



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
*Regulating Chiropodists and Podiatrists in Ontario*

# **COUNCIL MEETING**

September 27, 2024

180 Dundas Street West, Toronto  
19<sup>th</sup> Floor Conference Room  
9:00 a.m. – 5:00 p.m.



## Council Meeting Agenda

Date: Friday, September 27, 2024 | Time: 9:00 a.m. – 5:00 p.m.

Location: 180 Dundas Street West, Toronto – 19<sup>th</sup> Floor Conference Room

8:30am – 9:00am		Breakfast	
		A hot breakfast will be served in the Conference Room	

9:00am – 9:15am	1.0	Call to Order – Nicole Zwiers, Registrar and CEO	Page Number(s)
	1.1	<p>Call to Order</p> <p>Appointment of Secretary</p> <p>Land Acknowledgement: “The members and staff of the College of Chiropodists of Ontario respectfully acknowledge that we are situated on the traditional territories of the fourteen First Nation peoples of Ontario – the Anishinaabe (A-ni-shi-naa-be), the Haudenosaunee-Onk we hone (How-den-o-sew-knee-Onk-we hone), the Mush ke gowuk Cree (Mush-go-wuk-Cree), the Mohawk, the Tus ca rora (tus-ca-rora), the Seneca, the Cayuga, the Oneida, the Delaware, the Mississauga, the Chippewa, the Pot ta wa tami, the Algonquin and the Odawa peoples. We also acknowledge the presence of the Métis and Inuit as well as Indigenous peoples and First Nations peoples living off reserve and in urban areas.”</p> <p>Approval of Professional Member Prep Time</p> <p><b>Motion:</b> <i>That Council approve the preparation time for professional members on Council.</i></p>	N/A
	1.2	<p>Approval of Agenda</p> <p><b>Motion:</b> <i>That Council approve the agenda for the September 27, 2024 Council meeting.</i></p>	
	1.3	Declaration of Conflict of Interest**	1 – 6
	1.4	<p>Approval of Minutes of the May 31, 2024 Council Meeting **</p> <p><b>Motion:</b> <i>That Council approve the minutes of the May 31, 2024 Council meeting.</i></p>	7 – 13
	1.5	Welcome Guests and Observers	N/A
	1.6	Announcement & Welcome to new Councillors:	14



	<ul style="list-style-type: none"> <li>• Chiropracist Member for District 5: Jannel Somerville elected</li> <li>• Chiropracist Member for District 4: Jinyu Gu elected</li> <li>• Chiropracist Member for District 6: Mary Ellen Kennedy-Mitchell acclaimed</li> <li>• New Public Appointee, Guransh Brar</li> <li>• New Selected Member, Tobi Mark</li> </ul> <p>Thank you to Councillors leaving Council: Jim Daley, Andrew Simmons and Ramesh Bhandari</p>	
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9:15am – 9:30am	2.0	Consent Agenda Items	Page Number(s)
		<p>A consent agenda is a bundle of items that is voted on, without discussion, as a package. It differentiates between routine matters not needing explanation and more complex issues needing examination. The Chair will ask if anyone wishes to remove an item from the consent agenda. Any Council member may request an item be removed so it can be discussed.</p> <p>To test whether an item should be included in the consent agenda, ask:</p> <ol style="list-style-type: none"> <li>1. Is this item self-explanatory and uncontroversial? Or does it contain an issue that warrants board discussion?</li> <li>2. Is this item for information only? Or is it needed for another meeting agenda issue?</li> </ol> <p><b>Motion:</b> <i>That Council approve consent agenda items 2.1, 2.2. and 2.3.</i></p>	N/A
	<b>2.1</b>	Survey Results from the May 31, 2024 Council Meeting**	15 – 19
	<b>2.2</b>	Practice Advisor Report**	20
	<b>2.3</b>	<b>Committee Reports</b>	
	<b>2.3.1</b>	Discipline Committee Report**	21 – 23
	<b>2.3.2</b>	ICRC Report**	24 – 28
	<b>2.3.3</b>	QAC Report**	29 – 30
	<b>2.3.4</b>	Registration Exam Committee Report**	31
	<b>2.3.5</b>	Standards and Guidelines Committee Report**	32
	<b>2.3.6</b>	Registration Committee Report**	33
	<b>2.3.7</b>	Patient Relations Committee Report**	34
	<b>2.3.8</b>	Fitness to Practice Committee Report**	35
	<b>2.3.9</b>	Technical Committee Report**	36
	<b>2.3.10</b>	Standing Drug Committee Report**	37
	<b>2.3.11</b>	Elections Committee Report**	38
	<b>2.3.12</b>	Strategic Planning Committee Report**	39
	<b>2.3.13</b>	Registrar’s Performance and Compensation Committee Report**	40
	<b>2.3.14</b>	Audit Committee Report**	41

Agenda items may not necessarily be dealt with in the order in which they appear.

\*\* Denotes an agenda item with supporting documentation.



9:30am – 10:15am	3.0	Decision Items	Page Number(s)
	3.1	Council Appointments  <b>Motion:</b> <i>That Council appoint Ed Chung as the Podiatrist representative in District 1 (Combined Districts 1 and 2) to Council.</i>	N/A
	3.2	Election of Executive Committee Members	N/A
	3.3	Amendments to the Registration Regulation**  <b>Motion:</b> <i>That Council approve, in principle, the proposed amendments to the Registration Regulation and that Council direct that the proposed amendments be circulated to registrants and other stakeholders for comment for 60 days before the matter is returned to Council.</i>	42 – 67
	3.4	Amendments to By-law 1: General and By-law 2: Fees to require that outstanding payments owed to the College be added to the annual renewal fee. **  <b>Motion:</b> <i>That Council approve the proposed amendments to By-law 1 and By-law 2 to add outstanding fees owed to the College to registrants' annual renewal fee.</i>	68 – 151

10:15am – 10:30am		Break	
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11:00am – 12:00pm	4.0	Council Education Item #1: Justin Bates, Ontario Pharmacists Association	Page Number(s)
		Strategies Used to Advocate for Scope Expansion for Pharmacists	N/A

12:00pm – 1:00pm		Lunch Break	Page Number(s)
		Committee Composition Framework: Newly Elected Executive Committee Meeting to determine Committee composition and Committee Chairs	N/A

1:00pm – 2:15pm	3.0	Decision Items	Page Number(s)
	3.5	Executive Committee's recommendations for Committee Chairs and Committee Composition	N/A

Agenda items may not necessarily be dealt with in the order in which they appear.

\*\* Denotes an agenda item with supporting documentation.





		<b>Motion:</b> <i>That Council approve the Executive Committee’s recommendations for Committee Chairs and Committee Composition.</i>	
	<b>3.6</b>	Approval of the College’s Governance Manual for Council and Committee Members**  <b>Motion:</b> <i>That Council approve the Governance Manual.</i>	152 – 184
	<b>3.7</b>	Removing Information from the Public Register Policy **  <b>Motion:</b> <i>That Council approve the Removing Information from the Public Register Policy.</i>	189 – 192
	<b>3.8</b>	Records Management and Retention Policy**  <b>Motion:</b> <i>That Council approve the draft Records Management and Retention Policy.</i>	193 – 202

<b>2:15pm – 2:45pm</b>	<b>6.0</b>	<b>Discussion Items</b>	<b>Page Number(s)</b>
	<b>6.1</b>	Registrar’s Report** – Nicole Zwiers	246 – 249
	<b>6.2</b>	President's Report (verbal)	N/A
	<b>6.3</b>	Key Performance Indicators (KPIs) Update & Dashboard**	250

<b>2:45pm – 3:00pm</b>		<b>Break</b>	
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<b>3:00pm – 4:00pm</b>	<b>5.0</b>	<b>Council Education Item #2: David Wright and Dionne Woodward, Health Professions Discipline Tribunals</b>	<b>Page Number(s)</b>
		Health Professions Discipline Tribunal Pilot Project **	203 – 245

<b>4:00pm – 5:00pm</b>	<b>7.0</b>	<b>In-Camera</b>	<b>Page Number(s)</b>
	<b>7.1</b>	Motion to move in camera  <b>Motion:</b> <i>That Council move in camera pursuant to section 7(2)(b) of the Health Professions Procedural Code on the basis that financial or personal</i>	N/A

Agenda items may not necessarily be dealt with in the order in which they appear.

\*\* Denotes an agenda item with supporting documentation.



		<i>or other matters may be disclosed of such a nature that the harm created by the disclosure would outweigh the desirability of adhering to the principle that meetings be open to the public.</i>	
	<b>7.2</b>	Approval of in camera Minutes of the May 31, 2024 Council Meeting**  <b>Motion:</b> <i>That Council approve the in-camera minutes of the May 31, 2024 Council meeting.</i>	
	<b>7.3</b>	<b>In-Camera Discussion Items</b>	
	<b>7.3.1</b>	Legal Updates	
	<b>7.3.2</b>	Stakeholder Update**	
	<b>7.4</b>	<b>In-Camera Decision Items</b>	
	<b>7.4.1</b>	District Divisions**	
	<b>7.4.2</b>	White Paper on Prescribing Regulations**	
	<b>7.4.3</b>	Scope of Practice**	
	<b>7.4.4</b>	HPDT Pilot Project	

<b>5:00pm – 5:15pm</b>	<b>8.0</b>	<b>Next Meeting</b>	<b>Page Number(s)</b> N/A
	<b>8.1</b>	Business Meeting and Council Meeting Dates for 2025: <ul style="list-style-type: none"> <li>• Wednesday, January 29 and Thursday, January 30, 2025</li> <li>• Wednesday, May 28 and Thursday, May 29, 2025</li> <li>• Wednesday, October 8 and Thursday, October 9, 2025</li> </ul>	
	<b>8.2</b>	Council Survey Reminder	
	<b>8.3</b>	Proposed Agenda Items for Next Council Meeting	

<b>5:15pm</b>	<b>9.0</b>	<b>Adjournment</b>	<b>Page Number(s)</b> N/A
		<b>Motion:</b> <i>That Council adjourn the meeting.</i>	



## Conflict of Interest Disclosure Form

**Meeting Date:** 2022

**Council/Committee:**

**Meeting type:** Plenary  Panel

I acknowledge and agree that an actual or perceived conflict of interest can undermine confidence in the College and its ability to fulfill its public interest mandate. I have read and understood the [College's by-laws](#) on conflict of interest, the [Code of Conduct for Members of Council and its Committees](#), the **Conflict of Interest Worksheet** and the **Process for Considering & Declaring a Conflict of Interest**.

I agree to take all reasonable steps to avoid any actual or perceived conflict of interest from arising and, if one cannot be avoided, I undertake to declare any real, perceived, or potential conflict of interest and to recuse myself from any consideration of the matter at issue.

I have NO conflict of interest to report regarding any of the agenda items to be discussed at the above noted meeting.

I declare a conflict of interest with one or more of the agenda items to be discussed at the above noted meeting.

I certify that the information above is true and complete to the best of my knowledge.

Signature:

Date:



## Code of Conduct For Members of Council and Its Committees

### Preamble

For the College to command the confidence of the government, the public and the profession, it is necessary that Council, as the profession's governing body, adopt appropriate standards of conduct for members of Council and its Committees in order to ensure that they properly perform their duties with integrity and in a manner that promotes the highest standard of public trust.

Each member of Council and its Committees is therefore required to comply with the following Code of Conduct (Code) understanding that a breach of the Code could result in the Council member being removed from Council or the Committee member being removed from all Committees, in accordance with the By-laws of the College.

### The Code

1. Council and Committee members shall be familiar with and comply with the provisions of the Regulated Health Professions Act, 1991 (RHPA), its Health Professions Procedural Code and its regulations, the Chiropractic Act, 1991 and its regulations, and the by-laws and policies of the College.
2. Council and Committee members, when acting in that capacity, shall act in a diligent manner, including preparing for meetings/hearings, attending meetings/hearings on time, and actively participating.
3. Council and Committee members, when acting in that capacity, shall participate in all deliberations and communications in a respectful, courteous and professional manner, recognizing the diverse background, skills and experience of members on Council.
4. Council and Committee members, when acting in that capacity, shall conduct themselves in a manner that respects the integrity of the College by striving to be fair, impartial and unbiased in their decision making.
5. Council and Committee members shall place the interests of the College and Council above their personal interests or any other interests. Council and Committee members shall avoid engaging in conduct that interferes with the ability of the College to achieve its public protection mandate.
6. Council and Committee members shall avoid any appearance of or actual conflict of interest or bias.
7. Council and Committee members shall uphold the decisions made by Council and its Committees, regardless of the level of prior individual disagreement. Council and Committee members shall not publicly oppose or speak against a policy, position, decision, by-law or other matter made or adopted by Council or a Committee.
8. Council and Committee members shall refrain from engaging in any discussion in relation to the business of Council and/or Committees with other Council or Committee members that takes place outside the formal Council/Committee decision making process.
9. Council and Committee members shall refrain from communicating with Committee members on Statutory Committees in circumstances where this could be perceived as an attempt to influence a member or members of a Statutory Committee, unless he or she is a member of the panel or, where there is no panel, of the Statutory Committee dealing with



the matter. This would include, but not be limited to, matters involving the Registration of applicants and matters involving members involved with the Inquiries, Complaints and Reports Committee, the Quality Assurance Committee, the Disciplinary Committee or the Fitness to Practise Committee.

10. Council and Committee members shall respect the confidentiality of information identified as confidential and acquired solely by virtue of their Council/Committee member position.
11. Council and Committee members shall ensure that confidential information is not disclosed except as required for the performance of their duties, or as directed by Council or the Executive Committee acting on behalf of Council.
12. Council and Committee members shall not use their positions as members of Council or any Committee to obtain or attempt to obtain employment at the College or preferential treatment for themselves, family members, friends or associates.
13. Council and Committee members shall not include or reference Council or Committee titles or positions held at the College in any business promotional materials, advertisement or business cards.
14. Council and Committee members shall respect the boundaries of staff, recognizing that a staff member's role is not to report to or work for individual Council or Committee members. Council and Committee members will, therefore, not directly contact staff members, other than the Registrar, except on matters where the staff member has been assigned to provide administrative support to that Committee, without the prior approval of the Registrar or the Executive Committee.
15. Council and Committee members shall be respectful of each other and staff and not engage in conduct or behaviour towards fellow Council or Committee members or staff that might reasonably be perceived as verbal, physical or sexual abuse or harassment.

Adopted by Council: December, 2016

Amended by Council: May 31, 2024

## WORKSHEET: Conflict of Interest

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### What is a conflict of interest?

A conflict of interest is defined as any financial, personal, professional or emotional interest that could reasonably be perceived as interfering with the exercise of a person's public duties, for example as a COCOO Council, committee or panel member.

### Self-screening Questions

Not sure if you are in a conflict of interest? In assessing for conflicts of interest, know that each situation will vary and have its own specific context. Consider the following questions & examples:

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#### Financial interest

Do you stand to be affected financially by the outcome of this decision?

Example: Council is discussing whether it would find College-provided iPads mounted in the meeting room for each Council member to be helpful. One Council member owns a small number of shares of Apple, Inc. Since the financial implication for the Council member is negligible or non-existent, they do not declare a conflict of interest.

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#### Personal or professional relationship

Have you had a personal or professional relationship, e.g. friend, family, instructor, student, supervisor, supervisee, employer, employee, colleague, with any of the individuals involved in the matter?

Example: A Registration Committee panel member taught at the education program from which an applicant obtained some of their education. They declare a conflict of interest.

Example: An Inquiries, Complaints and Reports Committee panel member attended a two-day workshop seven years ago with the respondent's clinical supervisor. Since the contact was brief and occurred long ago, they do not declare a conflict of interest.

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#### Professional bias

Do you have a private or publicly stated opinion that could reasonably be perceived as interfering with your ability to consider one or more of the issues with an open mind?

Example: An Inquiries, Complaints and Reports Committee panel member has published work about the harms of breaching therapist-client boundaries. They are reviewing a complaint involving an alleged breach of boundaries. Since there is no reasonable disagreement within the profession, and assuming they are not emotionally biased, they do not declare a conflict of interest.

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### **Emotional bias**

For whatever reason, do your ideas or emotions prevent you from considering one or more of the issues with an open mind?

Example: Based on personal experience, an Examination Committee member has an emotional reaction to a candidate's rationale for needing to extend the normal timeframe within which to write the exam. They declare a conflict of interest.

Example: A panel of the Inquiries, Complaints and Reports Committee is dealing with serious allegations of misconduct. After discussing and processing the emotional impact of reviewing the materials, they all reassure themselves that they can consider the situation with an open mind.

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### **Interests of Related Persons**

Are you aware that your parent, child, spouse or sibling has any of the about interests respecting Council, committee or panel business?

Example: A Registration Committee member's child is attending a program coming before the Committee to seek recognition. They declare a conflict of interest.

Example: An Inquiries, Complaints and Reports Committee panel is considering a complaint by a firefighter. One panel member's spouse is also a firefighter. Assuming there is no emotional bias, the profession of the panel member's spouse would not reasonably be seen as interfering with the panel member's duties. They do not declare a conflict of interest.

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### **Threshold analysis**

Would a reasonably well-informed person perceive that the above interest could interfere with the exercise of your public duties?

Example: A Discipline Committee panel member was employed at the same large clinic at the time the alleged misconduct occurred. While the panel member had no prior knowledge of the alleged events, the panel member is close colleagues with a key witness in the case. There was a reasonable apprehension of bias on the part of the panel member.

Example: A complainant appeals a decision of the Inquiries, Complaints and Reports Committee taking no action against a registrant. Through Google, the complainant discovered that a panel member was a LinkedIn contact of the respondent. The panel member clarified they only met once briefly three years ago. Even though it may have been preferable for that panel member not to participate, this was not found to be a conflict of interest.

## Process for Considering & Declaring Conflicts of Interest

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The following are steps taken by the College in addressing conflicts of interest.



### Staff pre-screening

- Staff will pre-screen agenda items for obvious conflicts of interest on the part of Council, committee or panel members.
  - If a conflict is identified, staff will alert the Chair and materials will not be sent to the conflicted member.
  - The matter will either be assigned to a different panel, or the conflicted member will be alerted in advance that they will not be present for the entire meeting.
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### Council, committee or panel member self-screening

- Go through the above self-screening.
  - If a concern is identified that does not rise to the threshold of a conflict of interest, consider making a courtesy declaration at the meeting to reassure the Council, committee or panel that you have considered the issue.
  - If unsure, consult with staff, legal counsel or the Chair. It is preferable to consult with staff or legal counsel before the Chair to avoid the risk of tainting the Chair.
  - In close cases, consider the potential benefit of declaring a conflict to avoid later disputes about whether or not there was a conflict of interest.
  - If you identify a conflict of interest, do not review the meeting materials further and securely delete them. Alert the Chair and support staff in advance of the meeting. Always declare in a general manner so as not to cause emotional bias on the listener's part.
  - Subsequently, declare the conflict at the meeting itself. Do not take part in or attempt to influence the deliberation and leave the room while deliberation is taking place. The general nature of conflict will be recorded in the minutes.
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### Council, committee or panel discussion of possible conflicts of interest



- Occasionally, you may become aware that another member may have a conflict. If that member does not declare a conflict, or if they are unsure, all members are responsible at the meeting for raising the concern and discussing whether it constitutes a conflict of interest.
- In rare cases of disagreement, a majority of those present can vote to find there is a conflict and exclude the conflicted member from considering the matter.
- Post Meeting Conduct: After recusing yourself on a matter, use professional discretion and avoid revisiting the issue with colleagues, even if the decision is on the public register or you have seen the meeting minutes.<sup>1</sup>

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<sup>1</sup> Council minutes are public documents (aside from in camera portions). Regarding committee and panel minutes, normally it be considered that viewing minutes by a panel member who has declared a conflict poses a risk of improperly affecting the College's decision. However, occasionally confidentiality and risk management may require that panel minutes not be viewed by a member who has declared a conflict of interest.





**Minutes of the Council Meeting  
Friday, May 31, 2024, at 9:00 a.m.  
180 Dundas St. W., 19<sup>th</sup> Floor Conference Room**

**Council Members in Attendance:**

1. Matthew Andrade
2. Melanie Atkinson
3. Ed Chung
4. Allan Katz, Public Appointee
5. Andrew Klayman
6. Deborah Loundes, Selected Member
7. Murtuza Najmudin
8. Reshad Nazeer, Public Appointee
9. Jannel Somerville
10. Peter Stavropoulos (Chair)

**Regrets:**

1. Ramesh Bhandari, Public Appointee
2. Andrew Simmons, Public Appointee
3. Chad Bezaire
4. Jim Daley, Public Appointee (Attended and participated in Decision Item 3.16 virtually via Zoom)

**Staff in Attendance:**

1. Nicole Zwiers – Registrar and CEO
2. Meghan Clarke – Deputy Registrar and Manager, Professional Conduct and Hearings
3. Shruti Tantry – Manager, Communications and Engagement (Recorder)

**General Legal Counsel:**

1. Erica Richler

**Guests:**

1. Ian Colin McQuistan, Ontario Society of Chiropractors
2. Jennifer Sinclair, Canadian Federation of Podiatric Medicine
3. Bruce Ramsden, President, Ontario Podiatric Medical Association – via Zoom
4. Zoe Askwith, Senior Policy Analyst, Health Workforce Regulatory Oversight Branch, Ministry of Health – via Zoom

## **1. Call to Order**

### **1.1 Call to Order, Appointment of Secretary, Land Acknowledgement, Approval of Professional Member Prep Time**

P. Stavropoulos called the meeting to order at 9:01 a.m., noting that notice of the meeting was given, and the meeting was properly constituted with a quorum present, and welcomed Council members and guests.

S. Tantry was appointed as Secretary.

J. Somerville delivered a land acknowledgement.

D. Loundes proposed 2.5 hours of preparation time for professional members.

*It was moved by D. Loundes and seconded by A. Klayman to approve 2.5 hours of preparation for professional members. Motion CARRIED.*

### **1.2 Approval of Agenda**

*It was moved by A. Katz and seconded by M. Andrade to approve the agenda. Motion CARRIED.*

### **1.3 Declaration of Conflict of Interest**

No conflict of interest was declared.

### **1.4 Approval of Minutes of January 26, 2024 Council Meeting**

*It was moved by J. Somerville and seconded by M. Najmudin to approve the minutes of the January 26, 2024 Council meeting. Motion CARRIED.*

### **1.5 Welcome Guests**

N. Zwiers welcomed Council, staff and guests and online observers to the session.

## **2. Consent Agenda Items**

*It was moved by M. Najmudin and seconded by A. Katz to approve consent agenda items 2.1, 2.2. and 2.3. Motion CARRIED.*

### **2.1 Council Survey Results**

N. Zwiers thanked all those who took the time to complete the survey and reminded Council that the College staff attempt to make these meetings as seamless as possible and aim to provide materials sufficiently in advance of the meeting so that sufficient time is provided for review.

### **3. Decision Items**

#### **3.10 Revision to Guideline for Suspension**

*It was moved by A. Klayman and seconded by R. Nazeer that Council approve the proposed changes to the Guideline for Suspension. Motion CARRIED.*

#### **3.11 Amendments to By-law 1: General and By-law 2: Fees to require that outstanding payments owed to the College be added to the annual renewal fee.**

*It was moved by D. Loundes and seconded by J. Somerville that Council approve, in principle, the amendments to By-law 1 and By-law 2, and that Council direct that the proposed amendments be circulated to registrants and other stakeholders for comment for 60 days before the matter is returned to Council. Motion CARRIED*

N. Zwiers added that this change aligns with other health regulators' practices, as the idea is to ensure all payments and fees are cleared by registrants prior to or during their registration renewal process.

P. Stavropoulos asked for information on the requirement for consultation for the benefit of the Council members and observers. Legal counsel E. Richler clarified that only certain matters and by-law updates are circulated to the profession for feedback, such as those pertaining to financial matters that would affect the registrant's renewal fees and practice, and any topics that would affect the public and patient care.

#### **3.12 Consultation Feedback – By-law 1 (General): Adding Registrant numbers to the Public Register.**

*It was moved by M. Najmudin and seconded by A. Katz that Council approve the proposed change to By-law 1 (General), to add registration numbers to the Public Register. Motion CARRIED*

N. Zwiers shared a summary of the feedback received by registrants and others through this consultation, and the research and environmental scan conducted by staff. This change will ensure the College's practices are in alignment with other regulators. With respect to concerns about fraud, which were raised in some of the feedback, N. Zwiers reminded Council that registration numbers are easily available in several external documents and materials, such as insurance paperwork, and adding registrant numbers to the Public Register would be unlikely to cause an increase in instances of fraud.

Council discussed having a mechanism to analyze fraud activity trends after moving forward with the addition of registration numbers on the Public Register. N. Zwiers noted that it might be difficult to determine the accuracy of data or reports but is open to feedback and recommendations by Councillors.

#### **3.13 Revision to By-Law 4: Code of Conduct of Councillors and Committee Members.**

*It was moved by A. Katz and seconded by E. Chung that Council approve the proposed revisions to By-law 4: Code of Conduct of Councillors and Committee Members. Motion CARRIED*

#### **3.14 Revision to the Code of Conduct for Members of Council and Its Committees.**

*It was moved by J. Somerville and seconded by M. Najmudin that Council approve the proposed revisions to the Code of Conduct for Members of Council and its Committees. Motion CARRIED*

### **3. Decision Items**

N. Zwiers stated that these document reviews and updates are to improve College documents by using plain language, so they are easy to read and understand. The Code of Conduct was updated to reflect the most up-to-date, modern terms, such as using “registrant” instead of “member”.

### **3.15 Continuing Education credits (hours) for newly developed modules (Governability and Clinical Supervision) and the role of Clinical Supervisors.**

*It was moved by A. Klayman and seconded by M. Andrade that Council approve the Quality Assurance Committee's recommendations for Continuing Education credits for a module on the Governability of Registrants. Motion CARRIED.*

P. Stavropoulos shared that this module is meant to address the need to ensure that registrants fully understand their responsibility as regulated health professionals and registrants of this College. This is way to reward and recognize registrants when they complete this module and take the time to learn about the College’s expectations, policies and standards.

N. Zwiers added that in the past, they found that many registrants are not aware of their responsibility as regulated health professionals. This is a way to remind registrants that they must recognize the regulator as the appropriate authority under the legislation to govern the profession. The module captures topics like registrants’ obligation to complete annual renewal, QA requirements and surveys in a timely fashion, and conduct themselves professionally. It also provides examples on how a registrant shows that they are governable. This is a positive approach to encourage governability and prevent negative outcomes, such as ICRC Complaints and disciplinary action. She added that video content is just another medium to reach out to more registrants, and that this registrant-focused approach is meant to support their understanding of governability and prevent breach of standards or policies of the College.

P. Stavropoulos also mentioned that the Registrar and staff reached out to Michener students to introduce the topic of governability before they enter the profession, to support their learning journey.

Staff shared information about the plan to launch the modules on a dedicated Learning Management System (LMS) platform, as each module will have a quiz component.

*It was moved by R. Nazeer and seconded by M. Andrade that Council approve the Quality Assurance Committee's recommendations for Continuing Education credits for a module on Clinical Supervision. Motion CARRIED.*

P. Stavropoulos noted that this idea originated from an inquiry from a registrant who provides clinical supervision to students and was interested in knowing if the College has any provision of CE credits for mentorship for registrants who provide clinical supervision to trainees.

*It was moved by D. Loundes and seconded by M. Najmudin that Council approve the Quality Assurance Committee's recommendations for Continuing Education credits for Registrants taking on students as Clinical Supervisors. Motion CARRIED.*

P. Stavropoulos added that providing CE credits to clinical supervisors is a way to recognize mentorship and leadership in footcare practice and encourage registrants to set a positive example in the profession by helping learners gain practical experience and interact with patients in real-life clinical settings.

### **3.16 Approval of the 2023 Audit Report**

*It was moved by M. Andrade and seconded by A. Katz that Council approve the 2023 Audited Financial Report.*

J. Daley provided a brief summary of the audit process and stated that the report was clear and concise and did not present any conflicts or issues.

### **3.17 Approval of Hilborn LLP as the Auditors for the College for the 2024 Audit**

*It was moved by M. Atkinson and seconded by M. Najmudin that Council approve Hilborn LLP as the Auditors for the College for the 2024 Audit. Motion CARRIED.*

No comments.

## **4. Council Education Item #1 – Overview of the Casella Decision**

A. Block presented key takeaways from the recent decision and appeal to the Divisional Court (*Casella v. College of Chiropodists of Ontario*), where the registrant was found to have breached the Discipline Committee's order and appealed to reverse the decision by the College's Discipline Committee.

P. Stavropoulos shared his thoughts on the responsibility of registrants to contact the College with any concerns or confusion related to practice guidelines or policies. He stated that the College reaches out to all registrants about updates to policies, by-laws and standards, and hopes that registrants would refer to the information provided on the website and various communication channels.

N. Zwiers talked about the process, expressing that these matters and proceedings can be taxing on small regulators' resources. She thanked legal counsel for their work on the case, and for presenting important insights to Council.

D. McKenna shared a summary of another case: *Spirou v. College of Physiotherapists of Ontario*, and key takeaways about the outcome and what it means for registrants of regulated health professions. The case pertained to insurance fraud based on a complaint filed by an insurance company with the College of Physiotherapists of Ontario.

D. McKenna shared that hopes that these types of cases and their outcomes remind registrants of their individual responsibilities to understand the standards and regulatory requirements of the profession, accountability and overall governability.

## **5. Council Education Item #2 – Challenges and Opportunities in the Professional Regulation of Chiropodists and Podiatrists**

N. Zwiers shared her presentation about the key challenges and opportunities in professional regulation for chiropodists and podiatrists, which she delivered at the May 15, 2024 Town Hall.

N. Zwiers talked about the role of the regulator in terms of addressing the shortage of chiropodists and podiatrists in Ontario to serve the needs of populations that greatly need foot care services, especially those residing in the northern and more remote communities across Ontario. She also discussed the issues related to the legislative restriction on the podiatry profession, which prevents footcare specialists from practising to

scope and serve maximum patients who may have complex and specialized footcare needs, for example, bone surgery and other treatments.

A. Katz asked about the possibility of collaborating with other organizations such as the Ontario Renal Network to potentially look for trends on health outcomes and concerns within Indigenous and other vulnerable populations in remote areas.

P. Stavropoulos addressed the huge gap in access to care that impacts the overall wellbeing and health outcomes of Indigenous populations, and the devastating effects of the lack of proper foot care, such as lower limb amputations.

Council members asked interesting questions about future plans and next steps regarding the move to the podiatry model. A. Katz suggested the idea of promoting the Zero Tolerance policy and FAQs regarding orthotics fraud in the profession.

## **6. Discussion Items**

### **6.1 Registrar's Report**

The report is provided in the meeting materials.

### **6.2 President's Report (verbal)**

P. Stavropoulos thanked staff members and the Registrar for their behind-the-scenes work and efforts to coordinate Council meetings. He also noted that there was little to add to the Registrar's Report and thanked Council members, who volunteer their time from their busy lives and practices to participate in College matters.

Finally, the President shared a note of thanks to Councillors D. Loundes and E. Chung, who were completing their term on Council, for their valuable service.

### **6.3 Key Performance Indicators (KPIs) Update & Dashboard**

The dashboard (included in materials) will give a sense of where the College stands in terms of functions and programs and will accompany Council materials hereafter to keep Council informed.

## **7. In Camera**

*It was moved by M. Najmudin and seconded by J. Somerville to move in camera pursuant to section 7(2)(b) of the Health Professions Procedural Code on the basis that financial or personal or other matters may be disclosed of such a nature that the harm created by the disclosure would outweigh the desirability of adhering to the principle that meetings be open to the public. Motion CARRIED.*

Council moved in camera at 1:00 p.m.

## **8. Next Meeting**

**8.1 Council Meeting Dates for 2024**

- September 27, 2024

**8.2 Council Survey Reminder**

**8.3 Proposed Agenda Items for Next Meeting**

Operational: recognition of service for Councillors at term-end.

**9. Adjournment**

*It was moved by D. Loundes and seconded by E. Chung that the meeting be adjourned. Motion CARRIED.*

The meeting was adjourned at 1:56 p.m.



**College of Chiropodists of Ontario**  
*Regulating Chiropodists and Podiatrists in Ontario*

**ITEM 1.6**

**FOR INFORMATION: ANNOUNCEMENTS AND RESULTS OF 2024 COUNCIL ELECTIONS**

Following two calls for nominations in Districts 4 and 5, two chiropody registrants came forward in each of the districts, which lead to elections in these two districts:

- **Jinyu Gu** was elected in District 4.
- **Jannel Somerville** was elected in District 5.

Following two calls for nominations in District 6, one chiropody registrant came forward:

- **Mary Ellen Kennedy-Mitchell** was acclaimed.

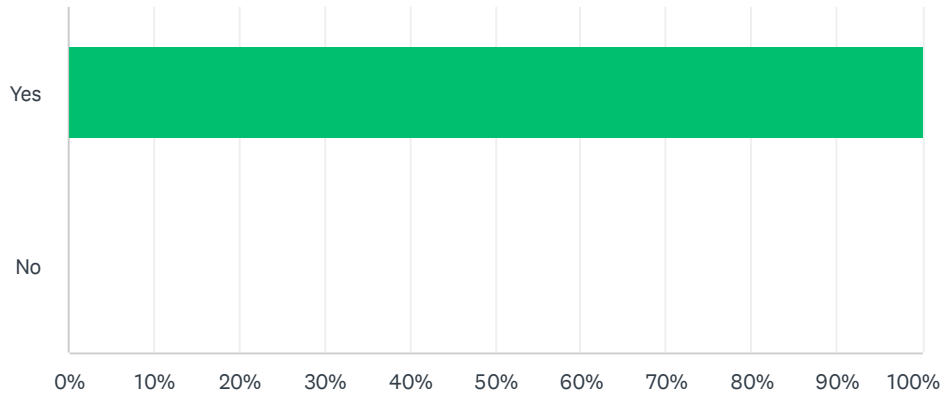
Following two calls for nominations to the podiatry registrants in Combined District 1 (Districts 1 and 2), a general call went out to all podiatry registrants to fill this Council position. One podiatrist came forward:

- **Ed Chung, DPM** will be presented to Council for appointment at the September 27, 2024 meeting.



### Q1 Was the meeting effective in achieving the goals of the meeting?

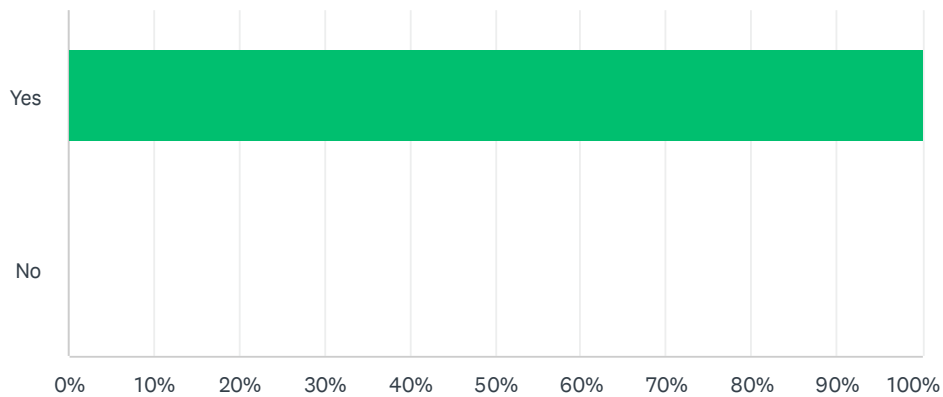
Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	10
No	0.00%	0
<b>TOTAL</b>		<b>10</b>

### Q2 Did the chair run an efficient and effective meeting?

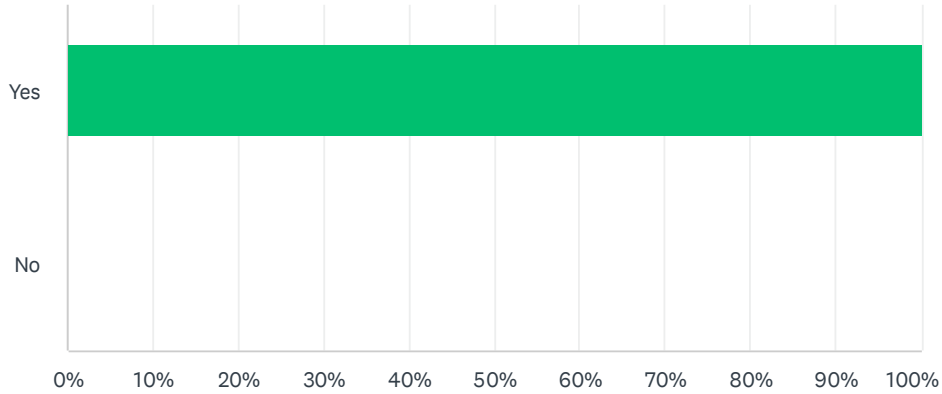
Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	10
No	0.00%	0
<b>TOTAL</b>		<b>10</b>

### Q3 Did you receive the materials in sufficient time to be adequately prepared for the meeting?

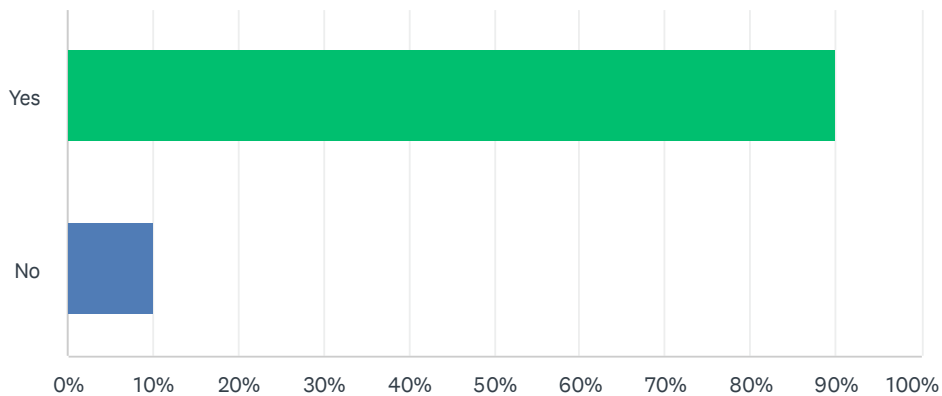
Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	10
No	0.00%	0
TOTAL		10

### Q4 Did all committee members appear reasonably prepared for the meeting?

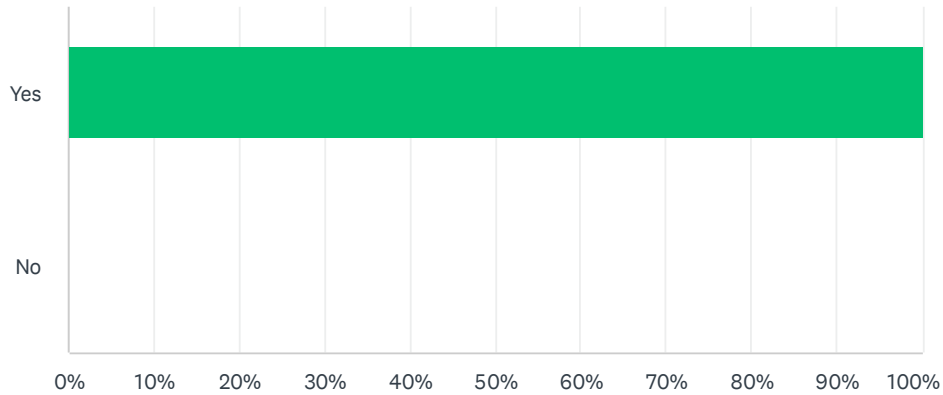
Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	90.00% 9
No	10.00% 1
TOTAL	10

### Q5 Did all committee members participate in the meeting appropriately?

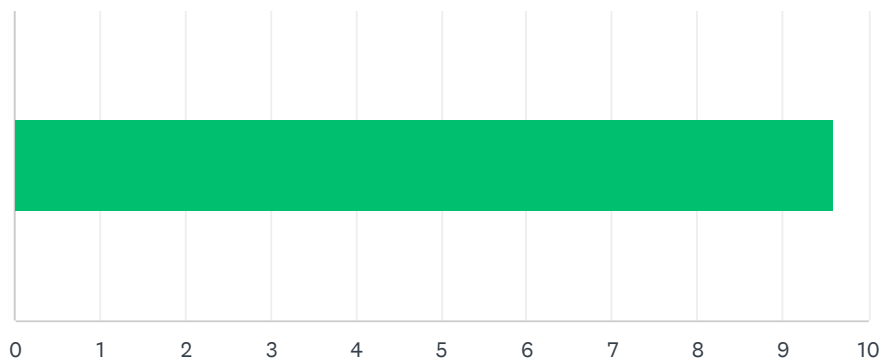
Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	100.00% 10
No	0.00% 0
TOTAL	10

### Q6 On a scale of 1-10, how would you rate your overall experience for the meeting?

Answered: 10 Skipped: 0



Post-Council Meeting Survey - May 2024

ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	10	96	10
Total Respondents: 10			

#		DATE
1	9	6/3/2024 9:45 AM
2	10	6/2/2024 4:04 PM
3	10	6/2/2024 3:32 PM
4	9	6/1/2024 12:23 PM
5	10	6/1/2024 11:44 AM
6	10	6/1/2024 11:12 AM
7	9	5/31/2024 9:44 PM
8	10	5/31/2024 8:42 PM
9	9	5/31/2024 7:42 PM
10	10	5/31/2024 2:29 PM

**Q7 Please provide any comments, questions, concerns, or feedback that we can do differently at the next meeting.**

Answered: 9 Skipped: 1

#	RESPONSES	DATE
1	Nothing really. Very small comment - it would have been nice to have the CanLii documents in electronic format in advance of the meeting.	6/3/2024 9:45 AM
2	I learned to abide by the "F-word" after the Council orientation 9 years ago. "Fiduciary" duty was explained. It has been a honor and a privilege to have served on this Council. My gratitude goes to the public members (past/present) for their objectivity, professionalism, expertise and passion to serve the public. To our College staff, you are the backbone of the College; thank you for all your help and support. To the professional members, it is a small sacrifice with time away from work and family; profession regulation is a privilege that can be taken away. To our Registrar and CEO, thank you for taking on this position with the courage to stay on and direct this College to fulfill its mandate of protecting the public. Best of wishes to all.	6/2/2024 4:04 PM
3	Everything was great, the only thing i think may be helpful is a bit of a pause (1 minute) once we are asked if there were any discussion, just for council to ponder if we do have further questions. A couple of times I thought of something but we had already moved on. Otherwise everything was good as usual.	6/1/2024 12:23 PM
4	Very efficient and the educational portion is appreciated	6/1/2024 11:44 AM
5	Efficient and well-run meeting. Guest speakers (College counsel) were informative.	6/1/2024 11:12 AM
6	The college staff have given adequate time for material to be read and prepped by council	5/31/2024 9:44 PM
7	Nothing to suggest.	5/31/2024 8:42 PM
8	The meeting was well run and organized. Option of mirroring the agenda package on the screen so we are not always looking down at our computers allowing us to be more engaged with each other in the meeting.	5/31/2024 7:42 PM
9	Enjoyed having guest speakers review current cases	5/31/2024 2:29 PM

## Q8 Please provide your name

Answered: 10 Skipped: 0

#	RESPONSES	DATE
1	Allan Katz	6/3/2024 9:45 AM
2	Ed Chung	6/2/2024 4:04 PM
3	Reshad	6/2/2024 3:32 PM
4	Deborah Loundes	6/1/2024 12:23 PM
5	Melanie Atkinson	6/1/2024 11:44 AM
6	Matthew Andrade	6/1/2024 11:12 AM
7	Murtuza	5/31/2024 9:44 PM
8	Peter Stavropoulos	5/31/2024 8:42 PM
9	Andrew Klayman	5/31/2024 7:42 PM
10	Jannel Somerville	5/31/2024 2:29 PM



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
*Regulating Chiropodists and Podiatrists in Ontario*

**ITEM 2.2**

**PRACTICE ADVISOR REPORT**  
September 27, 2024 Council Meeting

**Acting Practice Advisor:**

Peter Stavropoulos, DPM - Podiatrist

**Purpose:**

To provide Council with an overview of the Practice Advisor (PA) activities since the last meeting of Council. The PA provides professional practice advice on behalf of the College, supporting registrants by them toward making sound and ethical clinical decisions that comply with legislative requirements, the Standards of Practice, and College policies and guidelines.

**The Public Interest:**

The PA service responds to inquiries from multiple stakeholders including the public. The PA is also available to support the public and other stakeholders with questions about the practice of chiropodists and podiatrists in Ontario.

**Data breakdown since the January 2024 Council meeting:**

- Received **174** phone calls and emails relating to the practice advisory service between **May 1 to August 16, 2024**.
- Sources of inquiries during this cycle included: the Ministry of Health, members of the public, Registrants, clinic managers/owners, regulated health Colleges, other regulated health professionals (for example, pharmacists, MDs, RNs), third-party insurance companies, and referrals from College staff.

**Ongoing work:**

Seeking to improve the PA service to registrants and stakeholders by:

- Continuing to increase awareness of the services provided by the PA.
- Enhance learning resources available on the College website.
- Encouraging Registrants to avail themselves of the guidance available to them through the PA service.



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
*Regulating Chiropodists and Podiatrists in Ontario*

**ITEM 2.3.1**

**DISCIPLINE COMMITTEE REPORT**  
September 27, 2024 Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Cesar Mendez, Chiropodist

**Professional Members (Council):**

Matthew Andrade, Chiropodist  
Melanie Atkinson, Chiropodist  
Chad Bezaire, Chiropodist  
Edward Chung, Podiatrist  
Jannel Somerville, Chiropodist  
Peter Stavropoulos, Podiatrist

**Professional Members (Non-Council):**

Riaz Bagha, Chiropodist  
Stephen Haber, Podiatrist  
Brooke Mitchell, Chiropodist  
Lloyd Nesbitt, Podiatrist  
Eliot To, Chiropodist  
Shael Jeffrey Weinberg, Podiatrist

**Selected Member:**

Deborah Loundes, Chiropodist

**Public Appointees:**

Ramesh Bhandari, Public Appointee  
Jim Daley, Public Appointee  
Allan Katz, Public Appointee  
Reshad Nazeer, Public Appointee

**ROLE OF THE COMMITTEE:**

The Discipline Committee supports the College's public protection mandate by conducting hearings to adjudicate allegations of professional misconduct and incompetence against registrants of the College.

**MEETINGS:**

The Discipline Committee does not have any scheduled meetings at this time.

**HEARINGS:**

- **Completed hearings:** three uncontested hearings were completed between April and July 2024; one contested hearing (on liability) was completed.
- **Scheduled hearings:** there is one scheduled hearing.

**PRE-HEARING CONFERENCES:**

- **Completed pre-hearings:** There were no pre-hearing conferences between April and July 2024
- **Scheduled pre-hearings:** There is one scheduled pre-hearing conference.

**Completed Matters – April to July 2024**

Disciplinary matters are resolved by way of uncontested or contested hearings. Matters are resolved or disposed of when:

- All allegations are withdrawn or dismissed;
- No findings of professional misconduct and/or incompetence are made by a panel;
- Findings of professional misconduct and/or incompetence are made and a penalty is ordered;
- Reinstatement requests are granted, not granted or abandoned; and
- Removal of information requests are granted, not granted or abandoned.

Between April and July 2024, the Discipline Committee disposed of three matters.

*COCOO v. Seecharan*

The registrant signed an agreed statement of facts, admitting that she engaged in professional misconduct, including that she:

- failed to meet or contravened the College's standards;
- practised the profession while in a conflict of interest;
- failed to keep records as required;
- signed or issued a document that contained a false or misleading statement;
- submitted an account or charge for services that she knew was false or misleading;
- charged a fee that was excessive;
- contravening the Act, the RHPA or the regulations under those acts, and
- engaged in conduct that was disgraceful, dishonourable and unprofessional.

The Panel accepted a joint submission on penalty and ordered the following:

- oral reprimand
- 10-month suspension of the Registrant's certificate of registration (with remittance for completing course work)
- ProBe Ethics Course
- Medical Record-Keeping Course
- Mentorship

The Registrant was ordered to pay \$17,500 in costs to the College.

*COCOO v. Hewak*

The registrant signed an agreed statement of facts, admitting that he engaged in professional misconduct, including that he:

- failed to meet or contravened the College's standards;
- practised the profession while in a conflict of interest;
- failed to keep records as required;
- signed or issued a document that contained a false or misleading statement;
- submitted an account or charge for services that he knew was false or misleading;
- charged a fee that was excessive;
- contravening the Act, the RHPA or the regulations under those acts, and



- engaged in conduct that was disgraceful, dishonourable and unprofessional.

The Panel accepted a joint submission on penalty and ordered the following:

- oral reprimand
- 10-month suspension of the Registrant's certificate of registration (with remittance for completing course work)
- ProBe Ethics Course
- Medical Record-Keeping Course
- Mentorship

The Registrant was ordered to pay \$20,000 in costs to the College.

#### *COCOO v. Sancharra*

The registrant signed an agreed statement of facts, admitting that he engaged in professional misconduct, including that he:

- Contravened a term, condition or limitation on his certificate of registration (break of an order of the Quality Assurance Committee);
- failed to meet or contravened the College's standards;
- contravening the Act, the RHPA or the regulations under those acts, and
- engaged in conduct that was disgraceful, dishonourable and unprofessional.

The Panel accepted a joint submission on penalty and ordered the following:

- oral reprimand
- 9-month suspension of the Registrant's certificate of registration (with remittance for completing course work) – the suspension to commence when the QAC removes the current term, condition or limitation on his certificate of registration.
- ProBe Ethics Course
- Mentorship

The Registrant was ordered to pay \$15,000 in costs to the College.

#### **Outstanding Referrals to the Discipline Committee**

Between April and July 2024 there were two referrals from the ICRC to the Discipline Committee. In total, there are ten cases that have been referred to the Discipline Committee and are in progress.

Referrals are posted on the College's website: <http://cocoo.on.ca/scheduled-discipline-hearings-referrals/>

#### **Appeals**

There are no outstanding appeals.



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
*Regulating Chiropodists and Podiatrists in Ontario*

**ITEM 2.3.2**

**INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE REPORT**

September 27, 2024 Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Peter Stavropoulos, Podiatrist

**Professional Members (Council):**

Matthew Andrade, Chiropodist  
Melanie Atkinson, Chiropodist  
Chad Bezaire, Chiropodist  
Edward Chung, Podiatrist  
Jannel Somerville, Chiropodist

**Public Appointees:**

Ramesh Bhandari, Public Appointee  
Jim Daley, Public Appointee  
Allan Katz, Public Appointee  
Reshad Nazeer, Public Appointee

**Professional Members (Non-Council):**

Riaz Bagha, Chiropodist  
Stephen Haber, Podiatrist  
Cesar Mendez, Chiropodist  
Brooke Erin Lee Mitchell, Chiropodist  
Lloyd Nesbitt, Podiatrist  
Stephanie Shlemkevich, Chiropodist  
Ruth Thompson, Chiropodist  
Eliot To, Chiropodist  
Shael Jeffrey Weinberg, Podiatrist

**Selected Member:**

Deborah Loundes, Chiropodist

**ROLE OF THE COMMITTEE**

The Inquiries, Complaints and Reports Committee (ICRC) investigates complaints and reports to address concerns about the conduct and practice of Ontario chiropodists and podiatrists.

**MEETINGS**

The Committee plans to hold a business meeting on September 26, 2024.

**Complaints**

In general, complaints arise from patients and other members of the public, but other possible sources of complaints include insurance companies, registrants, or other health care professionals. The ICRC investigates most complaints with the consent of the patient/complainant to obtain relevant health information. Where the investigative powers obtained through an appointment, such as the authority to issue a summons, are required to investigate a complaint, the ICRC can request that the Registrar appoint an investigator.

