserve Public Confidence
- § 6.50:5 Guide and Deter the Profession
- § 6.50:6 Deter and Rehabilitate the Member
- § 6.50:7 Denunciation

III. UNDERSTANDING SPECIFIC TYPES OF SANCTIONS

- § 6.50:8 Generally
- § 6.50:9 Revocation
- § 6.50:10 Suspension
- § 6.50:11 Terms, Conditions and Limitations
- § 6.50:12 Fine
- § 6.50:13 Reprimand
- § 6.50:14 Restitution
- § 6.50:15 Suspended Orders

IV. PUBLICATION

- § 6.50:16 Generally

V. IDENTIFYING AND PRIORITIZING CONSIDERATIONS

- § 6.50:17 Generally

A. NATURE OF THE CONDUCT (OBJECTIVE)

- § 6.50:18 Generally
- § 6.50:19 Dishonesty
- § 6.50:20 Breach of Trust
- § 6.50:21 Deliberateness / Selfish Motivation
- § 6.50:22 Disregard for Professional Obligations and
Ungovernability
- § 6.50:23 Discredit Brought to the Profession
- § 6.50:24 Frequent and Long Duration

TABLE OF CONTENTS

§ 6.50:25 Potential Impact of Conduct

§ 6.50:26 Impact on Charter Values

B. NATURE OF THE MEMBER (SUBJECTIVE)

§ 6.50:27 Generally

§ 6.50:28 Conduct History / Unblemished Record

§ 6.50:29 Good Character

§ 6.50:30 Risk of Recurrence (Future Risk of Harm)

§ 6.50:31 Degree of Insight (Self-Recognition, Self-Reporting, Remorse, Restitution)

§ 6.50:32 Concealment

§ 6.50:33 Seniority and Experience of the Member

§ 6.50:34 Contributing Factors (e.g. illness, economic and personal pressures)

§ 6.50:35 Beneficial Motivations

§ 6.50:36 Rehabilitation Already Undertaken

§ 6.50:37 Other Consequences Already Suffered

§ 6.50:38 Delay

§ 6.50:39 Unusual Impact of Sanction on Member

§ 6.50:40 Systemic Discrimination

§ 6.50:41 Other

VI. CHOOSING THE APPROPRIATE MIX OF SANCTIONS THAT BEST ADDRESS THE CONSIDERATIONS

§ 6.50:42 Generally

§ 6.50:43 Consider Submissions of the Parties

§ 6.50:44 Addressing the Goals with Individualized Sanctions

§ 6.50:45 Ensuring Proportionality

§ 6.50:46 Articulating Reasons

VII. COSTS

§ 6.50:47 Generally

§ 6.50:48 Purpose of Costs

§ 6.50:49 Ability to Award Costs

§ 6.50:50 Considerations in Selecting the Amount of Costs

§ 6.50:51 —The Seriousness of the Findings

§ 6.50:52 —Chilling Effect on Defending Allegations

§ 6.50:53 —Conduct of the Hearing

§ 6.50:54 —Degree of Success

- § 6.50:55 —Ability to Pay
- § 6.50:56 —Compatibility with Disciplinary Sanction
- § 6.50:57 Calculating the Amount
- § 6.50:58 Procedure and Evidence

CHAPTER 7. INCAPACITY OF PRACTITIONERS

I. INTRODUCTION

- § 7:1 Generally

II. INQUIRIES

- § 7:2 Appointment of an ICRC Panel
- § 7:3 ICRC Inquiries Procedure—Purpose of ICRC Inquiries
- § 7:4 —Inquiries by ICRC Panel
- § 7:5 —Specialist Examinations
- § 7:6 —ICRC Report

III. ICRC CONSIDERATION OF ITS REPORT

- § 7:7 Referral to Fitness to Practise Committee
- § 7:8 Making Interim Order

IV. FITNESS TO PRACTISE COMMITTEE

- § 7:9 Introduction
- § 7:10 Parties to Fitness Hearing
- § 7:11 Procedure at Fitness Hearing
- § 7:12 Evidence at Fitness Hearing
- § 7:13 Disposition of Fitness Hearing
- § 7:14 Varying Order of Fitness to Practise Committee

