

42. REGISTER

- 42.01** Subject to Article 42.02 a **member's** name in the register of the **College** shall be the **member's** name as provided in the documentary evidence used to support the **member's** initial registration and shall be consistent with the name used by the **member** on his or her degree or diploma which was the basis for his or her application for a certificate of registration.
- 42.02** The Registrar shall direct that a name other than as provided in Article 42.02 be entered in the register of the **College** if such a request is made by the **member** and the Registrar is satisfied that
- i) the **member** has validly changed his or her name; and
 - ii) the use of the name is not for an improper purpose.
- 42.03** Unless otherwise approved by the Registrar, a **member's** business address in the register of the **College** shall be the location in Ontario where the **member** principally engages in the practice of chiropractic.
- 42.04** A **member's** business telephone number in the register of the **College** shall be the telephone number of the location referred to in Article 42.03.
- 42.05** Under subsection 23(2) of the **Code** and subject to certain exceptions contained in the **Code**, certain information must be contained in the **College's** register. As of May 30, 2017, the register is required to contain the following:
1. Each **member's** name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the **member** is a shareholder.
 2. Where a **member** is deceased, the name of the deceased **member** and the date upon which the **member** died, if known to the Registrar.
 3. The name, business address and business telephone number of every health profession corporation.
 4. The names of the shareholders of each health profession corporation who are **members** of the **College**.
 5. Each **member's** class of registration and specialist status.
 6. The terms, conditions and limitations that are in effect on each certificate of registration.

7. A notation of every caution that a **member** has received from a panel of the Inquiries, Complaints and Reports Committee under paragraph 3 of subsection 26 (1) of the **Code**, and any specified continuing education or remedial programs required by a panel of the Inquiries, Complaints and Reports Committee using its powers under paragraph 4 of subsection 26 (1) of the **Code**.
8. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the **Code** and that has not been finally resolved, including the date of the referral and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved.
9. A copy of the specified allegations against a **member** for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the **Code** and that has not been finally resolved.
10. Every result of a disciplinary or incapacity proceeding.
11. A notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a **member** has entered into with the **College** and that are in effect.
12. A notation of every finding of professional negligence or malpractice, which may or may not relate to the **member's** suitability to practise, made against the **member**, unless the finding is reversed on appeal.
13. A notation of every revocation or suspension of a certificate of registration.
14. A notation of every revocation or suspension of a certificate of authorization.
15. Information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included.
16. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
17. Where, during or as a result of a proceeding under section 25 of the **Code**, a **member** has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.

18. Where the **College** has an inspection program established under clause 95 (1) (h) or (h.1) of the **Code**, the outcomes of inspections conducted by the **College**.
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*.
20. Information that is required to be kept in the register in accordance with the by-laws.

[NTD: Article 42.05 has been revised to reflect the amendments to subsection 23(2) of the Code as a result of the *Protecting Patients Act*.]

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

1. Any change to each **member's** name which has been made in the register of the **College** since he or she first became registered with the **College**.
2. Each **member's** certificate of registration number.
3. The classes of certificate of registration held by each **member** and the date on which each was issued.
4. A list of the languages in which each **member** is capable of working.
5. The date on which each certificate of authorization was issued by the **College**.
6. Where a certificate of authorization is revised, a notation of the effective date of the revision.
7. Where a **member** is engaged in the practice of chiropractic in Ontario, the name and address of the person or business for whom or through which the **member** primarily engages in the practice of chiropractic in Ontario.
8. Where a **member** resigned, the date upon which the resignation took effect.

[NTD: Paragraph 9 has been deleted because it is effectively covered by paragraph 2 of subsection 23(2) of the Code.]

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

- a) a notation of that fact including a summary of the caution;
- b) the date of the panel's decision;
- c) once the **member** has received the caution, a notation to that effect and the date the **member** received the caution; and
- d) if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.

[NTD: We have revised this paragraph to make it consistent with paragraph 7 of subsection 23(2) of the Code. Although that means this paragraph is redundant, it can and should, in our view, be repeated here for clarity.]

9.2 Where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after October 1, 2015 includes a requirement that the **member** complete a specified continuing education or remediation program (as is authorized by paragraph 4 of subsection 26(1) and subsection 26(3) of the **Code**),

- a) a notation of that fact including the specified continuing education or remediation program(s);
- b) the date of the panel's decision;
- c) upon completion of the specified continuing education or remediation program(s), a notation to that effect and the date of completion; and
- d) if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.

[NTD: We have revised this paragraph to make it consistent with paragraph 7 of subsection 23(2) of the Code. Although that means this paragraph is redundant, it can and should, in our view, be repeated here for clarity.]

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

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

[NTD: If the College is aware, the restriction's appeal status will be noted.]

