

ONTARIO REGULATION
made under the
CHIROPODY ACT, 1991
REGISTRATION

CLASSES OF CERTIFICATES OF REGISTRATION

1. The following are the classes of certificates of registration:
 1. General.
 2. **Emergency**.

GENERAL REQUIREMENTS AND CONDITIONS

2. 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, 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, 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 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 registered or licensed to practise chiropody or podiatry in another 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 to practice in a safe manner,
 - ii. will practise chiropody 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 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) 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.
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 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 (2), 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 of subsection 5 (1).

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) 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 chiroprapist in every jurisdiction where the applicant holds an out-of-province certificate.

(3) Without in any way limiting the generality of subsection (2), 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 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.

(4) 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.

(5) Despite subsection (1), 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.

EXAMINATIONS

8. (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 a completed examination application 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-paragraph 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.

EMERGENCY CERTIFICATES OF REGISTRATION

9. (1) The following are additional requirements for the issuance of an emergency certificate of registration:

1. The Government of Ontario requests or Council determines it is in the public interest that the College issue emergency certificates of registration to address emergency circumstances.

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).

(2) Subject to subsection (3), the requirements of subsection (1) are non-exemptible.

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

10. (1) Every emergency certificate of registration is subject to the following additional 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. Subject to paragraph 3, 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. If the member is a person described in subsection 9 (3), the member may engage in the practice of podiatry only while holding themselves out as a member of the emergency class (podiatrist) who is practising under supervision.

4. The emergency certificate of registration is automatically revoked 60 days after receipt of notice of Council's determination that the emergency circumstances have ended.

5. The emergency certificate of registration shall expire one year from the date on which the certificate was issued, unless extended by the Registrar, provided Council has not determined that the emergency circumstances have ended.

6. 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.

(2) The Registrar may extend an emergency certificate of registration for one or more periods, each of which is not to exceed one year, provided Council has not determined the emergency circumstances have ended.

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 while a member holding a general class certificate of registration 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.

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 18 (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.