



CPSO

GENERAL BY-LAW

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General By-Law

Part 1. Business Practices

[Revoked: December 7, 2023]

Part 2. The Council

[Revoked: December 7, 2023]

Part 3. Committees

[Revoked: December 7, 2023]

Part 4. Registration Matters

Names in the Register

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

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

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

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:

1. Any changes in the member's name since his or her undergraduate medical training that is used or to be used in his or her practice, and the date of such change, if known to the College.
2. The member's gender and registration number.
3. The member's date and place of birth.
4. If the member has died, an indication that the member has died and the date of death, where that information is known to the College.
5. The name of the medical school from which the member received his or her undergraduate medical degree and the date the member received the degree.

6. A description of the member's postgraduate training in Ontario.
7. If the member is certified by the Royal College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada,
 - i. that fact,
 - ii. the date of the certification, and
 - iii. the discipline or sub-discipline in which the member is certified.
- 7.1 If the member is formally recognized as a specialist by the College,
 - i. that fact,
 - ii. the date of recognition, and
 - iii. the discipline or sub-discipline in which the member is recognized.
8. The classes of certificate of registration held by the member and the date on which each certificate was issued and, if applicable, the revocation, suspension or expiration date, or date of removal of a suspension.
9. The member's electoral district for elections to the council and the county or other region within the electoral district where the member principally practises or resides.
10. The member's preferred address for communications from the College.
11. The address, telephone number, facsimile number and e-mail address of the member's principal place of practice.
12. The name of each hospital in Ontario where the member holds privileges and appointment to the professional staff of the hospital.
- 12.1 All revocations of the member's hospital privileges at hospitals in Ontario reported to the College by hospitals under section 85.5 of the Health Professions Procedural Code or section 33 of the *Public Hospitals Act*.
13. If an allegation of professional misconduct or incompetence against the member has been referred to the Ontario Physicians and Surgeons Discipline Tribunal and not yet decided,
 - i. a summary of the allegation if it was referred to the Ontario Physicians and Surgeons Discipline Tribunal prior to September 10, 2013,
 - ii. a summary of the allegation and/or the notice of hearing if it was referred to the Ontario Physicians and Surgeons Discipline Tribunal after September 10, 2013,
 - iii. an indication that the matter has been referred to the Ontario Physicians and Surgeons Discipline Tribunal,
 - iv. the anticipated date of the hearing, if the date has been set,
 - v. if the hearing has been adjourned after September 10, 2013 and no future date has been set, the fact of the adjournment, and

- vi. if the decision is under reserve, that fact.
14. If the result of a disciplinary proceeding in which a finding was made by the Ontario Physicians and Surgeons Discipline Tribunal in respect of the member is in the register,
- i. the date on which the Ontario Physicians and Surgeons Discipline Tribunal made the finding, and
 - ii. the date on which the Ontario Physicians and Surgeons Discipline Tribunal ordered any penalty, and
 - iii. if the finding is appealed, the status of the appeal and the disposition of the appeal.
15. If an allegation of the member's incapacity has been referred to the fitness to practise committee and not yet decided, an indication of the referral.
16. If the result of an incapacity proceeding in which a finding was made by the fitness to practise committee in respect of the member is in the register,
- i. the date on which the fitness to practise committee made the finding,
 - ii. the effective date of any order of the fitness to practise committee,
 - iii. where the finding is under appeal, a notation to that effect, and
 - iv. when an appeal of a finding of incapacity is finally disposed of, the notation added under subparagraph iii of this paragraph 16 shall be removed.
17. If an application for reinstatement has been referred to the Ontario Physicians and Surgeons Discipline Tribunal, that fact and if the application has been decided, the decision of the Ontario Physicians and Surgeons Discipline Tribunal.
- 17.1 If an application for reinstatement has been made to the Council or the Executive Committee under s.74 of the Health Professions Procedural Code:
- i. that fact
 - ii. the date on which the Council or the Executive Committee will consider the application
 - iii. in the case of an application with respect to a person whose certificate of registration has been revoked or suspended as a result of disciplinary proceedings, if the application has been decided, the decision of the Council or Executive Committee; and
 - iv. in the case of an application with respect to a person whose certificate of registration has been revoked or suspended as a result of incapacity proceedings, if the application has been decided, a summary of the decision of the Council or Executive Committee or if the registrar determines that it is in the public interest that the decision be disclosed, the decision of the Council or Executive Committee.