Between April and July 2024, the College received six complaints. This number is slightly lower than last year. See chart 2 below for comparison.

#### A. *Dispositions*

Between April and July 2024, ICRC panels disposed of 10 complaints matters as follows:

- 5 cases – no further action was taken
- 1 case – referral to the Discipline Committee
- 2 cases – SCERP & caution
- 1 case – SCERP
- 1 case – withdrawn

The nine complaint matters that were considered by ICRC panels (excluding the withdrawal) were disposed of in an average of 125 days. This average is below the 150-day benchmark outlined in the *Health Professions Procedural Code*, which is Schedule 2 to the *Regulated Health Professions Act, 1991*.

#### B. *HPARB Appeals*

The Health Professions Appeal and Review Board (HPARB) reviews the adequacy of an investigation and the reasonableness of an ICRC decision. Both complainants and registrants can request HPARB reviews.

Between April and July 2024 there were two appeals to HPARB.

#### C. *Interim Orders*

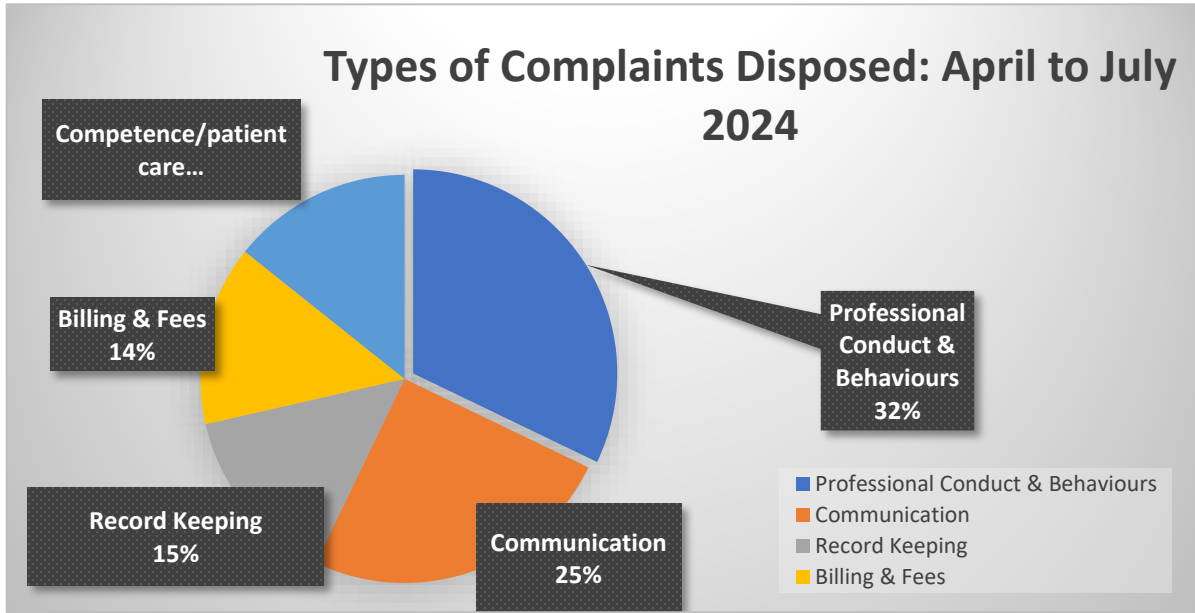
The ICRC may direct the Registrar to suspend a registrant or impose terms, conditions, or limitations on a registrant's certificate of registration if:

- The ICRC has formed the opinion that the registrant's conduct exposes or is likely to expose patients to harm or injury;
- The registrant has been provided with notice;
- The registrant has at least 14 days to make submissions on the proposed order.

The ICRC cannot impose any gender-based terms, conditions or limitations. If an interim order is made, the matter must be investigated and prosecuted expeditiously. An interim order will remain in force until it is varied by the ICRC, or the matter is withdrawn or resolved by way of an alternative dispute resolution process or otherwise finally disposed of by a committee of the College.

The ICRC did not impose any interim orders between April and July 2024 in a complaint case.

**Chart 1**



**Reports - Registrar Investigations**

Reports come from employers, facility operators, registrants, and others. The Registrar reviews a report of a preliminary investigation and decides on the appropriate response from options including remediation, or the appointment of investigators to conduct a full investigation. The ICRC approves Registrar investigator appointments and is informed of Registrar emergency investigator appointments, which are made if there is a risk of harm or injury to patients.

*A. Investigator Appointments*

Between April and July 2024, an investigator was appointed to conduct one Registrar Investigation.

*B. Dispositions*

Between April and July 2024, panels of the ICRC disposed of two Registrar Investigations.

*C. Interim Orders*

The ICRC did not impose any interim order because of a Registrar investigation April to July 2024.

**Chart 2**

	June – September 2022	October – December 2022	January – March 2023	April – July 2023	August – November 2023	December 2023 – March 2024	April – July 2024
Complaints	8	1	4	10	16	9	6
Registrar’s Investigations	1	1	11	3	5	4	1

## **Reports from the Quality Assurance Committee**

The ICRC can also request a Registrar's investigator appointment if it receives a report about a registrant's conduct or practice from the Quality Assurance Committee (QAC).

The ICRC did not dispose of any QAC referrals between April and July 2024.

## **Health Inquiries**

The ICRC conducts inquiries into whether a registrant has a mental or physical condition or disorder that impacts the registrant's capacity to practice safely. The ICRC makes inquiries and may require the registrant to undergo medical examinations and suspend the registrant's certificate of registration if he or she does not attend or comply. The ICRC, after reviewing the results of its inquiries, may refer the matter to the Fitness to Practise Committee.

The ICRC did not complete any health inquiries between April and July 2024.

## **ICRC Active Complaints Files**

The Complaints process has been classified into stages, which are described below. The number of days elapsed is calculated from the date the complaint was received by the College.

The *Regulated Health Professions Act, 1991* requires that the College dispose of a complaint within 150 days, but the jurisdiction to continue an investigation is not lost if the investigation exceeds 150 days. At 150 days, a letter is sent to both parties explaining that the ICRC will not meet the deadline. At 210 days, the College is required to notify the parties and HPARB of the delay, as well as the reasons for the delay. After 210 days, either party can apply to HPARB seeking relief for the delay. Delay letters must be issued to both parties every 30 days after the 210-day delay.

Some matters take longer to complete due to complexity and/or to ensure the parties had a fair amount of time to respond to College requests.

### *A. Stage 1: Notice of Complaint/Report*

Within 14 days of receipt of a complaint or a report, the College notifies the registrant. The registrant may make written submissions to the ICRC within 30 days of the date of the notice.

### *B. Stage 2: Additional comments from complainant*

The registrant's response may be provided to the complainant who may provide comments.

### *C. Stage 2a: Additional comments from registrant*

The complainant's response is provided to the registrant who may provide comments.

### *D. Stage 3: Review by ICRC*

Once the supporting documentation and relevant information has been collected from the parties and possible witnesses, the matter is reviewed by a panel of the ICRC. The Panel conducts a thorough review of the information and considers whether there are any additional documents that should be obtained or any other witnesses who should be approached.

E. *Stage 3a: Formal Investigation*

In some circumstances, the Panel may appoint an Investigator, who has the power to:

- Enter the registrant's place of practice and examine records or equipment and, where necessary, copy them or remove them;
- Summons witnesses or documents;
- Obtain a search warrant.

F. *Stage 4: Decision and Reasons*

Once the investigation is complete, the ICRC deliberates on the appropriate disposition of the complaint. This stage includes the decision where a panel has formed the intention to refer a matter to the Discipline Committee, but allegations are being drafted.

The Panel's written decision and the reasons are provided to both the complainant and the registrant, except where the matter has been referred to another panel of the ICRC to conduct a health inquiry.

**Active ICRC Complaint Cases to end of July 2024**

As of the end of July 2024, there were seven active complaints.

Date Received	Days Elapsed	Stage1	Stage 2	Stage 2a	Stage 3	Stage 3a	Stage 4
April 11, 2023	486	✓	✓	✓	✓	✓	
July 25, 2023	381	✓	✓	✓	✓	✓	
September 28, 2023	316	✓	✓	✓	✓	✓	
November 8, 2023	275	✓	✓	✓	✓	✓	
February 26, 2024	165	✓	✓	✓	✓	✓	
July 4, 2024	36						
July 25, 2024	15						

Average: 239 days

**ICRC Active Registrar Investigations Files**

The process for Registrar Investigations differs from the complaints process. Usually, the Registrant is not informed about the investigation until an investigator has been appointed and the Investigations Report is complete.

**Active ICRC Registrar Investigation Cases to end of July 2024**

As of the end of July 2024, there were seven ongoing Registrar's investigations.

Date Received	Days Elapsed	Stage1	Stage 2	Stage 2a	Stage 3	Stage 3a	Stage 4
October 3, 2023	311	✓	✓	✓	✓	✓	
October 10, 2023	304	✓	✓	✓	✓	✓	
October 25, 2023	289	✓	✓	✓	✓	✓	
December 13, 2023	240	✓	✓	✓	✓	✓	
December 21, 2023	232	✓	✓	✓	✓	✓	
February 5, 2024	186	✓	✓	✓	✓	✓	
April 21, 2024	110	✓	✓	✓	✓	✓	

Average: 239 days



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
*Regulating Chiropodists and Podiatrists in Ontario*

**ITEM 2.3.3**

**QUALITY ASSURANCE COMMITTEE REPORT**

September 27, 2024, Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Millicent Vorkapich-Hill

**Professional Members (Council):**

Melanie Atkinson  
Andrew Klayman

**Professional Members (Non-Council):**

Lisa Balkarran  
Matthew Doyle  
Julie Fraser  
Brooke Mitchell  
Tina Rainville  
Ruth Thompson

**Public Appointees:**

Ramesh Bhandari

**ROLE OF THE COMMITTEE**

The Quality Assurance Committee (QAC) provides regulatory oversight through annual practice assessments and continuing education opportunities to ensure that Chiropodists and Podiatrists in Ontario are practicing in accordance with the College’s standards.

**Practice Assessments**

Practice Assessments afford the College with an opportunity to provide collegial feedback and direction to members of the profession. In addition, the practice assessments allow broader concerns to be addressed that can potentially eliminate the need for a future complaint and enhance registrants’ focus on public safety.

Forty-seven registrants were randomly selected to complete an assessment in 2023. Of those randomly selected, 37 out of 47 assessments were completed and 10 were deferred. Deferrals were either due to registrants having other ongoing matters with the College or indicating their intention to resign from practice.

The results of the 37 practice assessments are as follows:

Assessment Score	AAA	AAB	ABA	ABB	BAA	BBA	BBB	BCB	CCC
No. of Registrants	22	2	2	2	3	1	3	1	1

A panel of the Committee met on July 26, 2024 to review the 2023 Practice Assessments and the 2022-2023 CE audits.

Assessor training for the 2024 Practice Assessment cycle is scheduled for September 24, 2024 and the 2024 Practice Assessment cycle will commence soon after

**Assessment Scoring Rubric**

Practice Assessments receive scores three categories: 1) Overall Assessment, 2) Chart Review and 3) Care Plan Review. Each category one of four possible scores, A through D, with A being the highest, and D the lowest.

	<b>Overall Assessment</b>
<b>A</b>	Well organized and well managed facilities.
<b>B</b>	Satisfactory facilities with minor concerns. No compromise to patient safety.
<b>C</b>	Facilities falls below regulatory standards. Poorly organized and compromises patient care.
<b>D</b>	Inadequate facilities. Places patients and/or staff at risk.

	<b>Chart Review</b>
<b>A</b>	Well documented. Strong patient care skills
<b>B</b>	Satisfactory charting and patient care with minor concerns. No compromise to patient care.
<b>C</b>	Charting falls below regulatory standards. Quality of patient care is indeterminate.
<b>D</b>	Inadequate charting or inadequate patient care.

	<b>Care Plan Review</b>
<b>A</b>	Strong case management skills.
<b>B</b>	Satisfactory case management with minor concerns. No compromise to patient care.
<b>C</b>	Quality of case management falls below regulatory standards. Quality of patient care is indeterminate.
<b>D</b>	Significant concern for case management skills. Significant concern for continuous patient care.

**Continuing Education**

New for 2024, registrants are required to accrue a minimum of twenty-five (25) credit hours annually.

The previous cycle began on January 1, 2022 and ended on December 31, 2023. There were 167 registrants were randomly selected for an audit. Of those, 155 registrants submitted their CE log and demonstrated completion of their required CE hours. Five registrants requested and were granted a deferral due to health reasons. The remaining 7 registrants were reviewed by a panel of the Quality Assurance Committee and granted deferrals.

**NEXT MEETING**

A business meeting will be scheduled early in the new year.





**COLLEGE OF CHIROPODISTS OF ONTARIO**  
*Regulating Chiropodists and Podiatrists in Ontario*

**ITEM 2.3.4**

**REGISTRATION EXAMINATION COMMITTEE REPORT**

September 27, 2024 Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Stephanie Shlemkevich, Chiropodist

**Professional Members (Council):**

Andrew Klayman, Podiatrist

**Public Appointees:**

N/A

**Professional Members (Non-Council):**

Brooke Mitchell, Chiropodist

Julie Fraser, Chiropodist

Lisa Balkarran, Chiropodist

**ROLE OF THE COMMITTEE**

Individuals wishing to practice as a Chiropodist in Ontario must be registered with the College of Chiropodists in accordance with the *Chiropody Act*, 1991 and its Regulations. New applicants wishing to register are required to sit a two-part examination. A pass standing of the exam is required by the College to fulfill a portion of the registration requirements and become a member of the College. The exam is composed of a written and a clinical (OSCE) component.

**MEETINGS**

Since the last Council meeting, a sub-group of the committee met several times for a standard setting workshop to review exam questions in anticipation of scoring the spring exams. The workshop was facilitated by College's psychometrician, Dr. Anthony Marini.

Panels of the Committee will be meeting in September and October to finalize the Core Competency and Jurisprudence exam blueprint and choose questions from the item bank.

**DECISION/OUTCOMES**

The Committee will continue building the exam question bank, with a goal of adding a total of 200 new multiple-choice questions and 7 new OSCE stations to the bank by the end of 2024/2025. The Committee will also continue to focus on updating pharmacology questions.

**NEXT MEETING**

Subcommittee meetings in September and October to prepare for and review the October exam session. The Committee is meeting on October 4, 2024 for their bi-annual in-person business meeting.



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
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**ITEM 2.3.5**

**STANDARDS AND GUIDELINES COMMITTEE REPORT**

September 27, 2024 Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Brooke Mitchell, Chiropodist

**Professional Members (Council):**

Chad Bezaire, Chiropodist  
Ed Chung, Podiatrist  
Jannel Somerville, Chiropodist  
Peter Stavropoulos, Podiatrist

**Professional Members (Non-Council):**

Julie Fraser, Chiropodist  
Brooke Mitchell, Chiropodist

**Public Appointees:**

Jim Daley, Public Appointee

**Selected Member:**

Deborah Loundes, Chiropodist

**ROLE OF THE COMMITTEE**

The Standards and Guidelines Committee is a standing committee charged with developing, reviewing, updating, and managing standards, guidelines, advisories, and other documents as requested by the Executive Committee. The Committee relies on legal expertise and advice from other committees in developing practice resources.

**MEETINGS**

The Committee has not met since the last Council meeting.

**DECISION/OUTCOMES**

N/A

**NEXT MEETING**

There are no meetings scheduled at this time.



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
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**ITEM 2.3.6**

**REGISTRATION COMMITTEE REPORT**

September 27, 2024 Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Matthew Doyle, Chiropodist

**Professional Members (Council):**

Melanie Atkinson, Chiropodist  
Matthew Andrade, Chiropodist  
Peter Stavropoulos, Podiatrist

**Professional Members (Non-Council):**

Deepka Duggal, Chiropodist  
Tejinder Singh Sahota, Chiropodist  
Ruth Ellen Thompson, Chiropodist

**Public Appointees:**

Ramesh Bhandari, Public Appointee

**ROLE OF THE COMMITTEE**

The Registration Committee supports the College's public protection mandate by developing, establishing, and maintaining standards of qualification for persons to be issued certificates of registration with the College.

**MEETINGS**

The Registration Committee met on July 22 and August 15, 2024 to review applications from two applicants.

The first applicant reviewed by the Committee was seeking registration after having their previous certificate of registration revoked by the College.

The second applicant was seen by the Committee after two unsuccessful attempts at the College's registration exams. As per College's Registration Examinations policy, "An applicant who has failed the supplemental examinations and who would like to attempt the examination again must meet the requirements set out by a panel of the Registration Committee."

**NEXT MEETING**

The next Committee meeting will be held on an as-needed basis.



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
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**ITEM 2.3.7**

**PATIENT RELATIONS COMMITTEE REPORT**

September 27, 2024 Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Peter Stavropoulos, Podiatrist

**Professional Members (Council):**

Peter Stavropoulos, Podiatrist

**Public Appointees:**

Allan Katz, Public Appointee

Jim Daley, Public Appointee

**Professional Members (Non-Council):**

Matthew Doyle, Chiropodist

Pauline Looi, Chiropodist

Brooke Mitchell, Chiropodist

**ROLE OF THE COMMITTEE**

This Committee reviews and oversees the Patient Relations Program and supports the College's commitment to address concerns about a registrant's conduct. The *Regulated Health Professions Act, 1991* outlines two specific roles for the PRC:

- advise Council with respect to the patient relations program (PRP), which must include measures for preventing and dealing with patient sexual abuse;
- administer funding for therapy and counselling for patients who are named in a sexual abuse complaint or report.

**MEETINGS**

The Committee has not met since the last Council meeting.

**DECISION/OUTCOMES**

N/A

**NEXT MEETING**

None scheduled.



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
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**ITEM 2.3.8**

**FITNESS TO PRACTISE COMMITTEE REPORT**

September 27, 2024 Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Brooke Mitchell, Chiropodist

**Professional Members (Council):**

N/A

**Public Appointees:**

Reshad Nazeer

**Professional Members (Non-Council):**

Matthew Doyle, Chiropodist

Pauline Looi, Chiropodist

Cesar Mendez, Chiropodist

Kimberley Resmer, Chiropodist

Eliot To, Chiropodist

**ROLE OF THE COMMITTEE**

The Fitness to Practise Committee supports the College's public protection mandate by conducting hearings to assess whether a registrant is incapacitated, after the matter has been referred by the Inquires, Complaints and Reports Committee.

**MEETINGS**

None

**DECISION/OUTCOMES**

None

**NEXT MEETING**

There are no meetings or hearings scheduled at this time.



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
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**ITEM 2.3.9**

**TECHNICAL COMMITTEE REPORT**  
September 27, 2024 Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Edward Chung, Podiatrist

**Professional Members (Council):**  
Chad Bezaire, Chiropodist

**Professional Members (Non-Council):**  
Matthew Doyle, Chiropodist  
John Lanthier, Podiatrist

**Public Appointees:**  
N/A

**ROLE OF THE COMMITTEE**

The Technical Committee was established by Council as an ad hoc committee. Its mandate is to support Council by responding to questions relating to the acceptability of practice modalities and emerging technologies.

**MEETINGS**

The Committee has not met since the May 2024 Council meeting.

**NEXT MEETING**

The next Committee meeting is scheduled for September 18, 2024.



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**ITEM 2.3.10**

**STANDING DRUG COMMITTEE REPORT**

September 27, 2024 Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Peter Stavropoulos, Podiatrist

**Professional Members (Council):**

Peter Stavropoulos, Podiatrist  
Jannel Somerville, Chiropodist

**Public Appointees:**

Jim Daley, Public Appointee

**Professional Members (Non-Council):**

Cesar Mendez, Chiropodist

**ROLE OF THE COMMITTEE:**

With the newly amended Drug Regulation now enacted, this committee has been actively involved in the messaging to registrants and other stakeholders about the implementation of this legislation.

**MEETINGS:**

There have been no meetings since the last reporting period.

**DECISION/OUTCOMES:**

The Committee will continue to review applications by registrants for specific drug prescribing privileges as needed.

**NEXT MEETING:**

There are no meetings scheduled at this time.



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
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**ITEM 2.3.11**

**ELECTIONS COMMITTEE REPORT**  
September 27, 2024 Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Allan Katz, Public appointee

**Professional Members (Council):**  
Matthew Doyle, Chiropodist

**Professional Members (Non-Council):**  
none

**Public Appointees:**

Allan Katz, Public appointee  
Jim Daley, Public appointee  
Ramesh Bhandari, Public appointee

**ROLE OF THE COMMITTEE**

The Elections Committee is a standing committee of the College, which is mandated by the College's General By-law. The Elections Committee deals with disputes relating to the election of Council members and other matters provided in the by-laws, other disputes or issues referred to it by Council or the Executive Committee and it studies and makes recommendations to Council for improving the election process.

**MEETINGS**

The Election Committee has not met as no election issues have arisen requiring the Committee's attention.

**DECISION/OUTCOMES**

None.

**NEXT MEETING**

No meetings are scheduled at this time.





**COLLEGE OF CHIROPODISTS OF ONTARIO**  
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**ITEM 2.3.12**

**STRATEGIC PLANNING COMMITTEE REPORT**

September 27, 2024 Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Millicent Vorkapich-Hill, Podiatrist

**Professional Members (Council):**

Ed Chung, Podiatrist  
Peter Stavropoulos, Podiatrist

**Professional Members (Non-Council):**

Matt Doyle, Chiropodist  
Jannel Somerville, Chiropodist  
Millicent Vorkapich-Hill, Podiatrist

**Public Appointees:**

Allan Katz, Public Appointee  
Jim Daly, Public Appointee

**ROLE OF THE COMMITTEE**

The Strategic Planning Committee's role is to ensure that the College's two main objectives of sustainability and the adoption of the podiatry model in Ontario, are attainable over the next 3 to 5 years.

**MEETINGS**

The Committee has met to determine the competencies and education, including bridging requirements, expected of registrants when the podiatry model is adopted in the province. The Committee has developed a draft plan for bridging when the model is implemented.

**DECISION/OUTCOMES**

No final decisions have been made. The College is currently addressing amendments to the College's Registration Regulation which will, depending upon the changes, have implications for the Strategic Planning Committee to address.

**NEXT MEETING**

There are no meetings scheduled at this time.



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
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**ITEM 2.3.13**

**REGISTRAR'S PERFORMANCE AND COMPENSATION COMMITTEE REPORT**

September 27, 2024 Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Allan Katz, Public Appointee

**Professional Members (Council):**

Melanie Atkinson, Chiropodist  
Peter Stavropoulos, Podiatrist (ex-officio)

**Professional Members (Non-Council):**

None

**Public Appointee Members:**

Allan Katz

**ROLE OF THE COMMITTEE**

The Registrar's Performance and Compensation Review Committee's responsibilities include, but are not limited to:

1. Providing input and support to Council President on mid-year (May-June) performance review and annual (Dec-Jan) performance review, goal planning and compensation;
2. As required, conducting compensation and benefits market review, normally done through engagement of an external consultant, and with the prior approval of the Executive Committee;
3. Presenting to Council the results of all compensation reviews conducted by the Registrar's Performance and Compensation Review Committee, along with any recommendations it has in connection with changes to the Registrar's compensation.

**MEETINGS**

No Committee meetings since December 2023.

**DECISION/OUTCOMES**

None.

**NEXT MEETING**

There are no meetings scheduled at this time.



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
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**ITEM 2.3.14**

**AUDIT COMMITTEE REPORT**  
September 27, 2024 Council Meeting

**COMMITTEE MEMBERS**

**Chair:** Jim Daley, Public Appointee

**Professional Members (Council):**  
Ed Chung, Podiatrist  
Melanie Atkinson, Chiropodist

**Professional Members (Non-Council):**  
None

**ROLE OF THE COMMITTEE**

To assist Council in the consideration of the College's audited financial statements, including meeting with the College's auditors at least once before the audited annual financial statements are presented by the Committee for approval of Council.

**MEETINGS**

The Audit Committee did not meet since the last Council meeting.

**DECISION/OUTCOMES**

N/A

**NEXT MEETING**

The Audit Committee will meet sometime in the New Year to review the 2025 budget.



COLLEGE OF CHIROPODISTS OF ONTARIO  
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**ITEM 3.3**

**COUNCIL BRIEFING NOTE**  
**RE: PROPOSED AMENDMENTS TO THE REGISTRATION REGULATION**

**Background**

On May 1, 2023, the College submitted a Proposed Registration Regulation to the Ministry of Health which sought to:

1. modernize the registration of chiropodists in the province, remove barriers and enhance public protection; and,
2. create an Emergency Class of registrants as requested by the Ministry of Health.

Prior to its submission to the Ministry, the College had circulated the Proposed Registration Regulation to the membership between February 10, 2023 and April 11, 2023, and posted the Proposed Registration Regulation on the Ontario Regulatory Registry between February 15, 2023 and April 3, 2023.

At that time, the Ministry of Health advised that it was only willing to entertain amendments related to the creation of an Emergency Class. After discussion with the Ministry, an amended Registration Regulation, which created the Emergency Class, came into effect on August 21, 2023. Ministry staff has now reached out to the Registrar seeking an updated redlined document and to work with the College on its remaining proposed changes.

Legal Counsel conducted a further review of the Proposed Registration Regulation, suggested some additional enhancements, and incorporated a provision to register out-of-province podiatrists. The Revised Proposed Registration Regulation is attached as **Appendix B**.

**Summary of Draft Proposed Registration Regulation and Advice**

In reviewing the draft Revised Proposed Registration Regulation, it is important to understand the following:

In addition to the changes Council has already approved, the Revised Proposed Registration Regulation includes further enhancements (see **Appendix B**):

- Section 3(1): These proposed amendments are directed at clarifying the language; expanding what applicants will be required to disclose at the time of their application.
- Section 3(4): These proposed amendments are directed to mirroring the language considered recently by the Divisional Court in *Amendola v. Law Society of Ontario*, 2023 ONSC 4123. While this language is



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untested in respect of a RHPA Colleges, it was recently sanctioned by the Divisional Court in conjunction with a licensee of the Law Society of Ontario who had made a misrepresentation in their LSO application. Relying on a similarly worded provision, the LSO referred the already licensed paralegal for good character hearing and then refused the license. The Court confirmed the LSO's jurisdiction to proceed in this fashion and that the process employed was fair.

- Section 4(1): These proposed amendments are intended to enhance the reporting requirements which are imposed as terms, conditions and limitations on a registrant's certificate.
- Section 5(1): No further changes are being made to this section from the earlier version.
- Section 7(2): As part of the College's continuing effort and commitment to promote the Full Scope Podiatry Model in Ontario for the protection of the public, this proposed amendment is intended to create a route for podiatrists from other provinces to obtain a license in the *podiatry class* in Ontario through labour mobility.

**Appendix A:** Clean Copy of the Revised Proposed Registration Regulation.

**Appendix B:** A Partial Redline Copy of the Revised Proposed Registration Regulation (Note: This document shows as redlined \*\*\*only\*\*\* the changes that were not previously reviewed by Council, and not previously circulated to registrants.

**Appendix C:** A Complete Redline Copy of the Revised Proposed Registration Regulation

**Chiropody Act, 1991**  
**Loi de 1991 sur les podologues**

**ONTARIO REGULATION \*\*\***  
**REGISTRATION**

1. The following are prescribed as classes of certificates of registration:
  1. General.
  2. Emergency.
2. (1) A person may apply for a certificate of registration by submitting a completed application in the form provided by the Registrar together with:
  - (a) any supporting documentation requested by the Registrar; and
  - (b) all applicable fees required under the by-laws.
3. (1) The following are requirements for the issuance of any certificate of registration:
  1. The applicant must provide details of any of the following that relate to the applicant at the time that the applicant submits the application or that relate to the applicant after the application is submitted and before a certificate of registration is issued:
    - i. Any finding of guilt for any criminal offence, any offence involving the use, possession or sale of drugs, any offence under the *Controlled Drugs and Substances Act* (Canada) or any other offence relevant to suitability to practise chiropody or another profession in any jurisdiction.
    - ii. Any charge relating to any criminal offence, any offence involving the use, possession or sale of drugs, any offence under the *Controlled Drugs and Substances Act* (Canada) or any other offence relevant to suitability to practise chiropody or another profession in any jurisdiction.
    - iii. A finding of professional misconduct, incompetency, incapacity, professional negligence, malpractice or any similar finding against the applicant in relation to the practice of chiropody or another profession in any jurisdiction.
    - iv. A current investigation, inquiry or proceeding for professional misconduct, incompetency or incapacity or any similar investigation or proceeding in relation to the practice of chiropody or another profession or occupation in any jurisdiction.
    - v. Any interim or final order or agreement as a result of a complaint, investigation or proceeding in any jurisdiction in relation to chiropody or any other profession or occupation in any jurisdiction
    - vi. A refusal to register the applicant to practise chiropody or another profession in any jurisdiction.
  2. The applicant must provide the College with a police record check, including a Vulnerable Sector Check, which is dated not more than two months before the date on which the application was submitted.
  3. Where the applicant was previously or is currently registered or licensed to practise chiropody or podiatry in another jurisdiction, or any other profession in any jurisdiction, the applicant must provide a certificate of standing from the body responsible for the regulation or licensing of the profession in that jurisdiction which is dated not more than two months before the date on which the application was filed.
  4. The applicant's past and present conduct, in the opinion of the Registrar or a panel of the Registration Committee, must afford reasonable grounds for the belief that the applicant,

- i. does not suffer from any physical or mental condition or disorder that could affect his or her ability to practise chiropody or podiatry in a safe manner,
  - ii. will practise chiropody or podiatry with decency, integrity and honesty and in accordance with the law,
  - iii. has sufficient knowledge, skill and judgment to competently engage in the practice of chiropody or podiatry authorized by the certificate of registration, and
  - iv. will display an appropriate professional attitude.
5. The applicant must be a Canadian citizen or a permanent resident of Canada or be authorized under the *Immigration and Refugee Protection Act* (Canada) to practise the profession in Ontario.
  6. The applicant must possess sufficient language proficiency, in either English or French, to be able to communicate and comprehend effectively, both orally and in writing.
  7. The applicant must provide evidence satisfactory to the Registrar that the applicant will have professional liability insurance in the amount and in the form as required under the by-laws as of the anticipated date for the issuance of his or her certificate of registration.
  8. The applicant must have paid any fees required under the by-laws for the issuance of the certificate of registration.
- (2) The requirements under subsection (1) are non-exemptible.
  - (3) An applicant must meet all of the requirements for registration within one year following the filing of the application, but this does not prevent the applicant from filing a new application.
  - (4) Despite any other provision in this regulation, an applicant who makes any false or misleading representation or declaration on or in connection with their application, by commission or omission, is deemed thereafter not to meet and not to have met the registration requirements for a certificate of registration of any class.
- 4 (1) Every certificate of registration is subject to the following terms, conditions and limitations:
1. The member shall provide to the Registrar the details of any of the following that relate to the member and that occur or arise after the registration of the member:
    - i. A finding of guilt arising in any jurisdiction relating to any offence, including,
      - a. any criminal offence,
      - b. any offence relating to the practice of chiropody or any other profession or occupation, or
      - c. any offence involving the use, possession or sale of drugs.
    - ii. A charge arising in any jurisdiction relating to any offence, including,
      - a. any criminal offence,
      - b. any offence relating to the practice of chiropody or any other profession or occupation, or
      - c. any offence involving the use, possession or sale of drugs.
    - iii. A finding of professional misconduct, incompetence or incapacity or any like finding in any jurisdiction in relation to chiropody or any other profession or occupation in any jurisdiction.
    - iv. A current investigation, inquiry or proceeding for professional misconduct, incompetence or incapacity or any like investigation or proceeding in any jurisdiction in relation to chiropody or any other profession or occupation in any jurisdiction.
    - v. Any interim or final order or agreement as a result of a complaint, investigation or proceeding in any jurisdiction in relation to chiropody or any other profession or occupation in any jurisdiction
  2. The member shall not engage in the practice of chiropody unless the member is a Canadian citizen or permanent resident of Canada or has authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of chiropody in Ontario.
  3. The member shall immediately advise the Registrar in writing in the event the member ceases to be a Canadian citizen or permanent resident of Canada or to have authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of chiropody in Ontario.
  4. If paragraph 3 applies to the member, and the member subsequently obtains Canadian citizenship or becomes a permanent resident of Canada or attains authorization under the *Immigration and Refugee Protection Act*

(Canada) permitting the member to engage in the practice of chiropody in Ontario, the member shall immediately advise the Registrar in writing of that fact.

5. The member shall maintain professional liability insurance in the amount and in the form as required under the by-laws.
6. If the member fails to meet the requirement in paragraph 5, the member shall immediately advise the Registrar in writing of that fact and immediately cease to engage in the practice of chiropody until such time as the member obtains professional liability insurance as required in paragraph 5.
7. If paragraph 6 applies to the member, and the member subsequently obtains professional liability insurance, the member shall notify the Registrar in writing of that fact and, if requested by the Registrar, shall provide details of that coverage.

#### GENERAL CERTIFICATES OF REGISTRATION

5. (1) The following are additional requirements for the issuance of a general certificate of registration:

1. The applicant must,
  - i. have a diploma or a degree evidencing the successful completion of a full-time program designed to educate and train persons to be practising chiropodists or podiatrists which was,
    - A. awarded or granted by the Michener Institute, or
    - B. awarded or granted by an educational institution as a result of successful completion of a program that was approved by the Registration Committee as one whose graduates should possess sufficient knowledge, skill and judgment to be able to practise chiropody in Ontario in accordance with the standards of practice of the profession, or
  - ii. have successfully completed a full-time program in either chiropody or podiatry, other than a program mentioned in subparagraph i, of at least three years duration designed to educate and train persons to be practising chiropodists and must have,
    - A. undergone an assessment or evaluation by the College or body approved by the College, and
    - B. satisfied a panel of the Registration Committee that the applicant has successfully completed any further education, training or combination of education and training that was identified as a result of the assessment or evaluation under sub-subparagraph A and that was approved by the panel as being necessary to evidence that the applicant possesses knowledge, skill and judgment at least equivalent to those of current graduates of a program mentioned in subparagraph i.
2. The applicant must have successfully completed every component of a competency examination set or approved by the Council, during a time when the examination was so set or approved.
3. The applicant must have successfully completed a jurisprudence examination set or approved by the Council, during a time when the examination was so set or approved.

(2) The requirements set out in subsection (1) are non-exemptible.

(3) The requirement in paragraphs 2 and 3 of subsection (1) must be met within three years before the date on which the applicant was entitled to the issuance of the certificate of registration.

(4) The requirements in paragraphs 1 and 3 of subsection (1) do not apply to an applicant if he or she held an emergency certificate of registration issued by the College within one year before submitting his or her application for that general certificate of registration.

6. (1) Every general certificate of registration is subject to the following additional terms, conditions and limitations:

1. The member shall practise the profession a minimum of three months during every two-year period, with the first two-year period beginning on the day that the member is issued a general certificate of registration, and each subsequent two-year period beginning on the first anniversary of the commencement of the previous period.
2. If the member fails to meet the requirement in paragraph 1, the member shall immediately advise the Registrar in writing of that fact and immediately cease to engage in the practice of chiropody until such time as the member meets the conditions set out in subsection (3).



(2) If a member fails to meet the condition described in paragraph 1 of subsection (1), the Registrar shall refer the member to the Quality Assurance Committee for a peer and practice assessment.

(3) Where the Registrar refers a member to the Quality Assurance Committee under subsection (2), that member may not resume practising the profession until the member,

(a) undergoes a peer and practice assessment;

(b) successfully completes any continuing education or remediation programs that may be specified by the Quality Assurance Committee pursuant to section 80.2 of the Health Professions Procedural Code; and

(c) pays the fees required under the by-laws that are applicable to the peer and practice assessment.

#### APPLICANTS WITH OUT-OF-PROVINCE CERTIFICATES

7. (1) Subject to subsection (3), if an applicant already holds an out-of-province certificate that is equivalent to a general certificate of registration issued by the College, the applicant is deemed to have met the requirements set out in paragraphs 1 and 2 of subsection 5 (1).

(2) Notwithstanding section 3(2) of the *Chiropractic Act*, 1991 S.O. 1991, c.20, and subject to subsection (3), if an applicant already holds an out-of-province certificate that is equivalent to a certificate of registration authorizing the scope of practice and controlled acts prescribed in s.5(2) of the *Chiropractic Act*, the applicant is deemed to have met the requirements set out in paragraphs 1 and 2 of subsection 5(1) and may be added to the podiatrist class, if all other registration requirements are met.

(3) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) and (2) provide one or more certificates or letters or other evidence satisfactory to the Registrar or panel of the Registration Committee confirming that the applicant is in good standing as a chiropractor or podiatrist in every jurisdiction where the applicant holds an out-of-province certificate.

(4) Without in any way limiting the generality of subsection (3), being in good standing with respect to a jurisdiction shall include the fact that,

(a) the applicant is not the subject of any discipline or fitness to practise order or of any proceeding or ongoing investigation or of any interim or final order or agreement as a result of a complaint, investigation or proceeding; and

(b) the applicant is in compliance with all continuing competency and quality assurance requirements of the regulatory authority of the jurisdiction.

(5) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 6 of subsection 3 (1) if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.

(6) Despite subsection (1) and (2), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.

#### EMERGENCY CERTIFICATES OF REGISTRATION

8. (1) The following are additional requirements for an Emergency certificate of registration:

1. The Minister has requested the College to initiate registrations under this class based on the Minister's opinion that emergency circumstances call for it, or Council has determined, after taking into account all of the relevant circumstances that impact the ability of applicants to meet the ordinary registration requirements, that there are emergency circumstances, and that it is in the public interest that the College issue emergency certificates.

2. The applicant meets the requirement of paragraph 1 of subsection 5 (1).

3. The applicant meets the requirement of paragraph 3 of subsection 5 (1). O. Reg. 276/23, s. 3.

(2) Subject to subsection (3), the requirements of subsection (1) are non-exemptible. O. Reg. 276/23, s. 3.

(3) Where the applicant is registered or licensed as a podiatrist in a jurisdiction approved by the Council, the applicant is deemed to have met the requirement of paragraph 2 of subsection (1). O. Reg. 276/23, s. 3.

9. (1) Every Emergency certificate of registration is subject to the following terms, conditions and limitations:
1. The member may engage in the practice of chiropody only under the supervision of a member who holds a General certificate of registration and who has been approved by the Registrar to supervise a member of the Emergency class.
  2. The member may engage in the practice of chiropody only while holding themselves out as a member of the Emergency class (chiroprapist) who is practising under supervision.
  3. The Emergency certificate of registration is automatically revoked 60 days after the Council determines that the emergency circumstances referred to in paragraph 1 of subsection 6.1 (1) have ended.
  4. The Emergency certificate of registration expires one year from the date on which the certificate was issued, unless extended by the Registrar, if the Council has not determined that the emergency circumstances have ended.
  5. The Emergency certificate of registration shall be revoked prior to its expiry if, in the opinion of the Registrar or the Registration Committee, it is in the public interest to do so. O. Reg. 276/23, s. 4.
- (2) The Registrar may extend an Emergency certificate of registration for one or more periods, each of which is not to exceed one year, if the Council has not determined the emergency circumstances have ended. O. Reg. 276/23, s. 4.

#### EXAMINATIONS

10. (1) The College shall ensure that the competency and jurisprudence examinations that are a requirement for a general certificate of registration pursuant to paragraphs 2 and 3 of subsection 5 (1) are held at least once per year.
- (2) A person who meets the following requirements is eligible to attempt the examinations:
1. The person must file with the College a completed application for examination in the form provided by the Registrar no less than 45 days before the day of the first examination, unless the Registrar approves a later filing.
  2. The person must pay the examination fee required under the by-laws no less than 45 days before the day of the examination unless the Registrar approves a later payment.
  3. The person must meet the requirement of paragraph 1 of subsection 5 (1).
  4. The person must not have failed on three previous occasions an examination which would, if successfully completed, have met the examination requirement of paragraphs 2 or 3 of subsection 5 (1).
- (3) Where, by virtue of paragraph 4 of subsection (2), a person is no longer eligible to attempt the examination referred to in paragraph 2 of subsection 5 (1), the person may not attempt the examination again unless and until the person obtains a new diploma or a degree which would meet the requirement of sub-subparagraph 1 i A or B of subsection 5 (1).
- (4) Where, by virtue of paragraph 4 of subsection (2), a person is no longer eligible to attempt the examination referred to in paragraph 3 of subsection 5 (1), the person may not attempt the examination again unless and until the person meets any requirements respecting continuing education or remediation set by a panel of the Registration Committee.
- (5) A member who holds or a former member who held an Emergency certificate of registration within one year of applying for a general certificate of registration and who practiced chiropody or podiatry for at least 180 hours while in the Emergency class is exempt from the examination fee for the competency examination.

#### SUSPENSIONS, RESIGNATIONS, REINSTATEMENTS, ETC.

11. (1) If the Registrar requests evidence that a member holds professional liability insurance in the amount and in the form as required under the by-laws and the member fails to provide that evidence within 14 days of having been requested to do so or such longer period as is specified by the Registrar, the Registrar shall give the member notice of intention to suspend the member and may suspend the member's certificate of registration for failure to provide the evidence 15 days after notice is given.

(2) Where the Registrar suspends the member's certificate of registration under subsection (1), the Registrar shall lift that suspension upon being satisfied that the former member holds professional liability insurance in the amount and in the form required under the by-laws and that any fees required under the by-laws for the lifting of that suspension have been paid.

**12. (1)** If a member fails to provide information about the member as required by the Act, the *Regulated Health Professions Act, 1991*, the regulations under the *Regulated Health Professions Act, 1991* or the by-laws, in the manner and form as may be required, the Registrar shall give the member notice of intention to suspend the member and may suspend the member's certificate of registration for failure to provide the information 30 days after notice is given.

(2) Where the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that the required information has been filed with the College and that any fees required under the by-laws for the lifting of that suspension have been paid.

**13.** Where the Registrar suspended a certificate of registration under section 24 of the Health Professions Procedural Code for failure to pay a fee that was required under the by-laws, the Registrar shall lift the suspension upon being satisfied that,

- (a) all amounts owing to the College at the time of the suspension have been paid;
- (b) any fees required under the by-laws for the lifting of the suspension have been paid; and
- (c) as of the anticipated date for the lifting of the suspension, the reinstated member will hold professional liability insurance in the amount and in the form as required under the by-laws.

**14. (1)** A member may resign as a member of the College by giving written notice to the College.

(2) A resignation under this section is effective on the date set out in the resignation or on the date it is received by the College, whichever is later.

**15.** The Registrar shall revoke the certificate of registration of a member or former member where,

- (a) the member or former member resigns;
- (b) the member or former member's certificate of registration was suspended for failure to pay a fee required under the by-laws and that suspension continued for 120 days; or
- (c) the member or former member's certificate of registration was suspended pursuant to subsection 11 (1) or 12 (1) and the suspension continued for 120 days.

**16. (1)** A former member who resigned as a member of the College under section 14 while a member holding a general class certificate of registration or a certificate in the podiatrist class or whose certificate was revoked pursuant to section 15 may apply for the reinstatement of their certificate of registration by submitting a completed application to the Registrar in the form provided by the Registrar.

(2) Subject to subsection (4), the Registrar may reinstate the former member's certificate of registration if,

- (a) the former member has paid,
  - (i) the reinstatement fees required under the by-laws, and
  - (ii) any other money otherwise owed by the former member to the College at the date the application for reinstatement is submitted, including, without limitation, any costs or expenses ordered to be paid under section 53.1 of the Health Professions Procedural Code, any costs awarded to the College by a court and any amount owing to the College under a by-law or former regulation made under the Act;
- (b) the application for reinstatement was submitted to the Registrar within three years of the effective date on which the former member resigned as a member of the College or the date on which the former member's certificate of registration was revoked;
- (c) the application meets the requirement set out in paragraph 7 of subsection 3 (1) with necessary modifications; and
- (d) the former member,
  - (i) satisfies the Registrar that the former member provided direct chiropodial care to patients in Canada or another jurisdiction approved by the Council while practising as a chiropodist within three years

before the date on which the former member met all of the other requirements for the reinstatement of their certificate of registration,

- (ii) undergoes a practice assessment approved by the Registration Committee and meets any requirements respecting continuing education or remediation set by a panel of the Registration Committee, within the time specified by the panel, and pays the fees required under the by-laws that are applicable to the peer and practice assessment, or
- (iii) pays the fees required under the by-laws, undergoes an evaluation of the applicant's knowledge, skill and judgment approved by the Registration Committee and meets any requirements respecting continuing education or remediation set by a panel of the Registration Committee, within the time specified by the panel.

(3) A panel of the Registration Committee shall determine whether a former member to whom clause (2) (d) applies shall undergo a practice assessment or an evaluation.

(4) A former member is ineligible for reinstatement under subsection (2) if the former member,

(a) was, after ceasing to be a member, found guilty of any criminal offence in any jurisdiction or of any offence involving the use, possession or sale of drugs in any jurisdiction;

(b) was, after ceasing to be a member, found guilty of any offence in any jurisdiction relating to the practice of chiropody or any other profession or occupation;

(c) has been the subject of an inquiry or investigation by the Registrar that was not completed on its merits prior to the time that the former member ceased being a member or which resulted in the former member's resignation;

(d) was, at the time of ceasing to be a member, the subject of an outstanding order of a committee or of a panel of a committee of the College;

(e) was, at the time of ceasing to be a member, in breach of an order of a committee or of a panel of a committee of the College;

(f) was, prior to time of ceasing to be a member, selected or directed to undergo an assessment or reassessment under the College's Quality Assurance Program unless the assessment or reassessment was completed and any continuing education or remedial program required by the Quality Assurance Committee was completed before the time of ceasing to be a member;

(g) was, at the time of ceasing to be a member, in breach of any written agreement with or undertaking provided to the College;

(h) was, after ceasing to be a member, refused registration in any jurisdiction either in chiropody or any other health profession; or

(i) was, after ceasing to be a member, the subject of a finding of professional negligence or malpractice in any jurisdiction in relation to chiropody or any other health profession or occupation.

(5) Subsections 3 (3) and (4) apply with necessary modifications to an application for the reinstatement of a certificate of registration under this section.

(6) A former member who, at the time of resigning as a member, was a member of the podiatrist class may be reinstated in the podiatrist class if the former member meets the requirements of subsections 16(1) and (2) and is not ineligible under (4).

## TRANSITION

[Note: This section assumes that the current Registration Regulation and the current Examination Regulation will be revoked as set out in section 18.]

**17. (1) Every general certificate of registration that was in existence immediately before [\*\*insert date this Regulation is filed\*\*] is continued as a general certificate of registration with the same status under this Regulation until such time as it otherwise ceases to be effective.**

(2) Where an application for a certificate of registration had been made but not finally dealt with before **[\*\*insert date this Regulation filed\*\*]** the application shall be dealt with in accordance with this Regulation.

(3) A member who was deemed to be a member of the podiatrist class under subsection 15 (2) of Ontario Regulation 830/93 (Registration) made under the Act and who was a member of the podiatrist class immediately before **[\*\*insert date this Regulation filed\*\*]**, continues to hold a podiatrist class certificate of registration and is deemed to be a member of the podiatrist class of members until such time as he or she otherwise ceases to be a member.

#### REVOCATION AND COMMENCEMENT

18 The following Regulations are revoked:

1. Ontario Regulation 679/93.
2. Ontario Regulation 830/93.

19. This Regulation comes into force on the day it is filed.

**Chiropody Act, 1991**  
**Loi de 1991 sur les podologues**

**ONTARIO REGULATION 830/93\*\*\***  
**REGISTRATION**

1. The following are prescribed as classes of certificates of registration:
  1. General.
  2. Emergency.
2. (1) A person may apply for a certificate of registration by submitting a completed application in the form provided by the Registrar together with:
  - (a) any supporting documentation requested by the Registrar; and
  - (b) all applicable fees required under the by-laws.
3. (1) The following are requirements for the issuance of any certificate of registration:
  1. The applicant must provide details of any of the following that relate to the applicant at the time that the applicant submits the application or that relate to the applicant after the application is submitted and before a certificate of registration is issued:
    - i. Any finding of guilt for any criminal offence, any offence involving the use, possession or sale of drugs, any offence under the *Controlled Drugs and Substances Act* (Canada) or any other offence relevant to suitability to practise chiropody or another profession in any jurisdiction, regardless of whether the offence took place in any jurisdiction.
    - ii. Any charge relating to any criminal offence, any offence involving the use, possession or sale of drugs, any offence under the *Controlled Drugs and Substances Act* (Canada) or any other offence relevant to suitability to practise chiropody or another profession in any jurisdiction, regardless of whether the alleged offence took place in any jurisdiction.
    - iii. A finding of professional misconduct, incompetency, incapacity, professional negligence, malpractice or any similar finding against the applicant in relation to the practice of chiropody or another profession in any jurisdiction.
    - iv. A current investigation, inquiry or proceeding for professional misconduct, incompetency or incapacity or any similar investigation or proceeding in relation to the practice of chiropody or another profession or occupation in any jurisdiction.
    - v. any interim or final order or agreement as a result of a complaint, investigation or proceeding in any jurisdiction in relation to chiropody or any other profession or occupation in any jurisdiction
    - vi. A refusal to register the applicant to practise chiropody or another profession in any jurisdiction.
  2. The applicant must provide the College with a police record check, including a Vulnerable Sector Check, which is dated not more than two months before the date on which the application was submitted.
  3. Where the applicant was previously or is currently registered or licensed to practise chiropody or podiatry in another jurisdiction, or any other profession in any jurisdiction, the applicant must provide a certificate of standing from the body responsible for the regulation or licensing of the profession in that jurisdiction which is dated not more than two months before the date on which the application was filed.

4. The applicant's past and present conduct, in the opinion of the Registrar or a panel of the Registration Committee, must afford reasonable grounds for the belief that the applicant,
    - i. ~~does not suffer from any physical or mental condition or disorder that could affect his or her ability to practise chiropody or podiatry in a safe manner, is mentally competent and physically able to practice in a safe manner,~~
    - ii. will practise chiropody or podiatry with decency, integrity and honesty and in accordance with the law,
    - iii. has sufficient knowledge, skill and judgment to competently engage in the practice of chiropody or podiatry authorized by the certificate of registration, and
    - iv. will display an appropriate professional attitude.
  5. The applicant must be a Canadian citizen or a permanent resident of Canada or be authorized under the *Immigration and Refugee Protection Act* (Canada) to practise the profession in Ontario.
  6. The applicant must possess sufficient language proficiency, in either English or French, to be able to communicate and comprehend effectively, both orally and in writing.
  7. The applicant must provide evidence satisfactory to the Registrar that the applicant will have professional liability insurance in the amount and in the form as required under the by-laws as of the anticipated date for the issuance of his or her certificate of registration.
  8. The applicant must have paid any fees required under the by-laws for the issuance of the certificate of registration.
- (2) The requirements under subsection (1) are non-exemptible.
- (3) An applicant must meet all of the requirements for registration within one year following the filing of the application, but this does not prevent the applicant from filing a new application.
- (4) ~~Despite any other provision in this regulation, an applicant who makes any false or misleading representation or declaration on or in connection with their application, by commission or omission, is deemed thereafter not to meet and not to have met the registration requirements for a certificate of registration of any class. An applicant shall be deemed not to have satisfied the requirements for the issuance of a certificate of registration of any class if the applicant makes a false or misleading statement or representation in his or her application or supporting documentation.~~
- 4 (1) Every certificate of registration is subject to the following terms, conditions and limitations:
1. The member shall provide to the Registrar the details of any of the following that relate to the member and that occur or arise after the registration of the member:
    - i. A finding of guilt arising in any jurisdiction relating to any offence, including,
      - a. any criminal offence,
      - b. any offence relating to the practice of chiropody or any other profession or occupation, or
      - c. any offence involving the use, possession or sale of drugs.
    - ii. A charge arising in any jurisdiction relating to any offence, including,
      - a. any criminal offence,
      - b. any offence relating to the practice of chiropody or any other profession or occupation, or
      - c. any offence involving the use, possession or sale of drugs.
    - iii. A finding of professional misconduct, incompetence or incapacity or any like finding in any jurisdiction in relation to chiropody or any other profession or occupation in any jurisdiction.
    - iv. A current investigation, inquiry or proceeding for professional misconduct, incompetence or incapacity or any like investigation or proceeding in any jurisdiction in relation to chiropody or any other profession or occupation in any jurisdiction.
    - v. any interim or final order or agreement as a result of a complaint, investigation or proceeding in any jurisdiction in relation to chiropody or any other profession or occupation in any jurisdiction
  2. The member shall not engage in the practice of chiropody unless the member is a Canadian citizen or permanent resident of Canada or has authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of chiropody in Ontario.

