

For the Executive Committee's consideration:

Recommendation:

That Council approve, in principle, the following amendments to Article 42 of the College's Bylaw No. 1: General:

1. Respecting article 42.01, to replace the opening words "Subject to Article 42.03" with the words "Subject to Article 42.02".
2. Respecting Article 42.06, to:
 - (i) add new paragraphs 9.1 and 9.2 as follows:

“9.1 Where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after October 1, 2015 includes a requirement that the **member** attend before a panel of that committee to be cautioned (as is authorized by paragraph 3 of subsection 26(1) of the **Code**),

 - (a) a notation of that fact including a summary of the caution;
 - (b) the date of the panel's decision; 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** 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 a summary of the continuing education or remediation program(s);
 - (b) the date of the panel's decision; and
 - (c) if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.”
 - (ii) to add a new paragraph 10.1 as follows:

“10.1 A summary of any existing restriction on the **member's** right to practise that has been imposed by a Court or other lawful authority, if the **College** is aware of the restriction, including the name of the Court or other lawful authority that imposed the restriction and the date the restriction was imposed.”
 - (iii) to revoke paragraph 16 and substitute the following:

“16. Where an allegation of professional misconduct or incompetence has been referred to the Discipline Committee in respect of the **member** and is outstanding,

- a) the date of the referral;
- b) a brief summary of each specified allegation;
- 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.”

(iv) to add a new paragraph 21.1 as follows:

“21.1 A summary of any finding of guilt of which the **College** is aware if made by a Court on or after January 1, 2015 against a **member**, in respect of any criminal offence, in any jurisdiction, that the Registrar has reviewed and determined is relevant to the **member’s** suitability to practise.”

3. To add Articles 42.08.1 and 42.08.2 as follows:

42.08.01 The information required under paragraph 9.1 of Article 42.06 shall be removed from the register 24 months after the Registrar is satisfied that the **member** has appeared before a panel of the Inquiries, Complaints and Reports Committee and received the caution.

42.08.02 The information required under paragraph 9.2 of Article 42.06 shall be removed from the register once the Registrar is satisfied that the **member** has successfully completed the specified continuing education and/or remediation program(s) including any monitoring associated therewith which was the subject of the decision of the panel of the Inquiries, Complaints and Reports Committee.”

And further that Council direct that the proposed amendments be circulated to members and other stakeholders, for at least 60 days, for comment.

[Please note that the amendments are shown highlighted in Appendix A.]