- 17.2 If an application to vary, suspend or cancel an order of the Ontario Physicians and Surgeons Discipline Tribunal has been filed on or after June 16, 2022, that fact and if the application has been decided, the decision of the Ontario Physicians and Surgeons Discipline Tribunal.
18. If a member is no longer practising in Ontario, contact information regarding the transfer or provisional custody of medical records, where that information has been provided to the College.
19. Where there has been a finding of guilt made against a member (a) under the *Health Insurance Act* (Ontario), on or after June 1, 2015, (b) under any criminal laws of another jurisdiction, on or after September 20, 2019, or (c) under laws of another jurisdiction comparable to the *Health Insurance Act* (Ontario) or the *Controlled Drugs and Substances Act* (Canada), on or after September 20, 2019 and if the finding and/or appeal is known to the College:
 - i. a brief summary of the finding;
 - ii. a brief summary of the sentence;
 - iii. where the finding is under appeal, a notation that it is under appeal, until the appeal is finally disposed of; and
 - iv. the dates of (i)-(iii), if known to the College.
20. Any currently existing conditions of release following a charge for a *Health Insurance Act* offence, or subsequent to a finding of guilt under the *Health Insurance Act* and pending appeal, or any variations to those conditions, when known to the College.
21. In respect of a decision of the Inquiries, Complaints and Reports Committee that includes a disposition of a caution-in-person, 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, and, where applicable, a notation that the decision has been appealed or reviewed.
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"), 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 or reviewed.
24. In respect of the elements of 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.

- 25.1 *[Revoked: March 1, 2024]*
- 25.2 *[Revoked: March 1, 2024]*
- 25.3 *[Revoked: March 1, 2024]*
26. If a member has been charged with an offence under the *Health Insurance Act* (Ontario), and the charge is outstanding and is known to the College,
- i. the fact and content of the charge; and
 - ii. the date and place of the charge.
27. *[Revoked: December 2018]*
28. *[Revoked: December 2018]*
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 member, as applicable, that 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) *[Revoked: September 2016]*

(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,
- (e) any information that, if made public, would violate a publication ban if known to the College, and
- (f) 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,

- (g) if,
 - (i) terms, conditions or limitations were directed to be imposed upon a member's certificate of registration by a committee other than the Ontario Physicians and Surgeons Discipline Tribunal, and
 - (ii) the terms, conditions or limitations have been removed,

the content of the terms, conditions or limitations are no longer public information.

(2) The information contained in the register which is designated as public shall be,

- (a) capable of being printed promptly; and
- (b) available in printed form to any person during the normal hours of operation of the offices of the College.

(3) The registrar may give any information contained in the register which is designated as public to any person in printed or oral form.

Liability Protection

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

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

Notification Required by Members

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

- (a) the member's preferred addresses (both mailing and e-mail) for communications from the College;
- (b) the address and telephone number of the member's principal place of practice;
- (c) the identity of each hospital and health facility in Ontario where the member has professional privileges;
- (d) *[Revoked: December 2018]*; and
- (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.

(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.