3. The member shall immediately advise the Registrar in writing in the event the member ceases to be a Canadian citizen or permanent resident of Canada or to have authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of chiropractic in Ontario.
4. If paragraph 3 applies to the member, and the member subsequently obtains Canadian citizenship or becomes a permanent resident of Canada or attains authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of chiropractic in Ontario, the member shall immediately advise the Registrar in writing of that fact.
5. The member shall maintain professional liability insurance in the amount and in the form as required under the by-laws.
6. If the member fails to meet the requirement in paragraph 5, the member shall immediately advise the Registrar in writing of that fact and immediately cease to engage in the practice of chiropractic until such time as the member obtains professional liability insurance as required in paragraph 5.
7. If paragraph 6 applies to the member, and the member subsequently obtains professional liability insurance, the member shall notify the Registrar in writing of that fact and, if requested by the Registrar, shall provide details of that coverage.

### GENERAL CERTIFICATES OF REGISTRATION

5. (1) The following are additional requirements for the issuance of a general certificate of registration:
  1. The applicant must,
    - i. have a diploma or a degree evidencing the successful completion of a full-time program designed to educate and train persons to be practising chiropractors or podiatrists which was,
      - A. awarded or granted by the Michener Institute, or
      - B. awarded or granted by an educational institution as a result of successful completion of a program that was approved by the Registration Committee as one whose graduates should possess sufficient knowledge, skill and judgment to be able to practise chiropractic in Ontario in accordance with the standards of practice of the profession, or
    - ii. have successfully completed a full-time program in either chiropractic or podiatry, other than a program mentioned in subparagraph i, of at least three years duration designed to educate and train persons to be practising chiropractors and must have,
      - A. undergone an assessment or evaluation by the College or body approved by the College, and
      - B. satisfied a panel of the Registration Committee that the applicant has successfully completed any further education, training or combination of education and training that was identified as a result of the assessment or evaluation under sub-subparagraph A and that was approved by the panel as being necessary to evidence that the applicant possesses knowledge, skill and judgment at least equivalent to those of current graduates of a program mentioned in subparagraph i.
  2. The applicant must have successfully completed every component of a competency examination set or approved by the Council, during a time when the examination was so set or approved.
  3. The applicant must have successfully completed a jurisprudence examination set or approved by the Council, during a time when the examination was so set or approved.
- (2) The requirements set out in subsection (1) are non-exemptible.
- (3) The requirement in paragraphs 2 and 3 of subsection (1) must be met within three years before the date on which the applicant was entitled to the issuance of the certificate of registration.
- (4) The requirements in paragraphs 1 and 3 of subsection (1) do not apply to an applicant if he or she held an emergency certificate of registration issued by the College within one year before submitting his or her application for that general certificate of registration.
6. (1) Every general certificate of registration is subject to the following additional terms, conditions and limitations:
  1. The member shall practise the profession a minimum of three months during every two-year period, with the first two-year period beginning on the day that the member is issued a general certificate of registration, and



each subsequent two-year period beginning on the first anniversary of the commencement of the previous period.

2. If the member fails to meet the requirement in paragraph 1, the member shall immediately advise the Registrar in writing of that fact and immediately cease to engage in the practice of chiropody until such time as the member meets the conditions set out in subsection (3).

(2) If a member fails to meet the condition described in paragraph 1 of subsection (1), the Registrar shall refer the member to the Quality Assurance Committee for a peer and practice assessment.

(3) Where the Registrar refers a member to the Quality Assurance Committee under subsection (2), that member may not resume practising the profession until the member,

- (a) undergoes a peer and practice assessment;
- (b) successfully completes any continuing education or remediation programs that may be specified by the Quality Assurance Committee pursuant to section 80.2 of the Health Professions Procedural Code; and
- (c) pays the fees required under the by-laws that are applicable to the peer and practice assessment.

#### APPLICANTS WITH OUT-OF-PROVINCE CERTIFICATES

7. (1) Subject to subsection (32), if an applicant already holds an out-of-province certificate that is equivalent to a general certificate of registration issued by the College, the applicant is deemed to have met the requirements set out in paragraphs 1 ~~and 2 and 3~~ of subsection 5 (1).

(2) Notwithstanding section 3(2) of the *Chiropody Act*, 1991 S.O. 1991, c.20, and subject to subsection (3), if an applicant already holds an out-of-province certificate that is equivalent to a certificate of registration authorizing the scope of practice and controlled acts prescribed in s.5(2) of the *Chiropody Act*, the applicant is deemed to have met the requirements set out in paragraphs 1 and 2 of subsection 5(1) and may be added to the podiatrist class, if all other registration requirements are met.

(3) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) and (2) provide one or more certificates or letters or other evidence satisfactory to the Registrar or panel of the Registration Committee confirming that the applicant is in good standing as a chiropodist or podiatrist in every jurisdiction where the applicant holds an out-of-province certificate.

~~(4)~~ Without in any way limiting the generality of subsection (32), being in good standing with respect to a jurisdiction shall include the fact that,

- (a) the applicant is not the subject of any discipline or fitness to practise order or of any proceeding or ongoing investigation or of any interim or final order or agreement as a result of a complaint, investigation or proceeding; and
- (b) the applicant is in compliance with all continuing competency and quality assurance requirements of the regulatory authority of the jurisdiction.

~~(5)~~ An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 6 of subsection 3 (1) if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.

~~(6)~~ Despite subsection (1) and (2), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.

#### EMERGENCY CERTIFICATES OF REGISTRATION

8. (1) The following are additional specific requirements for an Emergency certificate of registration:

1. The Minister has requested the College to initiate registrations under this class based on the Minister's opinion that emergency circumstances call for it, or Council has determined, after taking into account all of the relevant circumstances that impact the ability of applicants to meet the ordinary registration requirements, that there are emergency circumstances, and that it is in the public interest that the College issue emergency certificates.
2. The applicant meets the requirement of paragraph 1 of subsection 54 (1).
3. The applicant meets the requirement of paragraph ~~32-1~~ of subsection 54 (1). O. Reg. 276/23, s. 3.

(2) Subject to subsection (3), the requirements of subsection (1) are non-exemptible. O. Reg. 276/23, s. 3.

(3) Where the applicant is registered or licensed as a podiatrist in a jurisdiction approved by the Council, the applicant is deemed to have met the requirement of paragraph 2 of subsection (1). O. Reg. 276/23, s. 3.

9. (1) ~~Every~~The following are specific conditions to maintain an Emergency certificate of registration is subject to the following terms, conditions and limitations:

1. The member may engage in the practice of chiropody only under the supervision of a member who holds a General certificate of registration and who has been approved by the Registrar to supervise a member of the Emergency class.
2. The member may engage in the practice of chiropody only while holding themselves out as a member of the Emergency class (chiropodist) who is practising under supervision.
3. The Emergency certificate of registration is automatically revoked 60 days after the Council determines that the emergency circumstances referred to in paragraph 1 of subsection 6.1 (1) have ended.
4. The Emergency certificate of registration expires one year from the date on which the certificate was issued, unless extended by the Registrar, if the Council has not determined that the emergency circumstances have ended.
5. The Emergency certificate of registration shall be revoked prior to its expiry if, in the opinion of the Registrar or the Registration Committee, it is in the public interest to do so. O. Reg. 276/23, s. 4.

(2) The Registrar may extend an Emergency certificate of registration for one or more periods, each of which is not to exceed one year, if the Council has not determined the emergency circumstances have ended. O. Reg. 276/23, s. 4.

## EXAMINATIONS

10. (1) The College shall ensure that the competency and jurisprudence examinations that are a requirement for a general certificate of registration pursuant to paragraphs 2 and 3 of subsection 5 (1) are held at least once per year.

(2) A person who meets the following requirements is eligible to attempt the examinations:

1. The person must file with the College a completed ~~examination~~ application for examination in the form provided by the Registrar ~~form with the College~~ no less than 45 days before the day of the first examination, unless the Registrar approves a later filing.
2. The person must pay the examination fee required under the by-laws no less than 45 days before the day of the examination unless the Registrar approves a later payment.
3. The person must meet the requirement of paragraph 1 of subsection 5 (1).
4. The person must not have failed on three previous occasions an examination which would, if successfully completed, have met the examination requirement of paragraphs 2 or 3 of subsection 5 (1).

(3) Where, by virtue of paragraph 4 of subsection (2), a person is no longer eligible to attempt the examination referred to in paragraph 2 of subsection 5 (1), the person may not attempt the examination again unless and until the person obtains a new diploma or a degree which would meet the requirement of sub-subparagraph 1 i A or B of subsection 5 (1).

(4) Where, by virtue of paragraph 4 of subsection (2), a person is no longer eligible to attempt the examination referred to in paragraph 3 of subsection 5 (1), the person may not attempt the examination again unless and until the person meets any requirements respecting continuing education or remediation set by a panel of the Registration Committee.

(5) A member who holds or a former member who held an Emergency ~~-class~~ certificate of registration within one year of applying for a general certificate of registration and who practiced chiropody or podiatry for at least 180 hours while in the Emergency class is exempt from the examination fee for the competency examination.

## SUSPENSIONS, RESIGNATIONS, REINSTATEMENTS, ETC.

**11. (1)** If the Registrar requests evidence that a member holds professional liability insurance in the amount and in the form as required under the by-laws and the member fails to provide that evidence within 14 days of having been requested to do so or such longer period as is specified by the Registrar, the Registrar shall give the member notice of intention to suspend the member and may suspend the member's certificate of registration for failure to provide the evidence 15 days after notice is given.

(2) Where the Registrar suspends the member's certificate of registration under subsection (1), the Registrar shall lift that suspension upon being satisfied that the former member holds professional liability insurance in the amount and in the form required under the by-laws and that any fees required under the by-laws for the lifting of that suspension have been paid.

**12. (1)** If a member fails to provide information about the member as required by the Act, the *Regulated Health Professions Act, 1991*, the regulations under the *Regulated Health Professions Act, 1991* or the by-laws, in the manner and form as may be required, the Registrar shall give the member notice of intention to suspend the member and may suspend the member's certificate of registration for failure to provide the information 30 days after notice is given.

(2) Where the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that the required information has been filed with the College and that any fees required under the by-laws for the lifting of that suspension have been paid.

**13.** Where the Registrar suspended a certificate of registration under section 24 of the Health Professions Procedural Code for failure to pay a fee that was required under the by-laws, the Registrar shall lift the suspension upon being satisfied that,

- (a) all amounts owing to the College at the time of the suspension have been paid;
- (b) any fees required under the by-laws for the lifting of the suspension have been paid; and
- (c) as of the anticipated date for the lifting of the suspension, the reinstated member will hold professional liability insurance in the amount and in the form as required under the by-laws.

**14. (1)** A member may resign as a member of the College by giving written notice to the College.

(2) A resignation under this section is effective on the date set out in the resignation or on the date it is received by the College, whichever is later.

**15.** The Registrar shall revoke the certificate of registration of a member or former member where,

- (a) the member or former member resigns;
- (b) the member or former member's certificate of registration was suspended for failure to pay a fee required under the by-laws and that suspension continued for 120 days; or
- (c) the member or former member's certificate of registration was suspended pursuant to subsection 11 (1) or 12 (1) and the suspension continued for 120 days.

**16. (1)** A former member who resigned as a member of the College under section 14 while a member holding a general class certificate of registration or a certificate in the podiatrist class under section 14 or whose certificate was revoked pursuant to section 15 may apply for the reinstatement of their certificate of registration by submitting a completed application to the Registrar in the form provided by the Registrar.

(2) Subject to subsection (4), the Registrar may reinstate the former member's certificate of registration if,

- (a) the former member has paid,
  - (i) the reinstatement fees required under the by-laws, and
  - (ii) any other money otherwise owed by the former member to the College at the date the application for reinstatement is submitted, including, without limitation, any costs or expenses ordered to be paid under section 53.1 of the Health Professions Procedural Code, any costs awarded to the College

by a court and any amount owing to the College under a by-law or former regulation made under the Act;

(b) the application for reinstatement was submitted to the Registrar within three years of the effective date on which the former member resigned as a member of the College or the date on which the former member's certificate of registration was revoked;

(c) the application meets the requirement set out in paragraph 7 of subsection 3 (1) with necessary modifications; and

(d) the former member,

(i) satisfies the Registrar that the former member provided direct chiropodial care to patients in Canada or another jurisdiction approved by the Council while practising as a chiropodist within three years before the date on which the former member met all of the other requirements for the reinstatement of their certificate of registration,

(ii) undergoes a practice assessment approved by the Registration Committee and meets any requirements respecting continuing education or remediation set by a panel of the Registration Committee, within the time specified by the panel, and pays the fees required under the by-laws that are applicable to the peer and practice assessment, or

(iii) pays the fees required under the by-laws, undergoes an evaluation of the applicant's knowledge, skill and judgment approved by the Registration Committee and meets any requirements respecting continuing education or remediation set by a panel of the Registration Committee, within the time specified by the panel.

(3) A panel of the Registration Committee shall determine whether a former member to whom clause (2) (d) applies shall undergo a practice assessment or an evaluation.

(4) A former member is ineligible for reinstatement under subsection (2) if the former member,

(a) was, after ceasing to be a member, found guilty of any criminal offence in any jurisdiction or of any offence involving the use, possession or sale of drugs in any jurisdiction;

(b) was, after ceasing to be a member, found guilty of any offence in any jurisdiction relating to the practice of chiropody or any other profession or occupation;

(c) has been the subject of an inquiry or investigation by the Registrar that was not completed on its merits prior to the time that the former member ceased being a member or which resulted in the former member's resignation;

(d) was, at the time of ceasing to be a member, the subject of an outstanding order of a committee or of a panel of a committee of the College;

(e) was, at the time of ceasing to be a member, in breach of an order of a committee or of a panel of a committee of the College;

(f) was, prior to time of ceasing to be a member, selected or directed to undergo an assessment or reassessment under the College's Quality Assurance Program unless the assessment or reassessment was completed and any continuing education or remedial program required by the Quality Assurance Committee was completed before the time of ceasing to be a member;

(g) was, at the time of ceasing to be a member, in breach of any written agreement with or undertaking provided to the College;

(h) was, after ceasing to be a member, refused registration in any jurisdiction either in chiropody or any other health profession; or

(i) was, after ceasing to be a member, the subject of a finding of professional negligence or malpractice in any jurisdiction in relation to chiropody or any other health profession or occupation.

(5) Subsections 3 (3) and (4) apply with necessary modifications to an application for the reinstatement of a certificate of registration under this section.

(6) A former member who, at the time of resigning as a member, was a member of the podiatrist class may be reinstated in the podiatrist class if the former member meets the requirements of subsections 16(1) and (2) and is not ineligible under (4).

## TRANSITION

[Note: This section assumes that the current Registration Regulation and the current Examination Regulation will be revoked as set out in section 18.]

17. (1) Every general certificate of registration that was in existence immediately before **["\*\*insert date this Regulation is filed\*\*"]** is continued as a general certificate of registration with the same status under this Regulation until such time as it otherwise ceases to be effective.

(2) Where an application for a certificate of registration had been made but not finally dealt with before **["\*\*insert date this Regulation filed\*\*"]** the application shall be dealt with in accordance with this Regulation.

(3) A member who was deemed to be a member of the podiatrist class under subsection 158 (2) of Ontario Regulation 830/93 (Registration) made under the Act and who was a member of the podiatrist class immediately before **["\*\*insert date this Regulation filed\*\*"]**, continues to hold a podiatrist class certificate of registration and is deemed to be a member of the podiatrist class of members until such time as he or she otherwise ceases to be a member.

## REVOCATION AND COMMENCEMENT

18 The following Regulations are revoked:

1. Ontario Regulation 679/93.
2. Ontario Regulation 830/93.

19. This Regulation comes into force on the day it is filed.

**Chiropractic Act, 1991**  
**Loi de 1991 sur les podologues**

**ONTARIO REGULATION \*\*\*\*\***  
**REGISTRATION**

1. The following are prescribed as classes of certificates of registration:
  1. General.
  2. Emergency.
2. (1) A person may apply for a certificate of registration by submitting a completed application in the form provided by the Registrar together with:
  - (a) any supporting documentation requested by the Registrar; and
  - (b) all applicable fees required under the by-laws.
3. (1) The following are requirements for the issuance of any certificate of registration:
  1. The applicant must provide details of any of the following that relate to the applicant at the time that the applicant submits the application or that relate to the applicant after the application is submitted and before a certificate of registration is issued:
    - i. Any finding of guilt for any criminal offence, any offence involving the use, possession or sale of drugs, any offence under the *Controlled Drugs and Substances Act* (Canada) or any other offence relevant to suitability to practise chiropractic or another profession, ~~regardless of whether the offence took place~~ in any jurisdiction.
    - ii. Any charge relating to any criminal offence, any offence involving the use, possession or sale of drugs, any offence under the *Controlled Drugs and Substances Act* (Canada) or any other offence relevant to suitability to practise chiropractic or another profession, ~~regardless of whether the alleged offence took place~~ in any jurisdiction.
    - iii. A finding of professional misconduct, incompetency, incapacity, professional negligence, malpractice or any similar finding against the applicant in relation to the practice of chiropractic or another profession in any jurisdiction.
    - iv. A current investigation, inquiry or proceeding for professional misconduct, incompetency or incapacity or any similar investigation or proceeding in relation to the practice of chiropractic or another profession or occupation in any jurisdiction.
    - v. Any interim or final order or agreement as a result of a complaint, investigation or proceeding in any jurisdiction in relation to chiropractic or any other profession or occupation in any jurisdiction
    - vi. A refusal to register the applicant to practise chiropractic or another profession in any jurisdiction.
  2. The applicant must provide the College with a police record check, including a Vulnerable Sector Check, which is dated not more than two months before the date on which the application was submitted.
  3. Where the applicant was previously or is currently registered or licensed to practise chiropractic or podiatry in another jurisdiction, or any other profession in any jurisdiction, the applicant must provide a certificate of standing from the body responsible for the regulation or licensing of the profession in that jurisdiction which is dated not more than two months before the date on which the application was filed.



4. The applicant's past and present conduct, in the opinion of the Registrar or a panel of the Registration Committee, must afford reasonable grounds for the belief that the applicant,
    - i. ~~is mentally competent and physically able~~ does not suffer from any physical or mental condition or disorder that could affect his or her ability to ~~practice~~ practise chiropody or podiatry in a safe manner,
    - ii. will practise chiropody or podiatry with decency, integrity and honesty and in accordance with the law,
    - iii. has sufficient knowledge, skill and judgment to competently engage in the practice of chiropody or podiatry authorized by the certificate of registration, and
    - iv. will display an appropriate professional attitude.
  
  5. The applicant must be a Canadian citizen or a permanent resident of Canada or be authorized under the *Immigration and Refugee Protection Act* (Canada) to practise the profession in Ontario.
  6. The applicant must possess sufficient language proficiency, in either English or French, to be able to communicate and comprehend effectively, both orally and in writing.
  7. The applicant must provide evidence satisfactory to the Registrar that the applicant will have professional liability insurance in the amount and in the form as required under the by-laws as of the anticipated date for the issuance of his or her certificate of registration.
  8. The applicant must have paid any fees required under the by-laws for the issuance of the certificate of registration.
- (2) The requirements under subsection (1) are non-exemptible.
  - (3) An applicant must meet all of the requirements for registration within one year following the filing of the application, but this does not prevent the applicant from filing a new application.
  - (4) ~~As~~ Despite any other provision in this regulation, an applicant shall be who makes any false or misleading representation or declaration on or in connection with their application, by commission or omission, is deemed thereafter not to meet and not to have ~~satisfied~~ met the registration requirements for ~~the issuance of~~ a certificate of registration of any class ~~if the applicant makes a false or misleading statement or representation in his or her application or supporting documentation.~~
- 4 (1) Every certificate of registration is subject to the following terms, conditions and limitations:
1. The member shall provide to the Registrar the details of any of the following that relate to the member and that occur or arise after the registration of the member:
    - i. A finding of guilt arising in any jurisdiction relating to any offence, including,
      - a. any criminal offence,
      - b. any offence relating to the practice of chiropody or any other profession or occupation, or
      - c. any offence involving the use, possession or sale of drugs.
    - ii. A charge arising in any jurisdiction relating to any offence, including,
      - a. any criminal offence,
      - b. any offence relating to the practice of chiropody or any other profession or occupation, or
      - c. any offence involving the use, possession or sale of drugs.
    - ~~iii. A finding of professional misconduct, incompetence or incapacity or any like finding in any jurisdiction in relation to chiropody or any other profession or occupation in any jurisdiction.~~
    - iv. A current investigation, inquiry or proceeding for professional misconduct, incompetence or incapacity or any like investigation or proceeding in any jurisdiction in relation to chiropody or any other profession or occupation in any jurisdiction.
    - v. Any interim or final order or agreement as a result of a complaint, investigation or proceeding in any jurisdiction in relation to chiropody or any other profession or occupation in any jurisdiction

2. The member shall not engage in the practice of chiropody unless the member is a Canadian citizen or permanent resident of Canada or has authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of chiropody in Ontario.
3. The member shall immediately advise the Registrar in writing in the event the member ceases to be a Canadian citizen or permanent resident of Canada or to have authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of chiropody in Ontario.
4. If paragraph 3 applies to the member, and the member subsequently obtains Canadian citizenship or becomes a permanent resident of Canada or attains authorization under the *Immigration and Refugee Protection Act* (Canada) permitting the member to engage in the practice of chiropody in Ontario, the member shall immediately advise the Registrar in writing of that fact.
5. The member shall maintain professional liability insurance in the amount and in the form as required under the by-laws.
6. If the member fails to meet the requirement in paragraph 5, the member shall immediately advise the Registrar in writing of that fact and immediately cease to engage in the practice of chiropody until such time as the member obtains professional liability insurance as required in paragraph 5.
7. If paragraph 6 applies to the member, and the member subsequently obtains professional liability insurance, the member shall notify the Registrar in writing of that fact and, if requested by the Registrar, shall provide details of that coverage.

#### GENERAL CERTIFICATES OF REGISTRATION

5. (1) The following are additional requirements for the issuance of a general certificate of registration:
  1. The applicant must,
    - i. have a diploma or a degree evidencing the successful completion of a full-time program designed to educate and train persons to be practising chiropodists or podiatrists which was,
      - A. awarded or granted by the Michener Institute, or
      - B. awarded or granted by an educational institution as a result of successful completion of a program that was approved by the Registration Committee as one whose graduates should possess sufficient knowledge, skill and judgment to be able to practise chiropody in Ontario in accordance with the standards of practice of the profession, or
    - ii. have successfully completed a full-time program in either chiropody or podiatry, other than a program mentioned in subparagraph i, of at least three years duration designed to educate and train persons to be practising chiropodists and must have,
      - A. undergone an assessment or evaluation by the College or body approved by the College, and
      - B. satisfied a panel of the Registration Committee that the applicant has successfully completed any further education, training or combination of education and training that was identified as a result of the assessment or evaluation under sub-subparagraph A and that was approved by the panel as being necessary to evidence that the applicant possesses knowledge, skill and judgment at least equivalent to those of current graduates of a program mentioned in subparagraph i.
  2. The applicant must have successfully completed every component of a competency examination set or approved by the Council, during a time when the examination was so set or approved.
  3. The applicant must have successfully completed a jurisprudence examination set or approved by the Council, during a time when the examination was so set or approved.
- (2) The requirements set out in subsection (1) are non-exemptible.
- (3) The requirement in paragraphs 2 and 3 of subsection (1) must be met within three years before the date on which the applicant was entitled to the issuance of the certificate of registration.
- (4) The requirements in paragraphs 1 and 3 of subsection (1) do not apply to an applicant if he or she held an emergency certificate of registration issued by the College within one year before submitting his or her application for that general certificate of registration.
6. (1) Every general certificate of registration is subject to the following additional terms, conditions and limitations:



1. The member shall practise the profession a minimum of three months during every two-year period, with the first two-year period beginning on the day that the member is issued a general certificate of registration, and each subsequent two-year period beginning on the first anniversary of the commencement of the previous period.
2. If the member fails to meet the requirement in paragraph 1, the member shall immediately advise the Registrar in writing of that fact and immediately cease to engage in the practice of chiropractic until such time as the member meets the conditions set out in subsection (3).
  - (2) If a member fails to meet the condition described in paragraph 1 of subsection (1), the Registrar shall refer the member to the Quality Assurance Committee for a peer and practice assessment.
  - (3) Where the Registrar refers a member to the Quality Assurance Committee under subsection (2), that member may not resume practising the profession until the member,
    - (a) undergoes a peer and practice assessment;
    - (b) successfully completes any continuing education or remediation programs that may be specified by the Quality Assurance Committee pursuant to section 80.2 of the Health Professions Procedural Code; and
    - (c) pays the fees required under the by-laws that are applicable to the peer and practice assessment.

#### APPLICANTS WITH OUT-OF-PROVINCE CERTIFICATES

7. (1) Subject to subsection (23), if an applicant already holds an out-of-province certificate that is equivalent to a general certificate of registration issued by the College, the applicant is deemed to have met the requirements set out in paragraphs 1, 2 and 3 and 2 of subsection 5 (1).
 

~~—(2)— (2) Notwithstanding section 3(2) of the *Chiropractic Act*, 1991 S.O. 1991, c.20, and subject to subsection (3), if an applicant already holds an out-of-province certificate that is equivalent to a certificate of registration authorizing the scope of practice and controlled acts prescribed in s.5(2) of the *Chiropractic Act*, the applicant is deemed to have met the requirements set out in paragraphs 1 and 2 of subsection 5(1) and may be added to the podiatrist class, if all other registration requirements are met.~~

(3) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) and (2) provide one or more certificates or letters or other evidence satisfactory to the Registrar or panel of the Registration Committee confirming that the applicant is in good standing as a chiropractor or podiatrist in every jurisdiction where the applicant holds an out-of-province certificate.

~~(34) Without in any way limiting the generality of subsection (23), being in good standing with respect to a jurisdiction shall include the fact that,~~

  - (a) the applicant is not the subject of any discipline or fitness to practise order or of any proceeding or ongoing investigation or of any interim or final order or agreement as a result of a complaint, investigation or proceeding; and
  - (b) the applicant is in compliance with all continuing competency and quality assurance requirements of the regulatory authority of the jurisdiction.

~~(45) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 6 of subsection 3 (1) if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.~~

~~(56) Despite subsection (1) and (2), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.~~

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#### EMERGENCY CERTIFICATES OF REGISTRATION

8. (1) The following are ~~specific~~additional requirements for an Emergency certificate of registration:
  1. The Minister has requested the College to initiate registrations under this class based on the Minister's opinion that emergency circumstances call for it, or Council has determined, after taking into account all of the relevant circumstances that impact the ability of applicants to meet the ordinary registration requirements, that there are emergency circumstances, and that it is in the public interest that the College issue emergency certificates.
  2. The applicant meets the requirement of paragraph 1 of subsection ~~45~~45 (1).

3. The applicant meets the requirement of paragraph ~~2-13~~ of subsection ~~45~~ (1). O. Reg. 276/23, s. 3.
- (2) Subject to subsection (3), the requirements of subsection (1) are non-exemptible. O. Reg. 276/23, s. 3.
- (3) Where the applicant is registered or licensed as a podiatrist in a jurisdiction approved by the Council, the applicant is deemed to have met the requirement of paragraph 2 of subsection (1). O. Reg. 276/23, s. 3.

9. (1) ~~The following are specific conditions to maintain an~~Every Emergency certificate of registration is subject to the following terms, conditions and limitations:

1. The member may engage in the practice of chiropody only under the supervision of a member who holds a General certificate of registration and who has been approved by the Registrar to supervise a member of the Emergency class.
  2. The member may engage in the practice of chiropody only while holding themselves out as a member of the Emergency class (chiroprapist) who is practising under supervision.
  3. The Emergency certificate of registration is automatically revoked 60 days after the Council determines that the emergency circumstances referred to in paragraph 1 of subsection 6.1 (1) have ended.
  4. The Emergency certificate of registration expires one year from the date on which the certificate was issued, unless extended by the Registrar, if the Council has not determined that the emergency circumstances have ended.
  5. The Emergency certificate of registration shall be revoked prior to its expiry if, in the opinion of the Registrar or the Registration Committee, it is in the public interest to do so. O. Reg. 276/23, s. 4.
- (2) The Registrar may extend an Emergency certificate of registration for one or more periods, each of which is not to exceed one year, if the Council has not determined the emergency circumstances have ended. O. Reg. 276/23, s. 4.

## EXAMINATIONS

10. (1) The College shall ensure that the competency and jurisprudence examinations that are a requirement for a general certificate of registration pursuant to paragraphs 2 and 3 of subsection 5 (1) are held at least once per year.

(2) A person who meets the following requirements is eligible to attempt the examinations:

1. The person must file with the College a completed ~~examination~~ application for examination in the form with provided by the College Registrar no less than 45 days before the day of the first examination, unless the Registrar approves a later filing.
2. The person must pay the examination fee required under the by-laws no less than 45 days before the day of the examination unless the Registrar approves a later payment.
3. The person must meet the requirement of paragraph 1 of subsection 5 (1).
4. The person must not have failed on three previous occasions an examination which would, if successfully completed, have met the examination requirement of paragraphs 2 or 3 of subsection 5 (1).

(3) Where, by virtue of paragraph 4 of subsection (2), a person is no longer eligible to attempt the examination referred to in paragraph 2 of subsection 5 (1), the person may not attempt the examination again unless and until the person obtains a new diploma or a degree which would meet the requirement of sub-subparagraph 1 i A or B of subsection 5 (1).

(4) ~~Where, by virtue of paragraph 4 of subsection (2), a person is no longer eligible to attempt the examination referred to in paragraph 3 of subsection 5 (1), the person may not attempt the examination again unless and until the person meets any requirements respecting continuing education or remediation set by a panel of the Registration Committee.~~

(5) A member who holds or a former member who held an ~~emergency class~~Emergency certificate of registration within one year of applying for a general certificate of registration and who practiced chiropody or podiatry for at least 180 hours while in the ~~emergency~~Emergency class is exempt from the examination fee for the competency examination.

## SUSPENSIONS, RESIGNATIONS, REINSTATEMENTS, ETC.

**11. (1)** If the Registrar requests evidence that a member holds professional liability insurance in the amount and in the form as required under the by-laws and the member fails to provide that evidence within 14 days of having been requested to do so or such longer period as is specified by the Registrar, the Registrar shall give the member notice of intention to suspend the member and may suspend the member's certificate of registration for failure to provide the evidence 15 days after notice is given.

(2) Where the Registrar suspends the member's certificate of registration under subsection (1), the Registrar shall lift that suspension upon being satisfied that the former member holds professional liability insurance in the amount and in the form required under the by-laws and that any fees required under the by-laws for the lifting of that suspension have been paid.

**12. (1)** If a member fails to provide information about the member as required by the Act, the *Regulated Health Professions Act, 1991*, the regulations under the *Regulated Health Professions Act, 1991* or the by-laws, in the manner and form as may be required, the Registrar shall give the member notice of intention to suspend the member and may suspend the member's certificate of registration for failure to provide the information 30 days after notice is given.

(2) Where the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that the required information has been filed with the College and that any fees required under the by-laws for the lifting of that suspension have been paid.

**13.** Where the Registrar suspended a certificate of registration under section 24 of the Health Professions Procedural Code for failure to pay a fee that was required under the by-laws, the Registrar shall lift the suspension upon being satisfied that,

- (a) all amounts owing to the College at the time of the suspension have been paid;
- (b) any fees required under the by-laws for the lifting of the suspension have been paid; and
- (c) as of the anticipated date for the lifting of the suspension, the reinstated member will hold professional liability insurance in the amount and in the form as required under the by-laws.

**14. (1)** A member may resign as a member of the College by giving written notice to the College.

(2) A resignation under this section is effective on the date set out in the resignation or on the date it is received by the College, whichever is later.

**15.** The Registrar shall revoke the certificate of registration of a member or former member where,

- (a) the member or former member resigns;
- (b) the member or former member's certificate of registration was suspended for failure to pay a fee required under the by-laws and that suspension continued for 120 days; or
- (c) the member or former member's certificate of registration was suspended pursuant to subsection 11 (1) or 12 (1) and the suspension continued for 120 days.

**16. (1)** A former member who resigned as a member of the College under section 14 while a member holding a general class certificate of registration under section 14 or a certificate in the podiatrist class or whose certificate was revoked pursuant to section 15 may apply for the reinstatement of their certificate of registration by submitting a completed application to the Registrar in the form provided by the Registrar.

(2) Subject to subsection (4), the Registrar may reinstate the former member's certificate of registration if,

- (a) the former member has paid,
  - (i) the reinstatement fees required under the by-laws, and
  - (ii) any other money otherwise owed by the former member to the College at the date the application for reinstatement is submitted, including, without limitation, any costs or expenses ordered to be paid under section 53.1 of the Health Professions Procedural Code, any costs awarded

to the College by a court and any amount owing to the College under a by-law or former regulation made under the Act;

(b) the application for reinstatement was submitted to the Registrar within three years of the effective date on which the former member resigned as a member of the College or the date on which the former member's certificate of registration was revoked;

(c) the application meets the requirement set out in paragraph 7 of subsection 3 (1) with necessary modifications; and

(d) the former member,

—(i) satisfies the Registrar that the former member provided direct chiropodial care to patients in Canada or another jurisdiction approved by the Council while practising as a chiropodist within three years before the date on which the former member met all of the other requirements for the reinstatement of their certificate of registration,

—(ii) undergoes a practice assessment approved by the Registration Committee and meets any requirements respecting continuing education or remediation set by a panel of the Registration Committee, within the time specified by the panel, and pays the fees required under the by-laws that are applicable to the peer and practice assessment, or

—(iii) pays the fees required under the by-laws, undergoes an evaluation of the applicant's knowledge, skill and judgment approved by the Registration Committee and meets any requirements respecting continuing education or remediation set by a panel of the Registration Committee, within the time specified by the panel.

(3) A panel of the Registration Committee shall determine whether a former member to whom clause (2) (d) applies shall undergo a practice assessment or an evaluation.

(4) A former member is ineligible for reinstatement under subsection (2) if the former member,

(a) was, after ceasing to be a member, found guilty of any criminal offence in any jurisdiction or of any offence involving the use, possession or sale of drugs in any jurisdiction;

(b) was, after ceasing to be a member, found guilty of any offence in any jurisdiction relating to the practice of chiropody or any other profession or occupation;

(c) has been the subject of an inquiry or investigation by the Registrar that was not completed on its merits prior to the time that the former member ceased being a member or which resulted in the former member's resignation;

(d) was, at the time of ceasing to be a member, the subject of an outstanding order of a committee or of a panel of a committee of the College;

(e) was, at the time of ceasing to be a member, in breach of an order of a committee or of a panel of a committee of the College;

(f) was, prior to time of ceasing to be a member, selected or directed to undergo an assessment or reassessment under the College's Quality Assurance Program unless the assessment or reassessment was completed and any continuing education or remedial program required by the Quality Assurance Committee was completed before the time of ceasing to be a member;

(g) was, at the time of ceasing to be a member, in breach of any written agreement with or undertaking provided to the College;

(h) was, after ceasing to be a member, refused registration in any jurisdiction either in chiropody or any other health profession; or

(i) was, after ceasing to be a member, the subject of a finding of professional negligence or malpractice in any jurisdiction in relation to chiropody or any other health profession or occupation.

(5) Subsections 3 (3) and (4) apply with necessary modifications to an application for the reinstatement of a certificate of registration under this section.

(6) A former member who, at the time of resigning as a member, was a member of the podiatrist class may be reinstated in the podiatrist class if the former member meets the requirements of subsections 16(1) and (2) and is not ineligible under (4).

## TRANSITION

[Note: This section assumes that the current Registration Regulation and the current Examination Regulation will be revoked as set out in section 18.]

17. (1) Every general certificate of registration that was in existence immediately before **["\*\*insert date this Regulation is filed\*\*"]** is continued as a general certificate of registration with the same status under this Regulation until such time as it otherwise ceases to be effective.

(2) Where an application for a certificate of registration had been made but not finally dealt with before **["\*\*insert date this Regulation filed\*\*"]** the application shall be dealt with in accordance with this Regulation.

(3) A member who was deemed to be a member of the podiatrist class under subsection ~~1815~~ (2) of Ontario Regulation 830/93 (Registration) made under the Act and who was a member of the podiatrist class immediately before **["\*\*insert date this Regulation filed\*\*"]**, continues to hold a podiatrist class certificate of registration and is deemed to be a member of the podiatrist class of members until such time as he or she otherwise ceases to be a member.

## REVOCATION AND COMMENCEMENT

18 The following Regulations are revoked:

1. Ontario Regulation 679/93.
2. Ontario Regulation 830/93.

19. This Regulation comes into force on the day it is filed.



**COLLEGE OF CHIROPODISTS OF ONTARIO**

*Regulating Chiropodists and Podiatrists in Ontario*

**ITEM 3.4**

**COUNCIL BRIEFING NOTE**

**RE: RECOMMENDED AMENDMENTS TO BY-LAW 1: GENERAL & BY-LAW 2: FEES  
Adding Outstanding Fees to Annual Fee**

**Background:**

Registrants are sometimes required to pay fees to the College outside of the annual renewal fee. For example, a registrant may owe costs to the College because of an order of the Discipline Committee. In some cases, Registrants do not pay outstanding costs/fees on time, which places an administrative and financial burden on the College. To ensure that Registrants bring their account up to date at renewal time, By-law 1: General and By-law 2: Fees have been amended to require that any outstanding fee(s) be added to the annual renewal fee, and that Registrants are unable to renew without paying the full balance.

At the same time, the College is modernizing its by-laws by changing the term “member” to “registrant” to reflect the College’s role as a regulator, not an association.

At its May 2024 meeting, Council voted to amend By-law 1 and By-law 2, in principle, to require that outstanding fees be added to the annual renewal fee and that “member” be changed to “registrant”, and to circulate the proposal to stakeholders for 60 days.

The feedback from stakeholders is attached as Appendix B.

**Public Interest Rationale for Decision:**

It is in the public interest that the College maintains financial stability by ensuring that all costs owed to the College are recovered on an annual basis. It is also in the public interest that the College enforce the payment of costs/monies it is owed to demonstrate to registrants and stakeholders that it takes the enforcement of its committees’ orders seriously, and that Registrants who breach a committee will lose the privilege of practising the profession.

**Recommended Motion:**

That Council approve the amendments to By-law 1 and By-law 2 as set out in Appendix A.

Mover: \_\_\_\_\_

Seconder: \_\_\_\_\_

**APPENDIX B: Consultation Feedback (June 4 to August 3, 2024)**

**[1] 06-04-2024**

So I do agree with this amendment. However sometimes people are on financial crisis due to many reasons. The council should allow those that have extenuating circumstances to make other arrangements with council's approval.

**[2] 06-04-2024**

I think the name change from member to registrant is appropriate.

With regards to registrants being unable to renew their licenses until their balance has been paid in full, I think that some leniency should be given to newer graduates who are struggling with their student loans. This is in addition to the issue that our annual fees for general registration are the highest among the podiatric regulatory bodies in the world. Maybe this can be waived for those not over 2-3 years in practice?

**[3] 06-04-2024**

I'm not for more penalties and fees there seems to be no end.

**[4] 06-04-2024**

Yes, I support the proposed addition of outstanding fees to the yearly registration fee. The College is not a book keeper, fee collector chasing after miscreants and as the province has car licenses renewed yearly, all outstanding parking tickets , fines are mandated for liscense renewal.

**[5] 06-06-2024**

I am writing to provide feedback on the proposed changes to By-law 1: General and By-law 2: Fees recently communicated by the College of Chiropractors of Ontario. Enclosed, please find my document containing detailed feedback and suggestions regarding these proposed changes.

I appreciate the College's dedication to maintaining financial stability and regulatory effectiveness within the profession. However, I believe it's essential to consider the practical implications and potential challenges associated with these changes. Thank you for considering my perspective on these important matters.

Attached Letter

I am writing to provide feedback on the proposed changes to By-law 1: General and By-law 2: Fees as communicated by the College of Chiropractors of Ontario. I appreciate the College's efforts to maintain financial stability and ensure effective regulation of the profession. However, I have some concerns and suggestions that I hope will be considered.

- **Financial Hardship and Non-Renewal**  
The requirement for registrants to pay any outstanding fees in addition to the annual renewal fee poses a significant challenge. If a registrant is unable to renew their license due to unpaid fees, they are effectively prevented from practicing and earning the necessary income to settle those fees. This situation can create a detrimental cycle, especially for those already facing financial difficulties. I believe it is essential to consider the fairness and reasonableness of this approach.
- **Financial Stability of the College**  
While I understand the need for the College to maintain financial health, this should ideally be

managed through appropriately set annual registration fees. The current renewal process already includes deadlines, ensuring that registrants who do not renew are unable to practice. This existing system should be sufficient to manage compliance without additional enforcement measures. Introducing flexible solutions, such as payment plans or hardship waivers, could help registrants meet their obligations while continuing to practice.

- **Renewal Process and Deadlines**  
The renewal process and associated deadlines should ensure compliance without penalizing those who might be facing temporary financial setbacks. If a registrant's license is not renewed, they are already unable to practice, addressing the issue of outstanding dues effectively.
- **Insurance Policy Implications**  
Not holding a renewed valid license due to outstanding fees can adversely affect a registrant's insurance policy. This creates additional risks for both practitioners and their patients. I urge the College to carefully consider these implications to avoid unintended negative consequences.
- **Terminology Update**  
I support the proposed change from "member" to "registrant" as it aligns with the College's role as a regulatory body. This terminology more accurately reflects the professional relationship between the College and its registrants.
- **Overall Suggestions:** In summary, I recommend the following:
  - Implement flexible payment options or hardship waivers for outstanding fees.
  - Ensure that the existing renewal deadlines are strictly enforced without additional financial penalties.
  - Carefully consider the impact of non-renewal on insurance coverage and practice viability.
  - Proceed with the terminology update to reflect the College's regulatory function.

I appreciate the opportunity to provide feedback and hope that these suggestions will be helpful in refining the proposed by-law changes.

Thank you for considering my input on these important issues.

**[06-12-2024]**

It seems reasonable that a member should have to keep up with fees on a yearly basis. Perhaps consider if the fee is considered excessive, then a monthly payment amount might be set? To allow a member to pay the fee within a set time while still being able to support themselves.

**[06-12-2024]**

Thank you for your e-mail regarding the proposed amendments to By-law 1 (General) and By-law 2 (Fees), I support the changes to By-law 1 (General) and By-law 2 (Fees), I agree that the college needs to maintain its financial stability and is in the public interest to ensure the college can enforce its committees' orders.

I think all fees need to be paid on time and adding the outstanding fees to the annual registration renewal fees will ensure any outstanding fees will be paid by the registration renewal time.





# BY-LAW NO. 1: GENERAL

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## 1. DEFINITIONS

**1.01** In this by-law and in any other by-law of the **College**, unless otherwise defined or required by the context of the specific provision,

**“Act”** means the *Chiropody Act, 1991*, Statutes of Ontario, 1991, Chapter 20 as amended from time to time;

**“by teleconference”** means by any electronic manner that allows all persons participating to communicate with each other simultaneously and instantaneously;

**“chiropodist councillor”** means an **elected councillor** who is the holder of a certificate of registration in the chiropodist class;

**“Code”** means the Health Professions Procedural Code being Schedule 2 of the RHPA, as amended from time to time;

**“College”** means the College of Chiropodists of Ontario;

**“committee”** means a committee of the **College** and includes statutory, standing and ad hoc committees but does not include a board of inquiry appointed under the RHPA;

**“committee member”** means a member of a committee of the College;

**“councillor”** means a member of the Council of the College and includes public councillors, elected councillors and the **selected councillor**;

**“designated address”** means

- i) where the **member-registrant** is engaged in the practice of chiropody in Ontario, the location in Ontario which is the **member's-registrant's** business address on the register of the **College**; or
- ii) where the **member-registrant** does not engage in the practice of chiropody in Ontario, the **member's-registrant's** principal Ontario residence;



**“elected councillor”** means a member of Council described in clause 7(1)(a) of the **Act** and includes a **member** elected or appointed to fill a vacancy;

**“election of councillors”** means the election which takes place in June of each year in accordance with the by-laws of the College and, except where the context otherwise requires, includes a by-election;

**“fee” and “Annual Fee” means as those terms are defined in By-Law No. 2;**

**“First Council Meeting”** means the first regular Council meeting held after the June election of councillors;

**“member” “registrant”** means a member of the **College** as that term is used in the RHPA and the **Act**;

**“non-council committee member”** means a **member** who is not a councillor and is appointed to statutory committees and includes a member appointed to fill a vacancy;

**“podiatrist councillor”** means an **elected councillor** who is the holder of a certificate of registration in the podiatrist class;

**“public councillor”** means a councillor who is appointed to Council by the Lieutenant Governor in Council;

**“RHPA”** means the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18, as amended from time to time and includes the Health

Professions Procedural Code being Schedule 2 of the **RHPA**, as amended from time to time;

**“Regulations”** means the Regulations passed pursuant to the **Act** or the **RHPA**, including any amendments made from time to time;

**“Schedule”** means a Schedule of a by-law of the **College**;

**“selected councillor”** means a member of Council described in clause 7(1)(c) of the **Act** who is selected as a councillor from the faculty of the Ontario Chiropody Program in accordance with the by-laws of the **College**;



“**standing committee**” means a **committee** of the **College** which is not a statutory committee but which is specifically established by the by-laws of the **College** and stands ready to perform those duties assigned to it under the by-laws or by Council;

“**statutory committee**” means a **committee** of the **College** required by or provided for under the **RHPA**.

## 2. BY-LAWS

- 2.01** By-laws of the **College** may be enacted, amended or revoked by a vote of at least two-thirds of the **councillors** present at a Council meeting duly called for the purpose of considering such enactment, amendment or revocation.
- 2.02** Notice of a motion to enact, amend or revoke a by-law shall be given to Council at least ten days prior to the meeting referred to in Article 2.01.
- 2.03** Every by-law shall be signed by the Registrar and one of the President or Vice-President and sealed.
- 2.04** Every by-law, including any amendment or revocation of a by-law, shall be maintained in a book containing all of the **College's** by-laws.

## 3. NAME

- 3.01** The **College** shall be known as the College of Chiropodists of Ontario.

## 4. SEAL

- 4.01** The seal, an impression of which is impressed in the margin, shall be the seal of the **College**.
- 4.02** Any person authorized to sign any document on behalf of the **College** which requires the **College** seal may affix the seal to it.



## 5. HEAD OFFICE

- 5.01 The head office of the **College** is in the City of Toronto or at such other place as Council may determine from time to time.

## 6. QUORUM

- 6.01 Unless specifically provided for otherwise under the **Act**, the **RHPA** or this by-law, a majority of **councillors** constitutes a quorum for any meeting of Council and three **committee members** constitutes a quorum for a meeting of a **committee**.
- 6.02 In determining whether a quorum of Council is present, the number of **councillors** shall be deemed not to be reduced as a result of any vacancy.
- 6.03 A **committee** of the **College** shall be considered properly constituted despite the presence of a vacancy or vacancies so long as the **committee** continues to have a quorum.
- 6.04 If a quorum is lost prior to the intended commencement of a Council meeting or at any time during a Council meeting the presiding officer/chair may, notwithstanding that there is no quorum, adjourn the meeting and reconvene that meeting if, as, and when a quorum is present, so long as the meeting is reconvened on a day or days previously scheduled for that meeting of Council.

## 7. FISCAL YEAR

- 7.01 The fiscal year of the **College** shall be 01 January to and including 31 December.

## 8. MEETINGS OF COUNCIL

- 8.01 Council shall have at least three regular meetings during each calendar year.
- 8.02 Council shall determine the date, time and place in Ontario of all regular meetings, however, if Council should fail to indicate the place of the meeting, the meeting shall take place at the head office of the **College**.
- 8.03 Special meetings of Council may be called by



- i) the President;
- ii) the Executive Committee; or
- iii) the Registrar upon receipt of a written request or requests for a meeting signed by at least six **councillors** and containing the matter or matters for decision at the meeting.

**8.04** Special meetings called by the President shall be held on the date and at the time and place designated by the President; special meetings called by the Executive Committee shall be held on the date and at the time and place designated by the Executive Committee; and special meetings called by the Registrar shall be held on the date and at the time and place designated by the Registrar.

**8.05** Council may determine to hold a regular meeting **by teleconference**.

**8.06** Where a special meeting is called by the President, he or she may designate the meeting to be held **by teleconference**; where a special meeting is called by the Executive Committee, it may designate the meeting to be held **by teleconference**; and where a special meeting is called by the Registrar, he or she may designate the meeting to be held **by teleconference**.

**8.07** For the purposes of section 7 of the **Code**,

- i) meetings of Council held **by teleconference** shall be deemed to be held at the head office of the **College** unless Council otherwise determines; and
- ii) the Registrar shall ensure that notice of the meeting is given to the public by publishing notice on the **College's** website and if the Registrar or the Executive Committee consider it necessary or desirable by also publishing notice in a newspaper which is generally circulated throughout Ontario.

**8.08** The Registrar shall give each **councillor** reasonable notice in writing of the date, time and place of all Council meetings.

**8.09** In the case of a regular meeting, the notice referred to in Article 8.08 shall be sent by ordinary prepaid first class mail, e-mail, courier, facsimile or such other method as is reasonable to provide notice to each **councillor** at least ten days before the meeting.

**8.10** In the case of a special meeting, the notice referred to in Article 8.08 shall be provided by e-mail, courier, facsimile or such other method as is reasonable to provide notice to each **councillor** at least three days before the meeting.



- 8.11** The Registrar shall include in or with the notification of a special meeting the matters for decision which are to be dealt with at the special meeting.
- 8.12** A **councillor** may, at any time, waive notice of a meeting.
- 8.13** Council may consider
- i) at a special meeting,
    - a) the matter or matters for decision at the meeting for which notice was given under Article 8.11;
    - b) matters brought by the Executive Committee; and
    - c) routine and procedural matters; and
  - ii) at a regular meeting,
    - a) matters contained within the agenda approved by the President or the Executive Committee;
    - b) matters brought by the President or the Executive Committee;
    - c) recommendations and reports by **committees**;
    - d) motions or matters where notice was given by a **councillor** at a preceding Council meeting or where written notice has been given by a **councillor** to the Registrar or the President at least thirty days in advance of the meeting;
    - e) such other matters, not included in the agenda, that at least two-thirds of the **councillors** in attendance determine to be of an urgent nature; and
    - f) routine and procedural matters.
- 8.14** The President, or another **councillor** appointed by the President for the purpose, shall act as the chair and preside over meetings of Council.
- 8.15** Where for any reason the President or his or her appointee is unable or unwilling to preside over a meeting of Council, Council shall, by resolution, appoint a **councillor** or another person to act as the chair and to preside over the meeting.





