

## 42. REGISTER

42.01 Subject to Article 42.02 a member's name in the register of the College shall be the member's name as provided in the documentary evidence used to support the member's initial registration and shall be consistent with the name used by the member on his or her degree or diploma which was the basis for his or her application for a certificate of registration.

42.02 The Registrar shall direct that a name other than as provided in Article 42.02 be entered in the register of the College if such a request is made by the member and the Registrar is satisfied that

- i) the member has validly changed his or her name; and
- ii) the use of the name is not for an improper purpose.

42.03 Unless otherwise approved by the Registrar, a member's business address in the register of the College shall be the location in Ontario where the member principally engages in the practice of chiropractic.

42.04 A member's business telephone number in the register of the College shall be the telephone number of the location referred to in Article 42.03.

42.05 Under subsection 23(2) of the Code and subject to certain exceptions contained in the Code, certain information must be contained in the College's register. As of May 30, 2017, the register is required to contain the following:

1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.
2. Where a member is deceased, the name of the deceased member and the date upon which the member died, if known to the Registrar.
3. The name, business address and business telephone number of every health profession corporation.
4. The names of the shareholders of each health profession corporation who are members of the College.
5. Each member's class of registration and specialist status.
6. The terms, conditions and limitations that are in effect on each certificate of registration.
7. A notation of every caution that a member has received from a panel of the Inquiries, Complaints and Reports Committee under paragraph 3 of subsection 26 (1) of the Code, and any specified continuing education or remedial programs required by a panel of the Inquiries, Complaints and Reports Committee using its powers under paragraph 4 of subsection 26 (1) of the Code.

8. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and that has not been finally resolved, including the date of the referral and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved.
9. A copy of the specified allegations against a member for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and that has not been finally resolved.
10. Every result of a disciplinary or incapacity proceeding.<sup>1</sup>
11. A notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a member has entered into with the College and that are in effect.
12. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
13. A notation of every revocation or suspension of a certificate of registration.
14. A notation of every revocation or suspension of a certificate of authorization.
15. Information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included.
16. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
17. Where, during or as a result of a proceeding under section 25 of the Code, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.
18. Where the College has an inspection program established under clause 95 (1) (h) or (h.1) of the Code, the outcomes of inspections conducted by the College.

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<sup>1</sup> Under section 23(14) of the Code, "result" has the following definition:

- (a) when used in reference to a disciplinary proceeding, means the panel's finding that the member committed an act of professional misconduct or was incompetent, particulars of the grounds for the finding, a synopsis of the decision and the order made, including any reprimand, and where the panel has made no such finding, includes a notation that no such finding was made and the reason why no such finding was made, and
- (b) when used in reference to an incapacity proceeding, means the panel's finding that the member is incapacitated and the order made by the panel.

19. Information that is required to be kept in the register in accordance with Regulations made pursuant to clause 43 (1) (t) of the *Regulated Health Professions Act, 1991*.<sup>2</sup>

20. Information that is required to be kept in the register in accordance with the by-laws.

42.05.01 Subsection 23 (2) of the Code also prescribes other information that must be in the register and this information is set out in Regulation 261/18 under the *Regulated Health Professions Act, 1991*. The by-laws do not repeat the information in Regulation 261/18 but do state additional information that must be in the register and this information is set out under Article 42.06 below.

42.06 In accordance with the authorization provided by paragraph 20 of subsection 23(2) of the Code and subject to Articles 42.07, 42.08, 42.08.01, and 42.08.02, the following additional information shall be kept in the register of the College:

1. Any change to each member's name which has been made in the register of the College since he or she first became registered with the College.

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<sup>2</sup> 1.(1) The following information, if known to the College, is prescribed information to be contained in a College's register for the purposes of paragraph 19 of subsection 23 (2) of the Code and is designated as information subject to subsection 23 (13.1) of the Health Professions Procedural Code in Schedule 2 to the Act:

1. If there has been a finding of guilt against a member under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) and if none of the conditions in subsection (2) have been satisfied,

i. a brief summary of the finding,

ii. a brief summary of the sentence, and

iii. if the finding is under appeal, a notation that it is under appeal until the appeal is finally disposed of.