11. Where a **member** has terms, conditions or limitations on his or her certificate of registration varied, the effective date of the variance of those terms, conditions and limitations and where applicable, the **committee** responsible for the variance of those terms, conditions and limitations.
12. Where a **member's** certificate of registration is reinstated, the effective date of the reinstatement and where reinstated by a panel of the Discipline or Fitness to Practise Committee, the name of the **committee** responsible for the reinstatement.
13. Where a suspension on a **member's** certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension and where applicable, the **committee** responsible for the lifting or removal of the suspension.
14. Where a certificate of authorization is revoked, suspended, cancelled or otherwise terminated, a notation of the effective date of the revocation, suspension, cancellation or other termination.
15. Where a **member's** certificate of registration is revoked, suspended, cancelled, expired or otherwise terminated, a notation of that fact and the effective date and the basis of the revocation, suspension, cancellation, expiry or other termination which shall include but not be limited to circumstances where

- a) a **member's** certificate of registration is subject to an interim order of the Inquiries, Complaints and Reports Committee;

[NTD: Because there are no Executive Committee interim suspensions on the register, we can remove "Executive Committee" from subparagraph (a).]

- b) a **member's** certificate of registration is suspended for non-payment of the annual fee or any fee required by the **College** or any administrative

reason including without limitation the failure to provide information required by the by-laws or the failure to provide evidence of professional liability protection; or

[NTD: The College does not currently have the power to suspend members for reasons other than payment of the annual fee; however, this power is included in the College’s proposed amendments to the Registration Regulation. We recommend the College consider including the additional references to other administrative penalties (besides fees) in contemplation of the passage of the Registration Regulation.]

- c) a **member's** certificate of registration is suspended for failure to submit to a physical or mental examination as ordered by the Inquiries, Complaints and Reports Committee.

[NTD: Because there are no suspensions by the Board of Inquiry on the register, we can remove “Board of Inquiry” from subparagraph (c).]

- 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 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.

[NTD: We have revised this paragraph to make it consistent with paragraph 9 of subsection 23(2) of the Code. Although that means this paragraph is redundant, it can and should, in our view, be repeated here for clarity.]

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

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

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

[NTD: This section has been revised because the College must now post Discipline Committee decisions of no finding.]

19. Where a decision of the Discipline Committee has been published by the **College** with the **member's** name included in any medium and the decision included a finding of professional misconduct or incompetence,
- a) a notation of that fact; and
 - b) identification of the specific publication of the **College** which contains that information.
- 19.1 Where a decision of the Discipline Committee has been published by the **College** with the **member's** name included in any medium but the decision did not make a finding of professional misconduct or incompetence,
- a) a notation of that fact; and
 - b) identification of the specific publication of the **College** which contains that information.

[NTD: We believe this new paragraph is required because the College must publish decisions of no finding with the member's name under section 56 of the Code. However, subsection 23(11.1) of the Code says that Discipline decisions of no finding must be removed from the College's website after more than 90 days have passed since the information was last prepared or updated. There is no way to reconcile these two provisions. Based on these two sections of the Code, we recommend that Discipline decisions of no finding be posted on the College's website on "Find a Chiropodist or Podiatrist", but be removed after more than 90 days. Other Colleges have not interpreted subsection 23(11.1) of the Code to mean that the College must also, after more than 90 days, remove decisions of no finding published in CanLII, in College publications (e.g. newsletter) or on the portion of the College's website providing links to past decisions. We recommend that the College continue to publish past decisions, including decisions that have no finding, with members' names. We also recommend a disclaimer on the website related to "Find a Chiropodist or Podiatrist" that Discipline decisions of no finding will be removed after more than 90 days

have passed since the information was last prepared or updated, but that all decisions are available on the College's "Discipline Decisions" webpage.]

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. Where a finding of professional negligence or malpractice is contained in the **College's** register, the information provided by the **member** who was the subject of the finding including
 - a) the notice of and a description of the finding;
 - b) the date the finding was made against the **member**;
 - c) the name and location of the court that made the finding against the **member**; and
 - d) the status of any appeal respecting the finding made against the **member**.
- 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 offence, in any jurisdiction, that the Registrar has reviewed and determined is relevant to the **member's** suitability to practise.

[NTD: This paragraph is now consistent with section 85.6.1 of the Code which requires members to report any finding of guilt of an "offence", not a "criminal offence". We recommend that the College consider replacing "determined is relevant to the member's suitability to practise" with "believes is in the public interest to be posted on the register".]
22. Any information the **College** and the **member** have agreed should be included in the register.
23. Any information the **College** and a health profession corporation to which the **College** has issued a certificate of authorization have agreed should be included in the register.
24. Where a **member** holds an Inhalation Certificate,
 - a) a notation that the **member** is authorized by the **College** to administer a substance by inhalation; and
 - b) the date on which the Inhalation Certificate was first issued.

25. Where a **member's** Inhalation Certificate has been cancelled or voluntarily surrendered,
- a) a notation that the Inhalation Certificate has been cancelled or voluntarily surrendered, whichever the case may be; and
 - b) the date it was cancelled or voluntarily surrendered, whichever the case may be.

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

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

[NTD: Articles 42.08.01 and 42.08.01 have been deleted because cautions and SCERPs are no longer removed from the register after a period time. Please see paragraph 7 of subsection 23(2) of the Code. We recommend that if the caution or SCERP was on the register on May 30, 2017 (or thereafter), it should remain on the register subject only to the removal provisions in the Code.]