- 8.16** Unless otherwise required by law or by the by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by **councillors** present.
- 8.17** In the event of a tie vote, the motion is defeated.
- 8.18** A vote by secret ballot shall be used where the by-laws require it as well as where Council determines by resolution to vote in that manner.
- 8.19** Except where a secret ballot is required or at a meeting held **by teleconference**, every vote at a Council meeting shall be by a show of hands but, if any two **councillors** so require, a roll call vote shall be taken.
- 8.20** A vote at a Council meeting held **by teleconference** shall be taken in such manner as determined by the chair unless a **councillor** requests a roll call vote in which event a roll call vote shall be taken.
- 8.21** In taking a vote, other than one conducted by secret ballot, the chair may first determine those **councillors** in favour, opposed, and abstaining after which the chair may cast his or her vote.
- 8.22** The chair is not required to vote whether or not that vote would affect the outcome.
- 8.23** Except where inconsistent with the **RHPA**, the **Act**, the **Regulations** or the by-laws of the **College**, the procedures as set out in *The Standard Code of Parliamentary Procedure* by Sturgis shall be the procedures to be followed for meetings of Council.
- 8.24** Minutes of a meeting of Council shall
- i) be taken and include a record of all motions, recommendations and decisions;
  - ii) be circulated to all **councillors**;
  - iii) be approved at a subsequent meeting of Council; and
  - iv) once approved, be signed by the chair or by the person presiding as chair at the meeting at which the minutes were approved, and promptly thereafter provided to the Registrar.



**8.25** A resolution, including a by-law, signed by all **councillors** is as valid and effective as if passed at a meeting of Council called, constituted and held for that purpose and shall be effective on the date the last **councillor** signed the resolution.

**8.26** A resolution referred to in Article 8.25 may be signed in counterparts.

## 9. OFFICERS

**9.01** The officers of the **College** shall be the President, the Vice-President and the Registrar as well as such other officers as Council shall determine from time to time.

## 10. ELECTION AND REMOVAL OF PRESIDENT, VICE-PRESIDENT AND OTHER OFFICERS

**10.01** At the **First Council Meeting** each year, Council shall elect by secret ballot from among **councillors** eligible for election the President and the Vice-President, in accordance with this by-law and the “Process for Election of Council Officers” as set out in **Schedule 1**.

**10.02** Unless otherwise provided in this by-law, the term of office of the President and Vice-President shall commence immediately following the election and continue until the next election for the offices of President and Vice-President.

**10.03** In the event that the President ceases to be a member of Council, the position of President automatically becomes vacant and in the event the Vice-President ceases to be a member of Council, the position of Vice-President automatically becomes vacant.

**10.04** The President or the Vice-President may be removed from office by a vote of at least two-thirds of the **councillors** present at a Council meeting duly held for that purpose.

**10.05** Any other officer may be removed from office by a majority vote of Council at a Council meeting duly held for that purpose.



**10.06** In the event that the President or Vice-President is removed from office, Council shall elect a new President or Vice-President to hold office for the remainder of the term.

**10.07** In the event that the President or Vice-President resigns or dies or the position of President or Vice-President becomes vacant for any other reason, Council shall elect a new President or Vice-President to hold office for the remainder of the term.

**10.08** The removal from office of an officer who is also an employee of the **College** shall not of itself constitute termination of employment.

## 11. PRESIDENT

**11.01** The President shall,

- i) if present, preside as chair at all meetings of Council unless the President designates an alternate chair for all or any portion of the meeting;
- ii) be the chair of the Executive Committee;
- iii) perform all duties and responsibilities pertaining to ~~his or her~~their office and such other duties and responsibilities as may be decided by Council; and
- iv) unless otherwise provided by by-law or determined by Council, be an ex officio member of all standing and ad hoc committees of the **College** with the right to vote.

**11.02** In the event that the President is unable to perform the duties of the President, ~~he or she~~they may designate the Vice-President to perform those duties and the Vice-President shall then have all the powers and responsibilities of the President until the first of the following events occurs:

- i) the President determines that ~~he or she~~they are-is again able to perform the duties of President;
- ii) the next meeting of the Executive Committee; or
- iii) the next meeting of Council.



**11.03** In the event that the President has appointed a designate in accordance with Article 11.02 and the Executive Committee approves the President's designate or no meeting of the Executive Committee is convened prior to the next meeting of Council, the Vice-President shall have all the powers and responsibilities of the President until the next meeting of Council, at which meeting Council shall either appoint an Acting President to serve until the President becomes able to perform the duties of the President or remove the President from office and elect a new President in accordance with Articles 10.04 and 10.06.

**11.04** In the event that the President is unable to perform the duties of the President and has not appointed a designate in accordance with Article 11.02 or in the event that the Executive Committee meets prior to the next meeting of Council but refuses to approve the President's designate, the Executive Committee shall appoint a **councillor** as Acting President and ~~he or she~~they shall have all the powers and responsibilities of the President until the first of the following events occurs:

- i) the President determines that ~~he or she is~~they are again able to perform the duties of President;
- ii) the next meeting of Council, at which meeting Council shall either appoint an Acting President to serve until the President becomes able to perform the duties of the President or remove the President from office and elect a new President in accordance with Articles 10.04 and 10.06.

## 12. REGISTRAR

**12.01** The Registrar shall be appointed by Council and shall be the CEO of the **College**.

**12.02** The terms of employment of a Registrar hired after this Article comes into force shall be set out in a written employment contract approved by the Executive Committee and shall be consistent with the **College** personnel policy in effect at the time such contract is approved.

**12.03** No candidate for the position of Registrar shall be offered a contract of employment until that candidate has been approved by Council.



- 12.04** Despite subsection 12(1) of the **Code**, the Executive Committee shall not exercise the authority of Council under Article 12.01.
- 12.05** The Registrar shall perform those duties and responsibilities set out in the **RHPA**, the **Act**, the **Regulations** and the by-laws of the **College** as well as such duties and responsibilities as shall be assigned to the position by Council.
- 12.06** In addition to the duties referred to in Article 12.05, the Registrar may, from time to time,
- i) sign summonses, notices and orders on behalf of the **College** or any **committee** of the **College**;
  - ii) hire persons to act in the capacity of inspectors, investigators and/or assessors of the **College** to perform such duties as may be determined by the Registrar;
  - iii) manage and maintain the **College** property including disposing of **College** furniture and equipment which becomes obsolete, worn out or is no longer required by the **College**; and
  - iv) perform such other functions consistent with the Registrar's role as CEO.

## 13. ACTING REGISTRAR

- 13.01** If a vacancy occurs in the office of the Registrar, the Executive Committee or Council shall appoint an Acting Registrar.
- 13.02** If the Registrar is temporarily absent or otherwise temporarily unable to act, the Deputy Registrar shall act as the Acting Registrar until such time as the Registrar is able to resume the duties of the Registrar, or the Executive Committee or Council appoints another Acting Registrar.
- 13.03** Where the Executive Committee appoints or approves an Acting Registrar, that appointment shall be valid only until the next meeting of Council unless ratified by Council.
- 13.04** The Deputy Registrar and a person appointed as Acting Registrar shall have all the statutory authority, duties and responsibilities of the Registrar including those contained in the **RHPA**, the **Act**, the **Regulations** and by-laws of the **College**.



## 14. COMMITTEES

- 14.01** In addition to **statutory committees**, Council may establish by by-law **standing committees** and may from time to time establish by resolution ad hoc committees.
- 14.02** Council shall determine by by-law the composition and terms of reference of any **standing committee** and by resolution the composition and terms of reference of any ad hoc committee.
- 14.03** The authority of each **committee** of the **College** shall be determined by Council and shall be deemed to include the authority and responsibility vested in the **committee** by the **RHPA** given to the **committee** under the by-laws of the **College** or assigned to the **committee** from time to time by Council.
- 14.04** Where Council delegates to a **committee** any power or authority not specifically provided to that **committee** under the **RHPA** or the by-laws of the **College**, the exercise of such power or authority by such **committee**, unless expressly provided by Council, is subject to the approval of Council.
- 14.05** Save and except for the filling of vacancies, Council shall appoint the **committee members** to each **committee** as well as a chair of each **committee** giving due consideration to the recommendations, if any, of the Executive Committee acting as a nominating **committee**.
- 14.06** Save and except for the filling of vacancies, appointments to **statutory** and **standing committees** as well as ad hoc committees whose terms of reference have yet to be completed shall take place at the **First Council Meeting**.

## 15. STATUTORY COMMITTEES

- 15.01** The **statutory committees** of the **College** are the Executive Committee, Registration Committee, Complaints Committee, Discipline Committee, Fitness to Practise Committee, Quality Assurance Committee and the Patient Relations Committee as well as any other **committees** required under the **RHPA**.

## 16. EXECUTIVE COMMITTEE

- 16.01** The Executive Committee shall be composed of five **councillors** and shall include:



- i) the President;
- ii) the Vice-President;
- iii) at least one **chiropodist councillor**;
- iv) at least one **podiatrist councillor**; and
- v) at least two **public councillors**. (amended June 4, 2010)

**16.02** Two members of the Executive Committee shall be **public councillors**.

**16.03** In addition to the duties provided to the Executive Committee under the **RHPA** and by-laws of the **College**, the Executive Committee shall, in conjunction with the Audit Committee, act in an advisory capacity to Council on the financial affairs of the **College** and without limiting the generality of the foregoing shall

- i) oversee the preparation of the annual budget for the College which shall include a budget for each **committee** of the **College**; and
- ii) annually present a budget for the approval of Council.

## 17. REGISTRATION COMMITTEE

**17.01** The Registration Committee shall be composed of

- i) at least two **elected** or **selected councillors**; and
- ii) at least one **public councillor**.

## 18. INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE

**18.01** The Inquiries, Complaints and Reports Committee shall be composed of

- i) at least three **elected** or **selected councillors**;
- ii) at least two **public councillors**; and



- iii) at least one **non-council committee member**.

## 19. DISCIPLINE COMMITTEE

**19.01** The Discipline Committee shall be composed of

- i) at least two **elected or selected councillors**;
- ii) at least three **public councillors**; and
- iii) at least one **non-council committee member**.

## 20. FITNESS TO PRACTISE COMMITTEE

**20.01** The Fitness to Practise Committee shall be composed of

- i) at least one **elected or selected councillor**;
- ii) at least one **public councillor**; and
- iii) at least one **non-council committee member**.

## 21. QUALITY ASSURANCE COMMITTEE

**21.01** The Quality Assurance Committee shall be composed of

- i) at least one **elected or selected councillor**;
- ii) at least one **public councillor**; and
- iii) at least one **non-council committee member**.

## 22. PATIENT RELATIONS COMMITTEE

**22.01** The Patient Relations Committee shall be composed of





- i) at least one **elected** or **selected councillor**;
- ii) at least two **public councillors**; and
- iii) at least one **non-council committee member**.

## 23. STANDING COMMITTEES

### ELECTIONS COMMITTEE

**23.01** The Elections Committee shall be a **standing committee** of the **College** composed of at least three **public councillors**.

**23.02** The President shall not be an ex-officio member of the Elections Committee.

**23.03** The Elections Committee's responsibilities include, but are not limited to,

- i) dealing with disputes relating to election of **elected councillors** and other matters provided in the by-laws;
- ii) dealing with such other disputes or issues referred to it by Council or the Executive Committee; and
- iii) studying and making recommendations to Council on improving the election process.

### STRATEGIC PLANNING COMMITTEE

**23.1.01** The Strategic Planning Committee shall be a standing committee of the College composed of **councillors** appointed by the Executive Committee, at least one of whom is a **public councillor**.

**23.1.02** The President shall be an ex-officio member of the Strategic Planning Committee if the President is not appointed to that Committee.

**23.1.03** The Strategic Planning Committee's responsibilities include, but are not limited to identifying key strategic goals and actions that in its opinion will need to be taken by Council over the next five years and considering and making recommendations to Council on those goals and actions; and



- i) studying and making recommendations to Council on any matter within its responsibility or any other matter referred to it by Council or the Executive Committee.

## REGISTRAR'S PERFORMANCE AND COMPENSATION COMMITTEE

- 23.1.1.01** The Registrar's Performance and Compensation Review Committee shall be a standing committee of the College composed of at least three **councillors**, at least one of whom is a **public councillor**, and, subject to Article 23.1.1.02, shall include at least one **councillor** who is a member of the Executive Committee, and at least one **councillor** who is not a member of the Executive Committee.
- 23.1.1.02** The President shall be an ex-officio member of the Committee but with no right to vote.
- 23.1.1.03** The Registrar's Performance and Compensation Review Committee's responsibilities include, but are not limited to
- i) annually conducting a performance review of the Registrar and presenting the results of that review to Council;
  - ii) annually conducting a compensation review for the Registrar;
  - iii) with the prior approval of the Executive Committee or Council, engaging a consultant to assist in determining the appropriate compensation [including salary and benefits] for the Registrar, including the performing of a market survey; and
  - iv) presenting to Council the results of all compensation reviews conducted by the Registrar's Performance and Compensation Review Committee, including a copy of any market survey obtained by the Committee, along with any recommendations it has in connection with changes to the Registrar's compensation; and
  - v) studying and making recommendations to Council on any matter within its responsibility or any other matter referred to it by Council, or the Executive Committee.



## AUDIT COMMITTEE

- 23.2.01** The Audit Committee shall be a standing committee of the College composed of three councillors, at least one of whom shall be a public councillor.
- 23.2.02** The President shall not be a member or ex-officio member of the Committee.
- 23.2.03** The Audit Committee's responsibilities include, but are not limited to,
- i) acting in an advisory capacity to Council on the financial affairs of the College and, without limiting the generality of the foregoing, the Committee shall
    - a) review interim financial statements;
    - b) review draft audit reports;
    - c) oversee the implementation of audit recommendations;
    - d) oversee the reserves of the College;
    - e) assist Council in the consideration of the College's audited financial statements, including meeting with the College's auditors at least once before the audited annual financial statements are presented by the Committee for approval of Council; and
    - f) report at least annually to Council on the financial affairs of the College; and
  - ii) studying and making recommendations to Council or the Executive Committee on any matter within its responsibility or any other matter referred to it by Council or the Executive Committee.

## Sedation Committee

- 23.3.01** The Sedation Committee shall be a standing committee of the College composed of those persons who are members of the Quality Assurance Committee, and the chair of the Sedation Committee shall be the chair of the Quality Assurance Committee.
- 23.3.02** The Sedation Committee's responsibilities include:



- i) such functions as provided to it under the by-laws and the *Standard of Practice for the Administration of Inhaled Substances and the Use of Sedation in a Member's Practice*, including reviewing appeals of decisions of the Registrar to refuse a member's application for an Inhalation Certificate; and
- ii) studying and making recommendations to Council or the Executive Committee on any matter within its responsibility or any other matter referred to it by Council or the Executive Committee.

### Standards and Guidelines Committee

**23.4.01** The Standards and Guidelines Committee shall be a standing committee of the College composed of

- i) at least one elected or selected councillor;
- ii) at least one public councillor; and
- iii) at least one non-council committee member.

**23.4.02** The President shall be an ex-officio member of the Standards and Guidelines Committee.

**23.4.03** The Standards and Guideline Committee's responsibilities are to assist the Executive Committee and Council in developing and amending Standards of Practice, Guidelines, Advisories, policies and other documents, when requested or directed to do so by the Executive Committee or Council.

**23.4.04** A quorum of the Standards and Guidelines Committee is a majority of the Committee.

## 24. APPOINTMENTS TO COMMITTEES

**24.01** At the **First Council Meeting** following the election of Council officers and the other members of the Executive Committee, Council will recess.



- 24.02** During the recess, the Executive Committee acting as a nominating **committee** shall meet and develop a slate of candidates and a recommendation for a chair for
- i) each **statutory committee**;
  - ii) each **standing committee**;
  - iii) each ad hoc committee whose terms of reference have yet to be completed; and
  - iv) other **committees** which Council has directed be composed at that meeting for consideration of Council. The Executive Committee shall have regard for the composition requirements of each **committee** and follow any protocol approved by Council.
- 24.03** Upon Council reconvening, the Executive Committee will present the slate of candidates for **committees** and its recommendations for chairs to Council for its consideration and, subject to any amendment by Council, ratification.
- 24.04** Once ratified, each person on the slate of candidates for **committees** shall be deemed to have been appointed to that **committee** by Council and the chair shall be deemed to be the chair of that **committee**.
- 24.05** Unless specifically provided otherwise, any eligible person may be re-appointed to a **committee**.
- 24.06** Where for any reason Council fails to appoint a new **committee** at the time or times provided for in this by-law, the existing members of the **committee** shall continue to serve as the **committee** and the chair as its chair, provided that a quorum exists.

## 25. COMMITTEE AND PANEL CHAIRS

- 25.01** A chair of a **committee** other than the Executive Committee shall be removed as chair on receipt by the Executive Committee of a requisition signed by a majority of the members of the **committee** or by a vote of a majority of the members of the **committee** present at a meeting duly called for that purpose.



- 25.02** Where a chair is removed by the vote of a **committee**, the **committee** shall elect a new interim chair by secret ballot, who shall serve as chair until a chair is appointed under Article 25.03.
- 25.03** Where a chair is removed under Article 25.01 or where the position of chair becomes vacant for any other reason, the Executive Committee shall appoint a chair.
- 25.04** For greater clarity, where an interim chair has been appointed under Article 25.02, the Executive Committee may appoint the interim chair as the chair.
- 25.05** Articles 25.01 and 25.02 also apply to a chair appointed under Article 25.03.
- 25.06** Where a chair of a **committee** selects a panel which does not include the chair, the chair shall designate a panel chair from among the panel members or failing that, the panel shall select a panel chair from among its panel members.
- 25.07** Where a panel includes the chair of a **committee**, the chair shall chair the panel unless the chair designates another panel chair from among the panel members.

## 26. COMMITTEE VACANCIES

- 26.01** Where one or more vacancies occur in the membership of a **committee**, the **committee members** constitute the **committee** until such time as the vacancy shall be filled, so long as the **committee** continues to have a quorum.
- 26.02** Where a vacancy occurs in respect of the membership of a **committee** other than the Executive Committee, the Executive Committee may, and if necessary for such **committee** to achieve its quorum shall, appoint a person(s) to fill any vacancy in the membership of such **committee**.
- 26.03** Where the vacancy to be filled was the chair of a **committee**, the Executive Committee shall also appoint a chair for that **committee**.
- 26.04** A member of a **committee** appointed by the Executive Committee in accordance with Article 26.02 or a chair of a **committee** appointed by the Executive Committee in accordance with Article 25.03 or Article 26.03 is subject to



confirmation by Council but continues to be a member of the **committee** or the chair of that **committee** until confirmed or replaced by Council.

- 26.05** Should Council determine not to confirm the Executive Committee's appointment made under Article 26.02, it shall appoint another person in replacement of the member so appointed by the Executive Committee.
- 26.06** Should Council determine not to confirm the Executive Committee's appointment of a chair under Article 26.03 it shall appoint another person as chair in replacement of the chair so appointed by the Executive Committee.
- 26.07** A member of a **committee** who is a **councillor** may be removed from the **committee** for any reason by a vote of at least two-thirds of the **councillors** present at a meeting of Council.
- 26.08** A member of a **committee** who is not a **councillor** may be removed from the **committee** for any reason by resolution of Council.
- 26.09** Article 26.08 applies equally to a **committee member** who is neither a **councillor** nor a **non-council committee member**.
- 26.10** The authority of Article 26.07 and Article 26.08 is in addition to Council's authority to disqualify a **councillor** or a **non-council committee member** in accordance with this by-law.

## 27. COMMITTEE MEETINGS

- 27.01** In this Article "meeting" does not include a hearing pursuant to the **Code**.
- 27.02** **Committee** meetings may be held in person or, at the direction of the chair, **by teleconference**.
- 27.03** Each **committee** shall meet at the call of its chair on the date and time designated by the chair and at such intervals as are necessary to perform the responsibilities of that **committee**.
- 27.04** Except for meetings held **by teleconference**, all meetings shall be held at the head office of the **College** or such other location approved by the Registrar.



- 27.05** Reasonable efforts shall be made to notify all of the **committee members** of every meeting and to arrange meeting dates and times which are convenient to the **committee members**.
- 27.06** The chair or his or her appointee for the purpose shall preside over meetings of the committee.
- 27.07** Except as otherwise provided in the by-laws, every motion which comes before a **committee** shall be decided by a majority vote cast at the meeting including that of the chair and in the case of a tie vote the motion is defeated.
- 27.08** A vote at a **committee** meeting held **by teleconference** shall be taken in such manner as determined by the chair unless a **committee member** requests a roll call vote in which event a roll call vote shall be taken.
- 27.09** In taking a vote, other than one conducted by secret ballot, the chair may first determine those **committee members** in favour, opposed, and abstaining after which the chair may cast his or her vote.
- 27.10** The chair is not required to vote whether or not that vote would affect the outcome.
- 27.11** Minutes of a **committee** meeting shall
- i) be taken and include a record of all motions, recommendations and decisions;
  - ii) be circulated to all **committee members**;
  - iii) be approved at a subsequent **committee** meeting; and
  - iv) once approved, be signed by the chair or by the person presiding as chair at the meeting at which the minutes were approved and promptly thereafter be provided to the Registrar.
- 27.12** The chair of the **committee** shall sign all records, reports or other forms related to the **committee's** activities.





## 28. BOARD OF INQUIRY

- 28.01** When the Executive Committee appoints a Board of Inquiry it shall appoint one of the members of the Board to serve as chair.
- 28.02** Meetings of the Board of Inquiry may be held in person or, at the direction of the chair, **by teleconference**.
- 28.03** Minutes of a Board of Inquiry shall be taken and include a record of all motions, recommendations and decisions.
- 28.04** Minutes shall be circulated to all members of the Board which held the inquiry.
- 28.05** The chair of the Board of Inquiry shall sign all minutes, records or other forms related to the Board's activities.

## 29. INDEMNITY FOR COUNCILLORS, OFFICERS AND OTHERS

- 29.01** Every **councillor**, every **committee member**, every officer, and every employee of the **College**, including any assessor, monitor or inspector, and each of his or her heirs, executors, administrators and other personal representatives shall at all times be indemnified and saved harmless out of the funds of the **College** from and against any liability including reasonable costs, charges and expenses whatsoever which such person reasonably sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him or her as a result of the execution or intended execution of the duties of his or her office or employment save and except any liability or costs, charges or expenses that are occasioned by his or her own willful neglect or default or because he or she failed to act in good faith.

## 30. INSURANCE

- 30.01** The Registrar shall ensure that the **College** maintains insurance coverage to protect the property and assets of the **College** in such form as may be determined from time to time and, without limiting the generality of the foregoing, shall, to the extent reasonably practical, maintain indemnity insurance to provide coverage for the indemnity referred to in Article 29.01.



## 31. BANKING

- 31.01** In this Article “bank” means the bank appointed under Article 31.02.
- 31.02** Council shall appoint one or more banks chartered under the Bank Act, Canada for the use of the **College**, provided that the bank has been approved by Council.
- 31.03** All money belonging to the **College** shall be deposited in the name of the **College** with the bank.
- 31.04** The Registrar may endorse any negotiable instrument for collection on account of the **College** through the bank or for deposit to the credit of the **College** with the bank, if required for that purpose. The **College’s** rubber stamp may be used for such endorsement.
- 31.05** Securities and other financial documents will be held for safekeeping in the name of the **College** in the bank or in an account with a brokerage house approved by Council.

## 32. INVESTMENTS

- 32.01** The Registrar shall invest **College** funds that are not expected to be required during the following sixty days in investments authorized by this by-law.
- 32.02** **College** funds may be invested in
- i) securities issued or guaranteed by any one or more of the following:
    - 1. the Government of Canada;
    - 2. the Government of any province of Canada;
    - 3. the Canadian Imperial Bank of Commerce, Canadian Western Bank, Bank of Montreal, Laurentian Bank of Canada, National Bank, Royal Bank, ScotiaBank or TD Canada Trust or such other bank approved by Council; and
  - ii) other investments approved by Council.



## 33. EXPENDITURES

**33.01** Council shall annually approve

- i) an operating expense and revenue budget for each fiscal year; and
- ii) a capital budget for each fiscal year.

**33.02** The Registrar may authorize all budgeted expenditures provided that the expenditure would not cause the total of the annual operating expense budget or the total of the annual capital budget to be exceeded.

**33.03** The Registrar may also authorize expenditures that were not contemplated by the operating expense or capital budgets or that exceed the amounts set out in those budgets for any item of expense, provided that the Registrar is satisfied that

- i) the contemplated expenditures would not compromise Council's annual objectives; and
- ii) neither the operating expense nor capital budget for the fiscal year will be exceeded.

**33.04** Where the Registrar authorizes an expenditure under Article 33.03, the Registrar shall report that action to the Executive Committee at its next meeting.

**33.05** The Executive Committee may authorize the Registrar to make expenditures where it is anticipated that the operating expense or capital budgets for the fiscal year will be exceeded, provided that the Executive Committee is satisfied that the contemplated expenditure would not compromise Council's annual objectives.

**33.06** Where the Registrar authorizes an expenditure under Article 33.03 or where the Executive Committee authorizes an expenditure under Article 33.05, a report of that action shall be made to Council at its next meeting.

**33.07** Unless otherwise authorized by Council or the Executive Committee, no contract or commitment for expenditure for goods and services, excluding employment contracts, of \$25,000 or more shall be entered into by the **College** unless and until at least three competitive bids have been obtained and the contract or commitment for expenditure is approved by Council.



## 34. BORROWING

**34.01** Council may, from time to time,

- i) borrow money upon the credit of the **College**;
- ii) limit or increase the amount or amounts which may be borrowed;
- iii) issue, sell or pledge debt obligations of the **College** including without limitation bonds, debentures, notes or similar obligations of the **College**, whether secured or unsecured; and
- iv) charge, mortgage, hypothecate or pledge all or any of the real or personal property of the **College**, currently owned or subsequently acquired, to secure any such debt or obligations or any money borrowed, or debt or liability of the **College**.

**34.02** Council may authorize one or more officers or **councillors** as may be determined by Council to exercise the powers conferred in Article 34.01 in such manner as Council shall determine.

## 35. CHEQUES

**35.01** Cheques and other forms of payments requiring the signature of the **College** shall be signed by the Registrar and one of the President or Vice-President unless the amount is less than \$15,000.00 in which case the signature of the Registrar alone shall be sufficient.

## 36. CONTRACTS AND OTHER DOCUMENTS

**36.01** Subject to Article 36.02, contracts, documents or instructions in writing requiring the signature of the **College** shall be signed by

- i) any one of the President, Vice-President or Registrar provided the total expenditure under the contract is reasonably expected not to exceed \$15,000; and



- ii) any two of the President, Vice-President or Registrar where the total expenditure under the contract is reasonably expected to exceed \$15,000.

**36.02** Council may from time to time by resolution authorize a person or persons on behalf of the **College** either to sign contracts, documents or instruments in writing generally or to sign specific contracts, documents or instruments in writing.

## 37. GRANTS

**37.01** Council may by a vote of at least two-thirds of the **councillors** present at a meeting duly called for that purpose make grants to third parties

- i) to advance the scientific knowledge or the education of persons wishing to practise the profession;
- ii) to maintain or improve the standards of practice of the profession; or
- iii) to provide public information about, and encourage interest in, the past and present role of the profession in society.

## 38. MEMBERSHIP IN NATIONAL ORGANIZATIONS

**38.01** Council may by a vote of at least two-thirds of the **councillors** present at a meeting duly called for that purpose authorize the **College** to obtain membership in a national organization of a body with similar function to that of the **College** and to pay annual assessments in relation to that membership.

**38.02** Where Council authorizes membership under Article 38.01, it shall, if necessary, determine how the **College** will be represented on that national organization.'

## 39. CERTIFICATES OF REGISTRATION

**39.01** Certificates of registration shall bear the signatures of the Registrar and President or a likeness thereof.



## 40. FINANCIAL AUDIT

- 40.01** Council shall annually appoint auditors to audit the accounts of the **College** and to hold office for the ensuing year.
- 40.02** Financial statements for the **College** shall be prepared promptly at the close of each fiscal year and audited financial statements shall be presented annually to Council.
- 40.03** In the event that the auditors are unable to continue their duties as agreed or in the event that Council is dissatisfied with the auditors, Council may appoint new auditors.
- 40.04** The auditors shall have a right of access at all reasonable times to all records, documents, books, accounts and vouchers of the **College** and are entitled to require from the **councillors**, officers and employees such information as is necessary in their opinion to enable them to report as required by law or under this by-law.
- 40.05** The auditors may be invited by the President or the Registrar to attend the meeting at which the audited financial statements are presented to Council.

## 41. STIPENDS AND EXPENSES

- 41.01** Council officers who are not **public councillors, elected councillors, the selected councillor and non-council committee members** shall be paid a stipend and shall be reimbursed by the **College** for travelling and other expenses reasonably incurred in relation to the performance of their duties in accordance with the stipend and expense policy as approved from time to time by Council.
- 41.02** Persons who are neither **councillors** nor **non-council committee members** and who provide voluntary services to the **College** may be paid a stipend and be reimbursed by the **College** for travelling and other expenses reasonably incurred in relation to the performance of their duties but only if a stipend and expense policy has been approved by Council and in such case, the payment shall be made in accordance with the stipend and expense policy as approved from time to time by Council.

## 42. REGISTER

- 42.01** Subject to Article 42.02 a ~~member's~~ registrant's name in the register of the College shall be the ~~member's~~ registrant's name as provided in the documentary



evidence used to support the member's-registrant's initial registration and shall be consistent with the name used by the member-registrant on his or her/their degree or diploma which was the basis for his or her/their 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-registrant and the Registrar is satisfied that

- i) the member-registrant has validly changed his or her/their 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-registrant's business address in the register of the College shall be the location in Ontario where the member-registrant principally engages in the practice of chiropody.

**42.04** A member's-registrant'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-registrant's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member-registrant is a shareholder.
2. Where a member-registrant is deceased, the name of the deceased member-registrant and the date upon which the member-registrant 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-registrants of the College.
5. Each member's-registrant'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-registrant 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-registrant 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-registrant has entered into with the College and that are in effect.

<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.





12. A notation of every finding of professional negligence or malpractice, which may or may not relate to the ~~member's~~registrant'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~~registrant 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.
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>

<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,



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-registrant's name which has been made in the register of the College since ~~he or she~~they first became registered with the College.
2. The classes of certificate of registration held by each member-registrant and the date on which each was issued.
3. The college, university or school from which the member-registrant received the member's-registrant's degree or diploma used to support

- 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.



- the member's-registrant's current registration and the year in which the degree or diploma was obtained.
4. A list of the languages in which each member-registrant 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-registrant 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-registrant primarily engages in the practice of chiropody in Ontario, if applicable.
  8. Where a member-registrant 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-registrant 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; the date of the panel's decision;
  - b) once the member-registrant has received the caution, a notation to that effect and the date the member-registrant received the caution; and
  - c) 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-registrant 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-registrant has any terms, conditions or limitations in effect on his or her/their 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-registrant'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-registrant 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-registrant'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-registrant and the College.



11. Where a member has terms, conditions or limitations on ~~his or her~~their 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~~registrant'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~~registrant'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.
- 14.1    Where a ~~member's~~registrant's certificate of registration is suspended for non-payment of a fee, a notation of that fact and the date upon which the administrative suspension took effect.
- 14.2 Where a ~~member's~~registrant'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~~registrant 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.
- 15.1    Where the Inquiries, Complaints and Reports Committee has imposed an interim term, condition or limitation on the certificate of registration of a



member-registrant 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-registrant 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-registrant'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-registrant'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-registrant'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-registrant, 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-registrant 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-registrant holds an Inhalation Certificate,
- a) a notation that the member-registrant 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-registrant'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~~registrant.

**42.10** A letter of standing shall set out all the information in respect of the ~~member~~registrant 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.

## 43. PROFESSIONAL LIABILITY INSURANCE

**43.01** A ~~member~~registrant shall not practise unless the ~~member~~registrant provides the **College** with satisfactory evidence of





- i) professional liability insurance coverage of at least \$2,000,000; or
- ii) coverage of at least \$2,000,000 under a liability insurance policy carried by the member's registrant's employer.

## 44. INFORMATION FROM MEMBERS

**44.01** The **College** shall forward to its members-registrants each year a request for information, in a form approved by the Registrar.

**44.02** Each member-registrant shall accurately complete and return such form providing such information as may be requested including but not limited to

- i) his or hertheir home address, being the address of the principal Ontario residence of the member-registrant, or if the member-registrant does not have a principal residence in Ontario, the address of the member's registrant's principal residence;
- i.1) his or hertheir home phone number, cell phone number, e-mail address and facsimile number, to the extent the member-registrant has any or all of these;
- ii) where a member-registrant is engaged in the practice of chiropody, whether inside or outside of Ontario, information respecting all locations at which the member-registrant practices, including the name, address and telephone number of each of the member's-registrant's practice locations and the name of each person or business for whom or through which the member-registrant engages in the practice of chiropody, if applicable;
- iii) information respecting the member's-registrant's existing professional liability insurance coverage;
- iv) information respecting the member's-registrant's participation in the Quality Assurance Program;



- v) information required to be contained in the **College's** register pursuant to the by-laws, the **RHPA**, the **Act**, or the regulations under the **RHPA** or the **Act**;
- vi) information required to be provided to the **College** pursuant to the by-laws, the **RHPA**, the **Act**, or the regulations under the **RHPA** or the **Act**;
- vii) information that relates to the professional characteristics and activities of the member-registrant that may assist the **College** in carrying out its objects; and
- viii) information for the purposes of compiling statistical information to assist the **College** in fulfilling its objects.

- 44.03** The form required by Article 44.02 shall be fully completed by the member-registrant and returned to the **College**, together with payment of the Annual Fee, by the 14<sup>th</sup> day of February next following the forwarding of the form to the member-registrant.
- 44.04** Where a member-registrant fails for any reason to return a fully completed form and/or pay the Annual Fee as required by Articles 44.02 and 44.03, the Registrar shall cause the member-registrant to be notified in writing of that failure.
- 44.05** Where the Registrar causes written notice to be given to a member-registrant in accordance with Article 44.04 and a fully completed form and/or payment of the Annual Fee is not provided by the registrant to the **College** within thirty days of the date of that notice, the fees required by the by-laws shall immediately be payable by the member-registrant and the registrant's certificate of registration will be administratively suspended.
- 44.06** Where any of the information provided to the **College** under Article 44.02 ~~has been changed~~ changes, the member-registrant shall notify the Registrar in writing of the change within thirty days of the effective date of the change.
- 44.07** A member-registrant shall inform the **College** in writing of any change of citizenship or immigration status within thirty days of the change occurring.
- 44.08** A member-registrant shall, upon written request of the Registrar,



- i) immediately provide particulars of any information required to be in the **College's** register pursuant to the by-laws, the **RHPA**, the Act, or the regulations under the **RHPA** or the **Act**;
- ii) within thirty days, provide particulars of any information which was not information required to be in the **College's** register but was information that the **member registrant** was required to provide to the **College** under the by-laws; and
- iii) within ten days, confirm the accuracy of any information previously provided to the **College** by the **member registrant** and where that information is no longer accurate, provide accurate information.

## 45. ELECTORAL DISTRICTS – INTERPRETATION

- 45.01** The counties, united counties, regional municipalities, municipalities, district municipalities and territorial districts described in Article 46.01 are those that existed as at December 31, 1996 and the geographical territory of each electoral district shall be interpreted to ensure that all parts of Ontario fall into one of the aforementioned counties, united counties, regional municipalities, municipalities, district municipalities and territorial districts described in Article 46.01.

## 46. ELECTORAL DISTRICTS

- 46.01** The following electoral districts are established for the purpose of the election of **elected councillors**:
1. Electoral district 1 (Toronto) composed of The Municipality of Metropolitan Toronto.
  2. Electoral district 2 (South West) composed of the counties of Elgin, Essex, Huron, Kent, Lambton, Middlesex, Oxford and Perth.
  3. Electoral district 3 (Central West) composed of the counties of Brant, Bruce, Dufferin, Grey and Wellington and the regional municipalities of Haldimand-Norfolk, Halton, Hamilton-Wentworth, Niagara and Waterloo.



4. Electoral district 4 (East) composed of the counties of Frontenac, Hastings, Lanark, Prince Edward and Renfrew, and the united counties of Leeds and Grenville, Lennox and Addington, Prescott and Russell, Stormont, Dundas and Glengarry, and The Regional Municipality of Ottawa-Carleton.
5. Electoral district 5 (Central East) composed of the counties of Haliburton, Northumberland, Peterborough, Simcoe and Victoria and the regional municipalities of Durham, Peel and York.
6. Electoral district 6 (North) composed of the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming and The District Municipality of Muskoka.

**46.02** The electoral district in which a **member-registrant** is eligible to vote is the district in which, on the day nominations close, the **member-registrant** has **his-or-her/their designated address**.

## 47. VOTING ELIGIBILITY

**47.01** A **member-registrant** is eligible to vote in an election if, on the thirty-fifth day before the election,

- i) the **member-registrant** meets the requirements of subsection 7(2) of the Act;
- ii) the **member-registrant** has **his-or-her/their designated address** in the electoral district for which an election is being held;
- iii) in respect of the election of a **chiropodist councillor**, the **member-registrant** is the holder of a certificate of registration in the chiropodist class; and
- iv) in respect of the election of a **podiatrist councillor**, the **member-registrant** is the holder of a certificate of registration in the podiatrist class.

## 48. ELECTED COUNCILLORS



- 48.01** Nine **membersregistrants** of the **College** shall be elected to Council as **elected councillors** in the following manner:
- i) one **chiropodist councillor** for each of electoral districts 1 to 6, inclusive; and
  - ii) one **podiatrist councillor** for each of the following pairs of electoral districts: electoral districts 1 and 2; electoral districts 3 and 4; and electoral districts 5 and 6.

### Term of Office

- 48.02** Except in the case of a vacancy, the term of office of an **elected councillor** commences at the **First Council Meeting** following **his/her/their** election and ends at the commencement of the **First Council Meeting** which is more than two calendar years following that election.

### Re-Election

- 48.03** An **elected councillor** may be re-elected but no **elected councillor** shall serve for more than two consecutive terms in that capacity.
- 48.04** Time spent as an **elected councillor** as a result of a by-election or an appointment by Council to fill a vacancy shall not be included for the purposes of Article 48.03.

## 49. TIMING OF ELECTIONS

- 49.01** Separate elections for **elected councillors** shall be held simultaneously as follows:
- i) in May of the year 2025 and in May of every third year thereafter for each of electoral districts 1 and 2 for the election of **chiropodist councillors** and for the combined electoral districts 1 and 2 (also referred to as combined district 1) for the election of a **podiatrist councillor**;
  - ii) in May of the year 2023 and in May of every third year thereafter for each of electoral districts 3 and 4 for the election of **chiropodist councillors** and for the combined electoral districts 3 and 4 (also referred to as combined district 2) for the election of a **podiatrist councillor**; and



- iii) in May of the year 2024 and in May of every third year thereafter for each of electoral districts 5 and 6 for the election of **chiropodist councillors** and for the combined electoral districts 5 and 6 (also referred to as combined district 3) for the election of a **podiatrist councillor**.

**49.02** Unless otherwise provided in this by-law, the Registrar shall

- i) set the date for each election; and
- ii) set the time deadline for the receipt of ballots.

## 50. ELIGIBILITY FOR ELECTION

**50.01** Subject to the balance of the provisions of Article 50, a member-registrant is eligible for election in an electoral district if,

- i) on the deadline for receipt of nominations, the member-registrant is the holder of a general class certificate of registration and the certificate is not subject to a term, condition or limitation other than one applicable to all members-registrants of the class;
- ii) in the case of an election of a **chiropodist councillor**, the member-registrant holds a certificate of registration in the chiropodist class, on the deadline for receipt of nominations;
- iii) in the case of an election of a **podiatrist councillor**, the member-registrant holds a certificate of registration in the podiatrist class, on the deadline for receipt of nominations;
- iv) on the deadline for receipt of nominations, the member-registrant is not in default of the payment of any money owed to the College including but not limited to any fee prescribed by the **Regulations** or required by the by-laws;
- v) on the deadline for receipt of nominations, the member-registrant is not the subject of any disciplinary or incapacity proceeding;



- v.1) on the deadline for receipt of nominations, the member-registrant does not have a notation of a caution or a specified continuing education or remedial program on the register;<sup>3</sup>
- v.2) on the deadline for receipt of nominations, the member-registrant does not have a notation on the register of an undertaking provided to the College as a result of a decision or proceeding of the Discipline Committee, the Inquiries, Complaints and Reports Committee, or the Fitness to Practise Committee;<sup>4</sup>
- v.3) on the deadline for receipt of nominations, the member-registrant is not the subject of an undertaking provided to the College as a result of a decision or proceeding of the Discipline Committee, the Inquiries, Complaints and Reports Committee, or the Fitness to Practise Committee;<sup>5</sup>
- vi) on the deadline for receipt of nominations, the member-registrant is not the subject of an interim order made by a panel of the Inquiries, Complaints and Reports Committee;<sup>6</sup>
- vii) the member's-registrant's certificate of registration has not been revoked or suspended in the six years preceding the date of the election for any reason other than non-payment of fees;
- viii) the member-registrant has not been the subject of any professional misconduct, incompetence or incapacity finding in the three years preceding the date of the election;
- ix) the member-registrant has not been disqualified by Council in the three years preceding the date of the election;
- viii.1) the member-registrant cannot have~~has not~~ been found by Council to have breached the Code of Conduct for councillors and committee members;<sup>7</sup>

<sup>3</sup> This applies to elected councillors who are nominated and elected after January 27, 2023.

<sup>4</sup> This applies to elected councillors who are nominated and elected after January 27, 2023.

<sup>5</sup> This applies to elected councillors who are nominated and elected after January 27, 2023.

<sup>6</sup> This applies to elected councillors who are nominated and elected after January 27, 2023.

<sup>7</sup> This applies to elected councillors who are nominated and elected after January 27, 2023.



- x) the member registrant has not resigned as a Councillor in the three years preceding the date of the election unless the member registrant has the approval of either the Executive Committee or the Council to be eligible for the election;
- xi) on the deadline for receipt of nominations, the member registrant has ~~his or her~~ their **designated address** in the electoral district for which ~~he or she~~ they ~~is~~ are nominated and has been nominated in accordance with this by-law; and
- xii) the member registrant has completed and filed with the Registrar the Conflict of Interest Form by the deadline established by the Registrar in accordance with Article 51.06.

**50.02** A member registrant who has been elected to Council in two consecutive elections is not eligible for election until an election held in accordance with these by-laws which is more than five calendar years after the member registrant was last elected to Council. For greater clarity and by way of example only, a member registrant elected in 2007 and re-elected in 2010 would not be eligible until more than five calendar years had passed from 2010, namely, would not be eligible for the 2013 elections but would be eligible again in 2016.

**50.03** An election in a by-election shall not be counted in determining whether a member registrant is ineligible for election under Article 50.02.

**50.04** A member registrant who is a **selected councillor** may not be a candidate for election as an **elected councillor** unless he or she first resigns as a **selected councillor**.

**50.05** A candidate may withdraw from an election by giving notice in writing to the Registrar. If the notice in writing is received at least forty-eight days prior to the date of the election, the name of the person shall not be placed on the ballot. In all other cases, the Registrar shall make reasonable efforts to notify the members registrants eligible to vote that the candidate has withdrawn from the election.

**50.06** Subject to Article 50.07, a member registrant is not eligible for election as a **councillor** if the member registrant holds a position which would cause the individual, if elected





as a **councillor**, to have a conflict of interest by virtue of having competing fiduciary obligations to both the **College** and another organization.

**50.07** A **member-registrant** is not eligible for election as a **councillor** and shall be deemed to have a position which would result in a competing fiduciary obligation under Article 50.06 if the **member-registrant** holds or has held, in the preceding one year prior to the deadline for receipt of nominations, any of the following positions in an international, national or provincial association or organization whose members are predominately chiropodists, podiatrists or other foot care providers and whose mandate in any way relates to the provision of foot care by its members:

- i) director, officer or member of the governing body of the organization;
- ii) Executive Director, Chief Administrative Officer or another position with similar duties in the organization; or
- iii) a position which the Elections Committee of the **College** determines is one which would create a conflict of interest by virtue of having competing fiduciary obligations to both the **College** and another organization.

**50.08** Disputes as to whether a **member-registrant** is eligible for election or to vote in an election will be determined by the Elections Committee.

**50.09** Disputes relating to the election of an **elected councillor** shall be dealt with by the Elections Committee which shall investigate the facts and report its findings and recommendations to Council for such decision as Council considers appropriate.

**50.10** A **member-registrant** who would not otherwise be eligible to stand for election to Council under paragraphs v.1, v.2, v.3, v.4 and viii.1 of Article 50.01 may submit to the Registrar, along with the **member's-registrant's** nomination, a written request, a current Curriculum Vitae, and supporting documentation for review by the Elections Committee to determine if the Elections Committee will allow them to be eligible to stand for election.

**50.11** Without limiting the Elections Committee's authority, the Elections Committee shall not exercise its discretion under Article 50.10 unless

- i) it is satisfied that a reasonable person, knowing all of the facts, would not consider the presence of the **member-registrant** on Council or any of its committees as impairing the public's trust in the College; and



- ii) the time elapsed since the event or conduct that caused the **member registrant** not to be eligible under paragraphs v.1, v.2, v.3 and viii.1 of Article 50.01 is at least five years,
  - a) in the case of a caution, from when the **member registrant** attended and received the caution,
  - b) in the case of a specified continuing education or remedial program, from when the **member registrant** completed the specified continuing education or remedial program, including any monitoring required,
  - c) in the case of an undertaking noted on the register, from the date the notation was placed on the register,
  - d) in the case of an undertaking that is not noted on the register, from the date of the undertaking, or
  - e) in the case of a breach of the Code of Conduct for councillors and committee members, the date of the finding that the **member registrant** breached the Code of Conduct for councillors and committee members.

## 51. ELECTIONS

**51.01** The Registrar shall supervise the nominating and election of **elected councillors**.

**51.02** At least sixty days before the date of an election or at least thirty days before the date of a by-election, the Registrar shall notify in writing each **member registrant** who is then eligible to vote in that election or by-election of the date of the election, the nomination procedure and the deadline for returning nominations to the **College**.

**51.03** The Registrar shall provide each **member registrant** who is eligible to vote with access to the online nomination platform.

**51.04** The nomination of a candidate for election shall be in writing, be received by the Registrar at least thirty days before the date of the election and shall include the written consent of the **member registrant** wishing to stand for



election and the signature of one eligible nominator who may be the **member registrant** wishing to stand for election.

- 51.05** Each nominator shall be a **member registrant** who is eligible to vote in that election on the date of nomination and on the date on which the nominations close.
- 51.06** The Registrar shall establish a deadline by which each candidate shall complete and submit the **College's** conflict of interest form which deadline shall not be less than seven days after the date upon which nominations close.
- 51.07** The Registrar shall provide each nominated candidate with a copy of the **College's** conflict of interest form, notice of the submission for the filing of that form and relevant portions of the **College's** by-law relating to conflict of interest.
- 51.08** If, after the deadline referred to in Article 51.06, the number of eligible candidates nominated for an electoral district is equal to the number of **members-councillors** to be elected in that electoral district, the eligible candidates shall be elected by acclamation.
- 51.09** If, after the deadline referred to in Article 51.06, the number of eligible candidates nominated for an electoral district is less than the number of **members-councillors** to be elected in that electoral district, the Registrar shall establish a new election schedule including, where necessary, a new date for that election.
- 51.10** Time frames referred to in Articles 51.02, 51.04 and 51.06 do not apply where the Registrar acts under Article 51.09.
- 51.11** Where the Registrar acts under Article 51.09, the deadline for nominations for that election shall be re-opened for seven days or such greater number of days as determined by the Registrar and a new deadline by which the candidates shall complete and submit the conflict of interest form shall be established by the Registrar.
- 51.12** Where the Registrar acts under Article 51.09, the Registrar shall notify in writing each **member registrant** referred to in Article 51.02 of the date of the election and the deadline for returning nominations to the **College** which deadline shall be determined by the Registrar.



- 51.13** If the number of eligible candidates nominated for election for an electoral district after the second call for nominations remains less than or equal to the number of members-councillors to be elected in the electoral district, those eligible candidates shall be elected by acclamation.
- 51.14** If after two calls for nominations there are still insufficient eligible candidates for election in any electoral district, the seat shall be considered vacant and the vacancy shall be dealt with by Council at its next regular meeting.
- 51.15** The Registrar shall advise each eligible candidate that he or she has they have an opportunity to have included with the ballot a candidate information page so long as the candidate provides to the Registrar the information in a form consistent with the guidelines set by the Registrar and on or before the deadline established by the Registrar.
- 51.16** No later than fifteen days before the date of an election, the Registrar shall send to every member-registrant eligible to vote in an electoral district in which an election is to take place, a link to the online election platform, which includes voting instructions, a list of eligible nominees and a brief biography of each nominee.
- 51.17** Voting for eligible candidates for election to Council shall be conducted by an online voting platform, approved by the Registrar.
- 51.18** A member-registrant eligible to vote may cast one vote for any one eligible candidate.
- 51.19** As soon as possible following the tabulation of the ballots, the Registrar shall, in respect of each election,
- i) notify each eligible candidate of the results of the election and the number of votes cast for each eligible candidate; and
  - ii) notify each eligible candidate that he or she may request details of the online voting process and a re-tabulation.
- 51.20** An eligible candidate may make a request as stated in Article 51.19(ii) by giving a written request to the Registrar no more than seven days after the date of an election and paying a fee of \$300.



- 51.21** A request made pursuant to Article 51.19(ii) shall be conducted within seven days of receipt of the request referred to in Article 51.20 on a date and at a time determined by the Registrar.
- 51.22** A request made pursuant to Article 51.19(ii), shall be dealt with by the Elections Committee which shall investigate the facts and report its findings and recommendations to the Registrar, for such decision as the Registrar deems appropriate.
- 51.23** Where a re-tabulation occurs, if the re-tabulation changes the election outcome, the **member-eligible candidate** requesting the re-tabulation shall be entitled to the return of the fee required in Article 51.20.
- 51.24** Subject to Article 51.26, the successful candidate in an election is the eligible candidate with the highest number of votes.
- 51.25** Subject to Article 51.26, in each election the Registrar shall declare the successful candidate elected after the tabulation of the ballots or in the case of a request pursuant to Article 51.19(ii), after the re-tabulation of the ballots.
- 51.26** If there is a tie in any election and it is necessary to break the tie to determine who shall be the successful candidate, the Registrar shall inform the tied nominees, and direct that the online voting platform be re-opened to eligible voting **membersregistrants** to submit a second ballot where the tied nominees are the only eligible nominees.
- 51.27** If the Registrar acts under Article 51.26, the nominations are not re-opened. For clarity, a second vote under Article 51.26 is to determine the successful nominee arising from a tie.
- 51.28** The **College** shall notify its **membersregistrants** of the results of all elections by publication of those results on the College's website or in such other or additional manner as Council may direct.

## 52. SELECTED COUNCILLOR

- 52.01** For the purpose of clause 7(1)(c) of the **Act**, one **member-councillor** shall be selected by Council from the Faculty of the Michener Institute for Applied



Health Sciences (Ontario) in accordance with the process set out in **Schedule 2**.