2. With respect to a member, any currently existing conditions of release following a charge for an offence under the *Criminal Code*(Canada) or the *Controlled Drugs and Substances Act* (Canada) or subsequent to a finding of guilt and pending appeal or any variations to those conditions.

3. If a member has been charged with an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act*(Canada) and the charge is outstanding,

i. the fact and content of the charge, and

ii. the date and place of the charge.

4. If a member has been the subject of a disciplinary finding or a finding of professional misconduct or incompetence by another regulatory or licensing authority in any jurisdiction,

i. the fact of the finding,

ii. the date of the finding,

iii. the jurisdiction in which the finding was made, and

iv. the existence and status of any appeal.

5. If a member is currently licenced or registered to practice another profession in Ontario or a profession in another jurisdiction, the fact of that licensure or registration.

(2) The conditions referred to in paragraph 1 of subsection (1) are the following:

1. The Parole Board of Canada has ordered a record suspension in respect of the conviction.

2. A pardon in respect of the conviction has been obtained.

3. The conviction has been overturned on appeal.

(3) Nothing in this Regulation shall be interpreted as authorizing the disclosure of identifying information about an individual other than a member.

(4) In this section,

“identifying information” means information that identifies an individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify an individual.

2. The classes of certificate of registration held by each member and the date on which each was issued.
  3. The college, university or school from which the member received the member's degree or diploma used to support the member's current registration and the year in which the degree or diploma was obtained.
  4. A list of the languages in which each member is capable of working.
  5. The date on which each certificate of authorization was issued by the College.
  6. Where a certificate of authorization is revised, a notation of the effective date of the revision.
  7. Where a member is engaged in the practice of chiropody in Ontario, the name and address of the person or business for whom or through which the member primarily engages in the practice of chiropody in Ontario, if applicable.
  8. Where a member resigned, the date upon which the resignation took effect.
- 9.1 Where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after October 1, 2015 includes a requirement that the member attend before a panel of that committee to be cautioned (as is authorized by paragraph 3 of subsection 26(1) of the Code),
- a) a notation of that fact including a summary of the caution;
  - b) the date of the panel's decision;
  - c) once the member has received the caution, a notation to that effect and the date the member received the caution; and
  - d) if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.
- 9.2 Where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after October 1, 2015 includes a requirement that the member complete a specified continuing education or remediation program (as is authorized by paragraph 4 of subsection 26(1) and subsection 26(3) of the Code),
- a) a notation of that fact including the specified continuing education or remediation program(s);
  - b) the date of the panel's decision;
  - c) upon completion of the specified continuing education or remediation program(s), a notation to that effect and the date of completion; and
  - d) if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.

10. Where a member has any terms, conditions or limitations in effect on his or her certificate of registration, the effective date of those terms, conditions and limitations, whether the terms, conditions and limitations were imposed or voluntary and where applicable, the committee responsible for the imposition of those terms, conditions and limitations.

10.1 A summary of any existing restriction on the member's right to practise that has been imposed by a Court or other lawful authority, if the College is aware of the restriction, including the name of the Court or other lawful authority that imposed the restriction, the date the restriction was imposed and where the restriction is under appeal, a notation of that fact, which notation shall be removed once the appeal is finally disposed of.

10.2 Where a member resigned while a fitness to practise proceeding was outstanding, a notation of that fact.

10.3 A summary of any existing restriction on the member's right to practise that has resulted from an undertaking given by the member to the College or an agreement entered into between the member and the College.

11. Where a member has terms, conditions or limitations on his or her certificate of registration varied, the effective date of the variance of those terms, conditions and limitations and where applicable, the committee responsible for the variance of those terms, conditions and limitations.

12. Where a member's certificate of registration is reinstated, the effective date of the reinstatement and where reinstated by a panel of the Discipline or Fitness to Practise Committee, the name of the committee responsible for the reinstatement.

13. Where a suspension on a member's certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension and where applicable, the committee responsible for the lifting or removal of the suspension.

14. Where a certificate of registration or a certificate of authorization is revoked, suspended, cancelled or otherwise terminated, a notation of the effective date of the revocation, suspension, cancellation or other termination.

