

PROPOSED BY-LAW REVISIONS

CPSO is conducting a comprehensive review and rewrite of its by-laws with the goal of improving clarity, simplifying the language and achieving a more modernized set of by-laws by end of 2023. The by-law modernization is a large project that will be done in sections throughout the year. At its March meeting, Council focused on the first section of the by-law review process — revising the by-laws that relate to what information is displayed publicly on the register. The red text denotes the changes proposed (the ordering and numbering of the provisions have also changed, but are not tracked here to allow for easier reading). All of the following proposed revisions were presented to Council through a series of numbered by-laws, which can be found in the March 2023 Council materials along with further information about the revisions.

Part 4. Registration Matters

Member Names and Addresses in the Register

48. (1) A member's name in the register shall be the member's full name and consistent with the name of used by the member as it appears on the member's degree of medicine in his or her undergraduate medical training, as supported by documentary evidence satisfactory to the College.

(2) The registrar may direct that a member's name, other than as provided in subsection 48(1), 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 the member's 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.

(4) A member's business address in the register shall be the member's principal place of practice reported by the member to the College.

Information that is proposed to be deleted from the by-law register list is set out at the end of this section (49(1) Additional Register Content) for easier reference.

-Additional Register Content of Register Entries

49. (1) For purposes of paragraph 20 of In addition to the information required under subsection 23(2) of the Health Professions Procedural Code, the register shall contain the following additional information with respect to each member:

1. Any changes in the member's name that have been made in the register since the College first issued a certificate of registration to the member 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, and each former name of the member that was listed in the register as the member's name.

2. The member's ~~gender and~~ registration number.
3. The member's gender.
4. The ~~address, telephone number, facsimile number and or the business~~ e-mail address ~~of the principal place of practice, that the member makes available to the public and uses for practice purposes.~~
5. In addition to the member's business address, other locations at which the member practises medicine reported by the member to the College.
6. If a member is no longer practising in Ontario, contact information regarding the transfer or provisional custody of medical records, if applicable and where if that information has been provided to the College.
7. The language(s) in which the member is competent to conduct practice, as reported by the member to the College.
8. The name of the medical school from which the member received the member's degree in medicine ~~his or her undergraduate medical degree~~ and the date-year in which the member ~~received~~ obtained the degree.
9. ~~If The date the member received specialty certification or recognition (if any) 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.~~
10. The identity name of each hospital in Ontario where the member ~~has holds~~ professional privileges and appointment to the professional staff of the hospital; and
11. ~~where known to the College, All revocations, suspensions, restrictions, resignations and relinquishments~~ of the member's hospital privileges at hospitals

~~in Ontario or practice, and rejections of appointment or reappointment applications,~~ reported to the College by hospitals under section 85.5 of the Health Professions Procedural Code or section 33 of the *Public Hospitals Act*, ~~but excluding voluntary leaves of absence by members, in each case commencing from the date the relevant portion of this by-law goes into effect.~~

12. 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.~~
13. ~~Where-If~~ a member's certificate of registration is revoked or suspended:
 - i. ~~the effective date of the suspension or revocation of the member's certificate of registration;~~
 - ii. the committee that ordered the suspension or revocation of the member's certificate of registration, if applicable; ~~and~~ -
 - iii. ~~the date of removal of a suspension, if applicable.~~
14. ~~Where-If~~ a member's certificate of registration is expired, the ~~expiration date and the~~ -reason for the expiry.
15. 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-if~~ applicable, a notation that the decision has been appealed or reviewed. ~~Where-If that a decision referred to in paragraph 21 above is overturned on appeal or review, the summary of that decision shall be removed from the rRegister.~~
16. 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;
 - i. a summary of that decision, including the elements of the SCERP; ~~and,~~
 - ii. ~~where-if~~ applicable, a notation that the decision has been appealed or reviewed; ~~and~~

- iii. ~~In respect of the elements of a SCERP referred to in paragraph 23 above, a notation that all of the elements of the SCERP have been completed, when so done.~~

~~If that decision is overturned on appeal or review, the summary of that decision shall be removed from the register.~~