**52.02** Except in the case of a filling of a vacancy, the term of office of a **selected councillor** shall be from the date of the acceptance of the selection by the selected **member-councillor** until the commencement of the **First Council Meeting** which is more than two calendar years following that appointment.

### Reappointment

**52.03** A **selected councillor** may be reappointed but a **selected councillor** shall not serve for more than two consecutive terms in that capacity.

**52.04** A **selected councillor** who has served for two consecutive terms in that capacity shall not be reappointed as a **selected councillor** until more than five calendar years after the member was last appointed as a **selected councillor**. For greater clarity and by way of example only, a **member-selected councillor** appointed in 2007 and reappointed in 2010 would not be eligible until more than five calendar years had passed from 2010, namely, would not be eligible for appointment until 2016.

**52.05** Time spent as a **selected councillor** as a result of an appointment by Council to fill a vacancy shall not be included for the purposes of Article 52.03.

### Eligibility

**52.06** Subject to the process set out in **Schedule 2**, a **member-registrant** is not eligible to be appointed as a **selected councillor** if, on the date of appointment,

- i) the **member-registrant** has a notation of a caution or a specified continuing education or remedial program on the register;<sup>8</sup>
- ii) the **member-registrant** has a notation on the register of an undertaking provided to the College as a result of a decision or proceeding of the Discipline Committee, the Inquiries, Complaints and Reports Committee, or the Fitness to Practise Committee;<sup>9</sup>

<sup>8</sup> This applies to selected councillors who are appointed after January 27, 2023.

<sup>9</sup> This applies to selected councillors who are appointed after January 27, 2023.



- iii) the **member-registrant** is the subject of an undertaking provided to the College as a result of a decision or proceeding of the Discipline Committee, the Inquiries, Complaints and Reports Committee, or the Fitness to Practise Committee;<sup>10</sup>
- iv) the **member-registrant** is the subject of an interim order made by a panel of the Inquiries, Complaints and Reports Committee;<sup>11</sup> and
- v) the **member-registrant** has been found by Council to have breached the Code of Conduct for councillors and committee members.<sup>12</sup>

**52.07** A **member-registrant** who would not otherwise be eligible for appointment as a **selected councillor** under paragraphs i, ii, iii, iv and v of Article 52.06 may submit to the Registrar, a written request, a current Curriculum Vitae, and supporting documentation for review by the Elections Committee to determine if the Elections Committee will allow them to be eligible for appointment.

**52.08** Without limiting the Elections Committee's authority, the Elections Committee shall not exercise its discretion under Article 52.07 unless

- i) it is satisfied that a reasonable person, knowing all of the facts, would not consider the presence of the **member-registrant** on any of its committees as impairing the public's trust in the College; and
- ii) the time elapsed since the event or conduct that caused the **member-registrant** not to be eligible under paragraphs i, ii, iii and v of Article 52.06 is at least five years,
  - a) in the case of a caution, from when the **member-registrant** attended and received the caution,
  - b) in the case of a specified continuing education or remedial program, from when the **member-registrant** completed the specified continuing education or remedial program, including any monitoring required,

<sup>10</sup> This applies to selected councillors who are appointed after January 27, 2023.

<sup>11</sup> This applies to selected councillors who are appointed after January 27, 2023.

<sup>12</sup> This applies to selected councillors who are appointed after January 27, 2023.



- c) in the case of an undertaking noted on the register, from the date the notation was placed on the register,
- d) in the case of an undertaking that is not noted on the register, from the date of the undertaking, or
- e) in the case of a breach of the Code of Conduct for councillors and committee members, the date of the finding that the **member registrant** breached the Code of Conduct for councillors and committee members.

## 53. NON-COUNCIL COMMITTEE MEMBERS

**53.01** Council shall appoint eligible **members-registrant** to be **non-council committee members** in accordance with the process set out in **Schedule 3**.

**53.02** Council shall determine the number of **members-registrants** to be appointed bearing in mind the number of **non-council committee members** needed to constitute the **committees** of the **College**.

### Term of Office

**53.03** The term of office of a **non-council committee member** shall be from the date of appointment until the **First Council Meeting** which is more than two calendar years following that appointment.

### Reappointment

**53.04** A **non-council committee member** may be reappointed but shall not serve for more than two consecutive terms in that capacity.

**53.05** A **non-council committee member** who has served for two consecutive terms in that capacity shall not be reappointed as a **non-council committee member** until more than five calendar years after the **member-registrant** was last appointed as a **non-council committee member**. For greater clarity and by way of example only, a **member-registrant** appointed in 2007 and reappointed in 2010 would not be eligible until more than five calendar years had passed from 2010, namely, would not be eligible for appointment until 2016.





## Eligibility

- 53.06** Subject to the balance of the provisions this Article, a **member-registrant** is eligible to be appointed as a **non-council committee member** if, on the date of appointment,
- i) the **member-registrant** practises chiropody in Ontario, or if the **member-registrant** does not practise chiropody, the **member-registrant** is resident in Ontario;
  - ii) the **member-registrant** is not in default of the payment of any money owed to the **College** including but not limited to any fee prescribed by the **Regulations** or required by the by-laws;
  - iii) the **member-registrant** is not the subject of any disciplinary or incapacity proceeding;
  - iii.1) the **member-registrant** does not have a notation of a caution or a specified continuing education or remedial program on the register;<sup>13</sup>
  - iii.2) the **member-registrant** does not have a notation on the register of an undertaking provided to the College as a result of a decision or proceeding of the Discipline Committee, the Inquiries, Complaints and Reports Committee, or the Fitness to Practise Committee;<sup>14</sup>
  - iii.3) the **member-registrant** is not the subject of an undertaking provided to the College as a result of a decision or proceeding of the Discipline Committee, the Inquiries, Complaints and Reports Committee, or the Fitness to Practise Committee;<sup>15</sup>
  - iii.4) the **member-registrant** is not the subject of an interim order made by a panel of the Inquiries, Complaints and Reports Committee;<sup>16</sup>

<sup>13</sup> This applies to non-council committee members who are appointed after January 27, 2023.

<sup>14</sup> This applies to non-council committee members who are appointed after January 27, 2023.

<sup>15</sup> This applies to non-council committee members who are appointed after January 27, 2023.

<sup>16</sup> This applies to non-council committee members who are appointed after January 27, 2023.



- iv) the **member's-registrant's** certificate of registration has not been revoked or suspended in the six years preceding the date of the appointment for any reason other than non-payment of fees;
- v) the **member-registrant** has not been the subject of any professional misconduct, incompetence or incapacity finding in the three years preceding the date of the appointment;
- vi) the **member-registrant** is a holder of a general class certificate of registration and the certificate is not subject to a term, condition or limitation other than one applicable to all **members-registrants** of the class;
- vii) the **member-registrant** has not been disqualified by Council in the three preceding years whether as an **elected** or **selected councillor** or a **non-council committee member**; and
- vii.1) ~~the **member-registrant cannot have**~~ **has not** been found by Council to have breached the Code of Conduct for councillors and committee members.<sup>17</sup>

**53.07** Subject to Article 53.08, a **member-registrant** is not eligible to be appointed as a **non-council committee member** if the **member-registrant** holds a position which would cause the individual, if appointed as a **non-council committee member**, to have a conflict of interest by virtue of having competing fiduciary obligations to both the **College** and another organization.

**53.08** A person is not eligible to be appointed as a **non-council committee member** and shall be deemed to have a position which would result in a competing fiduciary obligation under Article 53.07 if the person holds or has held, in the preceding one year prior to the deadline for receipt of applications, as set by the Registrar under **Schedule 3** to By-Law No. 1, any of the following positions in an international, national or provincial association or organization whose members are predominately chiropodists, podiatrists or other foot care providers and whose mandate in any way relates to the provision of foot care by its members:

- i) director, officer or member of the governing body of the organization;

<sup>17</sup> This applies to non-council committee members who are appointed after January 27, 2023.



- ii) Executive Director, Chief Administrative Officer or another person with similar duties in the organization; or
- iii) a position which the Elections Committee of the **College** determines is one which would create a conflict of interest by virtue of having competing fiduciary obligations to both the **College** and another organization.

**53.09** A **member-registrant** who would not otherwise be eligible for appointment as a **non-council committee member** under paragraphs iii.1, iii.2, iii.3, iii.4 and vii.1 of Article 53.06 may submit to the Registrar, a written request, a current Curriculum Vitae, and supporting documentation for review by the Elections Committee to determine if the Elections Committee will allow them to be eligible for appointment.

**53.10** Without limiting the Elections Committee's authority, the Elections Committee shall not exercise its discretion under Article 53.09 unless

- i) it is satisfied that a reasonable person, knowing all of the facts, would not consider the presence of the **member-registrant** on any of its committees as impairing the public's trust in the College; and
- ii) the time elapsed since the event or conduct that caused the **member-registrant** not to be eligible under paragraphs iii.1, iii.2, iii.3 and vii.1 of Article 53.06 is at least five years,
  - a) in the case of a caution, from when the **member-registrant** attended and received the caution,
  - b) in the case of a specified continuing education or remedial program, from when the **member-registrant** completed the specified continuing education or remedial program, including any monitoring required,
  - c) in the case of an undertaking noted on the register, from the date the notation was placed on the register,
  - d) in the case of an undertaking that is not noted on the register, from the date of the undertaking, or
  - e) in the case of a breach of the Code of Conduct for councillors and committee members, the date of the finding that the **member**



**registrant** breached the Code of Conduct for councillors and committee members.

## 54. DISQUALIFICATION

- 54.01** Subject to the balance of the provisions of this Article, Council shall disqualify an **elected councillor** from sitting on Council if the **elected councillor**
- i) is determined by Council not to have met the eligibility requirements for election;
  - ii) ceases to be the holder of a certificate of registration;
  - iii) ceases to either practise or reside in the electoral district in which the **member-registrant** was elected;
  - iv) is found to have committed an act of professional misconduct or to be incompetent by a panel of the Discipline Committee;
  - v) is found to be incapacitated by a panel of the Fitness to Practise Committee;
  - vi) has a term, condition or limitation placed on his or her certificate of registration other than one applicable to all **members-registrants** holding that class of certificate;
    - vi.1) has a notation of a caution or a specified continuing education or remedial program placed on the register;<sup>18</sup>
    - vi.2) is the subject of an undertaking provided to the College in relation to a decision or proceeding of the Discipline Committee, the Inquiries, Complaints and Reports Committee, or the Fitness to Practise Committee;<sup>19</sup>
    - vi.3) is the subject of an interim order made by a panel of the Inquiries, Complaints and Reports Committee;<sup>20</sup>

<sup>18</sup> This applies to elected councillors who are nominated and elected after January 27, 2023.

<sup>19</sup> This applies to elected councillors who are nominated and elected after January 27, 2023.

<sup>20</sup> This applies to elected councillors who are nominated and elected after January 27, 2023.



- vii) is determined by Council to have obtained a position which creates a conflict of interest by virtue of having competing fiduciary obligations to both the **College** and another organization;
- viii) fails, without reasonable cause, to attend two consecutive meetings of Council;
- ix) fails, without reasonable cause, to attend three consecutive meetings of a **Committee** of which ~~he or she is~~they are a member; or
- x) fails, without reasonable cause, to attend a hearing or proceeding of a panel for which ~~he or she~~they have ~~has~~ been selected.

**54.02** Subject to the balance of the provisions of this Article, Council shall disqualify a **selected councillor** from sitting on Council if the **selected councillor**

- i) is determined by Council not to have met the requirements for selection;
- ii) ceases to be a member of a faculty of the Michener Institute for Applied Health Sciences;
- iii) ceases to be the holder of a certificate of registration;
- iv) is found to have committed an act of professional misconduct or to be incompetent by a panel of the Discipline Committee;
- v) is found to be incapacitated by a panel of the Fitness to Practise Committee;
- vi) has a term, condition or limitation placed on his or her certificate of registration other than one applicable to all ~~members~~registrants holding that class of certificate;
- vi.1) has a notation of a caution or a specified continuing education or remedial program placed on the register;<sup>21</sup>

<sup>21</sup> This applies to selected councillors who are appointed after January 27, 2023.



- vi.2) is the subject of an undertaking provided to the College in relation to a decision or proceeding of the Discipline Committee, the Inquiries, Complaints and Reports Committee, or the Fitness to Practise Committee;<sup>22</sup>
- vi.3) is the subject of an interim order made by a panel of the Inquiries, Complaints and Reports Committee;<sup>23</sup>
- vii) is determined by Council to have obtained a position which creates a conflict of interest by virtue of having competing fiduciary obligations to both the **College** and another organization;
- viii) fails, without reasonable cause, to attend two consecutive meetings of Council;
- ix) fails, without reasonable cause, to attend three consecutive meetings of a **Committee** of which ~~he or she~~they are is a member; or
- x) fails, without reasonable cause, to attend a hearing or proceeding of a panel for which ~~he or she has~~they have been selected.

**54.03** Subject to the balance of the provisions of this Article, Council shall disqualify a **non-council committee member** from sitting on any **committee** of the **College** if the **non-council committee member**

- i) ceases to be the holder of a certificate of registration;
- ii) is found to have committed an act of professional misconduct or to be incompetent by a panel of the Discipline Committee;
- iii) is found to be incapacitated by a panel of the Fitness to Practise Committee;
- iv) has a term, condition or limitation placed on his or her certificate of registration other than one applicable to all ~~members~~registrants holding that class of certificate;

<sup>22</sup> This applies to selected councillors who are appointed after January 27, 2023.

<sup>23</sup> This applies to selected councillors who are appointed after January 27, 2023.



- iv.1) has a notation of a caution or a specified continuing education or remedial program placed on the register;<sup>24</sup>
- iv.2) is the subject of an undertaking provided to the College in relation to a decision or proceeding of the Discipline Committee, the Inquiries, Complaints and Reports Committee, or the Fitness to Practise Committee;<sup>25</sup>
- iv.3) is the subject of an interim order made by a panel of the Inquiries, Complaints and Reports Committee;<sup>26</sup>
- v) is determined by Council to have obtained a position which creates a conflict of interest by virtue of having competing fiduciary obligations to both the **College** and another organization;
- vi) fails, without reasonable cause, to attend three consecutive meetings of a **committee** of which ~~he or she is~~they are a member; or
- vii) fails, without reasonable cause, to attend a hearing or proceeding of a panel for which ~~he or she has~~they have been selected.

**54.04** An **elected** or **selected councillor** or **non-council committee member** is also subject to disqualification pursuant to the **College's** Conduct of Councillors and Committee Members By-Law if such a by-law has been passed by Council.

**54.05** An **elected** or **selected councillor** who is disqualified by Council under this or any other by-law of the **College** ceases to be a **councillor** and ceases to be a member of all **committees**.

**54.06** A ~~non-council committee member~~ **non-council committee member** who is disqualified by Council under this or any other by-law of the **College** ceases to be a **non-council committee member** and ceases to be a member of all **committees**.

**54.07** An **elected** or **selected councillor** who becomes the subject of a disciplinary or incapacity proceeding, including one which originates at any time after the

<sup>24</sup> This applies to non-council committee members who are appointed after January 27, 2023.

<sup>25</sup> This applies to non-council committee members who are appointed after January 27, 2023.

<sup>26</sup> This applies to non-council committee members who are appointed after January 27, 2023.



deadline for receipt of nominations, shall not serve on Council or on any **committee** until the proceeding is finally completed.

- 54.08** A **selected councillor** who becomes the subject of a disciplinary or incapacity proceeding shall not serve on Council or on any **committee** until the proceeding is finally completed.
- 54.09** A **non-council committee member** who becomes the subject of a disciplinary or incapacity proceeding shall not serve on any **committee** until the proceeding is finally completed.
- 54.10** An **elected** or **selected councillor** or a **non-council committee member** who becomes in default of the payment of monies owed to the **College** including any fees prescribed by the **Regulations** or required by the by-laws, including a default which originates at any time after the deadline for receipt of nominations, shall not serve on Council or any **committee** until the default is remedied.
- 54.10.1** An **elected** or **selected councillor** or a **non-council committee member** who meets one or more of paragraphs vi.1, vi.2 and vi.3 of Article 54.01, paragraphs vi.1, vi.2 and vi.3 of Article 54.02 and paragraphs iv.1, iv.2 and iv.3 of Article 54.03 shall not serve on Council or any **committee** unless and until the Elections Committee is satisfied that a reasonable person, knowing all of the facts, would not consider the presence of the **member-registrant** on Council or any of its committees as impairing the public's trust in the College.
- 54.11** Where a **councillor** believes that Council should consider disqualifying an **elected** or **selected councillor** or **non-council committee member** on the basis that ~~he or she~~**they** meets one or more of the disqualification factors set out in Article 54.01, Article 54.02 or Article 54.03, the **councillor** shall advise the Executive Committee in writing.
- 54.12** If the Registrar receives information that if true may result in Council disqualifying an **elected** or **selected councillor** or **non-council committee member** on the basis that ~~he or she~~**they** meets one or more of the disqualification factors set out in Article 54.01, Article 54.02 or Article 54.03, the Registrar shall advise the Executive Committee in writing.
- 54.13** The Executive Committee shall notify the **elected** or **selected councillor** or **non-council committee member** whose conduct is the subject of concern of the nature





of the concern and provide ~~him or her~~them with a reasonable opportunity to make written or oral submissions or both to the Executive Committee.

- 54.14** The Executive Committee shall make a preliminary determination of the relevant facts and report those facts to the **elected or selected councillor or non-council committee member** whose conduct is the subject of concern and, where applicable, to the **councillor** who brought the concern to the Executive Committee's attention.
- 54.15** If either the Executive Committee or the **councillor** who brought the matter to the Executive Committee's attention is of the view that further action may be required by Council, the issue shall be placed on the agenda for the next meeting of Council.
- 54.16** Should, pursuant to this by-law, the matter of the potential disqualification of an **elected or selected councillor or non-council committee member** be placed on the agenda of Council, the Registrar shall advise the person who is potentially subject to disqualification of the date when Council intends to meet to deal with the issue and of ~~his or her~~their opportunity to make either written or oral submissions to Council, should ~~he or she~~they wish to do so.
- 54.17** After providing the opportunity referred to in Article 54.16, Council shall determine the relevant facts and, if appropriate, disqualify the **elected or selected councillor or non-council committee member** in accordance with this by-law.
- 54.18** A resolution of at least two-thirds of the **councillors** present at a meeting of Council duly called for that purpose shall be required in order to disqualify an **elected or selected councillor** pursuant to this Article.
- 54.19** A resolution of the **councillors** present at a meeting of Council duly called for that purpose shall be required in order to disqualify a **non-council committee member** pursuant to this Article.
- 54.20** Where an **elected or selected councillor** is the subject matter of a motion for disqualification under this Article, that **elected or selected councillor** shall not be present during the debate or vote and shall not be counted as a member of Council in determining whether a quorum exists or whether the motion was carried or defeated.



**54.21** Before any debate is had or vote taken by Council pursuant to this Article, Council shall consider whether the public should be excluded from the meeting in accordance with the **Code**.

## 55. VACANCY ON COUNCIL

**55.01** The seat of an **elected** or **selected councillor** shall be deemed to be vacant upon the death, resignation or disqualification of the **elected** or **selected councillor**.

**55.02** If the seat of an **elected councillor** becomes vacant in an electoral district less than eighteen months before the next election in that electoral district, Council may

- i) leave the seat vacant;
- ii) appoint as an **elected councillor** the eligible candidate who had the most votes of all of the unsuccessful eligible candidates for that position in that electoral district in the last election; or
- iii) direct the Registrar to hold a by-election for that electoral district which shall be held in a manner consistent with the elections held under this by-law.

**55.03** If the seat of an **elected councillor** becomes vacant in an electoral district more than eighteen months before the next election in that electoral district, Council shall direct the Registrar to hold a by-election for that electoral district which shall be held in a manner consistent with the elections held under this by-law.

**55.04** Where the seat of an **elected councillor** becomes vacant in an electoral district because, after two calls for nomination, there were no eligible candidates for election in that electoral district, Council shall appoint a ~~member-registrant~~ who at the time of the appointment is a chiropodist ~~member-registrant~~, in the case of a vacancy in respect of the seat of a chiropodist councillor or a podiatrist ~~member-registrant~~, in the case of a vacancy in respect of the seat of a podiatrist councillor.

**55.05** The term of an **elected councillor** elected or appointed under Article 55.02 or Article 55.03 shall continue until ~~his or her~~their successor takes office in



accordance with the bylaw or until a vacancy occurs in that office, whichever shall first occur.

**55.06** If the seat of a **selected councillor** becomes vacant, that vacancy shall be filled in accordance with the process set out in **Schedule 2**.

**55.07** Failure to fill a vacancy as required by this Article shall not affect the rights of the remaining **councillors** or **committee members** to fulfill their duties and responsibilities.

## 56. RESIGNATION

**56.01** A **councillor** may resign either as a member of Council or as a **committee member** or both.

**56.02** A **non-council committee member** may resign either as a **non-council committee member** or as a **committee member** or both.

**56.03** A resignation may not be withdrawn, does not need acceptance and where no date is specified in the resignation, is effective on the date it is received by the President, Vice-President or Registrar.

**56.04** A written resignation which contains a date upon which the resignation is intended to be effective, is effective on the date specified in the resignation or on the date it is received by the President, Vice-President or Registrar, whichever is later.

## 57. INTERPRETATION

**57.01** In all by-laws of the **College**, the singular shall include the plural and the plural shall include the singular.

**57.02** Wherever reference is made in the by-laws to a statute or section, such reference shall be deemed to extend and apply to any amendment or re-enactment of such statute or section, as the case may be.

**57.03** A **Schedule** in this or any other by-law of the **College** shall form part of the by-law.



- 57.04** All provisions of this or any other by-law of the **College** shall be interpreted in a manner consistent with the **RHPA** and the **Act** and where any such inconsistency is found to exist, the inconsistent provision is to be severed therefrom so long as this severance is practical.
- 57.05** Where notice is required under this or any other by-law of the **College** and except where specifically provided otherwise, the following shall apply in determining whether sufficient notice was given:
- i) the number of days shall be calculated excluding the day on which the notice was sent or forwarded and excluding the day of the event for which the notice was given;
  - ii) the number of days shall be calculated including all days whether or not they are business days, weekend days, or holidays;
  - iii) where notice is provided by ordinary prepaid first class mail to the person's last known address, the notice shall be considered to have been received on the fifth day following mailing;
  - iv) where notice is provided by facsimile, e-mail or other electronic means, the notice shall be considered to have been received on the date and time it was sent; and
  - v) where notice is provided by courier to the person's last known address, the notice shall be considered to have been received on the date the courier delivered the notice, whether or not it was personally received on that date.



## Schedule 1 to By-Law No. 1

### Process for Election of Council Officers

1. (a) Following the **election of councillors**, the Registrar shall prepare a list of the names of the persons who the Registrar expects to constitute the new Council. The list shall be sent to all of the persons who the Registrar believes will constitute that Council with a request that any person who may wish to stand for election to the position of President or Vice-President or to be elected as (one of) the other members of the Executive Committee so indicate by notice in writing to the Registrar to be received at the **College** no later than ten days prior to the **First Council Meeting**. The Registrar shall circulate, along with the agenda for the **First Council Meeting**, a list of the names of all persons who have provided the aforesaid notice along with an indication of which position(s) each of those persons has indicated an interest in.
  - (b) A failure to file a notice of intent shall not restrict a person from nominating ~~himself/herself~~themselves for office/election at the time of the election.
2. At the **First Council Meeting**, the Registrar shall call the meeting to order and act as interim presiding officer.
3. The Registrar will present the report on elections for the approval of Council and will then call the roll.
4. The Registrar will call for nominations and applications for the position of President. Should only one **councillor** be a candidate for the Presidency, the interim presiding officer will thereupon declare said candidate elected. The newly elected President will immediately assume the chair.
5. Should there be more than one candidate for the position of President, an election by secret ballot shall be conducted. For the purpose of that selection, the interim presiding officer will, with the concurrence of Council appoint two returning officers to count the ballots and to report the results to Council.
6. When more than two **councillors** are nominated, the nominee who received the lowest number of votes on each ballot shall be deleted from the next ensuing ballot unless one



nominee receives a majority of the votes cast on the ballot. This procedure shall be followed until one nominee receives a majority of the votes cast. When one candidate receives a majority of the votes cast, he or she shall be declared elected as President and the newly elected President shall immediately assume the chair.

7. The election of the Vice-President will be conducted on a basis identical to that of the procedure applicable to the election of the President.
8. The President and Vice-President shall be members of the Executive Committee. The remaining member(s) of the Executive Committee shall be elected by Council in a manner identical to that procedure applicable to the election of the President bearing in mind the requirements for the composition of the Executive Committee under the by-laws.



## Schedule 2 to By-Law No. 1

### Process for the Appointment of a Selected Councillor

1. When it is reasonably anticipated that the appointment of a **selected councillor** will be required in the next one hundred and eighty days, whether to fill a vacancy or for any other reason, the Executive Committee shall
  - i) determine the names of all members-registrants who are members of the faculty of the Michener Institute for Applied Sciences;
  - ii) consult with the President of the Michener Institute for Applied Sciences and obtain his/her/their recommendations respecting the filling of the position on Council; and
  - iii) prepare for Council's consideration the name of the member-registrant who the Executive Committee would recommend that Council select to fill the position on Council.
2. The Executive Committee shall take reasonable steps to ensure that each prospective appointee is eligible for selection and does not hold a position which would cause the individual, if appointed as a **selected councillor**, to have a conflict of interest by virtue of having competing fiduciary obligations to both the **College** and another organization.
3. A person shall be deemed to have a position which would result in a competing fiduciary obligation under paragraph 2 if the person holds or has held, in the preceding one year prior to the person's date of appointment by **Council**, any of the following positions in an international, national or provincial association or organization whose members are predominately chiropodists, podiatrists or other foot care providers and whose mandate in any way relates to the provision of foot care by its members:
  - i) director, officer or member of the governing body of the organization;
  - ii) Executive Director, Chief Administrative Officer or another person with similar duties in the organization; or



- iii) a position which the Elections Committee of the College determines is one which would create a conflict of interest by virtue of having competing fiduciary obligations to both the College and another organization.
4. A person shall be deemed not to have a position which would result in a competing fiduciary obligation under paragraph 2 solely as a result of the person being or continuing to be a member of the faculty of the Michener Institute for Applied Sciences.
  5. Disputes as to whether a ~~member-registrant~~ is eligible for selection shall be determined by the Elections Committee.
  6. The ~~member-registrant~~ selected by Council shall not become a **selected councillor** until that ~~member-registrant~~ agrees to serve as a **selected councillor**.
  7. Council shall rank its selections in order of its preference with the understanding that should the most preferred ~~member-registrant~~ refuse to serve as a **selected councillor** the next preferred ~~member-registrant~~ would be offered the position until a preferred ~~member-registrant~~ agrees to serve as the **selected councillor** or the list of preferred ~~members-registrants~~ has been exhausted.
  8. In the event the process does not result in the filling of all the **selected councillor** position, the process shall be repeated.





## Schedule 3 to By-Law No. 1

### Process for the Appointment of Non-Council Committee Members

1. When it is reasonably anticipated that the appointment of one or more **non-council committee members** will be required whether to fill a vacancy or for any other reason, the Registrar shall distribute to all members-registrants information respecting the opportunity to serve Council as a **non-council committee member** in order to obtain applications from those members-registrants who are interested in being appointed.
2. The Registrar shall establish a deadline for receipt of applications.
3. After the deadline for receipt of applications, the Registrar shall compile a list of all members-registrants who completed the application and provide that list to the Executive Committee along with a copy of each member's-registrant's application and supporting documentation.
4. The Executive Committee shall prepare for Council's consideration the name of the member-registrant or members-registrants who the Executive Committee would recommend that Council appoint as **non-council committee members**.
5. In making its recommendation to Council, the Executive Committee shall consider the following principles:
  - i) the importance of having **non-council committee members** who have diverse experience and who practise in different parts of the Province; and
  - ii) the importance of encouraging members-registrants who have not previously participated in **College** matters to serve as **non-council committee members**.
6. The Executive Committee shall take reasonable steps to ensure that each prospective appointee is eligible for appointment and does not hold a position which would cause the individual, if appointed as a **non-council committee member**, to have a conflict of interest by virtue of having competing fiduciary obligations to both the **College** and another organization.



7. A person shall be deemed to have a position which would result in a competing fiduciary obligation under paragraph 6 if the person holds or has held, in the preceding one year prior to the deadline for receipt of applications, any of the following positions in an international, national or provincial association or organization whose members are predominately chiropodists, podiatrists or other foot care providers and whose mandate in any way relates to the provision of foot care by its members:
  - i) director, officer or member of the governing body of the organization;
  - ii) Executive Director, Chief Administrative Officer or another person with similar duties in the organization; or
  - iii) a position which the Elections Committee of the **College** determines is one which would create a conflict of interest by virtue of having competing fiduciary obligations to both the **College** and another organization.
8. Disputes as to whether a ~~member~~registrant is eligible for appointment shall be determined by the Elections Committee.



## BY-LAW NO. 2: FEES

**1.01** In this by-law,

“**certificate of registration**” means a certificate of registration in any class unless otherwise indicated;

“**fee**” includes a required fee(s) or charge, any outstanding monies owed to the College by a registrant in respect of a decision made by a committee of the College, an administrative fee(s) or an administration charge(s);

“**Annual Fee**” is defined to include all fees and/or outstanding monies required to be paid by a registrant to the College under Article 4.01, Article 4.02, Article 4.03, Article 4.03.1, and Article 4.03.2;

“**Inhalation Certificate**” is the authorization issued by the College to a ~~member~~ registrant to permit the ~~member~~ registrant to administer a substance to a patient by inhalation, as permitted by the *Chiroprody Act, 1991* and its regulations;

“~~member~~ registrant” includes a ~~former~~ suspended member registrant.

**2.01** Fees described in this by-law are exclusive of any applicable taxes and are not refundable either in whole or in part.

**3.01** A person who submits an application for a certificate of registration shall pay an application fee, which fee shall be submitted along with the application of:

- (a) \$200.00 where the application is based upon the applicant having completed an educational program which was approved by Council at the time the application is submitted; and
- (b) \$750.00 where the application is based upon the applicant having completed an education program which has not been approved by Council and therefore must, in accordance with Council policy, be assessed before Council considers approving the program.



- 3.02** A person who is entitled to the issuance of a certificate of registration shall pay a registration fee of \$100.00 and an initial annual fee calculated in accordance with Article 3.03, which fees are due required to be paid to the College prior to the issuance of the certificate of registration.
- 3.03** Subject to Article 4.03.1, the initial annual fee for the year in which a member registrant is first issued a certificate of registration is:
- (a) \$1,800.00 if the certificate of registration is issued on or after February 14<sup>th</sup> but before July 1<sup>st</sup>; and
  - (b) \$900.00 if the certificate of registration is issued on or after July 1<sup>st</sup> provided the applicant had not previously been a member registrant of the College.
- 3.04** The annual Annual fee-Fee for a member registrant who previously held a certificate of registration issued by the College is that fee set out in Article 4.03.
- 4.01** Every member registrant shall pay an annual Annual fee-Fee in accordance with this by-law.
- 4.02** Subject to article 4.03.1, the annual Annual fee-Fee is due and payable shall be paid by a registrant on or before February 14<sup>th</sup> for the year commencing on January 1<sup>st</sup> of that calendar year and ending on December 31<sup>st</sup> of that calendar year.
- 4.03** Subject to article 4.03.1, the annual Annual fee-Fee is \$1,800.00 if paid on or before February 14<sup>th</sup> in the calendar year in which the fee is due and \$2,000.00 if paid thereafter.
- 4.03.1** Commencing with the annual Annual fee-Fee for the 2023 calendar year, the annual Annual fee-Fee otherwise payable shall automatically be increased by the annual increase in the Consumer Price Index (“CPI”), as published by Statistics Canada or any successor organization, for the year ending in July of the previous calendar year, rounded up to the nearest ten dollars. By way of example and for greater clarity the CPI increase for the 2023 annual Annual fee-Fee will be the CPI increase from July 2021 to July 2022.



**4.03.2** In addition to the amount required by Articles 4.03 and 4.03.1, any outstanding monies owed to the College in respect of a decision made by a committee of the College, and any other fees outstanding under the College's by-laws, will be added to and included in the Annual Fee to be paid by the registrant.

**4.04** The Registrar shall notify each member-registrant of the amount of the Annual fee-Fee owing by that registrant and the day on-by which the Annual fee-Fee is due-required to be paid.

## FEES RELATED TO INHALATION CERTIFICATE

**4.1.01** A member-registrant who submits an application for an Inhalation Certificate shall pay a fee of \$100 which fee shall be submitted along with the application.

**4.1.02** A member-registrant who is entitled to the issuance of an Inhalation Certificate shall pay a fee of \$100 which fee is due prior to the issuance of the Inhalation Certificate.

**4.1.03** A member-registrant seeking to renew his-or-her-their Inhalation Certificate shall pay an annual fee of \$350 which fee is due-required to be paid on or before February 14<sup>th</sup>.

## FEES RELATED TO EXAMINATIONS

**5.01** A person who applies to attempt the College's jurisprudence exam without applying to attempt the other examinations required for a certificate of registration shall pay a fee of \$750.00.

**5.02** A person who applies to attempt an examination which is a requirement for a certificate of registration but is not the jurisprudence examination referred to in Article 5.01 or the supplemental examination referred to in Article 5.03, shall pay a fee of \$3,600.00.

**5.03** Where a person fails the examination referred to in Article 5.02 and the person applies for and is eligible to take a supplemental examination, the person shall pay a fee of:

- (a) \$750.00 for the written examination, if the requirement to take a supplemental examination was due solely to the applicant being unsuccessful on the jurisprudence portion of the written examination;



- (b) \$750.00 for the written examination, if the requirement to take a supplemental examination was due solely to the applicant being unsuccessful on the core competencies portion of the written examination;
- (c) \$1,500.00 for the written examination, if the requirement to take a supplemental examination was due to the applicant being unsuccessful on both the jurisprudence and core competencies portions of the written examination; and
- (d) \$2,100.00 if the requirement to take a supplemental examination was due to the applicant being unsuccessful on the clinical (OSCE) examination.

**5.04** A person who applies to have the results of an examination referred to in Article 5.02 or 5.03 rescored shall pay a fee of \$75.00.

**5.05** A separate fee is applicable for each application referred to in Articles 5.01, 5.02, 5.03 and 5.04 and shall be paid at the time the application is submitted.

## CONTINUING EDUCATION

**5.06** Where a member-registrant who is required to submit their Continuing Education Log and supporting documentation fails to do so on or before February 14<sup>th</sup>, the member-registrant shall pay a fee of \$250.00.

## PRACTICE ASSESSMENTS AND EVALUATION

**5.1.01** Where a member-registrant is required by a panel of the Quality Assurance Committee to undergo a practice assessment, other than one which was required as a result of the member's-registrant's random selection, or for a practice reassessment, the member-registrant shall pay a fee of \$475.00.

**5.1.02** The fee referred to in Article 5.1.01 shall be payable for each assessment or reassessment and shall be payable-paid by the registrant immediately upon receipt of notice from the College that an assessment or reassessment has been required by the panel of the Quality Assurance Committee.



- 5.1.03** Where a ~~member-registrant~~ is required by a panel of the Quality Assurance Committee to undergo an evaluation or re-evaluation, the ~~member-registrant~~ shall pay a fee of \$750.00.
- 5.1.04** The fee referred to in Article 5.1.03 shall be payable for each evaluation or re-evaluation and shall be ~~payable-paid~~ immediately by the registrant upon receipt of notice from the College that the evaluation or re-evaluation has been required by the panel of the Quality Assurance Committee.

## FEE FOR ASSESSMENT

- 5.2.01** Where a person or applicant wishes Council to assess whether ~~he or shethey~~ meets the Standard of Practice to permit that person to inject a substance into the foot or prescribe a drug, the ~~member-registrant~~ or applicant shall pay a fee of:
- (a) \$1,250.00 if the assessment relates to whether ~~he or shethey~~ meets the standard of practice to both inject a substance into the foot and to prescribe a drug;
  - (b) \$625.00 if the assessment relates to whether ~~he or shethey~~ meets the standards of practice to either inject a substance into the foot or to prescribe a drug, but not both.

## FEES RELATED TO REINSTATEMENT

- 6.01** A person who applies pursuant to section 72 of the Health Professions Procedural Code of the *Regulated Health Professions Act, 1991* for the reinstatement of ~~his or her~~their certificate of registration shall pay an application fee of \$6,000 which fee shall be ~~payable-paid~~ at the time the person makes such application.
- 6.02** Where a certificate of registration was administratively suspended for failure to pay a fee either prescribed by the Regulations or required by the by-laws and the ~~applicant~~registrant is otherwise entitled to have the suspension lifted, the ~~applicant-registrant~~ shall pay:
- (a) a reinstatement fee of \$150.00;



- (b) the fee(s) the ~~applicant-registrant~~ failed to pay which gave rise to the suspension;
- (c) the ~~annual-Annual fee-Fee~~ payable for the year in which the suspension is to be lifted; and
- (d) any other monies owed to the College.

**6.03** A former ~~member-registrant~~ who is otherwise entitled to reinstatement of ~~his or her~~their certificate of registration shall pay:

- (a) a reinstatement fee of \$100.00;
- (b) if not previously paid, the ~~annual-Annual fee-Fee~~ payable for any and all years in which the ~~member-former registrant~~ practised in Ontario;
- (c) if not previously paid, the ~~annual-Annual fee-Fee~~ payable for the year in which the former ~~member-registrant~~ is to be reinstated; and
- (d) any other monies owed to the College.

## REPLACEMENT CERTIFICATES

**7.01** Where a certificate of registration was damaged, a ~~member-registrant~~ may request from the Registrar and the Registrar may provide a replacement certificate of registration upon return to the Registrar of the damaged certificate of registration and payment of a fee of \$50.00.

**7.02** The Registrar may issue a replacement certificate of registration to a ~~member-registrant~~ who satisfies the Registrar that ~~his or her~~their certificate was lost or destroyed upon payment of a fee of \$50.00.

## GENERAL – RULES RESPECTING PAYMENT

**8.01** A fee or money shall be considered paid:

- (a) if payment is made in cash, on the date upon which the money is actually received at the offices of the College;





- (b) if payment is made by VISA, MasterCard or other credit card accepted by the College, on the date upon which appropriate authorization is actually received at the offices of the College;
- (c) if payment is made by cheque, the date of the cheque or the date the cheque is actually received at the offices of the College, whichever is later, provided that the cheque is ultimately honoured on first presentation to the financial institution of the payer; and
- (d) if payment is made by money order, on the date upon which the money order is actually received at the offices of the College.

**8.02** Payment by any other means other than those specified in Article 8.01 is not to be considered payment under this by-law.

## OTHER FEES

**9.01** A fee of \$50.00 shall be ~~payable~~ paid by a ~~member~~ registrant where:

- (a) the ~~member~~ registrant purports to make payment by VISA, MasterCard or other credit card accepted by the College and payment is refused by the credit card provider on first submission by the College; or
- (b) payment is made by cheque and the cheque is not honoured on first presentation to the financial institution of the payer.

**9.02** A fee of \$35.00 shall be ~~payable~~ paid by a ~~member~~ registrant or applicant where the member or applicant makes payment by VISA, Mastercard or other credit card accepted by the College. Such fee shall apply to each credit card transaction made by a member or applicant.

Approved and amended by Council as of January 26, 2024.



**COLLEGE OF CHIROPODISTS OF ONTARIO**  
*Regulating Chiropodists and Podiatrists in Ontario*

**ITEM 3.6**

**COUNCIL BRIEFING NOTE**  
**RE: Governance Manual**

**Background:**

The College provides regular training for Councillors and committee members. To further support College Councillors and committee members, and to provide easy access to relevant policies and resources, the College has compiled a governance manual.

**Public Interest Rationale for Decision:**

It is in the public interest that the College have Councillors and committee members who understand good governance and who are provided with the resources they need to effectively govern the affairs of the College.

**Recommended Motion:**

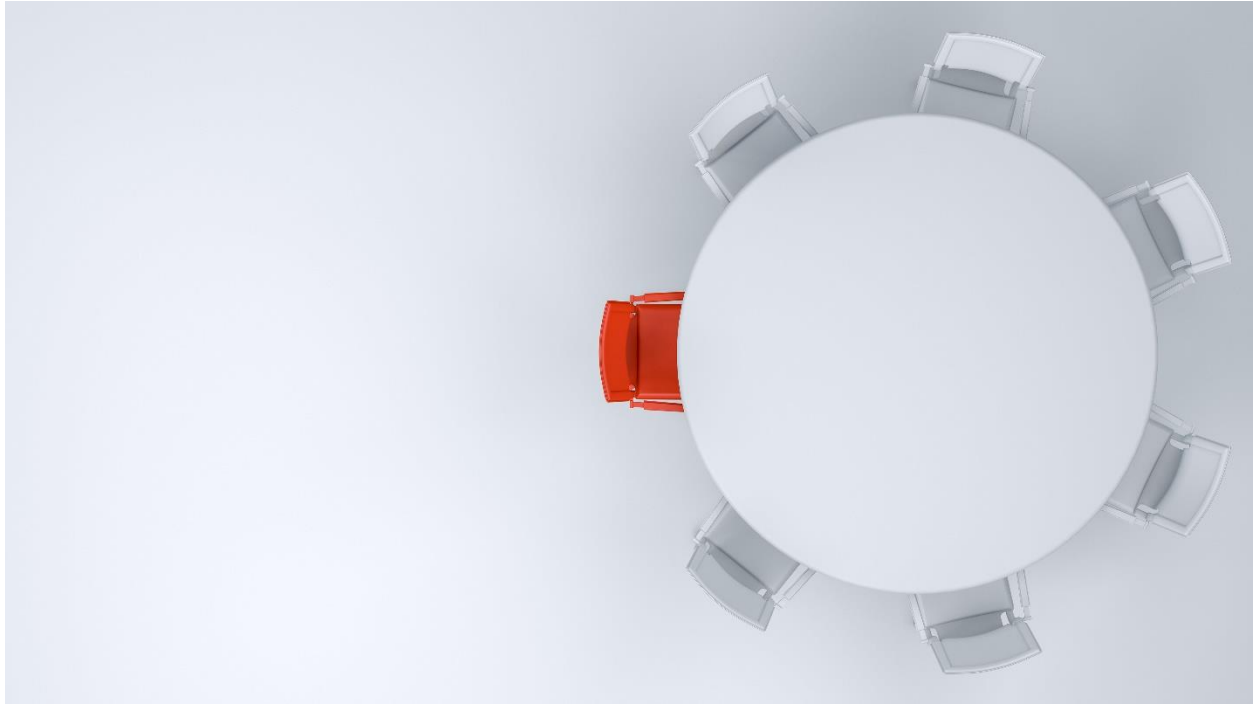
That Council approve the draft Governance Manual.

Mover: \_\_\_\_\_

Seconder: \_\_\_\_\_



College of Chiropractors of Ontario



# GOVERNANCE MANUAL

## FOR COUNCIL AND COMMITTEE MEMBERS

SEPTEMBER 2024

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# INTRODUCTION

The Council of the College of Chiropractors of Ontario is the College's board of directors that governs the College's affairs and ensures the College meets its duty to serve and protect the public interest. The College Councillors are fiduciaries to the College and are responsible for acting in the best interests of the College in all College decision-making. The policies in this manual provide guidance to the Council in meeting its governance responsibilities.

## Purpose

The manual:

1. Sets out expectations for Council and Councillors that go beyond legal requirements and the requirements in the College's by-laws.
2. Establishes governance practices that reflect best practices in corporate governance; and
3. Assists the Council in fulfilling its governance responsibilities as effectively as possible.

# DEFINITIONS/GLOSSARY OF TERMS

Unless stated otherwise, the words set out below have the following meanings:

**"By-laws"**: means By-Law No. 1 of the College

**"Code"**: means the Health Professions Procedural Code under the RHPA

**"College"**: means the College of Chiropractors of Ontario

**"Committee"**: means a statutory or non-statutory committee of the College

**"Committee member"**: refers to a non-Council committee member (see below)

**"Council"**: means the College's Council

**"Councillor"**: means a member of Council

**"Non-Council committee member"**: means a committee member who is not a Council member but is appointed by Council to a committee

**"RHPA"**: means the *Regulated Health Professions Act, 1991*

# COLLEGE MISSION, VISION AND VALUES

## Mission

The College ensures Ontarians have access to comprehensive foot care of the highest professional podiatry standards to best meet the foot health needs of Ontarians and demonstrates its commitment to continuous improvement in regulatory oversight.

## Vision

The College demonstrates effective regulation of a podiatry profession dedicated to the delivery of regulatory excellence to contribute to the foot health of all Ontarians.

## Values

- **Service:** The College commits to serve the public interest in all its regulatory activities.
- **Fairness and Impartiality:** The College ensures its regulatory processes and procedures adhere to the law including principles of procedural fairness and impartiality. Everyone is treated equitably with dignity, courtesy and respect.
- **Integrity:** The College 's commitment to uphold the values of honesty, trust, fairness, respect, responsibility, and courage is foundational in supporting all the other values to which the College is committed.
- **Transparency and Accountability:** The College's regulatory processes and policies are clear; are informed by appropriate stakeholder consultations and are based upon verifiable information and data. The College's mandate is accessible and clearly stated. The status of registrants is current and accessible to all stakeholders.
- **Innovation:** The College is committed to continuously seek opportunities for innovation and creativity in fulfilling its mandate as a professional health regulator, to protect the public.
- **Collaboration:** The College will engage with all stakeholders to ensure regulation of a podiatry model that adheres to best practices and optimizes accessibility for Ontarians.

# ROLES AND RESPONSIBILITIES

## ROLE OF COUNCIL

The College's Council governs the College's affairs and ensures the College meets its duty to serve and protect the public interest. The Council is made up of professional members who have been elected by their peers, a representative from the Michener Institute for Applied Health Sciences and members of the public who have been appointed by the Lieutenant Governor of Ontario. The *RHPA* and the *Chiroprody Act, 1991* give the College its mandate to regulate its registrants.

The key responsibilities of Council are:

### Strategy and Mission

- Approve the College's mission, vision and values, and its strategic plan.
- Monitor the College's progress towards achieving its strategic goals.

### Financial Oversight

- Monitor financial performance against budget.
- Approve financial policies and internal controls and monitor compliance with them.
- Stewardship and allocation of financial resources.

### Performance Management and Monitoring

- Confirm that there are policies, programs, and controls in place such that the College carries out its statutory obligations appropriately and effectively.
- Confirm that the College has processes in place for measuring and reporting on its performance.
- Recruit, appoint and supervise the Registrar and CEO, and evaluate their performance.

### Risk Management

- Be knowledgeable about risks inherent in College operations and obtain assurance that there are measures in place to protect the College against risk.

### Accountability to Stakeholders

- Obtain assurance that the College communicates appropriately and effectively with stakeholders and maintains effective relationships with them.

### Governance

- Oversee the quality of its own governance and establish expectations, practices and policies to develop and maintain good governance.

## **ROLE OF COUNCILLORS**

Councillors are the individuals behind Council decisions. By participating fully in governance, they ensure that the College operates effectively in fulfillment of its public protection mandate.

The role of a Councillor includes the following responsibilities:

1. Maintain working knowledge of and comply with the College's governing legislation, by-laws, and governance policies including the Code of Conduct.
2. Understand the College's operations and regulatory policy and issues currently facing Council.
3. Serve on at least one statutory committee, if appointed.
4. Contribute meaningfully to Council discussion and decision-making and to committee deliberations and proceedings, if appointed.
5. Attend meetings. Prepare for Council and committee meetings in advance by reading the meeting materials, understanding the topics for discussion, and identifying any potential conflicts of interest.
6. Attend all business meetings as they are mandatory for Councillors and committee members.
7. Raise issues in a respectful manner that encourages open discussion. Support good due diligence and decision-making by voicing constructive concerns, asking for more information if necessary and exercising independent judgement.
8. Respect the views of other Council members and the decisions of the majority of Council, expressing external support for the decisions of Council regardless of individual voting on a particular issue.
9. Express viewpoints in good faith in compliance with the Code of Conduct and, in particular, the Conflict of Interest provisions to ensure that all decisions are voted on in the best interests of the College and not for any personal or other interest.
10. Participate in Council evaluations.
11. Stay current about events and issues facing the College and its stakeholders.
12. Take on a fair share of committee work and support the committee appointment process by identifying the committees they want to serve.



## **ROLE OF NON-COUNCIL COMMITTEE MEMBERS**

Non-Council committee members are appointed by the Council and assist in carrying out the duties of their committee.

The role of a non-Council committee member includes the following responsibilities:

1. Understand and comply with the College's governing legislation, by-laws, and governance policies including the Code of Conduct.
2. Acquire and apply a working knowledge of the statutory requirements, mandate, policies and rules that apply to the committee.
3. Contribute constructively to committee deliberations and proceedings. Respect the perspective and input of other committee members.
4. Attend committee meetings, including mandatory business meetings. Prepare for meetings in advance by reading materials and coming prepared to participate meaningfully in the discussion or proceeding.
5. Identify any potential conflicts of interest and act in accordance with the Conflict of Interest by-law provisions and any other applicable policies or procedures.
6. Raise issues in a respectful manner that encourages open discussion. Support good due diligence and decision-making by voicing constructive concerns, asking for more information if necessary and exercising independent judgement.
7. Participate in required orientation and educational activities.
8. Participate in committee evaluations.
9. Respect the views of other Committee members and the decisions of the majority of the Committee.

## **ROLE OF COMMITTEE CHAIR**

Committee chairs provide leadership and direction to their committee to ensure it fulfills its statutory and Council mandate. The chair is accountable to Council for the committee's activities and the integrity of its process. The role of committee chair includes the following responsibilities:

1. With staff support, schedule meetings and ensure quorum.
2. Conduct meetings in a timely and cost-effective manner. Facilitate meetings and committee processes such that all members have an opportunity to participate and contribute meaningfully.
3. Identify and address any potential conflicts of interest.
4. Facilitate and foster broad, respectful, and constructive dialogue during meetings. Support independent thinking and diversity of views while encouraging alignment on decisions and outcomes.
5. Participate in committee discussions and contribute to committee deliberations and proceedings.
6. Control dominant members and non-participatory members and manage conflict and other circumstances in which the committee is not functioning effectively. If necessary, bring matters to the attention of the staff member assigned to support the Committee.
7. With staff support, conduct regular evaluation of committee performance and committee members. Implement improvements to improve committee effectiveness.
8. Obtain assurance that new committee members understand the role of the committee and receive appropriate orientation. Recommend opportunities or requirements for ongoing education or training for the committee to staff.
9. With staff support, provide reports to Council at each Council meeting.
10. Attend annual chair training.
11. Ensure the Committee stays within its established mandate and does not consult, or permit the consultation, by any member of the committee, with external stakeholders and/or consultants, including College legal counsel. The Chair must request that support staff solicit legal advice and support staff will be the primary College contact for obtaining legal advice.
12. Know and apply the College's Virtual Meeting Policy when holding virtual meetings to ensure the desired objectives stated above are met. Virtual meetings attendees must have their cameras on for the duration of the meeting, except for any breaks approved by the Chair. Any attendee who does not have their camera on for the meeting will not be paid for their time attending the meeting.

## **ROLE OF THE PRESIDENT**

The Council elects the President to serve as its most senior officer. The President facilitates the work of Council and ensures the quality of its governance.

