



Draft Bylaw Text

November 2015

The proposed bylaws add text to Part 17 of the College's Bylaws, which details information (in addition to that required by section 23 of the Health Professions Procedural Code) to be placed on the public register. The proposed bylaw is written below:

PART 17

17.01 Public Register

17.01.1 In addition to the information set out in section 23 of the *Code*, the following information about each registrant shall be included in the public register:

...

(t) Where, for a complaint filed on or after January 1, 2017 or for a report received on or after January 1, 2017 for which an investigator is appointed under 75(1)(a) or 75(1)(b) of the *Code*, a panel of the Inquiries, Complaints and Reports Committee requires a registrant to appear before a panel of the Committee to be cautioned in person, as authorized by paragraph 26(1)3 of the *Code*,

- i. a notation of that fact,
- ii. a summary of the caution-in-person,
- iii. the date of the panel's decision,
- iv. the date upon which the caution-in-person was administered by the Committee panel, and
- v. if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review and any reconsideration by the Committee is finally disposed of.

The information about the caution-in-person referred to in paragraph (t) may be removed from the public register in the following circumstances:

(A) two (2) years have passed since the decision was made, unless a subsequent caution-in-person has been directed by the ICRC for the registrant, or the registrant has been required to undertake a specified continuing education or remediation program or the registrant has given an undertaking to the ICRC, in which case all records of

cautions-in-person, specified continuing education or remediation programs and undertakings ordered after January 1, 2017 shall remain on the register for four (4) years after the most recent caution-in-person, specified continuing education or remediation program or undertaking was published on the register; and

(B) the registrant has made a written request to the Registrar for the removal of the information listed in paragraph (t) on the grounds that the information is no longer relevant to the member's suitability to practice, and the Registrar believes that the removal of the information from the public register outweighs the desirability of the public access to the information in the interest of any person affected or the public interest.

(u) Where, for a complaint filed on or after January 1, 2017 or for a report received on or after January 1, 2017 for which an investigator is appointed under 75(1)(a) or 75(1)(b) of the Code, a panel of the Inquiries, Complaints and Reports Committee requires a registrant to complete a specified continuing education or remediation program, as authorized by paragraph 26(1)4 and subsection 26(3) of the Code,

- i. a notation of that fact,
- ii. a summary of the specified continuing education or remediation program
- iii. the date of the panel's decision,
- iv. the date that the specified continuing education or remediation program is successfully completed, and
- v. if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review and any reconsideration by the Committee is finally disposed of.

The information about specified continuing education or remediation program referred to in paragraph (u) may be removed from the public register in the following circumstances:

(A) two (2) years have passed since the decision was made, unless a subsequent caution-in-person has been directed by the ICRC for the registrant, or the registrant has been required to undertake a specified continuing education or remediation program or the registrant has entered into an undertaking with the ICRC, in which case all records of cautions-in-person, specified continuing education or remediation programs and undertakings ordered after January 1, 2017 shall remain on the register for four (4) years after the most recent caution-in-person, specified continuing education or remediation program or undertaking was published on the register; and

(B) the registrant has made a written request to the Registrar for the removal of the information listed in paragraph (u) on the grounds that the information is no longer relevant to the member's suitability to practice, and the Registrar believes that the removal of the information from the public register outweighs the desirability of the

public access to the information in the interest of any person affected or the public interest.

(v) Where, for a complaint filed on or after January 1, 2017 or for a report received on or after January 1, 2017 for which an investigator is appointed under 75(1)(a) or 75(1)(b) of the Code, a panel of the Inquiries, Complaints and Reports Committee enters into an undertaking with the registrant, as authorized by paragraph 26(1)4 and subsection 26(3) of the Code,

- i. a notation of that fact,
- ii. a summary of the undertaking
- iii. the date of the panel's decision,
- iv. the date that the undertaking is successfully completed, and
- v. if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review and any reconsideration by the Committee is finally disposed of.

The information about the undertaking referred to in paragraph (v) may be removed from the public register in the following circumstances:

(A) two (2) years have passed since the decision was made, unless a subsequent caution-in-person has been directed by the ICRC for the registrant, or the registrant has been required to undertake a specified continuing education or remediation program or the registrant has entered into an undertaking with the ICRC, in which case all records of cautions-in-person, specified continuing education or remediation programs and undertakings ordered after January 1, 2017 shall remain on the register for four (4) years after the most recent caution-in-person, specified continuing education or remediation program or undertaking was published on the register; and

(B) the registrant has made a written request to the Registrar for the removal of the information listed in paragraph (v) on the grounds that the information is no longer relevant to the member's suitability to practice, and the Registrar believes that the removal of the information from the public register outweighs the desirability of the public access to the information in the interest of any person affected or the public interest.

(w) Notwithstanding paragraphs (t), (u) and (v), where after a review by the Health Professions Appeal and Review Board or a judicial review by an appellate court of the decision and reasons of the ICRC, the ICRC has been required to remove or vary a caution-in-person, a specified continuing education or remediation program or an undertaking, the notation and summary may be removed once the Committee makes a new decision. Where the original requirement to appear for a caution or to complete a specified continuing education or remediation program or undertaking has been varied, the Registrar may enter on the public register a summary of the process leading up to and the results of the variation.