~~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.~~

~~Where a decision referred to in paragraph 23 above is overturned on appeal or review, the summary shall be removed from the register~~

17. 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~~;~~
- the effective date of the terms, conditions and limitations imposed or of the amendments~~;~~ and
 - a notation as to ~~whether the member or a the~~ committee ~~or the member, as applicable, that~~ imposed or amended the terms, conditions and limitations on the member's certificate of registration, and if a committee, the name of the committee.
18. ~~If a member's certificate of registration is subject to an interim order of the Inquiries, Complaints and Reports Committee made on or after [DATE BY-LAW COMES INTO EFFECT], a notation of that fact, the nature of that order and the effective date of that order, until such interim order is no longer in effect.~~
19. 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~~;~~
- a summary of the allegation and/or notice of hearing if it was referred to the Ontario Physicians and Surgeons Discipline Tribunal prior to ~~September 10, 2013,~~ [DATE BY-LAW COMES INTO EFFECT];
 - ~~a summary of the allegation and/or~~ the notice of hearing if it was referred to the Ontario Physicians and Surgeons Discipline Tribunal on or after [DATE BY-LAW COMES INTO EFFECT]September 10, 2013;
~~an indication that the matter has been referred to the Ontario Physicians and Surgeons Discipline Tribunal,~~

- iii. the anticipated date of the hearing, if the date has been set;
- iv. —if the hearing has been adjourned ~~after September 10, 2013~~ and no future date has been set, the fact of the adjournment;

if the decision is under reserve, that fact.

20. 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.

21. If an allegation of the member's incapacity has been referred to the fitness to practise committee and not yet decided, a notation of that fact and the date of the referral~~an indication of the referral~~.

22. 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 if~~ 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.

23. 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.

- ~~i. —that fact~~
- ~~ii. —the dates on which the application is scheduled to be heard,~~
- ~~iii. —if the hearing has been adjourned after September 10, 2013 and no future date has been set, the fact of that adjournment, and~~

~~iv. — if the decision is under reserve, that fact.~~

~~If an application to the Ontario Physicians and Surgeons Discipline Tribunal for reinstatement has been decided, the decision of the Ontario Physicians and Surgeons Discipline Tribunal.~~

24. 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, ~~the date on which the Council or the Executive Committee will consider the application, and if the application has been decided,~~ the decision of the Council or Executive Committee; ~~and~~
 - iv. ~~in the case of~~ If an application for reinstatement has been made to the Council or the Executive Committee under s.74 of the Health Professions Procedural Code, 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, the date on which the Council or the Executive Committee will consider the application, and~~ a summary of the decision of the Council or Executive Committee ~~or unless if~~ the Registrar determines that it is in the public interest that the decision be disclosed, ~~the decision of the Council or Executive Committee.~~
25. 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.~~
- i. ~~that fact,~~
 - ii. ~~the dates on which the application is scheduled to be heard,~~
 - iii. ~~if the hearing has been adjourned and no future date has been set, the fact of that adjournment, and~~
 - iv. ~~if the decision is under reserve, that fact.~~

- ~~17.4—If an application to vary, suspend or cancel an order of the Ontario Physicians and Surgeons Discipline Tribunal has been decided, the decision of the Ontario Physicians and Surgeons Discipline Tribunal.~~
26. ~~Where-If~~ a member has been charged with an offence under the *Health Insurance Act* (Ontario), ~~under any criminal laws of another jurisdiction or under laws of another jurisdiction comparable to the *Health Insurance Act* (Ontario) or the *Controlled Drugs and Substances Act* (Canada),~~ and the charge is outstanding ~~and~~ and is known to the College:
- i. the fact and content of the charge; ~~and, and, if known to the College,~~
 - ii. the date and place of the charge.
27. Any currently existing conditions of release following a charge against a member for a *Health Insurance Act* (Ontario) offence, or subsequent to a finding of guilt under the *Health Insurance Act* (Ontario) and pending appeal, or any variations to those conditions, in each case if ~~when~~ known to the College.
28. ~~Where-If~~ 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~~ in each case if known to the College:
- i. a brief summary of the finding;
 - ii. a brief summary of the sentence;
 - iii. if the finding is under appeal, a notation that it is under appeal, until the appeal is finally disposed of; and
 - iv. the dates of the information under subparagraphs (i)-(iii) of this paragraph, ~~if known to the College.~~
29. ~~Where-If~~ 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.