In addition to any duties set out in the by-laws, the President's role includes the following responsibilities:

1. Serve as the Chair of the Executive Committee and participate on other committees as the Council directs. Chair Council and committee meetings, as necessary.
2. Participate in committee discussions and contribute to committee deliberations and proceedings.
3. Provide strategic leadership and work in collaboration with the Registrar to establish and promote the College's strategic planning process and priorities.
4. In collaboration with the Registrar, identify issues, objectives and priorities for Council deliberation.
5. Is a champion for good governance and ensures the Council fulfills its governance role effectively and strives to achieve high standards and follows best practice in governance.
6. Ensure the Council and its members have access to effective orientation and ongoing education.
7. With staff support, oversee Council's evaluation process and provide constructive feedback to Councillors and committee chairs as required.
8. Oversee the Registrar's annual performance review and provide leadership in the hiring of the Registrar and the negotiation of the Registrar's employment contract.
9. Ensure an orderly transition of the President's office and functions.
10. Provide a written President's Report for the Footprint newsletter and Annual Report of the College and any other such report as requested by the Registrar.

## **ROLE OF VICE-PRESIDENT**

Council elects the Vice-President who discharges the President's duties if the President is unavailable. The Vice-President assists the President in providing leadership to Council and the College.

In addition to any duties set out in the by-laws, the Vice-President's role includes the following responsibilities:

1. Perform the President's duties if the President is unavailable or has a conflict of interest.
2. Serve as a member of the Executive Committee and participate in other committees as directed by Council.
3. Understand the President's role and responsibilities and the key policy, regulatory and operational issues the College is facing.
4. Develop effective working relationships with the Registrar and other College staff members, in conjunction with the President.
5. Provide assistance and counsel to the President.
6. If necessary and at the direction of the President or Council, assume appropriate leadership roles and responsibilities.

## **ROLE OF REGISTRAR AND CEO**

The Registrar fulfills the statutory duties of the role and leads the implementation and operationalization of the College's vision, mission and strategic goals. The Registrar is the Chief Executive Officer of the College and oversees its day-to-day operations. In addition to any duties set out in the by-laws, the Registrar's role includes the following responsibilities:

### **Organizational leadership**

- Recruit, lead and develop the College's human resources and ensure policies and controls are in place to build and maintain a safe and tolerant working environment at the College.
- Implement processes to ensure continuing quality improvement of College programs.
- Foster a work culture that results in high productivity and staff morale.
- Lead the development and implementation of programs, policies and protocols to ensure the College complies with its legislative obligations and for effective financial, regulatory and operational performance, including regular reporting to Council about College performance.
- Support the operation and administration of Council and its committees.
- Recommend the annual budget for Council approval and prudently manage the College's financial resources.
- Ensure financial and internal controls are in place at the College in addition to processes to identify and manage key risks to the College.

### **Strategy and governance**

- Build and maintain capacity for strategic planning at the College and take ownership for the accomplishment of the Council's strategic goals as set out in the strategic plan approved by Council. Ensure the regular review of the College's strategic goals, vision, mission and values.
- Assist and support Council in fulfilling its governance responsibilities and in achieving and managing good governance practices.
- With the Executive Committee ensure the Council agenda and materials support effective and well-informed decisions.
- Facilitate the transition of the President's office.
- Oversee the identification of trends, issues and risk relevant for Council consideration and recommend and develop policies and activities to respond to them.
- Participate in an annual performance review.
- Act as the key conduit between the Council and College staff and facilitate a productive relationship between College staff members and the President and Councillors, as required.

### **Public Relations and Communications**

- Act as the College's spokesperson.
- Develop and maintain meaningful and effective relationships with the public and external stakeholders, such as the profession, government, relevant associations and regulatory peers.

## **ROLE OF DEPUTY REGISTRAR**

The Deputy Registrar is a staff member who reports directly to the Registrar and CEO and fulfills the duties assigned by the Registrar. In the absence of the Registrar, the Deputy Registrar assumes the duties and responsibilities of the Registrar until such time as the Registrar resumes such duties and responsibilities or Council appoints a new Registrar and CEO.

# COUNCIL'S RELATIONSHIP WITH THE REGISTRAR AND COLLEGE STAFF

A strong and effective relationship between Council and the Registrar, and between Councillors, committee members and College staff, plays a vital role in the College fulfilling its mandate and achieving its goals.

## **Relationship with the Registrar**

- Council provides direction to the Registrar, and through the Registrar to College staff and management. Council ensures compliance with these directions. Council delegates authority to the Registrar to establish operating policies and procedures and to make decisions to enable the College to operate effectively and achieve its strategic goals.
- The Registrar is accountable to Council, through the President. The Registrar reports regularly to Council on matters that are relevant to Council and the College.
- The relationship between the Registrar, Councillors and committee members is not hierarchical. Individual Councillors do not have the authority to instruct the Registrar except with the approval of Council. The President has the approval of Council to collaborate and work together with the Registrar.
- The President and the Registrar are responsible for managing matters that concern the relationship between Council and staff members.
- From time to time, Council establishes a formal process to evaluate the performance of the Registrar.

## **Relationship with College Staff**

- Individual Councillors and committee members do not provide direction to or demand accountability from College staff, but staff members have a great deal of knowledge and experience and are essential for the effective running of Council and committee business. Councillors, committee members and staff should interact collegially and collaboratively. They should respect the division of labour between Councillors as decision makers and staff as advisors and facilitators.
- Councillors should respect the difference between their governance and policy making role and the role of staff and management and at the College. Councillors should not 'cross the line' and interfere with staff with respect to administrative or operational matters and matters more generally that are within the purview of staff and management. If a Councillor or committee member is uncertain about this clear delineation of duty on a given matter, it is incumbent upon that individual to consult with the Registrar for clarification.
- Councillors and committee members must note that staff members carry out the policy directions of Council and are not to act inconsistently with or beyond the scope of Council

policy and direction. Staff members do not establish policy for the College without the approval of Council.

- Councillors or committee members who have a request for staff support in connection with their duties (outside of normal committee business) should discuss this with the President who will follow-up with the Registrar.
- The President and Registrar are responsible for managing issues of concern between a staff member and a Councillor or committee member. In the context of committee matters, the Committee Chair may deal with the issue in consultation with the Registrar.

## PER DIEMS AND COUNCIL AND COMMITTEE COMPENSATION & EXPENSE POLICY

The [Per Diems and Council and Committee Compensation & Expense Policy](#) is intended for use by elected Councillors and committee appointees. The Policy sets out the parameters for payment of per diem honoraria for conducting College business and addresses reimbursement for eligible expenses.

Councillors who are appointed to Council by the Lieutenant Governor (public appointees) are paid by the government. The rules for their compensation and expenses are established and monitored by the Ministry of Health. Therefore, this policy does not apply to them.

## EXPENSE CLAIM FORM

Claims for honoraria and expenses are made using the [online claims form](#).

Claimants must:

- Submit claims promptly after the expense is incurred
- Submit claims in the budgetary year in which they were incurred
- Submit claims before leaving their position with the College

# CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND ITS COMMITTEES

## Preamble

For the College to command the confidence of the government, the public and the profession, it is necessary that Council, as the profession's governing body, adopt appropriate standards of conduct for members of Council and its Committees in order to ensure that they properly perform their duties with integrity and in a manner that promotes the highest standard of public trust.

Each member of Council and its Committees is therefore required to comply with the following Code of Conduct (Code) understanding that a breach of the Code could result in the Council member being removed from Council or the Committee member being removed from all Committees, in accordance with the By-laws of the College.

## The Code

1. Council and Committee members shall be familiar with and comply with the provisions of the *Regulated Health Professions Act, 1991* (RHPA), its *Health Professions Procedural Code* and its regulations, the *Chiropractic Act, 1991* and its regulations, and the by-laws and policies of the College.
2. Council and Committee members, when acting in that capacity, shall act in a diligent manner, including preparing for meetings/hearings, attending meetings/hearings on time, and actively participating.
3. Council and Committee members, when acting in that capacity, shall participate in all deliberations and communications in a respectful, courteous and professional manner, recognizing the diverse background, skills and experience of members on Council.
4. Council and Committee members, when acting in that capacity, shall conduct themselves in a manner that respects the integrity of the College by striving to be fair, impartial and unbiased in their decision making.
5. Council and Committee members shall place the interests of the College and Council above their personal interests or any other interests. Council and Committee members shall avoid engaging in conduct that interferes with the ability of the College to achieve its public protection mandate.
6. Council and Committee members shall avoid any appearance of or actual conflict of interest or bias.
7. Council and Committee members shall uphold the decisions made by Council and its Committees, regardless of the level of prior individual disagreement. Council and Committee



members shall not publicly oppose or speak against a policy, position, decision, by-law or other matter made or adopted by Council or a Committee.

8. Council and Committee members shall refrain from engaging in any discussion in relation to the business of Council and/or Committees with other Council or Committee members that takes place outside the formal Council/Committee decision making process.
9. Council and Committee members shall refrain from communicating with Committee members on Statutory Committees in circumstances where this could be perceived as an attempt to influence a member or members of a Statutory Committee, unless he or she is a member of the panel or, where there is no panel, of the Statutory Committee dealing with the matter. This would include, but not be limited to, matters involving the Registration of applicants and matters involving members involved with the Inquiries, Complaints and Reports Committee, the Quality Assurance Committee, the Discipline Committee or the Fitness to Practise Committee.
10. Council and Committee members shall respect the confidentiality of information identified as confidential and acquired solely by virtue of their Council/Committee member position.
11. Council and Committee members shall ensure that confidential information is not disclosed except as required for the performance of their duties, or as directed by Council or the Executive Committee acting on behalf of Council.
12. Council and Committee members shall not use their positions as members of Council or any Committee to obtain or attempt to obtain employment at the College or preferential treatment for themselves, family members, friends or associates.
13. Council and Committee members shall not include or reference Council or Committee titles or positions held at the College in any business promotional materials, advertisement or business cards.
14. Council and Committee members shall respect the boundaries of staff, recognizing that a staff member's role is not to report to or work for individual Council or Committee members. Council and Committee members will, therefore, not directly contact staff members, other than the Registrar, except on matters where the staff member has been assigned to provide administrative support to that Committee, without the prior approval of the Registrar or the Executive Committee.
15. Council and Committee members shall be respectful of each other and staff and not engage in conduct or behaviour towards fellow Council or Committee members or staff that might reasonably be perceived as verbal, physical or sexual abuse or harassment.

Adopted by Council: December 2016

Amended by Council: May 31, 2024

# BY-LAW 4: CODE OF CONDUCT OF COUNCILLORS AND COMMITTEE MEMBERS

Council and Committee members can refer to the [By-law 4: Code of Conduct of Councillors and Committee Members](#) and complete the [Code of Conduct Acknowledgement Form](#) annually.

## IN-CAMERA POLICY

### **Purpose**

In accordance with subsection 7(1) of the *Health Professions Procedural Code* (“Code”) all Council meetings shall be open to public. However, if discussions include subject matters as set out in subsection 7(2) of the Code, Council may decide to exclude the public from the meeting by going in-camera. Council is mindful that they should only go in-camera when it is necessary.

### **Policy**

In-camera sessions will include the Registrar unless the meeting is to discuss the Registrar’s performance review or other issues related to the Registrar. Council may also decide to include explicitly invited guests to the in-camera session, such as legal counsel, senior staff or other advisors, where a motion is carried permitting attendance. Members of the public (including the media) are not permitted to be present.

The President is responsible for ensuring that in-camera sessions remain focused on the designated items and do not digress into areas that ought to be discussed during the open Council meeting. The President has the authority to determine the appropriateness and relevance of the issues raised in-camera.

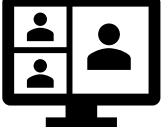







If an in-camera session is planned during a Council meeting, the legislative grounds for doing so will be noted in the meeting agenda and minutes. To the extent possible, the in-camera agenda will be made available to Council in advance. Information and documentation related to the in-camera session, including in-camera minutes, will not be posted with the public Council materials.

# VIRTUAL MEETING POLICY

College committee or Council meetings may take place virtually to maximize efficiency and reduce costs. To ensure that virtual meetings run smoothly, participants must do the following:

- Test the virtual meeting platform, screen and equipment in advance to make sure they have access to the meeting.
- Reach out to College staff immediately if experiencing any technical difficulties or any emergencies that may prevent them from joining the meeting or staying connected for the duration of the meeting.
- Attend the meeting from a reasonably quiet and private location so there is no breach of their confidentiality obligations.
- Keep their cameras on throughout the meeting and ensure their audio and video settings are up-to-date and functioning properly. Look at the camera and speak clearly.
- Use a blurred background or custom COCOO branded background, if necessary, to maintain professionalism.
- Mute their computer microphones or telephone when not speaking to minimize disruptions and distractions like background noise. Headphones or earphones are recommended for audio clarity, but not required.
- Be respectful when engaging with the meeting organizers, presenters and other participants. Use the 'Raise Hand' feature to raise a question or make a comment to avoid interruptions and maintain professional meeting etiquette.
- Use other features such as 'Screen Share' thoughtfully and professionally while participating in presentations and discussions.
- Be aware of their obligations and the College's expectations. Meeting attendees and participants will be notified if a meeting is to be recorded by College staff for training or record-keeping purposes.
- Maintain professionalism and confidentiality when using the chat function, if applicable.

## MEETING NORMS:

	Use Zoom and keep your cameras on.		As questions by raising your (virtual) hand to be placed in the queue.
	Proactively declare and manage any conflicts of interest.		Share the space by giving everyone the opportunity to be heard and actively listen to others.
	Use the microphone or unmute yourself when speaking – otherwise, please stay muted.		Focus on the What and the Why, rather than the How.
	Be present during meetings and refrain from sidebar conversations.		Assume everyone has a positive intent.

The Discipline Committee conducts hearings electronically. In addition to the requirements above, committee members participating in electronic hearings are expected to be respectful of the other participants and the procedure by adhering to the following guidelines:

- Wait for directions from the Panel Chair to speak.
- Log in to the technology 15 minutes in advance of the hearing and returning promptly from any scheduled break.
- Adhere to the dress code for virtual hearings, which is business attire.

Although the usual norms of an in-person hearing, such as standing when the Panel enters, cannot be respected during an electronic hearing, all participants must maintain a high level of professionalism and respect for the process throughout.

# COMMITTEE MANDATES

Committees conduct a wide range of work for the College. There are two types of committees: [statutory and non-statutory](#). Council may also establish ad-hoc committees or working groups from time to time.

Statutory committees are set out in the *RHPA*:

1. Executive Committee
2. Discipline Committee
3. Fitness to Practise Committee
4. Inquiries, Complaints and Reports Committee
5. Patient Relations Committee
6. Quality Assurance Committee
7. Registration Committee

Council establishes non-statutory committee through by-law. There are currently eight non-statutory committees:

1. Audit Committee
2. Elections Committee
3. Registrar Performance and Compensation Committee
4. Standing Drug Committee
5. Sedation Committee
6. Standards & Guidelines Committee
7. Strategic Planning Committee
8. Technical Committee

The [College by-laws](#) set out the composition for both statutory and non-statutory committees. The *RHPA* sets out responsibilities, powers and requirements for statutory committees. The College's by-law sets out the responsibilities of non-statutory committees. A brief summary of the mandate of each committee is set out below.

## **Statutory Committees**

### Executive Committee:

The Executive Committee provides leadership to Council and facilitates the effective functioning of Council and its committees. It reviews significant policy, financial and operational matters. The Committee coordinates activities, and between Council meetings it has all the powers of Council regarding any matter requiring immediate attention, other than the power to make, amend or revoke regulations or by-laws.

The Executive Committee meets once a month.

### Discipline Committee:

The Discipline Committee holds hearings into allegations of professional misconduct or incompetence about a registrant, which have been referred to the Committee by the Inquiries, Complaints and Reports Committee.

Discipline Committee members commit up to four days each month during a regular 9 a.m. to 5 p.m. workday, including sometimes being available for consecutive hearing dates.

### Fitness to Practise Committee:

The FTP Committee holds hearings to assess whether a registrant is incapacitated, after the matter has been referred by the Inquires, Complaints and Reports Committee.

FTP Committee members commit 1-2 days per year.

### Inquiries, Complaints and Reports Committee (ICRC):

The ICRC investigates complaints and reports to address concerns about the conduct and practice of registrants. It also conducts inquiries into whether a registrant has a mental or physical condition or disorder that impacts the registrant's capacity to practise safely. The ICRC takes action in response to investigation findings. These include referrals to the Discipline, Quality Assurance, or Fitness to Practise Committee, and requiring a member to complete a specified education or remediation program (SCERP) or attend before it to receive a caution.

ICRC members commit up to three days each month during a regular 9 a.m. to 5 p.m. workday.

### Patient Relations:

The Patient Relations Committee advises Council with respect to public education and coordinates requests for funding for therapy and counselling for patients who suffer sexual abuse by a registrant of the College.

Patient Relations Committee members commit 1-2 days per year.

### Quality Assurance (QA):

The QA is responsible for ensuring that registrants comply with all aspects of the College's Quality Assurance Program. The Committee oversees registrant assessments and develops professional standards and other resources to ensure competent and safe practice.

The QA Committee commits 10 hours each year.

### Registration:

The Registration Committee assesses an applicant's qualifications to practise chiropody in Ontario. The Committee implements objective, fair and transparent registration practices to ensure that only qualified individuals are registered to practice in Ontario.

The Registration Committee commits 10-12 hours each year.

## **Non-Statutory Committees**

### Audit Committee:

The Audit Committee reviews the draft audit report and oversees the implementation of audit recommendations. The Audit Committee also reviews the draft budget prepared by staff and recommends either approval or non-approval to Council.

The Audit Committee commits appropriately ten hours a year.

### Elections Committee:

The Elections Committee deals with disputes relating to the election of Councillors and other matters provided in the by-laws, other disputes or issues referred to it by Council or the Executive Committee and it studies and makes recommendations to Council for improving the election process.

The Elections Committee commits four hours each year.

### Registrar's Performance and Compensation:

The Committee conducts the annual performance review of the Registrar & CEO.

Registrar's Performance and Compensation Committee members commit ten hours per year.

### Standing Drug Committee:

The Committee is responsible for ensuring that the Drug Regulation is kept up-to-date.

The Committee meets on an ad hoc basis.

### Sedation Committee:

The Committee is responsible for the standards of Practice for the administration of inhaled substances and the use of sedation in a registrant's practice, including reviewing appeals of decisions of the Registrar to refuse a registrant's application for an Inhalation Certificate.

The Committee meets on an ad-hoc basis.

### Standards & Guidelines Committee:

The Committee is charged with developing, reviewing and managing standards of practice, guidelines, advisories and other documents set by the College.

The Committee meets 2-3 times a year and the volume of work will vary year-to-year.

### Strategic Planning Committee:

The Committee is responsible for developing the College’s strategic plan and working on other initiatives related to the Plan as may be directed by staff in consultation with the Chair.

The Strategic Planning Committee commits two hours each month.

Technical Committee:

The Committee’s mandate is to support Council by responding to questions relating to the acceptability of practice modalities and emerging technologies.

The Committee meets on an ad-hoc basis.

## SELECTION CRITERIA FOR COMMITTEE APPOINTMENTS

Council appoints individuals to committees in accordance with [Article 24 of By-law 1](#).

The Executive Committee will refer to a competency matrix, which includes the following criteria in recommending individuals to serve on committees.

1. The individual’s eligibility under the by-laws to serve on a committee
2. The individual’s degree of availability
3. The knowledge, skills and experience of the individual
4. The interest and commitment of the individual with respect to committee involvement
5. The previous performance of the individual on Council committees
6. The fit of the individual’s competencies with the competencies of other committee members
7. The number of committee members required on a particular committee
8. Recommendation from committee chairs
9. Avoiding conflict of interest or appearance of bias

### Committee Composition Matrix

Each committee must be comprised to provide the needed mix of experience and skills to fulfill its mandate. The following are specific attributes required of members appointed to statutory and non-statutory standing committees.

<b>All committees will bring the following DIVERSE EXPERIENCE, BACKGROUNDS and PERSPECTIVES:</b>	<b>One or more committee members will, whenever possible, have the following specific PROFESSIONAL EXPERIENCE, KNOWLEDGE AND SKILLS:</b>
<p><b>Culture</b></p> <p>A variety of cultural and historical backgrounds and experiences, that reflect the community the College serves and the cultural context within health care.</p>	<p><b>Ability</b></p> <p>Lived experience accommodating or navigating a spectrum of physical, mental health, or cognitive abilities, the knowledge of which can enhance relevant, thoughtful decisions that protect the public.</p>



<p><b>Education</b></p> <p>A variety of educational backgrounds and experiences that reflect the diverse public served by the College.</p>	<p><b>Adjudication and Hearing</b></p> <p>Knowledge and experience of participating in and/or chairing hearings within a legislative framework, and an understanding of administrative law principles and procedural fairness.</p>
<p><b>Gender Diversity</b></p> <p>A variety of perspectives to support decisions that are balanced, relevant and reflective of the public.</p>	<p><b>Committee/Panel Leadership</b></p> <p>Experience in facilitating committee or panel meetings, developing a positive culture, conflict resolution, and fostering effective decision making.</p>
<p><b>Region</b></p> <p>Regional diversity to reflect the reality that practice, access to healthcare, and the public's expectations of the health care system varies throughout the province.</p>	<p><b>Governance Expertise</b></p> <p>Understand how governance works, how committees should function, and be able to think critically about committee structures and practices.</p>
<p><b>Registrant Practice</b></p> <p>Diverse practice experiences, backgrounds and specialties that inform dialogue and decision-making, ensuring decisions meet intended objectives, are practical and, ultimately, protect the public.</p>	<p><b>Standards/Scopes of Practice</b></p> <p>Understand the standards and scopes of practice that guide chiropody/podiatry practice in Ontario.</p>
<p><b>Sector</b></p> <p>Diverse leadership experience in the public, private, healthcare, and not-for-profit sectors to promote knowledge and the sharing of best practices.</p>	<p><b>Practice Modalities</b></p> <p>Experience with the standards of practice.</p>

**Registration Committee Member Attributes:**

<p><b>One or more Registration Committee members will have the following specific PROFESSIONAL EXPERIENCE, KNOWLEDGE and SKILLS</b></p>
<p><b>Education Curriculum:</b> Experience with program/advanced education changes, trends and innovation, developing, implementing and evaluating curriculum, including representation from diverse post-secondary institutions offering chiropody education.</p>
<p><b>International Health Professional/Graduate:</b> Understand the process for becoming a health professional in Canada with foreign credentials or ideally have experience in navigating that process.</p>
<p><b>Indigenous Practice:</b> Indigenous voices, to ensure that deliberations are informed, and decisions include and respect First Nations perspectives, that biases are identified and questioned, and that the</p>

College's collective work continues to grow in its cultural safety and humility journey, contributing to positive systemic change.

**Quality Assurance Committee Member Attributes:**

<b>One or more Quality Assurance Committee members will have the following specific PROFESSIONAL EXPERIENCE, KNOWLEDGE and SKILLS</b>
<b>Quality Improvement:</b> Experience and understanding of the quality assurance and quality improvement programs and assessments in health care, and experience in developing tools that enable meaningful feedback and continuous improvement.
<b>Quality Assurance Program:</b> Know how to use methods that align with the developmental intention of the College's quality assurance program and philosophy
<b>Standards/Scopes of Practice:</b> Understand the standards and scopes of practice that guide chiropody/podiatry practice in Ontario and be able to determine where a breach or potential breach might occur.
<b>Indigenous Practice:</b> Indigenous voices, to ensure that deliberations are informed, and decisions include and respect First Nations perspectives, that biases are identified and questioned, and that the College's collective work continues to grow in its cultural safety and humility journey, contributing to positive systemic change.

**Inquiries, Complaints and Reports Committee Member Attributes:**

<b>One or more Inquiries Complaints Reports Committee members will have the following specific PROFESSIONAL EXPERIENCE, KNOWLEDGE and SKILLS</b>
<b>Traumatic Experience Awareness:</b> Experience in, understanding of, and sensitivity to the effects of stress or potential stress on individuals involved in a complaint/report process, and experience in creating safe spaces and trust-building processes.
<b>Lived health care experience:</b> Significant personal experience or experience caring for someone with health challenges or maneuvering through the health care system.
<b>Professional Standards and Professional Ethics:</b> Knowledge and experience of the standards of practice and standards of professional ethics.
<b>Indigenous Practice:</b> Indigenous voices, to ensure that deliberations are informed, and decisions include and respect First Nations perspectives, that biases are identified and questioned, and that the College's collective work continues to grow in its cultural safety and humility journey, contributing to positive systemic change.

### Discipline Committee Member Attributes:

**One or more Discipline Committee members will have the following specific PROFESSIONAL EXPERIENCE, KNOWLEDGE and SKILLS**

**Procedural Fairness:** Understand administrative law and quasi-judicial processes, commit to the unbiased balancing of issues, meticulously weigh evidence, think critically about issues at hand, consider options within the scope of the College's mandate and power, and bring consistency and sound judgment to decision-making in accordance with procedural fairness principles set out in common law.

**Traumatic Experience Awareness:** Experience in, understanding of, and sensitivity to the effects of stress or potential stress on individuals involved in a complaint process, and experience in creating safe spaces and trust-building processes.

**Indigenous Practice:** Indigenous voices, to ensure that deliberations are informed, and decisions include and respect First Nations perspectives, that biases are identified and questioned, and that the College's collective work continues to grow in its cultural safety and humility journey, contributing to positive systemic change.

### Elections Committee Member Attributes:

**One or more Elections Committee members will have the following specific PROFESSIONAL EXPERIENCE, KNOWLEDGE and SKILLS**

**Networking/Social Influence:** Be able and willing, and have the credibility, to tap into personal or professional networks to both communicate college needs and speak to the importance of roles on various committees.

**Marketing and communications:** Appreciate the needs to tailor advertising given the nature of the committee positions and the skills and experience sought, and the need to encourage participation by members of under-represented groups.

**Candidate screening:** Understands that main task is to assess candidates against the published criteria, in accordance with the published process, and decide who to recommend for appointment

**Recruitment/Succession Planning:** Understand recruitment and succession planning processes, how to foster sustainable leadership and teams, and be able to translate and apply those principles to the nominations and election process.

**Election Administration and Oversight:** Experience administering elections and understanding the potential complications

### Registration Examination Committee Member Attributes:

<b>One or more Registration Examination Committee members will have the following specific PROFESSIONAL EXPERIENCE, KNOWLEDGE and SKILLS</b>
<b>Standards/Scopes of Practice:</b> Understand the application of the standards and scopes of practice that guide chiropody and podiatry practice in Ontario
<b>International Health Professional/Graduate:</b> Understand the process for becoming a health professional in Canada with foreign credentials, or, ideally, have experience in navigating that process.
<b>Education Curriculum:</b> Experience with program/advanced education changes, trends and innovation, developing, implementing and evaluating curriculum, including representation from diverse post-secondary institutions offering chiropody education.
<b>Education/Examination:</b> Knowledge and experience with the development and administration of education programs and examinations.

### Patient Relations Committee Member Attributes:

<b>One or more Patient Relations Committee members will have the following specific PROFESSIONAL EXPERIENCE, KNOWLEDGE and SKILLS</b>
<b>Traumatic Experience Awareness:</b> Experience in, understanding of, and sensitivity to the effects of stress or potential stress on individuals involved in a complaint process, and experience in creating safe spaces and trust-building processes.
<b>Sexual Violence Awareness:</b> Understand the social and cultural context of violence and abuse, including factors such as gender, sexual orientation, social class, ethnicity, religion, developmental stage, immigrant or refugee history.

### Executive Committee Member Attributes:

<b>One or more Executive Committee members will have the following specific PROFESSIONAL EXPERIENCE, KNOWLEDGE and SKILLS</b>
<b>Innovation and Trends in Governance:</b> Knowledge of how organizations within the healthcare system and beyond are reviewing data, processes and various initiatives to improve and transform their governance practices and structures.
<b>Finance and Audit Experience:</b> Have a reasonable understanding of financial and budgeting information, and the confidence to ask questions that safeguard the financial stewardship of the College and enable the College to effectively fulfill its mandate by weighing evidence, thinking critically, considering options and bringing sound judgement to financial decision making.

<b>Regulation and System Context:</b> Understand chiropractic and podiatry practice, the regulatory system, and how the College's work affects, or might affect the system.
<b>Political Awareness:</b> Understand how to work within the system, move the evaluation process forward in a sensitive way, and recognize the political interests and sensitivities that might exist.
<b>Heightened Confidentiality:</b> Understand the sensitive nature of executive performance evaluation and compensation, the process information that can be shared, and the information that needs to be held in strict confidence.
<b>Chiropractic/Podiatry Practice:</b> Familiarity with the standards of practice
<b>Risk management/oversight:</b> Understand how to sustain and evolve an effective and meaningful risk management and risk oversight program, and the difference between the two allowing them to oversee the College's risk management process, ensuring that the College understands, manages and leverages its risk.
<b>Business Acumen:</b> Business experience, an understanding of what an organization needs to operate effectively, including the economic forces that need to be incorporated into decisions, good management principles, and strategic planning.
<b>Organizational Decision-Making:</b> Understand the development of policy and decision-making in a large, complex system, ensuring that decisions are based on objective principles, and informed by evidence and best practice.
<b>Executive HR:</b> Experience with and exposure to executive performance evaluation and compensation review, allowing them to oversee the Registrar evaluation process and compensation philosophy.
<b>Recruitment/Succession Planning:</b> Understand recruitment and succession planning processes, how to foster sustainable leadership and teams, and be able to translate and apply those principles to the nominations and election process.

## EVALUATION AND EDUCATION

Council will regularly evaluate its governance performance. Evaluation increases Council's understanding of its own governance and deepens its commitment to good governance and adhering to its governance values and policies. Council will support good governance through ongoing education and orientation of its new members. A [third-party consultant](#) will evaluate Council's governance every three years.

Council will regularly monitor and discuss its performance through the following methods:

1. Evaluation of Council meetings: Council conducts regular evaluations with respect to the effectiveness of its meetings and meeting processes and keeps a record of the results of the regular evaluations.
2. Council orientation and education: Council will support good governance through the following:
  - a. orientation on governance for new Councillors and committee members;
  - b. training in governance for Council and committee members at least annually; and

- c. offering opportunities for Councillors to attend external events on governance, if feasible. Council will use evaluation results to assess the need for education and determine the content of orientation and educational programs and activities.

Council uses the evaluation results to inform the review and revision of its governance policies.

## CONFIDENTIALITY & TRANSPARENCY

Councillors and committee members are subject to and must comply with the confidentiality provisions set out in section 36 of the *RHPA*, and if applicable, section 83 of the Code.

Sections 36 and 83 are attached to this policy.

Also, as part of their fiduciary duties, Councillors and committee members owe the College a duty of confidence. Councillors and committee members must treat them as confidential and not disclose without Council approval all matters before Council and all information the Councillor otherwise receives during the exercise of their duties. This duty of confidentiality does not apply to matters discussed during the portion of a Council meeting open to the public.

The subject matter of Council sessions closed to the public is confidential until disclosed in an open session of Council.

Committee matters are confidential until disclosed in an open session of Council or otherwise made public by the College.

### Transparency

In keeping with the College's value of transparency and with the requirements of the *RHPA*, the College will make the following governance material available to the public on its website:

- Council agendas and meeting materials relating to the portion of Council meetings open to the public,
- Minutes from the portion of Council meetings open to the public, and
- The College's by-laws and governance policies.

### Section 36 of the RHPA

#### Confidentiality

**36** (1) Every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act* and every member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person except,

- (a) to the extent that the information is available to the public under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*;

- (b) in connection with the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*, including, without limiting the generality of this, in connection with anything relating to the registration of members, complaints about members, allegations of members' incapacity, incompetence or acts of professional misconduct or the governing of the profession;
- (c) to a body that governs a profession inside or outside of Ontario;

**Note: On December 1, 2024, the day named by proclamation of the Lieutenant Governor, subsection 36 (1) of the Act is amended by adding the following clause: (See: 2021, c. 27, Sched. 2, s. 70 (1))**

- (c.1) to the Health and Supportive Care Providers Oversight Authority for the purposes of administering the *Health and Supportive Care Providers Oversight Authority Act, 2021*;
- (d) as may be required for the administration of the *Drug Interchangeability and Dispensing Fee Act*, the *Healing Arts Radiation Protection Act*, the *Health Insurance Act*, the *Health Protection and Promotion Act*, the *Integrated Community Health Services Centres Act, 2023*, the *Laboratory and Specimen Collection Centre Licensing Act*, the *Fixing Long-Term Care Act, 2021*, the *Retirement Homes Act, 2010*, the *Ontario Drug Benefit Act*, the *Coroners Act*, the *Controlled Drugs and Substances Act (Canada)* and the *Food and Drugs Act (Canada)*;
- (d.1) for a prescribed purpose, to a public hospital that employs or provides privileges to a member of a College, where the College is investigating a complaint about that member or where the information was obtained by an investigator appointed pursuant to subsection 75 (1) or (2) of the Code, subject to the limitations, if any, provided for in regulations made under section 43;
- (d.2) for a prescribed purpose, to a person other than a public hospital who belongs to a class provided for in regulations made under section 43, where a College is investigating a complaint about a member of the College or where the information was obtained by an investigator appointed pursuant to subsection 75 (1) or (2) of the Code, subject to the limitations, if any, provided for in the regulations;
- (e) to a police officer to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- (f) to the counsel of the person who is required to keep the information confidential under this section;
- (g) to confirm whether the College is investigating a member, if there is a compelling public interest in the disclosure of that information;
- (h) where disclosure of the information is required by an Act of the Legislature or an Act of Parliament;
- (i) if there are reasonable grounds to believe that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons;
- (j) with the written consent of the person to whom the information relates; or
- (k) to the Minister in order to allow the Minister to determine,
  - (i) whether the College is fulfilling its duties and carrying out its objects under this Act, a health profession Act, the *Drug and Pharmacies Regulation Act* or the *Drug Interchangeability and Dispensing Fee Act*, or

- (ii) whether the Minister should exercise any power of the Minister under this Act, or any Act mentioned in subclause (i). 2007, c. 10, Sched. M, s. 7 (1); 2014, c. 14, Sched. 2, s. 10; 2017, c. 11, Sched. 5, s. 2 (1, 2); 2021, c. 39, Sched. 2, s. 23 (1); 2023, c. 4, Sched. 1, s. 82.

## **Section 83 of the Code**

### **Confidentiality of information**

**83 (1)** Except as provided in section 80.2 and in this section, the Quality Assurance Committee and any assessor appointed by it shall not disclose, to any other committee, information that,

- (a) was given by the member; or
- (b) relates to the member and was obtained under section 82. 1991, c. 18, Sched. 2, s. 83 (1); 2007, c. 10, Sched. M, s. 59 (1).

## **CONFLICT OF INTEREST**

### **Purpose and Application**

This policy defines conflict of interest and provides guidance to Councillors and committee members with respect to their duties relating to conflicts of interest. The policy applies to all members of Council and to all non-Council committee members. (In this policy the term “Councillor” also refers to non-Council committee members, who are subject to the same requirements with respect to conflict of interest.)

### **Policy**

Councillors must avoid or resolve all potential conflicts of interest that may arise during their performance of College duties, and they must make best efforts to avoid situations that the public or College members might perceive as a conflict of interest, even if there is no actual conflict of interest.

The By-laws contain provisions with respect to conflict of interest and Councillors must comply with them. Councillors should also adhere to this policy and consider it in the context of complying with the by-laws.

Councillors and committee members are required to complete an annual acknowledgement that they reviewed the Code of Conduct and submit it to the College by January 30<sup>th</sup> of each year.

As part of the annual review of the Code of Conduct, and at any other time during the year, public appointees are required to declare any offences, charges, or bail conditions. Elected Councillors and committee appointees are required to report any offences, charges, bail conditions, or findings of professional misconduct that have been made against them as part of their annual registration renewal with the College.



Councillors are also required to complete a conflict-of-interest form prior to each Council meeting.

### **Description of Conflict of Interest**

[Article 2 of By-law 4](#) defines conflict of interest as follows:

A conflict of interest exists if a reasonable person knowing the relevant facts would conclude or perceive that the exercise of the Councillor's or committee member's judgment was likely to have been influenced by the personal or financial interest of the Councillor or committee member or by the personal or financial interest of a related person or a related corporation of that Councillor or committee member.

The circumstances in which a conflict of interest might arise are not exhaustively set out, but generally a conflict will arise in the following types of situations:

1. Councillor self-interest – a Councillor transacts with the College directly or indirectly, or when a Councillor has a material direct or indirect interest in a transaction or contract with the College.
2. Interest of a relative or association – a Councillor's immediate family, or professional associate or business partner, enters a business arrangement with the College.
3. Gifts – a Councillor, or any other person the member chooses, accepts a gift or benefit of more than nominal or token value from a party with whom the College might enter into a business arrangement, for the purpose of influencing an act or decision of the College.
4. Competing interests – a Councillor owes obligations to another organization that are competing or inconsistent with those of the College and its duty to act in the public interest.

### **Resolving Conflicts of Interest**

Councillors must comply with the process set out in By-law 4 for identifying and addressing conflict of interest. Acting in a conflict of interest is a breach of the By-laws and [this policy](#).

## **IMPARTIALITY IN DECISION MAKING**

The purpose of this policy is to assist Councillors and committee members to identify and avoid situations where a lack of impartiality might arise during a hearing or more generally with respect to decisions affecting an individual registrant outside the context of a hearing. (The word "Councillors" in this policy will include and refer to both Councillors and committee members.)

## **Avoiding Appearance of Bias in Adjudicative Decisions**

A Councillors should not adjudicate in a hearing if circumstances may give rise to a reasonable apprehension of bias on the part of the Councillors. A reasonable appearance of bias exists if a reasonable and well-informed observer who is familiar with College process and who has the relevant facts would conclude that the director would not decide the matter fairly or impartially. Bias is defined in section 4 of By-law 4.

It is impossible to list all the circumstances in which a reasonable apprehension of bias will arise. Councillors should be aware of the potential for bias and seek advice even if a small likelihood of bias exists. By way of example, the following circumstances will likely result in an apprehension of bias:

1. An association or relationship or activity that suggests the Councillors would not decide the matter impartially, for example the panel member is a former partner or friend of the subject registrant or the panel member wrote a letter of reference for the subject registrant.
2. The Councillors and the subject registrant have patients or clients in common and the patient or client discussed the matter with the registrant.
3. The Councillor's past conduct or statements on relevant issues suggest that the Councillor is prejudging the matter.
4. Conduct during a hearing, for example overly aggressive questioning of one party, refusing to hear evidence from one party, constant interruption of one party, and laughing or making exasperated noises or other such disrespectful actions during testimony.

Before a hearing, the College will provide panel members with basic information about the identity of the parties and their counsel. If at any time a panel member becomes aware of a situation that might create a reasonable apprehension of bias in an adjudicative matter, they should immediately advise the panel chair or the Registrar. If a panel member becomes aware of the potential for bias during a hearing, they should advise the panel chair or independent legal counsel at the earliest possible opportunity. The panel member should not disclose the potential for bias while a hearing is in session. Instead, they should ask for a recess and discuss the matter with the panel chair or legal counsel.

## **Maintaining Impartiality**

Most committee decision-making at the College is not adjudicative and not made during or after a hearing. However, similar considerations apply to these types of decisions as apply in an adjudicative context. In addition to avoiding conflicts of interest (see Conflict of Interest policy), Councillors should be aware of circumstances that might create a perception that they could not decide a matter in a fair and impartial way. Generally, Councillors should appear to have an open mind in making a decision and be aware of the potential that a strongly held view or consideration of irrelevant factors (such as age or gender) might create an impression that the member has a "closed mind". Committee members should appear 'amendable to persuasion' in making a decision concerning a registrant or individual outside of an adjudicative context.



COLLEGE OF CHIROPODISTS OF ONTARIO  
*Regulating Chiropodists and Podiatrists in Ontario*

**ITEM 3.7**

**COUNCIL BRIEFING NOTE**  
**RE: Removing Information from the Public Register**

**Background:**

The College is committed to ensuring that Ontarians have access to information about their chiropodists and podiatrists that is relevant, timely, useful and accurate, and improves their ability to make informed healthcare decisions. This commitment is consistent with the principle of transparency, which includes the requirement that certain information be posted on the College's public register.

The College posts information on its public register as required by the Code and the College's by-laws. Under subsection 23(7) of the Code, the Registrar has the discretion to consider removing information from the public register that is obsolete and no longer relevant to the registrant's suitability to practice. This policy sets out some of the factors the Registrar will consider in exercising her discretion.

**Public Interest Rationale for Decision:**

It is in the public interest that the College's Registrar consistently applies the discretion in the Code to remove information from the public register, and that the public understands under what circumstances information might be considered obsolete and no longer relevant to a registrant's suitability to practice.

**Recommended Motion:**

That Council approve the draft Policy: Removing Information from the Public Register Policy.

Mover: \_\_\_\_\_

Seconded: \_\_\_\_\_

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# Removing Information from the Public Register Policy

Approved by Council:

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College of Chiropodists of Ontario

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Toll-Free: 1.877.232.7653 [www.cocoo.on.ca](http://www.cocoo.on.ca)

## Background

The College of Chiropractors of Ontario is committed to ensuring that Ontarians have access to information about their chiropractors and podiatrists that is relevant, timely, useful and accurate, and improves their ability to make informed healthcare decisions. This commitment is consistent with the principle of transparency.

The College currently posts information on the public register as required under s. 23(2) of the Health Professions Procedure Code (“the Code”) and College by-laws. This information remains on the public register unless its removal is authorized pursuant to appropriate legislation.

## Purpose

This policy sets out a framework that governs requests by a registrant of the College under [s.23\(7\) of the Code](#) to remove information from the public register due to the information being obsolete and no longer relevant to the registrant’s suitability to practice. Specifically, the Code states:

The Registrar may refuse to disclose to an individual or to post on the College’s website information that is available to the public under subsection (5), if the Registrar has reasonable grounds to believe that the information is obsolete and no longer relevant to the member’s suitability to practise.

## Factors to Consider in Exercising Discretion

The Code does not define the meaning of information that is obsolete and no longer relevant to the registrant’s suitability to practice, and therefore the Registrar, or their delegate, *may* consider the following factors in determining whether to accept or deny the request:

- Time since the posting. How recent is the information?
- Circumstances around the information. How serious is the information? Who was affected and what was the impact?
- Remediation. Has the registrant made changes to their practice as a result and/or engaged in additional training or education? Have they demonstrated responsibility for their previous actions? Have they indicated how they would prevent similar circumstances from happening again?
- Public protection. How does the information enhance public protection or safety? What is the risk to patients of not having access to it? Does it align with the College’s commitment to transparency? Does the information serve to enhance protection of the public through general or specific deterrence?

Removing Information from the Public Register under Subsection 23(7) of the Code Policy

**DATE**

- Conduct. Has the registrant had additional outcomes or findings since the original information was posted? Is there a pattern of relevant behaviour?

This list of factors is non-exhaustive and further factors may be considered as relevant and appropriate. In every case, the College's duty to serve and protect the public interest must be considered in each decision. The decision of the Registrar, or their delegate, in each matter will be final and binding with no opportunity for appeal.

## **Requesting the Removal of Other Information from the Public Register**

### **A. Record Suspension or Pardon Obtained in Criminal and Other Matters**

As set out in [section 1\(2\) of Ontario Regulation 261/18](#) under the *Regulated Health Professions Act* ("RHPA"), information about a finding of guilt under the *Criminal Code* or the *Controlled Drug and Substances Act* is to be removed from the public register in the following circumstances:

- The Parole Board of Canada has ordered a record suspension in respect of conviction;
- A pardon has been obtained in respect of the conviction; or
- The conviction has been overturned on appeal.

### **B. Requests Related to Safety Concerns**

Where there is a concern that disclosure of information may jeopardize the safety of an individual, registrants can make a request under [s. 23\(6\) of the Code](#) to have information removed from the public register.

## **Retention of Information**

Information that is removed from the public register under this policy remains part of a registrant's official record with the College. The College may also disclose information in the circumstances specified under s. 36 of the RHPA.

## **How to Make a Request for Removal of Information**

Registrants should submit their request to [info@cocoo.on.ca](mailto:info@cocoo.on.ca).

Requests for removal under subsection 23(7) will not be considered by the College for one year following a previous unsuccessful application for removal of information.

Removing Information from the Public Register under Subsection 23(7) of the Code Policy

**DATE**



COLLEGE OF CHIROPODISTS OF ONTARIO  
*Regulating Chiropodists and Podiatrists in Ontario*

**ITEM 3.8**

**COUNCIL BRIEFING NOTE  
RE: DRAFT RECORDS MANAGEMENT AND RETENTION POLICY**

**Background:**

In its efforts to streamline and optimize its internal operational processes, the College is reviewing its mechanisms of storing and maintaining historic and current records and has developed a new Records Management and Retention policy, which is meant to:

- ensure the ongoing identification, management, and preservation of records for their legal, fiscal, administrative, and historical value;
- support the protection of all information by ensuring records are managed and disposed of in an appropriate fashion;
- ensure compliance with relevant legislation/regulation;
- protect the College from the risks associated with inadvertent or inappropriate destruction; and
- educate employees about records and information management procedures and practices.

The Record Retention Schedule framework included in the policy enables COCOO to provide guidance and direction on the management of information and records to ensure the authenticity and reliability of those records for legal purposes and to clarify staff responsibilities.

The Records Management and Retention Policy applies to records in all formats: electronic, audio/video, and paper. COCOO staff, Council and committee members are expected to be aware of their role in generating records, submitting records to the official filing repositories, and managing the confidentiality and security of records throughout all phases of the record's life cycle.

**Public Interest Rationale for Decision:**

It is in the public interest that the College maintains and organizes its records so that they are easily accessible and usable by staff and Council. The ongoing identification, management, and preservation of records for their legal, fiscal, administrative, and historical value will allow the College's operations to be conducted smoothly, reducing waste of resources and time. A policy of this nature is an integral part of every organization as it ensures that organizational records are retained as long as legally and operationally required and that obsolete records are disposed of in a systematic and controlled manner.

**Recommended Motion:**

That Council approve the draft Records Management and Retention Policy as a new policy of the College.

Mover: \_\_\_\_\_

Second: \_\_\_\_\_



## RECORDS MANAGEMENT AND RETENTION POLICY

Date approved:

Review:

The College of Chiropractors of Ontario (COCOO) owns its records, which will be retained to meet statutory, fiscal, contractual and operational requirements. Staff of the College are responsible for being aware of and adhering to the Records Retention Schedule, as set out in Schedule A to this Policy.

It is acknowledged that there may be changes to statutory and/or regulatory obligations relating to the maintaining of records, and that the Records Retention Schedule (Appendix A) shall be reviewed every three years to reflect compliance with ongoing statutory and or regulatory obligations.

---

### PURPOSE

Ensure the ongoing identification, management, and preservation of records for their legal, fiscal, administrative, and historical value;

- Support the protection of all information by ensuring records are managed and disposed of in an appropriate fashion;
- Ensure compliance with relevant legislation/regulation;
- Protect the College from the risks associated with inadvertent or inappropriate destruction; and
- Educate employees about this policy and related records and information management procedures and practices.

As part of the Policy, the Record Retention Schedule framework enables COCOO to provide guidance and direction on the management of information and records to ensure the authenticity and reliability of those records for legal purposes and to clarify staff responsibilities.

### THE POLICY

The Records Management and Retention Policy applies to records in all formats: electronic, audio/video, and paper. COCOO staff, Council and committee members are expected to be aware of their role in generating records, submitting records to the official filing repositories, and managing the confidentiality and security of records throughout all phases of the record's life cycle.

### SCOPE

This policy applies to:

- All records, regardless of the medium (e.g. paper, digital, email) or location (e.g. on-site, commercial storage facility, cloud) in which they are held; and
- All agents of COCOO including staff, Council and committee members, students, and contracted service providers involved in the provision of information management services or who have access to records under their custody and control in the course of their duties.





## RECORDS MANAGEMENT PROGRAM

### Program Mandate

The College will abide by all applicable Canadian Federal and Provincial statutory and regulatory requirements with respect to records and will make all reasonable efforts to be consistent with records and information management industry standards and best practices. Recordkeeping practices based on standards and best practice support the management of records that are accurate, reliable, authentic, and available to be accessed and audited as required.

### Records Ownership

All records created, acquired, and used by an agent in the course of their official duties, regardless of their source, media, format, or location, remain the property of the College and must be managed in compliance with policies and procedures.

### Records Retention Schedule

Records will be identified by and retained according to the approved, functionally based, record retention schedule throughout the record life cycle.

### Retention and Disposition

Records will be disposed of only when all retention requirements have been satisfied and will be destroyed in accordance with COCOO's approved Retention Schedule.

Records will be disposed of in a manner consistent with the security and privacy restrictions relating to the information contained in the records. All records on all media, including electronic and digital records and images, must be capable of being eliminated or destroyed, such that all evidence of the record, in whole or in part, is obliterated.

Department/program managers will be informed of a pending disposition of records and will authorize permanent disposal in a timely manner.

### Historical and Archival Records

Records of historical interest will be identified and captured so as to ensure that the institutional memory is available for future generations. All records on file must be preserved in a manner that is printable.

### Suspension of Disposition

The Registrar and CEO has the authority to suspend scheduled record destruction when required to address legal, compliance or other issues whether on-site or off-site, including cloud storage. The Registrar and CEO also has the authority to restart destruction after required records have been identified and retained for potential future use.

### Off-site Records Storage

Records stored in off-site repositories such as inactive records centres and cloud-based systems are expected to comply with the requirements identified in this Record Retention Policy.

### Use of Imaging and Electronic Records

Imaged and electronic records are acceptable as records and can fulfill evidentiary requirements if they are created and maintained according to acceptable standards and can meet legal criteria. The creation of imaged and electronic records and management through their lifecycle are guided by the applicable Canadian General Standards Board Standard Electronic Records as Documentary Evidence (CAN/CGSB 72.34-2017).

### External Service Providers

External, third-party service providers are required to comply with this policy and related procedures if they will be creating, using, and storing COCOO records. This requirement is to be included in any contractual document. The external service provider should be able and prepared to demonstrate proof of compliance. The College must have the right to audit and inspect its records and information, document deficiencies, and take action(s) to resolve any identified issues.



## Roles and Responsibilities

### Management Team

The Management Team comprises the Registrar and CEO, Deputy Registrar and Departmental Managers or Directors. The Management Team will:

- Adopt, endorse, and actively support this Policy and the associated recordkeeping practices
- Advise the Registrar and CEO of new or amended legislation and policies under their department's business that may have an impact on records and information management policies, procedures and practices
- Provide advice on retention timeframes as required
- Provide approval for the destruction of records
- Address non-compliance with this Policy and all related practices and procedures
- Follow this Policy and any related practices and procedures for all records in the department's custody
- Retain all records in the department's custody unless destruction is authorized by the Retention Schedule
- Ensure employees understand and apply effective information management in day-to-day operations and that these responsibilities are included in performance objectives
- Identify and advise of training needs of departmental staff; and
- Notify through appropriate management channels (i.e. Registrar and CEO) regarding the need to suspend destruction of any records that may potentially be required for litigation, compliance, regulatory or other need (i.e. Legal Hold).

### Employees, Council and Committee members, Assessors and other individuals conducting College work will:

- Keep accurate, complete, and up-to-date records in accordance with this Policy and the Records Management Program practices and procedures;
- Classify all records according to the Record Retention Schedule;
- Maintain records in their custody or control until authorized to dispose of them under the approved Record Retention Schedule; and
- Treat departmental information in a manner that facilitates access while ensuring privacy and security requirements are met.

### Information Technology Provider(s) will:

- Establish, maintain, and support electronic information systems that include system controls to ensure the security, accuracy, trustworthiness, reliability, quality, and integrity of electronic data and records the systems produce;
- Manage access and permissions to electronic records repositories to comply with confidentiality and privacy requirements;
- Maintain access to and dispose of all stored electronic records in accordance with the Retention Schedule; and
- Prior to the acquisition of new systems, perform migration or conversion of records to alternate media or systems, or decommissioning of systems to ensure that the original content, context, and structure of these records are maintained and preserved.