(3) The College may from time to time request information from its members. In response to each such request, each member shall accurately and fully provide the College with the information requested using the Member Portal (as defined in subsection 51(8)), or such other form or method specified by the College, by the due date set by the College. A request for member information may include (but is not limited to) the following:

- (a) his or her home address;
- (b) an e-mail address for communications from the College and the address of all locations at which the member practices medicine;
- (c) a description or confirmation of the services and clinical activities provided at all locations at which the member engages in medical practice;

- (d) the names, business addresses and telephone numbers of the member's associates and partners;
 - (e) information required to be maintained on the register of the College;
 - (f) information respecting the member's participation in continuing professional development and other professional training;
 - (g) the types of privileges held at each hospital at which a member holds privileges;
 - (h) information that relates to the professional characteristics and activities of the member that may assist the College in carrying out its objects, including but not limited to:
 - (i) information that relates to the member's health;
 - (ii) information about actions taken by other regulatory authorities and hospitals in respect of the member;
 - (iii) information related to civil lawsuits involving the member;
 - (iv) information relating to criminal arrest(s) and charge(s); and
 - (v) information relating to offences.
 - (i) information for the purposes of compiling statistical information to assist the College in fulfilling its objects.
- (3.1) (a) In this section "premises" and "procedure" have the definitions that are set out in s.44(1) of Ontario Regulation 114/94 made under the *Medicine Act 1991*;
- (b) Every member who performs a procedure in a premises subject to inspection under Part XI of Ontario Regulation 114/94 shall report to the College, in writing or electronically as specified by the College, within five business days of learning of any of the following events:
 - (i) death within the premises;
 - (ii) death within 10 days of a procedure performed at the premises;
 - (iii) any procedure performed on wrong patient, site, or side; or
 - (iv) transfer of a patient from the premises directly to a hospital for care.
 - (c) In addition to reporting the event, the member shall provide all information underlying the event to the College in writing or electronically as specified by the College and in an Adverse Events Reporting form approved by the College.
- (4) When applying for a certificate of registration or a renewal of a certificate of registration, an applicant must sign a declaration that he or she complies with section 50.2 of the by-law.
- (5) A member must have available at his or her office, in written or electronic form, for inspection by the College, evidence that he or she complies with section 50.2, or may have the

provider of the protection under s. 50.2 provide regular updates to the College confirming compliance with s. 50.2.

- (6) Section 50.2 and subsection (4) do not apply to:
- (a) a member who provides written evidence, satisfactory to the College, that s/he is not providing any medical service in Ontario to any person;
 - (b) a person who holds emeritus status or who is designated as a life member under s. 43 of O. Reg. 577/75; or
 - (c) a member who provides written evidence, satisfactory to the College, from his or her employer that:
 - (i) the licensed member is only providing medical service to other employees of the employer, and not to any members of the public, and
 - (ii) any professional liability claim made against the licensed member will be covered by the employer or the employer's insurer.

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

(8) Where the College specifies, or these By-laws require or permit, that a member provide or submit to the College a notice, information, declaration or other documentation electronically, the term "electronically" includes (but is not limited to, unless the College specifies otherwise) the College's electronic member portal system (the "**Member Portal**").

51b. Every health profession corporation that holds a certificate of authorization from the College shall provide the Registrar with notice, in writing or electronically as specified by the College, of any change in the shareholders of such corporation, who are members of the College, within fifteen (15) days following the occurrence of such change. The notification shall include the identity of the shareholder who has ceased to be a shareholder, and the identity of any new shareholder(s), and the date upon which such a change occurred. The notification shall be signed by a director of the health profession corporation. The notification may be sent (i) electronically as specified by the College, or (ii) in printed form by regular mail, courier or personal delivery addressed to the Registrar, in care of the Registration Department of the College, re: Notice of Shareholder Change. The Registrar may from time to time approve one or more standard forms (printed and/or electronic) for the purposes of providing the notice required by this section and where any such form has been approved, the notice shall be submitted in the applicable approved form.

Emeritus Status

52. *[Revoked: December 7, 2023]*

Expiry and Renewal of Emeritus Status

53. *[Revoked: December 7, 2023]*

Part 5. By-Laws

[Revoked: December 7, 2023]

Part 6. Conflict of Interest

[Revoked: December 7, 2023]

Part 7. Not-For-Profit Status

[Revoked: December 7, 2023]

Schedule 1 to By-Law No. 1
RULES OF ORDER OF THE COUNCIL

[Revoked: December 7, 2023]