V. APPEALS AND REINSTATEMENT APPLICATIONS

- § 7:15 Appeals
- § 7:16 Reinstatement Applications
- Appendix 7A. Precedents

CHAPTER 8. APPEALS, REINSTATEMENT AND OTHER REMEDIES

- § 8:1 Introduction

TABLE OF CONTENTS

- § 8:2 Reconsideration of Decision by Discipline or Fitness to Practise Committee
- § 8:3 Appeals
- § 8:4 —Availability of Appeals
- § 8:5 —Procedure on Appeal
- § 8:6 —Scope of Appeal
- § 8:7 —Orders by Appellate Court
- § 8:8 Judicial Review
- § 8:9 Reinstatement Applications
- § 8:10 Complaint to Human Rights Tribunal
- § 8:11 Complaint to the Ombudsman
- § 8:12 Court Action for Declaration or Injunction
- § 8:13 Court Action for Damages
- § 8:14 Remedy Under s. 24 of the *Canadian Charter of Rights and Freedoms*

CHAPTER 9. QUALITY ASSURANCE

- § 9:1 Introduction
- § 9:2 Types of Quality Assurance Programs
- § 9:3 Powers of Quality Assurance Committee
- § 9:4 —Powers of Assessment
- § 9:5 —Powers to Require Practitioners to Take Action
- § 9:6 Procedure Before Quality Assurance Committee
- § 9:7 Confidentiality Requirements

CHAPTER 10. SEXUAL ABUSE PROVISIONS

- § 10:1 Introduction
- § 10:2 Definition of Sexual Abuse
- § 10:3 Measures to Prevent and Deal with Sexual Abuse
- § 10:4 Mandatory Reports
- § 10:5 Effective Discipline for Sexual Abuse
- § 10:6 —Informal Resolution of Non-touching Cases
- § 10:7 —Interim Orders
- § 10:8 —Public Hearings with Protection of Identity of Sexual Abuse Witnesses
- § 10:9 —Intervenors
- § 10:10 —Disclosure of Evidence
- § 10:11 —Impact Statements by Patients
- § 10:12 —Penalties
- § 10:13 —Cost Recovery Provision
- § 10:14 —Effect of Appeal

§ 10:15 —Access to Decisions of Discipline Committee

§ 10:16 Funding Program

Appendix 10A. Precedent

CHAPTER 11. CONTROLLED ACTS AND PROTECTED TITLES

I. INTRODUCTION

§ 11:1 Generally

II. PROHIBITIONS

§ 11:2 Controlled Acts—Definitions of Controlled Acts

§ 11:3 —Location of Performance of the Controlled Act
(Telepractice)

§ 11:4 —Delegation of Controlled Acts

§ 11:5 —Exceptions to Controlled Acts

§ 11:6 Miscellaneous Prohibitions in the RHPA

§ 11:7 Harm Clause

§ 11:8 Offences Outside the RHPA

III. MISREPRESENTATIONS OF TITLES OR STATUS

§ 11:9 Introduction

§ 11:10 Use of Title “Doctor”

§ 11:11 Holding Out as a College

§ 11:12 Use of Prohibited Title

§ 11:13 Holding Out

IV. METHODS OF ENFORCEMENT

§ 11:14 Introduction

§ 11:15 Discipline Proceedings

§ 11:16 Provincial Offences Prosecution

§ 11:17 Restraining Order

§ 11:18 Criminal Prosecution

V. EVIDENCE

§ 11:19 Generally

APPENDICES

Appendix A. Regulated Health Professions Act

TABLE OF CONTENTS

Appendix B. Regulated Health Professions Act Procedural
Code

Appendix C. Regulations Under Regulated Health
Professions Act

Table of Cases

Index