## Definitions

### Agent:

“Agent” means any individual, workgroup, or organization responsible for, or involved in, record creation, capture and/or records management processes. (ISO15489 – 2016)

### Record:

“Recorded information in whatever physical format created, collected or received in the initiation, conduct or completion of an activity which has content, context and structure, is authoritative and reliable and provides evidence of decision-making” (ISO15489). Records can include books, papers, maps, electronic documents, digital, video, voice recordings, web pages, etc.

### Official Record:

Recorded information in whatever physical format created to:

- support business operations; or document and provide evidence of business transactions
- comply with required legislation
- protect the rights of staff, members, and stakeholders; or provide evidence of compliance with accountability or other business requirements.

### Transitory Record:

A record useful for only a short time and has minor importance. When its use is over, it should be deleted or destroyed. A transitory record can be destroyed at any time before the retention period of the original document as the official or original document is subject to the approved retention schedule.

### Records Retention Schedule:

Serves to identify and document official records; approved records retention periods, and the mode of disposal, i.e. expunge, destruction, or transfer to storage facility.

### Retention Period:

The period of time which records must be kept by COCOO before they may be disposed of. This time-period is based on the records’ operational, fiscal, legal, archival, and regulatory values.

### Historical (Archival) Records:

Records of historical value that must be protected to ensure readability of the information for future generations.

## RELATED LEGISLATION AND DOCUMENTS

- [National Standard of Canada – Electronic Records as Documentary Evidence \(CAN/CGSB-72.34-2017E\)](#)
- [International Organization for Standardization – Information and Documentation – Records Management \(ISO 15489\)](#)
- [Personal Health Information Protection Act, 2004](#)



Glossary of Terms:

CODE	DEFINITION	DESCRIPTION
CY	Current Year	Refers to January 1 to December 31
FY	Current Fiscal Year	Refers to January 1 to December 31
P	Permanent	Documents must always be retained and cannot be destroyed.
S/O	Superseded or Obsolete	Refers to the replacement of a document once it has been updated or revised. The new document supersedes the previous version.
T/E	Event Trigger for termination or close of an event or activity	<p>Refers to a record being retained until it has been closed or terminated, typically used for case-based or project records where the retention refers to the case being closed or the transaction being completed.</p> <p>For example, this retention applies to an employee file and is triggered when the employee leaves the organization. These records are usually maintained until the case or transaction or employee record is closed/terminated plus a pre-defined number of years, e.g. T/E+3 means retained until the case is closed plus 3 more years.</p>



**Appendix A: COCOO RECORD RETENTION SCHEDULE**

DOCUMENT CATEGORY		Recommendation for Retention
<b>GOVERNANCE/LEGAL</b>		
<b>Bylaws, Regulations and Incorporation</b>	By-laws – all versions/revisions	<b>Permanent</b>
	Regulations	<b>Permanent</b>
	Record of Incorporation	<b>Permanent</b>
<b>Elections Management</b>	General Election Management and documentation	<b>CY + 10</b>
	Procurement and contract management (third-party vendor)	<b>FY + 7</b>
	Unsuccessful candidate information	<b>CY + 10</b>
<b>Council</b>	Council meetings – minutes and meeting information and materials, in-camera minutes	<b>Permanent</b>
	Council Support Documentation	<b>CY + 10</b>
	Minutes of Committee meetings	<b>Permanent</b>
	Board Member records – all documents i.e., bios, photos, reference letters, resumes, appointment letters, correspondence	<b>CY + 3</b>
	Professional Members – Council and non-Council– records on staffing committee positions, mentorships, peer assessors, working groups, etc.	<b>CY + 10</b>
	Committee Support Documentation including statutory, non-statutory, ad hoc committees	<b>Permanent</b>
	Annual Report	<b>Permanent</b>
<b>Legal</b>	Agreements/Contracts/leases	<b>Permanent</b>
	Consent Release Forms/Waivers	<b>CY + 10</b>
	Legal Advice/Opinions	<b>Permanent</b>
	Insurance policies – records re: risk, general liability, employee insurance plans, certificates	<b>Permanent</b>
	Litigation / Claims Keep official records 10 years after the retention period starts (when case is settled or when all avenues of appeal have been exhausted).	<b>CY + 30</b>
	HPARB, Civil and Human Rights cases	<b>Permanent</b>
<b>Strategic Planning</b>	Balanced Scorecard – Reporting	<b>FY + 10</b>
	Strategic Planning	<b>FY + 10</b>
	Procurement and contract management (third-party vendor)	<b>FY + 10</b>
<b>REGISTRANTS</b>		
<b>Professional Practice and Quality Assurance</b>	Standards of Practice/Guides/ Guidelines	<b>Permanent</b>
	Position Statements	<b>Permanent</b>
	Research and Reporting	<b>Permanent</b>
	Practice Advice and Enquiries	<b>CY + 3</b>



	Case files – Quality Assurance	T/E + 10
	Prescribed regulatory education program	T/E + 20
	SAT / Peer Assessor records	Permanent
	Prescribed regulatory education program working documents	T/E + 15
	Mentorship and Peer Assessment – records re: selection, reports, assessments, etc.	Permanent
	Remediation – records relating to remediation and refresher courses for those who require additional support to correct/improve deficient skills	T/E + 30
<b>Registration</b>	Registration Emails (registrants/applicants)	CY + 50
	MSAT records	Permanent
	Mentorship materials (including previous final versions of guides and forms templates)	Permanent
	Application documents with a case file number or registration number assigned (i.e., application form, registration form, transcripts, practicum hours, syllabi, verification letters, proof of ability to work in Canada, employment verification forms, language proficiency test scores) this includes rejected/refused applications.	Permanent
	Application materials with no case file assigned.	CY + 5
	Applications for professional corporations	Permanent
	Previous versions of Registration Forms and Guides	Permanent
	Registration policies	Permanent
	Registration projects (regulation amendment proposals, development of CPP, etc.)	Permanent
	Applicant and Registrant records – in database	Permanent
	Registrant - Annual Renewal records - database	Permanent
	Professional Corporation – Annual Renewal records - database	Permanent
<b>Professional Conduct</b>	Case files – complaints, mandatory reports and Registrar’s enquiries	Permanent
	Case files – Discipline and Fitness to Practice case files	Permanent
	Complaints – intake not completed	Permanent
	Hearings – including administrative management records, communications, opinions, appeals and other matters	Permanent
	Privacy Program	Permanent
	Privacy Breaches	Permanent
	Acknowledgements, undertakings and consent	Permanent
	Orders, Decisions and reasons of ICRC	Permanent
	Orders and decisions and reasons of Discipline and Fitness to Practise Committees	Permanent
	Closed appeals (HPARB)	Permanent
	Investigations – records/files	Permanent



<b>FINANCIAL MANAGEMENT</b>		
<b>Accounting Administration</b>	Accounts payable and Accounts Receivable	<b>FY + 6</b>
	General Ledger	<b>Permanent</b>
	Banking Transactions and investments reconciliations	<b>FY + 6</b>
	Quarterly statements and analysis	<b>FY + 6</b>
<b>Financial Planning</b>	Budgets	<b>FY + 6</b>
<b>Financial Reporting</b>	Audited Financial Statements	<b>Permanent</b>
	Audit Records – documents/management	<b>FY + 6</b>
	Financial Reporting to the Board	<b>FY + 6</b>
<b>Taxes</b>	Tax returns/Federal and Provincial – final filed	<b>FY + 6</b>
	Commodity tax returns	<b>FY + 6</b>
<b>Procurement</b>	Supplier/Contract Management – records on negotiation of contracts, RFPs, business cases, correspondence	<b>T/E + 6</b>
<b>ORGANIZATIONAL MANAGEMENT</b>		
<b>Health and Safety</b>	Health and Safety Files	<b>CY + 10</b>
	AODA	<b>CY + 10</b>
	Records of Security, Safety & Emergency Plans	<b>CY + 10</b>
	Incidents & Injuries - Reportable & Non-Reportable	<b>CY + 10</b>
<b>Payroll</b>	Payroll processing	<b>CY + 6</b>
	Time, attendance and vacation reporting	<b>CY + 6</b>
	Payroll remittances	<b>CY + 6</b>
<b>Human Resources</b>	Job descriptions	<b>S/O + 10</b>
	Staff recruitment	<b>CY + 5</b>
	Employee files	<b>T/E + 3</b>
	Compensation/Employee Performance Records	<b>T/E + 3</b>
	Training and skills development – staff training, program contractors, conferences, seminars, employee onboarding	<b>CY + 3</b>
	Benefits Administration Records	<b>T/E + 5</b>
<b>COMMUNICATIONS</b>		
<b>General Communications</b>	Branding – records re: corporate identity development, visual identity	<b>Permanent</b>
	Mailing and Contact Lists	<b>S/O + 3</b>
	Published materials – records on production of print or digital publications	<b>S/O + 3</b>
	Photos – relating to COCOO events, staff & stakeholders & release forms	<b>Permanent</b>
	Presentations and Speeches	<b>CY + 5</b>
	Website/social media content management/analytics -	<b>S/O + 1</b>
	Vendor records – relating to external consultants/vendors re: comms	<b>S/O + 1</b>
	Media – records re relationships with news media, government and promotional materials for the College including correspondence, press releases, etc.	<b>CY + 6</b>



<b>STAKEHOLDER RELATIONS</b>		
<b>Governmental Relations</b>	Communications with government and intergovernmental relations	<b>CY + 7</b>
	Communications Regulatory bodies	<b>CY + 7</b>
	HPRO files/ committee working docs	<b>CY + 7</b>
<b>Universities and Colleges</b>	Communications	<b>CY + 3</b>
	Meeting materials	<b>CY + 3</b>
	Presentations, resources	<b>SO + 2</b>
<b>Associations and Counterparts</b>	National Alliances – communications and meeting materials	<b>CY + 5</b>
	Associations – communications and meeting materials	<b>CY + 5</b>
<b>OPERATIONS ADMINISTRATION</b>		
<b>Internal Documents</b>	Templates and Forms – Blank (master document templates i.e. vacation forms, expense forms)	<b>Superseded + 1</b>
	Administrative Office Records (routine): business processes, work plans, calendars	<b>CY +3</b>
	Administrative Policies and Procedures – relating to organization wide and departmental-focused policies, processes of COCOO	<b>S/O + 10</b>
	Meetings & Committees-Internal – staff meetings and internal committee notes/minutes, agenda and materials	<b>CY + 2</b>
	Internal Project Management – research materials, scope, terms of reference, plans/timelines, studies, correspondence	<b>T/E + 6</b>
	Facilities Records – planning and design	<b>CY + 5</b>
	Email logs/tracking tools – used to track mail sent/received including post and digital mail	<b>CY + 5</b>
	Records Management – records related to records classification and retention schedules used to identify COCOO records.	<b>CY + 10</b>
	Registrar’s Correspondence	<b>CY + 10</b>
	Records Destruction Certificates	<b>CY + 10</b>
<b>Information Technology</b>	Computer System Access & Controls - Records relating to the security and confidentiality of CDO’s online information resources located in the User Authentication System, Network Drives, and specific application/system configuration. Includes information about computer security practices and tools. Documents may include computer security records, security audit report and passwords. And license management	<b>S/O + 3</b>
	Computer System Maintenance & Reports - Records relating to the maintenance of information technology systems and hardware. Documents may include device inventory, website maintenance and support from service provider, tech and system reports.	<b>CY + 3</b>
	Records (tickets) and requests relating to tracking computer end-user problems and requests (including access requests) and the action taken to resolve the problems.	<b>CY + 1</b>
	Cybersecurity plans, policies and processes	<b>S/O + 1</b>





# Pilot Phase Report and Proposal

HPDT  
Health Professions  
Discipline Tribunals



TDPS  
Tribunaux de discipline  
des professions de la santé



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# Glossary

The terminology used at different Health Colleges and at different times varies. For readability, we have used consistent terminology as follows.

<b>Board</b>	“Council” under the Code
<b>CASLPO</b>	College of Audiologists and Speech-Language Pathologists of Ontario
<b>HPDT or OPSDT Chair</b>	Chair of the Ontario Physicians and Surgeons Discipline Tribunal and Chair or Co-Chair of the Pilot Tribunals, currently David Wright
<b>CMC</b>	Case Management Conference
<b>CMTO</b>	College of Massage Therapists of Ontario
<b>Code</b>	Health Professions Procedural Code, Schedule 2 to the RHPA
<b>CPSO</b>	College of Physicians and Surgeons of Ontario
<b>CRPO</b>	College of Registered Psychotherapists of Ontario
<b>Discipline Tribunal</b>	A discipline committee or tribunal under the Code
<b>Experienced Adjudicator</b>	Individuals with at least five years of experience as an adjudicator, recruited through a competitive process and appointed to the OPSDT and Pilot Tribunals
<b>HPDT</b>	Health Professions Discipline Tribunals, currently the OPSDT, ORPDT, and the Discipline Committees of CMTO and CASLPO
<b>OPSDT</b>	Ontario Physicians and Surgeons Discipline Tribunal, which is the Discipline Committee of the CPSO
<b>ORPDT</b>	Ontario Registered Psychotherapists Discipline Tribunal, which is the Discipline Committee of the CRPO
<b>Parties</b>	The parties to a discipline proceedings are the College (the prosecutor) and the registrant (the defence)
<b>Pilot Colleges</b>	CASLPO, CMTO and CRPO
<b>Pilot Tribunals</b>	The Discipline Committees of CMTO and CASLPO and the ORPDT
<b>Registrant</b>	A “member” under the Code
<b>RHPA</b>	<i>Regulated Health Professions Act</i>
<b>Tribunal Office</b>	The department within CPSO that supports the OPSDT and HPDT
<b>Tribunal Office Staff</b>	Staff employed by CPSO who work on administration and case processing of HPDT matters, including the HPDT Chair and Tribunal Counsel.



# Introduction

## The OPSDT



Between 2021 and 2023, the College of Physicians and Surgeons of Ontario (CPSO) revamped its process for hearing and deciding allegations of professional misconduct and incompetence

referred for discipline hearings. The changes, reflecting best practices in administrative justice, have led to increased independence, higher participant and public confidence, dramatically shorter timelines and significant cost savings. Physician and public members hearing discipline cases have provided extremely positive feedback.

The significant components of the changes include:

- renaming the CPSO Discipline Committee the Ontario Physicians and Surgeons Discipline Tribunal (OPSDT) to signal independence and promote understanding of its work;
- appointing an independent full-time Chair to lead the OPSDT and the Tribunal Office, along with a part-time physician Vice-Chair;
- recruiting individuals with significant experience as adjudicators in other contexts to chair hearing panels, eliminating the need for independent legal counsel;
- instituting intensive case management in the pre-hearing phase, with case management conferences (CMCs) chaired by an experienced adjudicator;
- implementing a more streamlined scheduling process;
- modernizing the OPSDT's Rules of Procedure and Practice Directions to make them more plain language, flexible and values based;
- developing a separate website for the OPSDT, including detailed, plain-language guides to various OPSDT processes and other easily accessible and user-friendly resources;
- adopting a more contemporary, accessible reason-writing style and implementing a comprehensive reasons preparation and review policy with tightened timelines for completion;
- establishing a practice advisory group to gather feedback from lawyers who represent both the College and registrants;
- designing and implementing new, more robust training when new members are appointed and continuing education for all OPSDT members;
- emphasizing equity, diversity and inclusion in all we do.



## These changes produced notable successes, including:

### Shortened timelines across all stages of the process, including:



- releasing all reasons within our 84-day standard, with most completed sooner
- developing a 2024 key performance indicator of one year from referral to final decision, 80 percent of the time

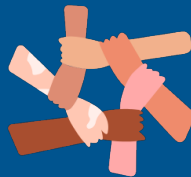


**Feedback from professional and public OPSDT members that hearing management by experienced adjudicator chairs allows them to better focus on the issues the panel must decide**



**Significant cost savings**

**A more diverse discipline tribunal membership**



**Positive feedback from all participants in the process and favorable comments from the courts**



**Ability to schedule uncontested hearings within weeks of parties' agreement**

**Greater transparency**





# The HPDT Pilot



In 2023, the OPSDT embarked on a pilot project together with the Colleges of Audiologists and Speech-Language Pathologists (CASLPO), Massage Therapists (CMTO) and Registered Psychotherapists (CRPO) – the Health Professions Discipline Tribunals Pilot (HPDTP). The Pilot Colleges adopted core aspects of the model as implemented at the OPSDT. The Pilot Colleges appointed the experienced adjudicators that were initially recruited by the OPSDT to their Discipline Committees, and the HPDT Chair as the Chair or Co-Chair of their Discipline Committees. CPSO billed the Pilot Colleges for the work done on a non-profit basis.

The Pilot began in March 2023 at CMTO, April 2023 at CRPO and May 2023 at CASLPO. Initial agreements were for a one-year period. After the first year, the Pilot was extended until the end of December 2024 at all three Colleges.

There have been several differences between Pilot Colleges in implementation:

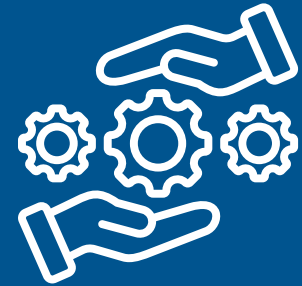
- At CMTO, only cases with allegations of sexual abuse were part of the Pilot stream; other cases continued under the existing system.
- At CASLPO, the Tribunal Office has handled case processing from the beginning of the Pilot. At CRPO, the Tribunal Office took over case processing in the spring of 2024. CMTO continues to do all its own case processing.
- CRPO, CASLPO and OPSDT harmonized their rules, forms, practice directions, guides, administrative processes and templates in the spring of 2024. CMTO continues to be distinct in these ways.



## This Report

This report on the Pilot Phase is divided into three parts. The first provides the background to the Pilot and reports on what we did. The second presents participant feedback and some quantitative measures of our work. The third outlines the form of the proposed permanent organization, which is open to both existing participants and other Ontario Health Colleges to join in 2025.

We sought feedback from multiple individuals, including members of the Pilot Tribunals and OPSDT, Pilot College leadership, prosecution and defence counsel and staff supporting the Pilot Tribunals. We have also consulted with senior leadership of other Health Colleges not currently part of the Pilot. Unless attributed to others, the analysis in this report reflects the views and proposals of the Tribunal Office. Proposals on human resources, information technology and finances are on behalf of both the Tribunal Office and CPSO as the organization responsible for resources and contractual arrangements.



# PART 1

## The model and the pilot

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# The model and the pilot



## BACKGROUND

### Changing Expectations and New Challenges

Ontario's Health Professions Procedural Code<sup>1</sup> sets out regulatory processes that apply to all 26 of Ontario's Health Colleges, including establishing various committees. The Discipline and Fitness to Practise Committees are unique within the College structure, in that they are required to hold formal, quasi-judicial hearings to decide allegations referred to them by the Inquiries, Complaints and Reports Committee.

Despite their name, Discipline Committees are administrative tribunals, a part of the justice system that decides far more disputes than the courts. They are required to hold quasi-judicial hearings in accordance with the principles of procedural fairness, write decisions and process cases effectively and efficiently. These are just some of the types of claims that tribunals address: rental housing disputes (Landlord and Tenant Board); entitlement to automobile insurance benefits (Licence Appeal Tribunal); allegations of discrimination in employment or services (Human Rights Tribunal); refugee claims (Immigration and Refugee Board), involuntary detention in psychiatric facilities (Consent and Capacity Board); and entitlement to Employment Insurance Benefits (Social Security Tribunal).

Like other parts of the administrative justice system, professional discipline tribunals are facing several challenges that have become more pronounced in recent years. One is scrutiny from the courts. Discipline decisions can be appealed by either party to the Divisional Court. Since the Supreme Court of Canada's 2019 decision in *Vavilov*,<sup>2</sup> discipline decisions no longer receive deference from the courts on questions of law; they must be correct. There is also greater scrutiny of tribunals' written reasons.

The court said in *Vavilov* that tribunals must adopt a "culture of justification" and demonstrate through reasons that their exercise of public power can be justified.<sup>3</sup>

The legal issues in discipline cases are becoming increasingly complex. Supreme Court decisions have clarified that parties may raise issues under the *Canadian Charter of Rights and Freedoms*<sup>4</sup> and the *Ontario Human Rights Code*<sup>5</sup> before tribunals. Recent discipline cases have involved decisions on *Charter* claims of freedom of expression, unreasonable search and seizure and patient privacy.

There is also a marked increase, in both tribunals and courts, in the number of self-represented litigants. Tribunals have a duty to provide appropriate support and information to self-represented litigants in published materials, communications with tribunal staff and case management/pre-hearing conferences. Some litigants' and counsel's approach to litigation can lead to hearing management challenges.

**Discipline Committees are administrative tribunals, a part of the justice system that decides far more disputes than the courts.**

**The legal issues in discipline cases are becoming increasingly complex.**

<sup>1</sup> Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18.

<sup>2</sup> *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65.

<sup>3</sup> Para. 14.

<sup>4</sup> *Nova Scotia (Workers' Compensation Board) v. Martin; Nova Scotia (Workers' Compensation Board) v. Laseur*, 2003 SCC 54.

<sup>5</sup> *Tranchemontagne v. Ontario (Director, Disability Support Program)*, 2006 SCC 14.





Finally, there are increased legal and societal expectations of transparency and accessibility. Best practice is now to write decisions using a more plain-language, non-formulaic, less legalistic approach so they are more understandable to the parties and the public. Recent court decisions have also found that the “open courts principle” requires that documents filed in tribunal proceedings be available to the public in a timely way, with limited exceptions. The use of on-line hearings that began with the pandemic and has continued since then has allowed the public, complainants, other registrants and the media to view hearings without travelling to downtown Toronto and sitting in a hearing room all day.

## Tribunal Best Practices

The following are among the best practices in contemporary tribunal design<sup>6</sup>:

- merit-based appointment and reappointment processes, based on recommendations from the tribunal leadership;<sup>7</sup>
- expert leadership that sets direction through policy, process and decision writing, promoting consistency while respecting panels’ independence;
- tribunal independence, including fixed terms for adjudicators, removal of adjudicators during terms only for cause and separation from the prosecution in discipline tribunals;<sup>8</sup>
- a robust education program for adjudicators, both at the time of appointment and on an ongoing basis;
- plain language, values-based, flexible rules of procedure that allow procedures to adapt to the needs of a particular case;
- plain-language guides and practice directions to assist parties, witnesses and the public;
- issues-based, plain language reasons;<sup>9</sup>
- “decision review and release” policies to ensure high quality and timeliness;
- supports for self-represented litigants;<sup>10</sup>
- establishment of committees or roundtables for feedback from those who appear before the Tribunal;
- the use of case management, alternative dispute resolution and active adjudication to promote settlement and streamline hearings;<sup>11</sup>
- attention to trauma-informed approaches to adjudication.

<sup>6</sup> For examples of tribunal policies in these and other areas see the Council of Canadian Administrative Tribunals Tribunal Policies Repository: <https://www.ccat-ctac.org/tribunal-policies-repository/>

<sup>7</sup> See the *Adjudicative Tribunals Accountability, Governance and Appointments Act*, S.O. 2009, c. 33, Sched. 5 (ATAGAA), which does not apply to professional discipline tribunals but is based on best practice.

<sup>8</sup> See *2747-3174 Québec Inc. v. Québec (Régie des permis d'alcool)*, [1996] 3 SCR 919.

<sup>9</sup> See Ed Berry, *Writing Reasons: A Handbook for Judges*, 5th Edition, 2020.

<sup>10</sup> See Canadian Judicial Council, *Statement of Principles on Self-represented Litigants and Accused Persons*, September 2006: <https://cjc-ccm.ca/sites/default/files/documents/2020/Final-Statement-of-Principles-SRL.pdf>; *Pintea v. Johns*, 2017 SCC 23; Michelle Flaherty and Morgan Teeple Hopkins, “Active Adjudication and Self-Represented Litigants: the Duties of Adjudicators” (2022) 35 Canadian Journal of Administrative Law & Practice 177.

<sup>11</sup> See Michelle Flaherty, “Best Practices in Active Adjudication” (2015) 28 Canadian Journal of Administrative Law and Practice 291.



## Expertise in Adjudication and Tribunal Administration

Greater professionalization of administrative tribunals has led more people to build careers in administrative justice, resulting in a significant cadre of professionals with extensive experience in the area. Adjudicators often serve on more than one tribunal at the same time or in succession, working part-time in multiple roles and/or applying their experience in different contexts.

With regards to tribunal administration, over the last 15 years, governments have developed umbrella organizations for tribunals, in which they share resources, leadership and policies. Tribunals Ontario is made up of 14 different adjudicative tribunals with a common Executive Chair and Executive Director. Several tribunals have now been combined into the Ontario Land Tribunal. Federally, the Adjudicative Tribunals Support Service of Canada provides support services to 11 tribunals.

## Combining Legal and Health Expertise

The OPSDT and Pilot Tribunals hear discipline cases in five-member panels that include an experienced adjudicator chair, two public members of the College's Board (as required under the Code), one professional member of the College's Board (also required under the Code) and one professional non-Board member. Panels of decision-makers such as this, consisting of experts in adjudication, health care professionals and members of the public are common in Canadian administrative justice.

For example, the Consent and Capacity Board decides a variety of applications, including those related to involuntary status in a psychiatric facility, findings of incapacity to consent to treatment, reviews of community treatment orders, admission to long term care, end-of-life care, capacity to make financial decisions, access to health and youth records, and certain communicable diseases. Its members include lawyers, psychiatrists, other physicians, nurses in the extended class and members of the public. It sits in panels of one, three or five members and multi-member panels must include a mixture of lawyers, health care professionals and public members. The legal member presides and prepares the written decision and the reasons for decision.

The Ontario Review Board and its counterparts in other provinces and territories make decisions about the detention or restrictions on individuals who have been found by a court to be either unfit to stand trial or not criminally responsible on account of mental disorder. Its members include lawyers, judges, retired judges, psychiatrists, psychologists and members of the public. Panels of five are made up of two legally trained members, two health professionals and a member of the public.

The Health Services Appeal and Review Board, which holds appeals, hearings and reviews concerning publicly insured health services under the Health Insurance Act and other hearings, is required to have both lawyers and medical professionals as members, and they may sit together on panels. The lawyer generally presides.

None of these tribunals regularly use independent legal counsel.

## Other Professional Regulators

There are also various professional regulators that have panels combining legal experts and others without using independent legal counsel.

The Colleges of Physicians and Surgeons of Saskatchewan, Nova Scotia and Quebec have legally trained members sit on all panels and chair their discipline hearings, as do the College of Immigration and Citizenship Consultants and the Electrical Safety Authority.

Beginning in 2013, the Law Society of Ontario implemented significant enhancements to its hearing process. This included establishing the Law Society Tribunal (LST) as a body with a separate identity from the Society. The LST has its own premises, website and logo along with an independent, full-time chair. Beginning in 2013, it recruited experienced adjudicators to serve on panels along with elected or appointed board members. Appointee lawyer members chair many but not all hearing panels and conduct most pre-hearing conferences. The panels include paralegal and public members sitting together with lawyers, without independent legal counsel.



## The Goudge Report

In 2015, the Ministry of Health and Long-Term Care asked Stephen Goudge, a former justice of the Court of Appeal for Ontario, to make recommendations about the complaint and hearing processes at the CPSO. His report recommended, among other things:

- that non-physician members with advanced dispute resolution skills be appointed to the Discipline Committee to deal with cases where a physician pre-hearing conference chair is not required, or where a non-physician pre-hearing conference chair might be more effective; and
- that legally trained persons, experienced in running hearings, be appointed to the Discipline Committee to chair hearing panels in non-clinical standards cases. He noted that would eliminate the need for independent legal counsel at those hearings.

## THE NEW MODEL: CORE COMPONENTS

### Leadership

#### OPSDT

The CPSO Board appointed David Wright as the Chair of the then Discipline Committee for a three-year term beginning in November 2020. He was renewed for a further five-year term beginning in November 2023.

A physician serves as Vice-Chair of the OPSDT: James Watters from 2020-2023 and Joanne Nicholson since 2023. The Vice-Chair's primary role has been to provide the Chair advice and feedback and to sit as a panel member on significant or difficult cases.



David Wright has been a full-time adjudicator for over 15 years, serving in senior leadership positions at adjudicative tribunals since 2009. Prior to his appointment at CPSO, he was the Chair of the Law Society Tribunal for over seven years, during which time he led the implementation of the reforms discussed above. Before that he was a Vice-Chair, Interim Chair

and Associate Chair at the Human Rights Tribunal of Ontario as that tribunal implemented the reform of the human rights system and a new adjudicative model. David is bilingual, has been the Chair of the Council of Canadian Administrative Tribunals and is frequently asked to speak at conferences and to other tribunals. He has published several articles on administrative law and practice in peer-reviewed journals.

The OPSDT Chair is responsible for both adjudicative and administrative leadership. His appointment agreement protects his independence, under a structure that has been found by the Divisional Court to be appropriate:<sup>12</sup>

- He is appointed for a fixed term of three years and cannot be removed except for just cause. He must be provided with written reasons and an opportunity to make submissions to the Board if it is proposed that he be removed for cause. Similar provisions are included in the CPSO's agreements with the Pilot Colleges.
- He reports to the Registrar and Chief Executive Officer on operational or managerial issues and with respect to the Tribunal's goals, policies and processes.
- The agreement specifies that nothing in it is intended to prevent the OPSDT Chair from "making any decisions and expressing any opinions in the course of conducting proceedings and writing reasons as an adjudicator."

The OPSDT Chair assigns panels and sits as an adjudicator on CMCs and hearings. Since 2020, he has been case management chair for most files, and has sat regularly as a panel chair or as a single adjudicator deciding preliminary issues. He coordinates the educational programming for adjudicators and often delivers training himself. He and his team have proposed and implemented all aspects of the new model, including recruitment, preparation of policies, guides and practice directions, and the project to update the Rules of Procedure.

The OPSDT Chair has the administrative responsibilities of a director on operational matters like finance, information technology and human resources. The Tribunal Office staff report to him, and he is the final decision maker on matters of case processing. He attends CPSO Senior Leadership Team meetings occasionally, but only when there are operational matters that affect the Tribunal Office.

<sup>12</sup> *College of Physicians and Surgeons of Ontario v. Khan*, 2022 ONPSDT 23; *Kopyto v. The Law Society of Upper Canada*, 2016 ONSC 7545.



## Pilot

The leadership model differed at each of the Pilot Colleges. As CMTO had a Pilot and a non-Pilot stream, two co-chairs were appointed. The HPDT Chair fulfills the Chair responsibilities for Pilot cases and a massage therapist – first Kim Westfall-Connor and then Bobbie Flint – exercised the responsibilities for the non-Pilot cases.

At CRPO, the HPDT Chair was appointed as Chair of the Discipline Committee when the Pilot started. In 2024, Shelley Briscoe-Dimock was appointed as Vice-Chair, reflecting the model at OPSDT.

At CASLPO, the HPDT Chair was appointed as Co-Chair of the Discipline Committee. The CASLPO Co-Chair, elected by the members of the Committee, appoints the two professional and two public members to each panel. This position has been held since the Pilot started by Kim Eskritt.

## Recruitment of Adjudicators

We engaged in a rigorous process to select the five experienced adjudicators over the summer of 2021. At least five years of experience as an adjudicator was required, although those selected had considerably more experience.

Out of nearly 100 applicants, we selected 20 for interviews. The interview panel was made up of one public member and one professional member of the Discipline Committee, Tribunal Counsel and the OPSDT Chair. In addition to a structured, scenario-based interview, each interviewee was required to watch a video of a mock hearing and write a decision. The written decisions were subject to a blind evaluation, ensuring that the evaluators did not know who had written which decision. Another important consideration was diversity. Four of those selected are women, two are racialized, one is Franco-Ontarian and two can conduct hearings in French. Three live in Toronto, one in Niagara Region and one in the Ottawa Valley. Four have previous adjudicative experience in human rights and three have previous experience in professional discipline for other regulators.

A brief summary of some of their previous and current experience shows the cross-pollination in the tribunal sector. These adjudicators were appointed to the Pilot Tribunals for the Pilot period.



**Raj Anand:** Multiple adjudicative and public service roles including Chief Commissioner of the Ontario Human Rights Commission and member of the Law Society Tribunal (current). Raj led the working group that proposed the reform of adjudication at the Law Society and the creation of the Law Society Tribunal.



**Shayne Kert:** Alternate Chair of the Ontario Review Board (current); Alternate Chair of the Nunavut Review Board (current); member of the Law Society Tribunal; member of the Consent and Capacity Board.



**Sherry Liang:** Assistant Commissioner with the Office of the Information and Privacy Commissioner of Ontario; Vice-Chair of the Ontario Labour Relations Board, the Human Rights Tribunal of Ontario, and the Grievance Settlement Board.



**Sophie Martel:** Vice Chair of the Workplace Safety and Insurance Appeals Tribunal and the Human Rights Tribunal of Ontario; workplace investigator; member of the Law Society Tribunal (current).



**Jennifer Scott:** Presiding Officer with the Office of the Chief Coroner; Associate Chair of the Child and Family Services Review Board, Custody Review Board and the Ontario Special Education Tribunals; Vice-Chair of the Human Rights Tribunal of Ontario.

For their complete biographies, see <https://opsdt.ca/adjudicators>.



## Building an Independent Identity

### Renaming the Discipline Committee

The CPSO’s Board renamed the Discipline Committee of the College of Physicians and Surgeons of Ontario the Ontario Physicians and Surgeons Discipline Tribunal through a by-law amendment. The OPSDT established its own web site (opsdt.ca) and logo.

The use of “Tribunal” identifies more accurately that we conduct open, formal hearings, rather than the type of work done and paper-based process typically used by committees. Given that the College as prosecutor is a party to every case before the Tribunal, the new identity underscores its independence from the College.

The CPSO received an outside legal opinion confirming that the renaming was not contrary to the Code. In accordance with that advice, key documents like

notices of hearing include the note that the OPSDT is the discipline committee established under the Health Professions Procedural Code. There have been no legal challenges to the change of name.

The only other Pilot College to change the name of its discipline committee thus far has been CRPO, in May 2024. It is now known as the Ontario Registered Psychotherapists Discipline Tribunal, pursuant to a by-law similar to that of CPSO.

### HPDT Identity

We have begun the process of developing an identity for HPDT. It has its own logo, and we have obtained the internet domain hpdt.ca.

### Mission and Core Values

The OPSDT developed the mission and core values set out below to help define its new identity.

## MISSION

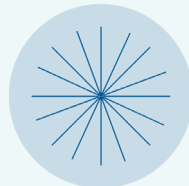
To hear and decide allegations of physician misconduct and incompetence with independence and fairness, making just decisions in the public interest.

## CORE VALUES



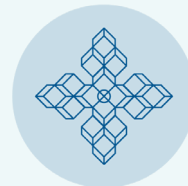
### Fairness

*We are neutral and ensure all parties are heard. Our decisions and processes are accessible and clearly explained.*



### Excellence

*We aim for high quality decision-making and service.*



### Respect

*We actively listen with humility and empathy. We strive to understand the diverse identities and experiences of parties, witnesses and those affected by our decisions.*



### Openness

*Our decisions, hearings and processes are transparent, balancing openness and privacy.*



### Timeliness

*We recognize the importance to participants and the public of promptly resolving cases. We act and require parties to act in a responsive and timely way.*



## Panel Composition and Roles

### Composition

Panels hearing the merits and penalty are made up of five individuals: two public members of the Board, two professional members, at least one of whom is a member of the Board and one experienced adjudicator who chairs the panel. One-member panels consisting of only an experienced adjudicator sometimes hear pre-hearing motions on issues like adjournments, evidentiary or procedural issues.

As mentioned above, panel composition flows from the Code. There are no restrictions in the Code on who the Board may appoint as a member of a discipline tribunal. Each panel must consist of 3-5 members of the discipline tribunal, two of whom must be public members of the Board and one of whom must be a professional member of the Board. The other two spots may be filled by any member of the discipline tribunal, and our practice is to always appoint another professional, either a member of the Board or not, and an experienced adjudicator.

### Roles

While the panel chair is responsible for managing the hearing and writing the first draft of the reasons, all panel members are equal in decision making. Skills in leading inclusive discussions and encouraging participation were one of the core criteria in selecting the experienced adjudicators. A key part of our training focuses on the role of all panel members in deliberations and reason writing.

Here are some quotations from experienced adjudicators about how they promote participation:

- “During deliberations I may start by framing the questions for discussion but ask the panel for their thoughts before offering my own. I will canvass each

panel member for their thoughts on each decision point, if they have not already jumped into the discussion... At the beginning of a hearing (especially with panel members I haven't worked with before), I discuss our mutual expectations around asking questions during the hearing, dealing with objections on the fly (whether it is necessary to consult with the entire panel and how they may signify if they wish to go into breakout.)”

- “At nearly every break, I check in with the other panel members to see if they are comfortable with how I am chairing and whether they have questions or comments. In deliberations, I ask the panel members about how the reasons should be written, often seeking input about specific choices on things like tone and how much detail should be included on certain issues. Where there is a reprimand, it is almost always drafted and always delivered by a professional or public member of the panel.”
- “I have been very deferential to the other panel members, essentially trying to intervene mostly to frame discussions/issues. I have also ensured all panel members are heard by specifically asking for comments from those who have yet to participate in any discussion. For hearings, it has also been important to join hearings well ahead of the scheduled start time to introduce myself and answer any questions or concerns panel members may have. During hearings, it has been important to take breaks and ensure that questions are first discussed among the panel members before being raised with the parties.”

As set out in more detail in the survey results in Part II, nearly all Tribunal members felt they were contributing, with some saying it was easier to do so than in the previous system. Many noted that the experienced adjudicators made sure all voices were heard.

**Panels hearing the merits and penalty are made up of five individuals: two public members of the Board, two professional members, at least one of whom is a member of the Board and one experienced adjudicator who chairs the panel.**

**Nearly all Tribunal members felt they were contributing, with some saying it was easier to do so than in the previous system.**





## Legality of the Model

Some lawyers in the regulatory legal community have expressed concerns, including in their feedback on the Pilot for this report, that the presence of a lawyer on a panel is improper on the basis that the lawyer is giving “legal advice” to the other members of the panel that is not being shared with the College and the defence and that the process is therefore less transparent. Section 44 of the Code, similar provisions in other legislation and the common law require that if a panel in any administrative tribunal obtains formal legal advice, it must disclose that advice to the parties and give them a chance to make submissions on it. The concern raises both legal and transparency grounds.

An example of the concerns is the following response to our survey:

“Transparency may be lacking as legal advice provided by the Experienced Adjudicator to the panel is not made available to the parties (as compared to ILC who provided their advice on the record).”

In light of concerns such as this, we obtained a legal opinion in May 2023 from Nadia Effendi, a partner at Borden Ladner Gervais LLP. Ms. Effendi is recognized as one of the leading administrative and public lawyers in Canada. Her detailed opinion, which can be provided on request, concludes that a lawyer serving as a panel member is not providing legal advice and the panel composition is not improper.

There are other factors that give us confidence that the model is appropriate:

- The model was recommended by Justice Goudge, also recognized as an expert on administrative law.
- As discussed above, panels that combine lawyers and non-lawyers without using independent legal counsel are common in Canadian administrative tribunals, and to our knowledge the model has not been challenged or overturned in the courts.<sup>13</sup>

- The panel is required to raise with the parties any analysis, factual or legal, that the parties did not raise. The parties then have the opportunity to make submissions about it. Indeed, panels have done so in OPSDT and Pilot cases.<sup>14</sup>
- Under the previous model, discussions or communications with lawyers that are not known to the parties and are not formal “legal advice” take place, including through review and assistance with decisions by independent legal counsel or the drafting of decisions on behalf of the panel by legally trained decision writers.<sup>15</sup>

## Adopting Adjudication Best Practices

### Active Adjudication and Case Management

Under the new model, the Tribunal takes a more active role in moving cases forward by promoting early settlement or partial agreement where possible, identifying pre-hearing issues and deciding them sooner with less formality. Panel chairs also take a more active role in hearings. This stems directly from the HPDT Chair and the experienced adjudicators’ expertise in alternative dispute resolution.

The first case management conference is scheduled immediately upon filing of the Notice of Hearing. Depending on the nature of the case, more CMCs are often held before the hearing is scheduled. Given the HPDT Chair’s availability, a CMC can be scheduled on short notice to quickly deal with issues.

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<sup>13</sup> The principles set out in s. 44 are a codification of common law principles of fairness, so the same principles apply whether or not there is an explicit provision to this effect. Some statutes under which tribunals use this model have a similar section to s. 44. *Health Insurance Act*, R.S.O. 1990, c. H.6, s. 23 (2) (Health Services Appeal and Review Board); *Health Care Consent Act, 1996*, S.O. 1996, c. 2, Sched. A, s. 77 (2) (Consent and Capacity Board).

<sup>14</sup> *R. v. N.C.*, 2024 ONCA 239. This occurred, for example, in *College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario v. Becker*, 2024 ONRPDT 7 (legal issue) and *College of Physicians and Surgeons of Ontario v. Fagbemigun*, 2022 ONPSDT 11 (factual issue).

<sup>15</sup> *Khan v. College of Physicians and Surgeons of Ontario*, 1992 CanLII 2784 (ON CA).



Some examples of the use of the case management process are:

- A matter that had been referred to a discipline committee in 2019 began case management when the Pilot began in spring 2023. After several case management conferences, the parties reached a joint submission. An uncontested hearing took place in October and the decision was released in early November 2023.
- A self-represented registrant advised at a CMC in early October 2023 that they would bring a motion to disqualify College counsel from acting on the case. The case management chair set a schedule under which the motion would be heard in writing, with submissions to be made in November and early December 2023. The decision on the motion was released two days after the written submissions were complete, allowing the matter to move forward.
- Several hearings where the registrant was not participating were heard in writing, avoiding scheduling challenges and reducing hearing costs.
- Through changes to scheduling practices and the use of case management, payments to OPSDT members for late cancellation of hearing dates decreased by 81% between 2021 and 2023.

There may be cases in which it would be helpful for the registrant to hear the perspective of another member of the profession. If this is identified by either of the parties or the case management chair, a CMC can be conducted jointly with a professional member.

### *Issues-Based Reason Writing*

Best practices for writing of court and tribunal reasons have undergone a revolution in recent years. Led by Justice John Laskin, formerly of the Court of Appeal for Ontario, and Ed Berry, an English professor at the University of Toronto, most legal decision makers now write very differently from the way that the courts and tribunals did previously. This approach rejects legal formality and templated decisions in favour of an audience-focused approach that emphasizes the organization of the decision based on the issues in the case, plain language and conciseness.<sup>16</sup>

Our approach to decision writing reflects this. The experienced adjudicators have all written many decisions using this approach, and indeed, their ability to do so was an important criterion when evaluating decisions during the recruitment process. Reasons look quite different than they used to and, we believe, better capture the expectations of the courts. We also promote quality decisions through a formal decision review process.

### *New Rules of Procedure*

OPSDT implemented new Rules of Procedure to replace the previous OPSDT Rules, which were similar to those of most other health professions' discipline committees.<sup>17</sup> They took effect on January 1, 2023, and were developed following an extensive process of research, consultation and drafting.

The approach to the revisions was centered around several principles (see Rule 1.1.1):

- the overarching importance of fairness;
- accessibility and understandability, using plain language and simplified processes;
- flexible processes, allowing for adaptation to the circumstances of each case;
- adopting successful practices used at other regulators and tribunals; and
- ensuring that matters move forward expeditiously.

<sup>16</sup> See Edward Berry, *Writing Reasons: A Handbook for Judges*, 5th Edition, 2020.

<sup>17</sup> <https://opsdt.ca/hpdt/rules-of-procedure>





Here are some of the most significant changes:



### Rule 2 – Openness

Under most Colleges’ current rules, a member of the public who wishes to obtain copies of documents in the discipline tribunal’s record must file a motion to do so. This can take some time. Pursuant to a 2018 decision of the Superior Court of Justice, the “open courts principle” applies to administrative tribunals. Among other things, the public must have timely access to hearing materials.

Rule 2 adapts to these changes. It establishes an automatic publication ban on the names of patients and anything that could identify them. If a party asks for additional information to be subject to a publication ban or made not public, it sets out the test to be applied, which comes from Supreme Court of Canada caselaw.

Materials in the record are public, and if there is personal health information or other personal information, it must be redacted by the party filing the document. This can be done by filing two versions: one public and one not public. A process like the old process applies to documents filed before the rules came into effect, to protect reasonable expectations of the parties.



### Rule 3 – Accommodation and Language

The rule codifies the rights of participants to accommodation in accordance with the Human Rights Code, to communicate with the discipline tribunal in English or French and to an interpreter. It also sets out the right of the registrant to choose the language of the proceeding, subject to reasonable limits.



### Rule 8 – Statement of Particulars

The tribunal may direct either party to provide more information (particulars) about their position.



### Rule 9 – Case Management

This rule sets out the discipline tribunal’s case management approach and the values that underly it. It sets out the following four goals of case management:

- a. hearings progress in a fair and timely way, in the public interest;
- b. hearing time is used efficiently and effectively;
- c. procedural and legal issues are identified early; and
- d. adjournments are only necessary in exceptional circumstances.

This rule requires a case management conference in every proceeding, and describes what the case management chair may do, including exploring and applying alternatives to traditional adjudicative or adversarial processes.



### Rule 12 – Hearing Preparation

Rule 12.3 – This rule is used mostly when the registrant is not participating. If one party sends a request to admit and the other party does not respond, the other party is deemed to have admitted the facts contained in the request to admit. This avoids the need to call evidence if the registrant isn’t participating, since the hearing can proceed based on the deemed admissions. A similar rule at the Law Society Tribunal was recently upheld and applied by the Divisional Court.<sup>18</sup>

Rule 12.4 – This rule requires each side to provide the other with a list of witnesses and a summary of their anticipated evidence. It also requires the parties to file the documents they may rely upon, including any agreed statement of facts or joint submission on penalty, one week in advance so that the panel may prepare.



### Rule 13 – Registrant Applications to the Tribunal

Rule 13.3 – The Divisional Court decided, in *Li v. College of Physicians and Surgeons of Ontario*,<sup>19</sup> that the Health Professions Procedural Code implicitly allows a discipline committee to remove or vary an indefinite term, condition or limitation on a certificate of registration. The CPSO Discipline Committee had previously concluded it had no power to do so. The court found that it was “not for us [the court] to determine the circumstances in which a member may seek a variation of a term as that issue is not before us on this application.” (para. 30) This rule sets out these conditions.

<sup>18</sup> *Khan v. Law Society of Ontario*, 2024 ONSC 3092.

<sup>19</sup> 2008 CanLII 37613.



#### **Rule 14 – Hearings**

Rule 14.1 – This rule sets out a set of factors to be considered when determining a request that a hearing be held all or partially in person.



#### **Rule 17 – Costs**

Rules 17.1.1 and 17.1.2 – The *Statutory Powers Procedure Act* allows a tribunal to make rules to order costs in circumstances other than those set out in the Health Professions Procedural Code if a party has

acted in a way that is unreasonable, frivolous, vexatious or in bad faith, and this rule does so. Examples of new situations in which this rule would allow costs include before the end of the hearing (for example, after a frivolous motion) or in favour of a third party who had to respond to a third-party records motion. Rule 17.2.1 allows for costs because of an adjournment less than two weeks before the hearing.

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There are also several provisions of the Rules that, while not new to OPSDT in 2023, would be changes from some other Colleges' discipline committee rules.

**Rule 9.4.1** – Both parties, rather than only the College are required to prepare a case management conference memo.

**Rule 10** – Adjournments are granted only where it is necessary for a fair hearing, even if both parties consent.

**Rule 12.4** – Both the College and the registrant are required to provide the other, in advance, a list of witnesses, a summary of what each witness will say and a copy of all documents the party may rely upon. This is sometimes called “reciprocal disclosure.”

**Rule 14.3** – This rule allows the parties to agree that the registrant will plead “no contest.” This means that the registrant does not admit the allegations. The registrant accepts that the discipline tribunal can rely on the facts set out in a Statement of Uncontested Facts provided by the College, but only for the purposes of the College proceeding.

**Rule 14.5.1** – This rule mirrors a similar provision in the Criminal Code that prevents the use of a complainant's sexual history except in certain circumstances.

### **Companion Resources and Adoption**

The Tribunal has prepared practice directions, forms, frequently asked questions, and guides to provide plain language information for registrants, witnesses and members of the public about the process as a whole and specific issues. These work together with the rules to promote understanding of the process and transparency. They also assist in meeting our responsibilities to self-represented registrants.

All three Pilot Colleges kept their existing Rules of Procedure for the first year, with the addition of a modified version of the OPSDT's case management rules for their Pilot cases. When the Pilot was extended in spring 2024, both the CASLPO Discipline Committee and the ORPDT adopted the new rules, forms and guidelines. They were all amended to remove any OPSDT or CPSO-specific references and are now on a separate portion of the website ([opsdt.ca/hpdt](https://opsdt.ca/hpdt)). CASLPO, CRPO and OPSDT all link to this webpage from their own websites. Each retained their previous approach to costs, reflected in Tariff A.



## Education

### Orientation

We have designed a four half-day orientation program, delivered mostly virtually, for new public or professional discipline tribunal members. Its topics include: the RHPA, the Code and its discipline provisions, procedural fairness, the burden of proof, rules of evidence, reason writing, deliberations, myths and stereotypes in sexual abuse cases, joint submissions, penalty principles and making credibility determinations. It is interactive and uses a variety of teaching techniques to support different styles of adult learning. It has been coordinated and delivered by Dionne Woodward, Tribunal Counsel and David Wright.

We have tailored the orientation to the new model. For example, we emphasize the role of panel members in deliberating, reviewing and commenting on reasons in a way that will strengthen the final product and ensure their voices are heard. In relation to hearing management, while they must have an understanding of the role of the panel chair and the principles applied, they do not need to be trained to chair themselves.

In each Pilot College, there has been an orientation to the profession for the experienced adjudicators delivered by professional members of the discipline tribunal, as well as an introduction to the Pilot for the other members provided by the HPDT Chair and counsel.

In the spring of 2024, a joint orientation was conducted for new members of the OPSDT and the CASLPO Discipline Committee. When orientation is urgent, for example when a new member is needed to sit on hearings shortly after their appointment, they have watched a recording of the most recent training.



### Ongoing Professional Development

The OPSDT has had semi-annual business/education meetings, with sessions facilitated by both Tribunal Office staff and guests. These have included:

- reason writing and deliberations;
- discussions with judges;
- lessons for our work from cognitive science;
- reprimands;
- trauma-informed adjudication;
- the law of evidence;
- deliberation scenarios; and
- the role of counsel cross-examining complainants where there is a self-represented registrant.





## Annual Conference

A one-day conference was held in November 2023, in person with an on-line option, for the members of all four discipline tribunals. It provided an opportunity both for learning and for the decision makers from different Pilot Colleges to network with each other and discuss their work. Sessions included:

- a panel of lawyers who prosecute and defend health discipline cases providing insight on hearings from their perspective and that of their clients;
- a deliberation exercise with breakout “discipline panels” made up of public and professional members from each College;
- equity in adjudication;
- mandatory revocation and sexual abuse: a legislative history;
- freedom of expression and professional discipline; and
- a networking reception.

Sessions were organized and delivered by Angela Peco, Manager and Tribunal Counsel at CMTO, Dionne Woodward and David Wright. Guests included Superior Court Justice Andrew Pinto, Palma Paccioco, a professor at Osgoode Hall Law School and Grace Vaccarelli, a mediator and investigator with over 20 years of experience in human rights.