14.01 Where a member's certificate of registration is suspended for non-payment of a fee, a notation of that fact and the date upon which the suspension took effect.

14.02 Where a member's certificate of registration is suspended for failure to submit to a physical or mental examination as required by the Inquiries, Complaints and Reports Committee, a notation of that fact and the date upon which the suspension took effect and, if applicable, the date upon which the suspension was lifted.

15 Where the Inquiries Complaints and Reports Committee has imposed an interim term, condition or limitation on the certificate of registration of a member in connection with an investigation which did not result in a referral to the Discipline Committee or the Fitness to Practise Committee, a notation of that fact, the nature of the order and its effective date, until the matter which was the subject of the investigation is finally concluded by the Inquiries, Complaints and Reports Committee.

15.01 Where the Inquiries, Complaints and Reports Committee has imposed an interim term, condition or limitation on the certificate of registration of a member in connection with an investigation which resulted in a referral to the Discipline Committee or the Fitness to Practise Committee, a notation of that fact, the nature of the order and its effective date, until the referral is finally concluded by the Discipline Committee or the Fitness to Practise Committee.

16. Where one or more allegations of professional misconduct or incompetence has been referred to the Discipline Committee in respect of the member on or after October 1, 2015 and have not yet been disposed of,

- a) the date of the referral;
- b) a copy of the specified allegations;
- c) the status of the hearing including the hearing date, if one has been set;
- d) the next scheduled date for the continuation of the hearing if the hearing was adjourned to a specific date or, if the hearing was adjourned without a specific date, a notation to that effect; and
- e) the Notice of Hearing.

17. Where the question of the member's capacity has been referred to the Fitness to Practise Committee and not yet decided,

- a) a notation of that fact; and
- b) the date of the referral.

18. Where the results of a disciplinary proceeding are contained in the College's register, the date on which the panel of the Discipline Committee made its decision including, if applicable, the date on which the panel ordered any penalty.

19. Where a decision of the Discipline Committee has been published by the College with the member's name included in any medium and the decision included a finding of professional misconduct or incompetence,

- a) a notation of that fact; and
- b) identification of the specific publication of the College which contains that information.

19.1 Where a decision of the Discipline Committee has been published by the College with the member's name included in any medium but the decision did not make a finding of professional misconduct or incompetence,

- a) a notation of that fact; and
- b) identification of the specific publication of the College which contains that information.

20. Where the result of an incapacity proceeding is contained in the College's register, the date on which the panel made the finding of incapacity and the effective date of any order made by the panel.

21. A summary of any finding of guilt of which the College is aware if made by a Court on or after January 1, 2015 against a member, in respect of any offence, in any jurisdiction, that the Registrar believes is in the public interest to be posted on the register.

22. Any information the College and the member have agreed should be included in the register.

23. Any information the College and a health profession corporation to which the College has issued a certificate of authorization have agreed should be included in the register.

24. Where a member holds an Inhalation Certificate,

a) a notation that the member is authorized by the College to administer a substance by inhalation; and

b) the date on which the Inhalation Certificate was first issued.

25. Where a member's Inhalation Certificate has been cancelled or voluntarily surrendered,

a) a notation that the Inhalation Certificate has been cancelled or voluntarily surrendered, whichever the case may be; and

b) the date it was cancelled or voluntarily surrendered, whichever the case may be.

42.07 A note required under paragraph 17 of Article 42.06 shall not include any detailed information about the subject matter of the proceeding or referral.

42.08 All of the information referred to in Articles 42.05 and 42.06 is information designated to be withheld from the public pursuant to subsection 23(6) of the Code such that the Registrar may refuse to disclose to an individual or post on the College's website any or all of that information if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

42.08.01 Subject to the authority of the Code, all information required by the Code will remain on the Register.

42.08.02 Subject to the authority of the Code and the by-laws, all information required by the by-laws will remain on the Register.

#### Letter of Standing

42.09 Upon request by any person, the Registrar shall issue a letter of standing in respect of any member.

42.10 A letter of standing shall set out all the information in respect of the member contained in the register that is available to the public under Article 42 or under subsection 23(3) of the Code.

42.11 A person who requests a letter of standing shall pay a fee set by the Registrar but not to exceed \$25.00.