30. 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.

(~~32~~) The register shall ~~also~~ contain the most current outcome ~~and/or 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.~~

The following information is proposed to be deleted from the by-law register list (section 49(1) Content of Register Entries).

~~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.~~

~~6.—A description of the member's postgraduate training in Ontario.~~

~~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.~~

~~25.1—In respect of a decision of the QAC that includes a disposition of a SCERP, if the decision is made on or after June 1, 2016, the elements of the SCERP.~~

~~25.2—In respect of the elements of a SCERP, referred to in paragraph 25.1 above, a notation that all of the elements have been completed, when so done.~~

~~25.3—Where a decision referred to in paragraph 25.1 above is overturned on review, the summary shall be removed from the Register.~~

Public Information

50.1 (1) All information required by the by-laws to be contained in the register is designated as public, other than:

- ~~1. — a member's preferred address for communications from the College,
— a member's e-mail address,~~
- ~~2. — a member's date of birth,~~
- ~~2. — a member's place of birth,~~
- i. any information that, if made public, would violate a publication ban if known to the College;² and
- ii. 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.²

~~is designated as public except that,~~

(2) Notwithstanding subsection 50.1(1), the content of terms, conditions or limitations are no longer public information if:

- i. the 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;² and
- ii. the terms, conditions or limitations have been removed from the register.;

~~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,
capable of being printed promptly; and~~

~~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, electronic 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 mailing addresses and (both mailing and e-mail address) for communications from the College;
- (b) the address and telephone number of the member's business address that is the member's principal place of practice;
- (c) the identity of each hospital and health facility in Ontario where the member ~~has~~ holds professional privileges and appointment to the professional staff; and
- (d) any changes in the member's name that have been made in the register since his or her undergraduate medical training the College first issued a certificate of registration to the member. that is used or will be used in the member's practice.

~~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 at any time and 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 51.4(8)~~, or such other form or method specified by the College, by the due date set by the College. A College request for member information may include (but is not limited to) the following:

- (a) the member's ~~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~~ practises medicine, together with a description or confirmation of the services and clinical activities provided at all locations at which the member practises medicine;
- (c) a business e-mail address that the member makes available to the public and uses for practice purposes; ~~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) the member's date of birth;
- (g) information respecting the member's participation in continuing professional development and other professional training, including, without limitation, acceptable documentation confirming completion of continuing professional development programs in which the member has participated during a specified period of time;
- (h) the types of privileges held at each hospital at which a member holds privileges and appointment to the professional staff of the hospital;
- (i) 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; and
- (j) information for the purposes of compiling statistical information to assist the College in fulfilling its objects.

51.1. (1) ~~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 (Ontario)*;~~

(2) 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 24 hours of learning of any of the following events:

- (a) Death within the premises;
- (b) Death within 10 (ten) days of a procedure performed at the premises;
- (c) Any procedure performed on wrong patient, site, or side; or
- (d) Transfer of a patient from the premises directly to a hospital for care.

(3) 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.

51.2. (1) When applying for a certificate of registration or a renewal of a certificate of registration, an applicant must sign a declaration that ~~the member he or she~~ complies with section 50.2 ~~of the by-law~~.

(2) A member must have available at ~~his or her~~ the member's business office address, in written or electronic form, for inspection by the College, evidence that ~~he or she~~ the member complies with section 50.2, or may have the provider of the protection under ~~section-~~ 50.2 provide regular updates to the College confirming compliance with ~~section-~~ 50.2.

- (3) Section 50.2 and subsection ~~(4)~~ 51.2(1) do not apply to:
- (a) a member who provides written evidence, satisfactory to the College, that the member 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 the member's 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.

51.3b. 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-if any such form has been approved, the notice shall be submitted in the applicable approved form.

51.4. If the College specifies, or these by-laws require or permit, that a member or a health profession corporation 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**").