Our second annual conference is scheduled for November 2024.

Feedback on the sessions was very positive. The overall rating for the conference by the participants who completed the evaluation was 4.72 out of 5. Here are some comments we received on the evaluation:

***“Great conference, well organized, education sessions were really good. The deliberation exercise was excellent and allowed networking as well as education.”***

***“I hope this will become a yearly event!”***

***“...[A]ll of the sessions seemed short, but I think that was because they were so interesting and time went by fast.”***

***“Great day of learning. The deliberation exercise and comparison of decisions from each group was very interesting.”***

***“I liked the varied style of presentations. Fireside chat was excellent.”***

***“Breakout session was great! Really liked the design of the exercise. Seemed daunting at first but we rolled into it quickly. Really liked hearing thought process of other professionals from different backgrounds and Colleges.”***



The Pilot has also led to benefits for individual Colleges' education. For example, Angela Peco presented to the OPSDT about the CMTO Discipline Committee's experience with appointing counsel to cross-examine complainants in contested sexual assault cases where the registrant is self-represented. This situation is common at CMTO, but recently arose at OPSDT for the first time. Similarly, David Wright made presentations at CMTO business meetings on topics such as evidence, reason writing, and updates on caselaw. Tribunal Office staff will coordinate a business/education meeting for the ORPDT in the spring of 2025.

## Newsletter

We send all members of the Pilot Tribunals and OPSDT a monthly newsletter, containing updates on decisions released in the Pilot, as well as other decisions of significance for health discipline. The newsletter, which began with the OPSDT before the Pilot and then expanded, is largely written and edited by Dionne Woodward. David Wright also writes a monthly column, usually about practical issues that arise in adjudication. All members also have access to an archive of all previous issues.



## Timeliness



Deadlines are set so that decisions are released within 84 days of the last hearing day or final submissions. This standard has been met in every case under the new model, both at OPSDT and in the Pilot, with most decisions being released more quickly. We have prepared a policy on reason preparation, review and release that establishes deadlines for each step in the process, from the first draft being provided to the panel to legal and peer review. It also establishes a process and expectations for these reviews, consistent with the requirements set out by the Court of Appeal.<sup>20</sup>

The average number of days to complete a discipline file at OPSDT decreased from 429 to 285 between 2020 and 2023. In 2023, the OPSDT's key performance indicator was 15 months from referral to the completion of the discipline process (80th percentile). As of December 2023, the 80th percentile was 11 months. In 2024, the KPI has been reduced to 12 months, with tighter criteria for exclusion from the measure. Considering that before the new model, the CPSO Discipline Committee was struggling to meet a target of starting hearings within one year, this is a dramatic change.

Data on timeliness at Pilot Colleges follows later in this report.

## Financial Implications for CPSO



While the primary motivation for change was not financial, the new model has resulted in significant cost savings for CPSO. Given other changes in recent years, in particular a lower volume of referrals and the shift to virtual hearings, it is difficult to separate how much of the savings are due to each of these factors.

Significant savings have resulted from the following:

- elimination of fees for independent legal counsel to attend hearings, provide advice and support to staff in the Tribunal Office and review decisions;

<sup>20</sup> *Shuttleworth v. Ontario (Safety, Licensing Appeals and Standards Tribunals)*, 2019 ONCA 518.



- reduced hearing time;
- reduced reason writing time;
- reduced cancellation fees;
- reduced time for decision review and editing;
- CMCs and hearings conducted by the OPSDT Chair; and
- education organized and delivered by the OPSDT Chair and Tribunal Counsel rather than ILC.

## Electronic Hearings and Hearing Support



The new model coincided with the general adoption of electronic hearings by professional regulators and other tribunals throughout Canada because of the pandemic. All OPSDT hearings have been conducted by videoconference. The OPSDT has established a Rule and Practice Direction that sets out the factors to be considered when there is a request that all or part of the hearing be held in person.

The move to electronic hearings has had various advantages. In particular, it has assisted with the challenges of scheduling five-member panel hearings with a small pool of members who meet the statutory requirements for public and physician board members and live across Ontario. Largely eliminating the need for travel means that an out-of-Toronto panelist with a commitment one evening during the week in their home city can still sit, or a panel can sit on Monday, Tuesday and Friday to accommodate schedules without wasted costs. The same advantages apply to witnesses, registrants and lawyers from outside Toronto.

Electronic hearings have also had significant benefits for transparency. Anyone, such as complainants, the registrant’s family, media or members of the public can watch a hearing without travelling to downtown Toronto.

OPSDT piloted various methods of supporting electronic hearings before reaching an agreement with First Class Conferencing Facilitation (FCCF). FCCF specializes in supporting electronic legal hearings and also supports coroners’ inquests and arbitrations, among other hearings.

FCCF, among other functions:

- sets up the Zoom hearing and the livestream accessible only through a private link;
- sets up and manages a webpage that automatically sends users who provide their name and email address the link to watch a hearing, together with relevant information;
- moves panel members, counsel, witnesses and other participants in and out of the breakout rooms;
- has expertise in troubleshooting technical issues, resolving them quickly;
- displays documents as requested by the parties or the panel, which, if appropriate, can be blocked from being viewed by the public;
- displays information on the livestream if the hearing is delayed or on a break;
- marks exhibits and other documents;
- prepares a report for the Tribunal Office staff summarizing what occurred at the hearing, including a witness list and exhibit list;
- provides a video recording from which a transcript can be generated by a court reporter, making it unnecessary to have a court reporter present during the hearing.

Among other advantages, we have found that using FCCF rather than staff allows for flexible scheduling, since FCCF can support multiple hearings on the same day. It has led to less delay due to participants’ technical issues and allows staff to focus on case processing, with other work less disrupted by hearing days.

In the Pilot, CMTO and CRPO staff have continued to support virtual hearings, while CASLPO has used FCCF.





## Ongoing Consultation

The OPSDT established the Practice Advisory Group for feedback from those who regularly represent the College and defence before the Tribunal. A similar roundtable was established under the Pilot.

## Appeals

There have been two appeals from OPSDT decisions under the new model. Both were dismissed, with positive comments from the court. There have not yet been any appeals from Pilot decisions in the other Colleges.

In *Fagbemigan v. College of Physicians and Surgeons of Ontario*, 2023 ONSC 2642, the registrant argued that the Tribunal had not fulfilled its duties to him as a self-represented litigant. The court said, at para. 47, “The transcripts clearly demonstrate that the Tribunal patiently and carefully assisted the Appellant throughout the process.” Among the issues in this case was a *Charter* challenge to the College investigators’ having viewed and removed documents during a site visit to the registrant’s clinic. The court fully upheld the Tribunal’s constitutional and professional misconduct analyses.

In *Aboujamra v. College of Physicians and Surgeons of Ontario*, 2023 ONSC 3344, the court spoke of the Tribunal’s “detailed and nuanced credibility findings” (para. 77) in rejecting the multiple challenges to the decision in a highly contested sexual abuse case. An application for leave to the Court of Appeal for Ontario was dismissed.

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## IMPLEMENTING THE PILOT

### Differences Between Colleges

During the Pilot phase, the division of responsibilities between the OPSDT and each participating College varied. Each College brought unique backgrounds and experiences in discipline matters, leading to different approaches. This diversity assisted us in evaluating the pros and cons of different options, and allowed the Pilot Colleges to adopt the arrangement that best suited their needs.



CMTO has the highest volume among the Pilot Colleges: 20 new referrals and 46 cases closed in 2022. It has a high volume of sexual abuse cases relative to its size; 56% of the cases before the CMTO Discipline Committee in 2022 were sexual abuse matters. The CMTO has a Hearings Office with several full-time staff, well-established processes and

experience in many different types of cases. Its staff and Discipline Committee members, because of this volume, have extensive experience and involvement in all aspects of discipline work under the existing model.

CMTO established two tracks. Any case in which sexual abuse was alleged and there was no activity prior to the start of the Pilot was assigned to the Pilot track. Cases with sexual abuse allegations in which there had been activity under the existing model, and cases where sexual abuse was not alleged, were assigned to the standard track. As a result of its higher case volume and experience, CMTO staff did all administration and hearing support for all cases, including those assigned to the Pilot. CMTO adapted some of the OPSDT’s policies, practices and precedents for its Pilot cases. Other cases continued as before. The two tracks were important to CMTO, among other reasons, so that it had the option to easily return to the previous system after the Pilot if either it or OPSDT decided not to continue, and so that it could make comparisons as part of evaluating the success of the new model.



CRPO’s Discipline Committee received five referrals in 2022. For the first year of the Pilot, CRPO staff continued to do all case processing and hearing support,

under the primary direction of the HPDT Chair. It adopted the policies, practices and procedures of the OPSDT, with modifications to reflect the fact that the Rules were not the same. In the spring of 2024, when the Pilot was renewed and the Rules of Procedure were harmonized, the Tribunal Office took over case processing, using the same templates and processes as for OPSDT cases.



CASLPO's Discipline Committee received four referrals in 2022. At CASLPO, the OPSDT staff did case processing from the beginning of the Pilot. Tribunal Office staff prepared modified versions of the guides

and practice directions (where possible), to reflect the differences between the OPSDT and CASLPO Discipline Committee Rules of Procedure. The CASLPO-specific versions were no longer needed when the Discipline Committee adopted the HPDT Rules of Procedure.



## Memorandum of Agreement

The Pilot was implemented through a memorandum of agreement between the CPSO and each College. The significant provisions were:

- The College would make changes to its by-laws, where needed, to allow for the experienced adjudicators to be appointed to its Discipline Committee and for the appointment of the HPDT Chair.
- Staff would recommend to the Board the appointment of the Pilot Chair and the five experienced adjudicators to the Discipline Committee for a term parallel to the term of the Pilot. The agreement would be null and void if the Board did not make the appointments.
- The independence of the HPDT Chair and adjudicators would be protected.
- A participants' committee consisting of representatives from all four Colleges would meet bimonthly.
- A dispute resolution process.



## Cost Sharing and Billing Structure

The financial arrangements were designed to reflect the following:

- CPSO is not making any profits.
- The financial approach should be clear and simple, with as little time as possible spent on administration.
- Rates should compensate CPSO for its expenses on the Pilot and for a share of salaries and administrative costs based on the time spent by its staff (including the HPDT Chair) on Pilot matters.
- Common costs should be shared equitably between the Pilot Colleges.

For the first year, the Pilot Colleges were billed only based on the time spent by the experienced adjudicators and HPDT Chair on cases and their attendance at College-specific educational programs. The OPSDT has a remuneration policy that sets out the activities for which adjudicators are compensated, including preparation, hearing and CMC time, deliberations and reason writing. There are also limits on the number of hours that can be claimed based on the nature and length of the case, which can be increased where appropriate based on the circumstances of a case with authorization of the HPDT Chair. The Pilot Colleges also reimburse CPSO for the disbursements on their behalf.

The hourly rate compensates for the adjudicator time and the time spent on administration, education, set-up and other costs. There are no separate charges to the Pilot Colleges for matters like education, administration, decision review or meetings attended by Tribunal Office staff and the HPDT Chair.

The first year's hourly rate was \$275 per hour for Colleges where their staff did case processing and hearing support and \$325 per hour where OPSDT staff were doing that work. These amounts were increased for inflation in 2024 to \$282 and \$334. The OPSDT staff recorded the amount of time they spent so that calculations could be done to determine whether the gross-up from the amounts paid to the adjudicators was over or under compensating CPSO for its staff's





time. The agreements provided that if CPSO was over compensated, it would use the surplus for future HPDT activities or return it to the Pilot Colleges. If the CPSO was under compensated, it could use future revenues to compensate for the deficit but there would be no extra charges to the Pilot Colleges.

During the first year, CPSO was under compensated. We concluded that was for three main reasons: the large amount of time and expenses associated with start-up, that the rates had been set too low and a higher-than-expected amount of time spent in meetings with and adjustments to policies and practices for individual Colleges.

In addition, the costs paid by some Colleges were disproportionate to the amount of time spent on their matters. This was because, first, there were differential amounts of time spent adapting to the needs of individual Colleges. Second, case processing and pre-hearing work often did not correspond with the amount of remunerable time on a particular file, particularly if a lot of work was put into case management that successfully reduced hearing time. Third, there was a base amount of non-remunerable time that did not vary with caseload, for example preparing the newsletter, offering educational programming or preparing invoices.

Accordingly, when the Pilot was extended, participants agreed that rather than raising the hourly rate, each Pilot College would pay a base fee of \$1,000 per month. While it is too early to reach any conclusions, it appears that with this change the compensation is more accurately reflecting CPSO's costs and equitable sharing of expenses.



## Information Technology

IT proved to be a challenge. Initially, CPSO IT was not used for any case-related matters in the other Pilot Colleges. This required experienced adjudicators to juggle multiple laptops, email addresses and other systems. Additionally, Tribunal Office staff had to monitor multiple email boxes and learn different systems. This proved to be unwieldy, time consuming and prone to error. Accordingly, in

2024 the IT arrangement was changed so that the adjudicators use their CPSO equipment and email addresses, and staff use CPSO systems. An internal CPSO protocol has been established so that Pilot Colleges' data cannot be accessed by anyone other than Tribunal Office and CPSO IT staff without the authorization of the Chair or the Registrar of the College concerned. Once a discipline file has been closed, the file is returned to the College concerned for retention and the CPSO does not retain the data. A common email box is used for the three discipline tribunals whose cases are administered by the Tribunal Office.

## Scheduling

The requirements of the Health Professions Procedural Code for panels that include three Board members -- two public and one professional -- created challenges for scheduling at all Colleges, given the numbers of public members and the limitation on theirs and professional members' schedules. This often increased the amount of time and back-and-forth needed to set hearing dates.

## Fitness to Practise Committee

At CPSO and CRPO, the HPDT Chair is also Chair of the Fitness to Practise Committee and the membership is the same as the discipline tribunal. There has not yet been a hearing of a Fitness to Practise case at either College since the new model was implemented.

## Summary of Current State

- OPSDT, ORPDT and the CASLPO Discipline Committee have common rules, guides, practice directions and forms, and a common "resources" website that contains them. The Tribunal Office does case processing, decision review and decision preparation and release throughout the life of a discipline file, using common processes, templates and forms. With some exceptions, the Tribunal Office is responsible for all aspects of the file from referral to final reasons.



- CMTO has two streams: a Pilot stream for cases that allege sexual abuse and a regular stream for other cases. It maintains its own Hearings Office, which does the case processing and decision review and release for Pilot and non-Pilot cases, using materials for the Pilot cases adapted from but not the same as those used elsewhere. CMTO has separate rules, policies and procedures, and has adapted the Pilot templates as appropriate.
- Each Pilot College pays a base fee plus an hourly rate for adjudicator time. The hourly rate varies depending on the level of service provided by the Tribunal Office.
- The experienced adjudicators and the HPDT Chair are cross-appointed to each Pilot Tribunal.
- The Tribunal Office offers, without additional charge, educational programming including a full day or two half days of College-specific business/educational programs, a monthly newsletter and a full-day conference. There is a registration fee per attendee to cover the costs of outside speakers, food, the venue, IT support and related matters.



# Part 2

# Feedback and Data

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# Feedback and Data



## QUALITATIVE FEEDBACK

We sought feedback through a Microsoft Forms survey, which asked open-ended questions. We sent separate, tailored surveys to lawyers on the HPDT Counsel Roundtable, to discipline tribunal members (including at OPSDT) and to the experienced adjudicators. We received 12 responses from counsel, 51 from discipline tribunal members and five from experienced adjudicators. Participants were free to reply anonymously or provide their name as they wished.

Overall, the responses were extremely positive, although some discipline tribunal members were limited in their ability to comment because they had not yet sat on a case in the new model. Most respondents believed the Pilot had met its objectives, that the changes were positive and that it should continue. The discipline tribunal members were generally more positive than counsel. As discussed below, a theme among counsel respondents was a concern that there was a lack of transparency because independent legal counsel was not present.

**Discipline tribunal members reported a greater ability to focus on the substance of the case rather than legal procedure and an improved deliberation process.**

## Panel Composition

### *Leveraging diverse skill sets*

The discipline tribunal members who had participated in Pilot hearings were nearly universally supportive of the change to panel composition. They reported a greater ability to focus on the substance of the case rather than legal procedure and an improved deliberation process.

***"The difference is that with the experience our discussion time has reduced and the adjudicator makes sure that all the panel members' concerns are heard."***

***"My concerns as we made the change between the outside legal advisors and the experienced adjudicators was gone working with individuals with strong interpersonal skills in addition to a wealth of legal knowledge."***

***"I was surprised and very pleased with this new approach. Initially I was concerned with the reduction in physician members of the panel but the new arrangement works very well..."***

***"[T]he experience and skill sets that the Chair brings to the hearings allow us to be more effective while providing us with an educational component that would have been lost if they were not part of the process. They lead us through support and collaboration."***



## Every perspective counts

We asked the discipline tribunal members whether they felt their perspectives were heard and considered. There was nearly unanimous agreement.

***“Absolutely. The adjudicator/chair of the hearings I participated in made a point of including all members in the discussion, circulated written drafts in a timely manner, incorporated suggestions/edits and opened further discussion on items as required.”***

***“Fantastic job ensuring that everyone is heard, their questions are answered and reinforcing that there are no stupid questions.”***

***“Deliberations have been handled well. It’s definitely easier to review and comment on shorter, more plain-language documents that are provided in reasonable time following a hearing.”***

***“During deliberations all voices are encouraged and heard better than ever.”***

## Other Comments

A small number of discipline tribunal members expressed concerns. One was concerned that an adjudicator did not have sufficient skills and knowledge. Another expressed concern that the non-lawyer discipline tribunal members’ legal knowledge was not being developed. A third explained as follows:

***“Compared to a traditional deliberation I do not feel as involved. It felt more like the experienced adjudicator gathering a small amount of input from the panel to satisfy the requirement. I do not necessarily see this as a negative.”***

Several lawyers expressed concern that without independent legal counsel providing legal advice on the record, the process was less transparent. They expressed concern that the panel chair was improperly providing “legal advice” in deliberations. One expressed concern that the panel chair was improperly dominating:

***“My other concern is that the Chairs dominate the proceedings, which has happened in every hearing to date.”***

Other counsel expressed the opposite view, for example:

***“I think it makes eminent sense to hire experienced lawyer adjudicators in lieu of ILC. As much as the ILC work is excellent for lawyers such as myself, it does not make sense from a resource perspective.”***



## Perspectives of the Experienced Adjudicators

Most respondents commented that the Pilot was effectively achieving its objectives. Many commented on the collegiality and discussions among the experienced adjudicators, who meet once a month to discuss issues and approaches. All appreciated the relationships they had built with professional and public discipline tribunal members, although some found it challenging given the number of members of the different Pilot Tribunals and often small volume. The HPDT Chair has been informally assigning a subset of adjudicators to each Pilot Tribunal where possible, and in general the adjudicators supported this approach.

Experienced adjudicators expressed concern about differences in technology and process, between the Colleges, but were pleased with changes that had been made in that regard in 2024. Generally, they were pleased with administrative support.

## Case Management

There was strong support among both discipline tribunal members and counsel for the more intensive case management. Respondents felt that it improved the efficiency of the process. One respondent noted that the ability of the CMC chair to provide information to self-represented litigants from a neutral perspective was helpful. Examples of the comments are:

***“The robust case management, in my experience has been extremely effective. Parties are able to schedule a case management conference with very little notice. The CMC directions are usually issued within 24 hours, and the directions I have received have been clear and fair.”***

***“Also, the CMC Chair has the power to make procedural orders, which is helpful and brings more certainty in the process. We also appreciate that the CMC Chair adopts flexible approaches and is open to waive certain procedural requirements to be efficient.”***

Several discipline tribunal members mentioned that the case management process had reduced surprises and cancellations.

Two lawyer respondents emphasized that the CMC chair should not be heavy-handed in promoting settlement. One suggested that the CMC process should better take into account different policy approaches to resolution at different Colleges and better coordinate ADR techniques with College counsel. One suggested that pre-hearing hearing conferences were less effective than they were with a member of the profession serving as chair. As set out below in the description of the new model, we can include members of the profession in CMCs along with the case management chair as appropriate.



## Quality of Hearings and Reasons

The strong view among the discipline tribunal members was that hearings were smoother and the process more efficient. Many commented on the quality of the reasons and the benefits of receiving them more quickly after the hearing.

There was near unanimous support among discipline tribunal members for obtaining the parties' materials in advance, with several respondents noting that the amount of preparation could be heavy.

Most counsel commented positively on the quality of hearings and reasons. Two respondents suggested there was little difference from the previous model and two suggested that some reasons were difficult to understand. One respondent commented that reasons in joint submission cases were sometimes too short.

***"I have always found that having an experienced Chair that is able to navigate the system allows for a more effective and efficient process, allows for more genuine conversations, and provides the panel a solid foundation of experience and application."***

***"The Pilot has been extremely effective. The quality of hearings has increased drastically with experienced chairs and removing ILC. As a public member, I feel a lot more confident in the proceedings under the Pilot than previous Discipline Panels. Decisions have been released a lot faster and more well written. Overall this has benefited our College and the public interest and we should continue this process."***

***"I've noticed a significant quality improvement of deliberation discussions under the Pilot."***

***"Increased efficiency, increased clarity of writing, and in my view increased accuracy on important points of law."***

***"In my opinion, the Pilot project is such an asset to the CMTO discipline system. Hearings progress so much more efficiently with expert tribunal and panel leadership. The experienced lawyer is able to keep panel members from straying into the weeds while deliberating. Detailed reasons for decisions are received in a timely manner. The efficiency of this whole process is astonishing. Love it."***

***"Although it takes time pre-hearing, time is saved during the hearing/deliberation phase, making it a worthwhile activity."***

***"[Receiving materials in advance] is the best part of the Pilot project for me. It is such a benefit to be able to review and absorb this information prior to the hearing."***

***"Very significant impact – allows opportunity to review the material which enhances the panel discussion and makes for an efficient use of time."***





## Education

Comments on the educational offerings were nearly universally positive.

***"I have found the education to be the most beneficial part for me so far. Being a member of the CMTO we have two discipline streams and the education from the HPDTP has been an immense benefit to my work on the non HPDTP stream as well as the HPDTP stream."***

***"Joint educational conference enabled me to see the road block or ways others have overcome. The complexity of the different Colleges and the relationship with their clientele impacts the type of hearings."***

***"I find that David's presentations are always educational and engages all the members. He brings scenarios and case examples from other institutions and his personal experiences as well. The newsletter keeps us informed about the current cases and outcome of the tribunals."***

***"Education has struck the right balance with business meetings, complemented by other learning opportunities, presentations and the newsletter which I thoroughly enjoy and learn from. Keep up the great work."***

***"My orientation session to discipline hearings was very elaborate and informative. I use this as my reference point for any hearing meetings. The monthly newsletter is a valuable tool and helps me understand the jargon used in the process."***

***"The joint educational conference was outstanding. The newsletter is well done and very informative."***







## A Selection of General Comments

***"Very impressive conceptualization and work by many. Very positive impact."***

***"I think this has been a successful experiment."***

***"Not having to Chair hearings and write D and Rs has eliminated the significant anxiety associated with those tasks."***

***"I believe the Pilot has been effective. The proceedings are more focused, the Case Management and decision writing much better. I support adopting this model going forward."***

***"It is an exciting initiative that has done a great job with our committee so far. Thank you for everything you've done to date."***

***"My peers seem pleased, and I have heard only good things from those who have sat on panels. It is great to hear the experienced adjudicators refer to their experience with other Colleges and their processes, as it gives insight into what we do at ours."***

***"In the matter of fairness and credibility the Pilot model is essential, but I on occasion feel we are relinquishing our own College's responsibility to regulate our own."***

***"I believe that this initiative should definitely continue to become our 'new normal.'"***

***"The Pilot has been a huge success thanks to David's leadership. It is also a great example of cross sectoral collaboration."***

***"Turn the Pilot into a full tribunal."***

***"It is exciting to be a part of a program that is growing in the right direction, for the right reasons. Thank you!"***

***"At this time, all I have to share is, 'Keep doing what you are doing.'"***

***"I would recommend this Pilot to all Colleges."***

## Feedback from Non-Pilot Colleges

We reached out to RHPA colleges not currently in the Pilot to canvass interest in the Pilot and their needs and held multiple meetings with senior staff. There is considerable interest in the possibility of joining, and the most common preference is to have the HPDT take on the administration and case processing as well as sharing adjudicative resources.

Some Colleges have a very low volume of discipline proceedings, which can be as infrequent as one case every two or three years. These Colleges have a different set of needs from larger ones. Rather than orienting all committee members and providing them regular education, their preference would be to have an infrastructure in place to take on the processing and management of cases, as well as the training of adjudicators when a referral is made and the need arises.

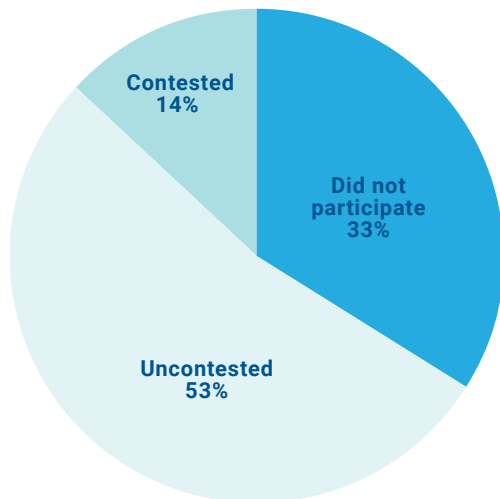


## QUANTITATIVE MEASURES

**Total of 30 hearings have been held**

### General

From the start of the HPDT Pilot to the end of June 2024, a total of 30 hearings have been held. Of these, 16 hearings, 53% were uncontested, where the merits, penalty, and costs were agreed to by the parties. In 10 (33%) of the cases, the registrant did not participate. In contrast, four hearings (14%) were contested, with the parties disagreeing on some or all issues, typically resulting in longer hearings.



Fifteen cases involving allegations of sexual abuse were completed: 11 at CMTO and four at CRPO.

Contested hearings made up less than one sixth of Pilot hearings but accounted for just over 40% of total hearing days.

### Breakdown of Hearings by College

Agreement level	CASLPO	CRPO	CMTO	Total
Contested	0	2	2	<b>4</b>
Uncontested	2	9	5	<b>16</b>
Not participating	3	2	5	<b>10</b>
<b>Total</b>	<b>5</b>	<b>13</b>	<b>12</b>	<b>30</b>

**All four contested cases involved sexual abuse allegations**

### Hearing Length

Six multi-day hearings have been held, four of which were contested. In the other two, the registrant did not participate in the hearing. The lengthiest contested hearing, in a CMTO case, was scheduled for five days but was completed in four-and-a-half days, covering both merits and penalty hearing days.

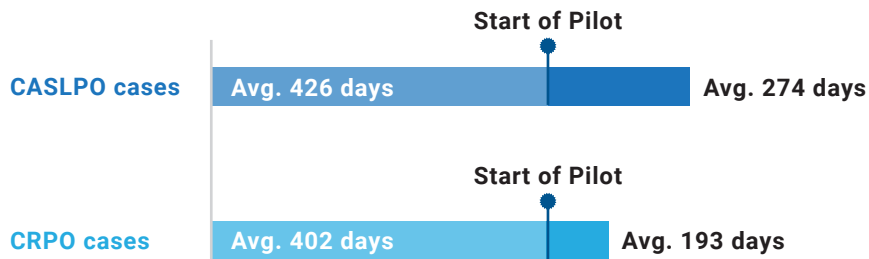
Nineteen cases were heard over a single or half day, all of which were uncontested or the registrant did not participate. There were five written hearings; in four of these, the registrant did not participate, and one involved an uncontested motion to withdraw allegations.



## Timeliness

### Cases Referred Before the Start of the Pilot

At CRPO, seven cases had been pending for an average of 402 days at the time the Pilot began. They were subsequently completed within an average of 193 days from the start of the Pilot.



At CASLPO, four cases had been pending for an average of 426 days. These cases were completed within an average of 274 days from the start of the Pilot. Two of these cases were case managed together with one other case involving the same registrant referred after the Pilot.

### Cases Referred During the Pilot

Cases that were both opened and completed after the start of the Pilot were completed on average 201 days from the date of the notice of hearing.

At CRPO, six cases that were opened after the Pilot began were completed in an average of 200 days.

At CMTO, four cases that were opened after the start of the Pilot were completed in an average of 204 days.

At CASLPO, we have yet to complete a case that was opened after the start of the Pilot.



**On average, Pilot cases have closed within 201 days.**

### Decision Release

Overall, there have been 40 decisions released during the Pilot: 16 for CMTO, 9 for CASLPO and 15 for CRPO .

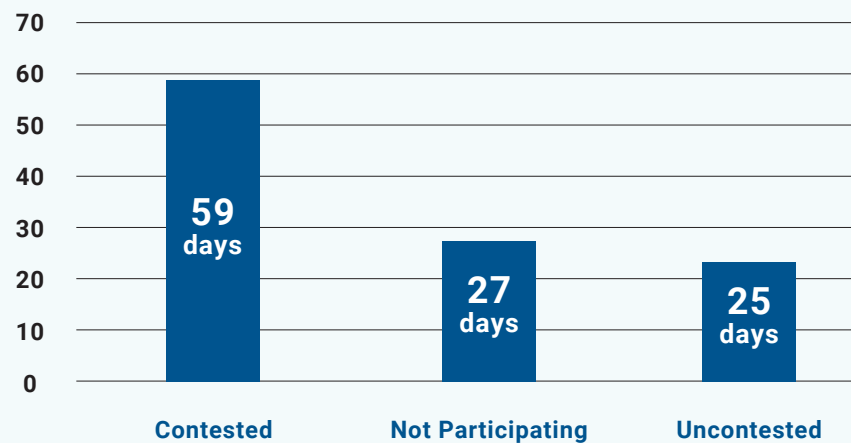
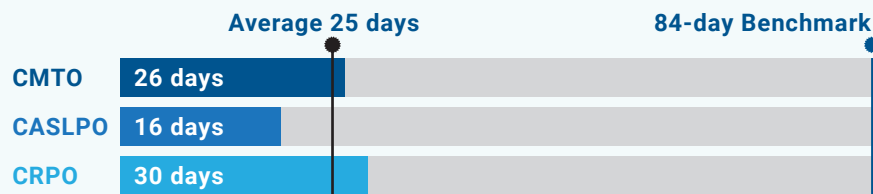
**40 decisions released during the Pilot**



In the Pilot, decisions have been released within an average of 25 days following the conclusion of a hearing, significantly outperforming the 84-day benchmark.

### Average Days to Decision Release

There were four merits reasons released for cases that were contested. These reasons were released in an average of 59 days. There were ten reasons released in cases where the registrant did not participate. These reasons were released in an average of 27 days. There were 19 reasons released in uncontested cases. They were released in an average of 25 days.



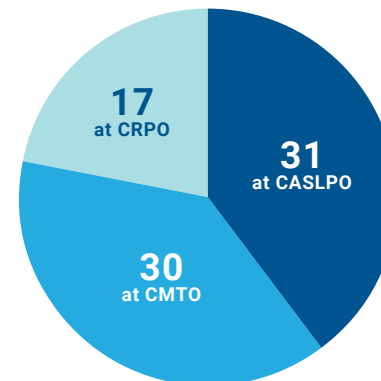
There were seven motion reasons released during the Pilot and their average time to release was six days. Of these there were five uncontested motion reasons released within an average of five days. The remaining two were contested motions and their reasons were released within an average of nine days.

### Case Management

The Pilot incorporates a comprehensive case management rule designed to streamline the hearing process in a manner that is fair, timely, and aligned with the public interest. This approach ensures that hearing time is utilized efficiently and effectively, procedural and legal issues are identified early and adjournments are reserved for exceptional circumstances only.

Throughout the Pilot, 78 CMCs have been conducted across all Pilot Colleges: 31 at CASLPO, 30 at CMTO, and 17 at CRPO. On average, there were 2.43 CMCs per contested case and 1.78 CMCs per uncontested case. The higher number of CMCs per contested case reflects the greater complexity often associated with these matters, requiring more preliminary management to ensure efficient proceedings.

### 78 CMCs have been conducted across all Pilot Colleges



The higher number of CMCs per contested case reflects the greater complexity often associated with these matters.



## Financial Impact

The impact of the new model on each College will be different, so it is difficult to generalize. Factors that will affect cost and cost comparisons with the previous model include:

- caseload;
- types of cases;
- settlement rates;
- discipline committee size;
- remuneration rates paid to professional members;
- staff resources devoted to discipline;
- current ILC hourly rates;
- current approach to reason writing;
- frequency and nature of education.

To give a sense of HPDT costs, we have summarized the number of adjudicator hours spent for various Pilot cases with a description of the nature of the case.

Hours Spent by Case Type		CMC Hours	Hearing Hours (including preparation and deliberation)	Reason Writing Hours	Total
Joint submission through CMC process	Example 1	5.7	2.50	1.50	9.70
	Example 2	4.00	2.75	3.50	10.25
Written hearing; registrant not participating; complex legal issues		1.00	11.20	15.70	27.90
Contested sexual abuse; registrant represented	Example 1	2.00	27.20	23.70	52.90
	Example 2	1.50	37.00	40.00	28.50
Contested sexual abuse; registrant self-represented		3.00	30.50	14.70	48.20
Consent withdrawal; single adjudicator; in writing		0.00	0.00	1.50	1.50
Indefinite Adjournment after CMCs; single adjudicator		1.00	1.25	0.75	3.00



# Part 3

# New Model

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# New Model



## PRINCIPLES

This part sets out the model we are proposing be adopted should Pilot Colleges decide to continue or other Colleges choose to join.

The following principles were applied in the design:

- The model has been very well-received and few changes are needed to the overall structure.
- The success of the model has come from the combination of all its elements, most importantly case management, the change in panel composition, enhanced education and modernized adjudicative and administrative processes.
- It is important for each profession's tribunal to maintain its separate identity and jurisprudence and provide opportunities for separate interactions and education.
- Consistency in processes, rules, templates and IT is important for many reasons, including:
  - smoother hearings and reasons through consistent approaches, in particular if the number of Colleges participating grows;
  - consistent approaches and reduced costs for representatives who appear before multiple tribunals;
  - the ability to prepare extensive documentation and support for self-represented and represented litigants that apply to all the participating tribunals;
  - reduced administrative and adjudicative costs and time;
  - changes to ensure continuous improvement are more easily made;
  - consistent fees and fair cost sharing.
- In limited circumstances there may be differences between Colleges in processes, rules and templates including:
  - on costs tariffs, which are a policy question, and do not require changes to adjudicative processes;
  - to respond to differences that relate to the nature of the profession;
  - during transition and to allow a trial period.
- Independence, and therefore the confidence of the public and registrants, is promoted by separation between the College, in particular the professional conduct staff and prosecution counsel, and the discipline tribunal.

**The success of the model has come from the combination of all its elements, most importantly case management, the change in panel composition, enhanced education and modernized adjudicative and administrative processes.**



# PROPOSAL FOR THE HPDT

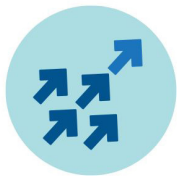


## Identity

The Discipline Committee of each participating College is renamed the Ontario [name of profession] Discipline Tribunal by Board By-Law. The group of tribunals together is known as the Health Professions Discipline Tribunals. Decisions and orders have the HPDT logo at the top, followed by the name of the discipline tribunal. Each discipline tribunal has a separate section on the Canadian Legal Information Institute (CanLII) and other legal reporting services.

Correspondence and emails to and from HPDT Tribunals use a central email address and HPDT branding.

The HPDT website contains an “About Us” section with general information about the HPDT, a “Scheduled Hearings” section with all scheduled dates, which can be sorted by College, a “resources” section similar to that already built and a “contact” section. Discipline tribunals or Colleges will likely wish to maintain their own web pages for information such as cases currently referred, outcomes and a list and/or biographies of discipline tribunal members.



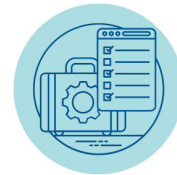
## Tribunal Membership and Leadership

Pursuant to the Code, each College’s Board appoints the members and leaders of its discipline tribunal. Unless there is a conflict of interest, all experienced adjudicators are appointed to all HPDT Tribunals. The HPDT Chair is appointed Chair of each HPDT Tribunal and a professional or public member of the discipline tribunal is selected as Vice-Chair. The Chair meets with each Vice-Chair as needed and there are regular meetings of all Vice-Chairs. Particularly with smaller Colleges, the Chair will make efforts to have a smaller group of the experienced adjudicators chair hearings in each HPDT Tribunal.



## Rules of Procedure, Practice Directions and Guides

Each HPDT Tribunal adopts the HPDT Rules of Procedure, Practice Directions and Guides. Where agreed by HPDT and the relevant College, Appendix A to the Rules of Procedure allows for rules that apply to one tribunal and a Practice Direction specific to that College can be prepared. Each College determines whether there will be a costs tariff and the amounts.



## Case Processing and Administration

Participating Colleges have the option to decide whether they wish to have Tribunal Office staff conduct case processing using common templates and procedures or whether they will continue to do so themselves. Both of the options presented require individual Colleges to provide staffing support, the amount of which will depend on their volumes. There is much less College staff time required with the first option.

### *Tribunal Office Processes Cases*

Where the Tribunal Office does case processing, it is responsible for all file administration from the filing of the Notice of Hearing until the file is closed, including all correspondence, scheduling, canvassing panel members for their availability, maintaining the file, tracking, editing and releasing reasons and preparing the file for storage. Further, the Chair and Tribunal Counsel leverage their legal expertise to advise Tribunal Office staff on file management issues that arise throughout the duration of a case file.





The College remains responsible for:

- advising the Tribunal Office of conflicts of interest of tribunal members;
- all updates to the public register;
- all updates to the College’s website;
- all reports, including statistical updates, reports to the Board and the College’s annual report;
- supporting business or education meetings of the individual tribunal;
- file retention;
- remuneration and reimbursement of professional members and administration of public members’ remuneration claims with the Health Boards Secretariat.

The College appoints a staff member or members outside the professional conduct department as the liaison with the Tribunal Office. The liaison advises the Tribunal Office of all changes to tribunal membership.

Tribunal Office staff and experienced adjudicators use CPSO systems, and members of the other tribunals are given access to documents using SharePoint. Data access and sharing with discipline tribunal members is conducted in accordance with the agreed-upon data protocol.

### College Processes Cases

Where the College processes its own cases, it uses the same templates and processes, email address and databases as the Tribunal Office. Tribunal Office staff provide training to the College’s staff on the processes. The HPDT Chair has ultimate responsibility and decision making in relation to case processing and may be consulted by College leadership on the performance of staff working on discipline cases.



### Hearing Support

HPDT tribunals are encouraged to use FCCF to support hearings. Where the Tribunal Office is doing administration and file processing, the Tribunal Office makes all relevant arrangements, pays FCCF invoices and invoices the College. When using FCCF, hearings are recorded and there is no need for a court reporter to attend the hearing; the recording is sent if the transcript is ordered.



### Education

The HPDT organizes an annual education conference. There is a registration fee to cover the expenses. In consultation with the Vice-Chair, the HPDT organizes up to one full-day or two half-day virtual business/education meetings.

The HPDT provides a combined orientation (four half days) for new discipline tribunal members in all HPDT Colleges. In general, the orientation takes place twice annually. If a member is needed to sit on a hearing before the next orientation, they watch the video of the last training and are invited to an individual question and answer session with the HPDT Chair or Tribunal Counsel.

The HPDT continues to produce the monthly newsletter.

Colleges provide an orientation to the profession for the experienced adjudicators when joining the HPDT and for new experienced adjudicators. The HPDT provides up to a one-day orientation to the HPDT for discipline tribunal members when the College joins the HPDT.



## Finances

The financial arrangements continue as in the Pilot. Colleges are only billed for adjudicator time (including time attending College-specific meetings), base fee, reimbursement of expenses incurred on their behalf (such as hearing support) and expense sharing for the conference. Colleges are not charged separately for preparation of education, organizing the conference, the newsletter, case processing, reasons review and editing, etc. The Tribunal Office continues to track the time spent on all other activities to ensure that the program is cost neutral for CPSO.

The 2025 base fee will remain unchanged at \$1,000 per month per College, except that for Colleges with an average of two hearings or less per year over the past five years, it will be \$750. The hourly rates will be \$350 per hour if the Tribunal Office staff are doing case processing and \$300 per hour if the College is doing its own case processing. If more Colleges participate, that will allow for steady or perhaps reduced base fees as base costs can be spread between all participating Colleges. While in the future it may be appropriate to set fees for a longer period, at the outset fees should be reviewed and agreements should be signed on an annual basis.

## Smaller Colleges

Colleges that have had an average of less than one hearing per year over the past five years, and that do not wish to regularly participate in education will pay a base fee of \$150 per month (billed on an annual basis) during any period in which they have no active cases. If there is a referral, the HPDT will provide focused training tied to the nature of the case and regular fees will apply during the period the case is active.

## Reporting, Feedback and Evaluation

There will continue to be regular meetings of all the participating Colleges and the HPDT. The HPDT-Counsel Roundtable will continue and be expanded as appropriate to include new members.

There are various issues and decisions that may need to be considered in coming years. How these are approached will depend on various factors, including the number of Colleges that join, volume of cases, our experiences under the new model and changes in the sector. These may include:

- the process for selecting the HPDT Chair;
- whether full-time experienced adjudicators in addition to the HPDT Chair should be recruited;
- the possibility of statutory and/or regulatory changes to promote effectiveness and efficiency, including to the requirement for Board members on discipline panels, methods for appointing public members and the size of panels;
- HPDT office location and financial structure;
- the duration of agreements and appointments;
- mechanisms for determining future structure and independence; and
- continuous improvement and strategic planning.

Commencing in 2026 for the year 2025, the HPDT will prepare an annual report of its activities. The HPDT will establish annual performance metrics in consultation with all participating Colleges to be reported on in the next year's annual report.

In the first half of 2028, we will consult participants from the regulatory community and prepare a report on the first three years of the HPDT and possible improvements to all aspects of the model, including the structure and the Rules of Procedure.

## Timing of New Participants and Transition

We are open to new Colleges participating at any time after January 2025. Transition, and any special arrangements during a trial period, can be discussed individually.

## Fitness to Practise

The HPDT is able to take on fitness to practise cases. Rules and processes for fitness to practise cases will be developed as needed.

HPDT Health Professions  
Discipline Tribunals



TDPS Tribunaux de discipline  
des professions de la santé

[tribunal@opsdt.ca](mailto:tribunal@opsdt.ca)



## COLLEGE OF CHIROPODISTS OF ONTARIO

*Regulating Chiropodists and Podiatrists in Ontario*

### ITEM 6.1

#### REGISTRAR'S REPORT

#### September 27, 2024 Council Meeting

Since the last Council meeting in May, the College has been very involved with other health regulators both provincially and federally. The aim of strengthening relationships and networks within health regulatory sectors is to ensure the College is aligned with best practices, has a place at the table for broader discussion and can optimize information and knowledge sharing. The College's profile has been elevated with greater stakeholder engagement, a necessary element of regulatory business to ensure that stakeholders are aware of the College's public protection mandate.

The College has continued to work with other key stakeholders, including the associations, and to focus on quality assurance measures. In that regard, the College has implemented surgical suite practice assessments for those registrants whose practices include surgical procedures. The College will assess 5% of registrants and has engaged in assessor training to ensure assessors are able to provide registrants with a positive, productive experience.

All of the Regulated Health Profession Act (RHPA) Colleges have been asked by the Ministry of Health (MOH) to provide additional reporting in addition to that provided in the annual College Performance Measurement Framework (CPMF).

Please see below for other key initiatives and/or updates.

#### **1) National Conference of Podiatry and Chiropody Regulators:**

I conceived of the idea of creating a national network of podiatry/chiropody regulators with the recent regulation of podiatrists in Nova Scotia and soon-to-be regulated podiatrists in PEI. The idea is based on the national physician regulator conference held annually. An invitation was extended to our regulatory counterparts in BC, Alberta, Saskatchewan, Manitoba, Quebec, Nova Scotia and PEI. We have been very pleased with the overwhelming positive response and the College will host the inaugural conference in early spring 2025 in Toronto. We have created a survey for all regulators to complete to ensure we have a complete picture of each jurisdiction's legislative framework, registrants' scope of practice, prescribing privileges and the like.

The hope is that the conference will become an annual event with regulators alternating hosting in their jurisdiction.

## **2) Nova Scotia and PEI Podiatry Regulators:**

As our stakeholders are likely aware, Nova Scotia's physician regulator, the CPSNS, recently became responsible for regulating podiatrists in that province. The province currently has one category of registrants – podiatrists – with education and training equivalent to our chiropodists. NS podiatrists have a broader scope of practice than Ontario chiropodists.

PEI's physician regulator is expecting legislation to pass in October 2024 that will cause it to become the podiatry regulator in that province. The PEI legislation is expected to be similar to that of NS.

We have reached out to both PEI and NS regulators to offer our support and have been pleased to work with these well-established regulators entering a new regulatory sphere.

## **3) Reporting to the MOH:**

All RHPA Colleges were asked to provide additional reporting to the MOH for the period of April 1 – June 30 and the data was submitted by our College on August 31.

The MOH asked about the following 4 categories:

Ontario-educated applicants,  
Labour mobility applicants,  
Canadian-educated (not labour mobility) applicants, and  
internationally educated applicants.

For each of the categories, they asked for:

- Number of submitted applications
- Registrations issued
- Average number of days from submission to registration
- Number of denied applications
- Average number of days from submission to denial
- Number of applications pending decision

## **4) Health Profession Regulators of Ontario (HPRO), Management Committee:**

Recently I was elected to the Management Committee of HPRO, the organization of 26 *Regulated Health Profession Act* Colleges. The position is for a 1-year term. I have thoroughly enjoyed working with my regulatory colleagues and am pleased to engage further with HPRO in a leadership capacity.

## **5) Prescribing Group:**

An ad hoc prescribing group comprised of regulators and associations representing registrants/members with prescribing privileges was proposed by the Ontario College of Pharmacists and our College was invited to join. The group agreed on Terms of Reference and a Project Plan. The purpose was to review, analyze and

discuss each participant's experience with prescribing regulations with the aim of providing a White Paper to the Ministry of Health (MOH) with recommendations. In particular, the group has focused on recommendations for drafting the most efficient and public centric drug regulations.

The group has drafted a White Paper that Council will consider in-camera and, if approved, will be submitted to the MOH.

#### **6) Registration Regulation Amendments:**

The College has been invited to submit proposed amendments to the College's Registration Regulation. A proposed amendment will be presented to Council at its September 27, 2024 meeting to approve in principle so that it may be circulated for consultation. The amendments are intended to modernize the College's registration practices.

#### **7) The College and Associations:**

The College, along with the Ontario Society of Chiropractors and the Ontario Podiatric Medical Association share the view that the future of footcare in Ontario includes the adoption of the podiatry model. The College Council unanimously voted to support the adoption of the podiatry model as part of its strategic plan that is currently in place. College Council considered the podiatry model to afford the greatest public protection with increased access to care for patients.

The College and associations' representatives met in June to discuss the podiatry model in greater detail and have exchanged ideas in this respect. The parties plan to engage in further discussions about the podiatry model.

#### **8) Continuing Education Modules For Registrants:**

The College's Manager, Communication and Engagement, Shruti Tantry, has created Continuing Education video modules that will soon be available for Registrants. The modules focus on regulatory topics that will be of particular relevance to registrants.

#### **9) CNAR Conference: October 7, 8 and 9 in Ottawa**

The most significant Canadian regulatory conference will be taking place in Ottawa. The event is attended by regulators across the country, with highly relevant topics and great opportunities for connecting with other health regulators.

#### **10) Spring 2024 Registration Examinations:**

The College's Manager, Registration, Examinations and Quality Programs, Nawaz Pirani, with the help of the Registration Examinations Committee and Chair, Stephanie Shlemkevich, oversaw the Spring 2024

Registration Examinations. The College used The Michener's premises as the location for all of the Registration Examinations. The examinations returned to in-person.

The statistical data relating to the exams in Spring 2024 is as follows:

41 applicants wrote the Jurisprudence exam; with 4 fails  
37 applicants wrote the Core Competencies exam; with 4 fails  
37 applicants completed the OSCE; with 5 fails.

The College will soon host its Fall 2024 exams.

### **11) Digitalization of Documents:**

The College has continued to digitalize its paper documents following the College's move to the Cloud. Paper documents take up space and are expensive to store but the College has an obligation to maintain records and other documents. Digitalization allows for improved access to documents by College staff and eliminates the need for physical space for paper documents. The College has followed the direction of most organizations and other Regulators in digitalizing its documents.

As we look forward to 2025, we have many plans in place to maintain the momentum we have created in 2024 and in the previous years to continue to improve College operations. We will continue to work towards realizing the Strategic Plan and, in particular, the adoption of the Podiatry Model in Ontario.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nicole Zwiers', written in a cursive style.

Nicole Zwiers, LLB LLM  
Registrar & CEO



# STRATEGIC PLANNING COMMITTEE

## KEY PERFORMANCE INDICATOR (KPI) DASHBOARD

KEY PERFORMANCE INDICATOR (KPI)	METRIC	RESULT	NEXT STEPS	STATUS
Annual review of financial reserves to determine sufficiency	Actions taken to determine sufficiency of reserve fund.	Regular review of financial statements, including reserve funds with no deficit or unexpected deficit noted.		
Continuous improvement of the College's performance in the College Performance Measurement Framework (CPMF) metrics	A comparator of the previous year to ensure that more or all metrics are satisfied.	The College has demonstrated improvement year after year, with a reporting tool capturing the response from the College.		
Financial reporting by the Registrar at each Council Meeting	Regular reporting to Council.	A financial report at every Council meeting by the Registrar.		
Annual onboarding and orientation of new Councilors, Chairs and Committee Members prior to the first Council Meeting	Delivery of onboarding and orientation.	Better prepared Council and committee members as well as chairs demonstrating effective meetings. Reflected in post meeting surveys.		
Maximize membership in the Health Professions Regulators of Ontario (HPRO) with regular engagement by Registrar and Staff	Regular attendance by the Registrar and staff at HPRO meetings and events.	Produce a document (dashboard) annually of HPRO meetings and events, who has attended and when.		
Engagement and follow-up in advancing the Full Scope Podiatry Model (FSPM) as identified in the Position Paper	The Registrar's meetings with government officials and other stakeholders towards supporting the position paper and the FSPM.	Documenting the number of meetings the Registrar has had of this nature, with whom and when. For public reporting purposes, reporting only the number of meetings, without details where there are confidentiality concerns, at the discretion of the Registrar.		
Finalize and maintain the competencies for FSPM	Comparators with the competencies in other jurisdictions with the FSPM that reflect alignment of the College's competencies for FSPM. The work done under the HPRAC submission can be used as a guide.	Sub-group formed to develop a fulsome list of competencies required for the FSPM and a roadmap to operationalizing registration and regulation of registrants practicing FSPM.		
Engagement of academic institutions that can fulfil the FSPM and with Ministry of Colleges and Universities as required	Engagement and outreach to interested post-secondary institutions.	Monitor meetings and outreach that the Registrar has with interested post-secondary institutions.		
Present the FSPM to HPRO for endorsement	Engagement and outreach to HPRO to present to RHPA Registrars about the FSPM.			
Develop an ongoing strategy for implementation by November 2023 to ensure Members have the requisite knowledge, skill, and training to provide care according to evidence-based best practices	A workable strategy to operationalize the FSPM and ensure the public is protected.	Development of a strategy by November 2023 that identifies different types of registrants, their scopes of practice as well as their education and training and bridging paths.		