



CDHO COUNCIL MEETING

Friday, January 20, 2023

9:15 a.m. – 2:30 p.m.

Location:

Hybrid Meeting

CDHO COUNCIL MEETING AGENDA

Friday, January 20, 2023

9:15 a.m. – 2:30 p.m.

Agenda Item	Topic and Relevant Council Policy	Action	Lead if not Chair	Verbal Report/ Attachment	Est. Time
1.0	CALL TO ORDER				9:15
1.1	Roll Call	Council Attendance	T. Strawn	TAB 1	9:15
1.2	Opening Remarks	Council Is Addressed	T. Strawn	--	9:17
1.4	Council Code of Conduct	For Information	T. Strawn	TAB 2	9:27
2.0	APPROVAL OF AGENDA				9:30
2.1	Review and Approval of Agenda	For Approval	T. Strawn	TAB 3	9:30
3.0	DECLARATIONS OF POTENTIAL CONFLICT OF INTEREST				9:30
3.1	Declarations of Conflict of Interest	Declare Conflicts	T. Strawn	TBD	9:30
4.0	BOARD EDUCATION				9:30
4.1	Council Orientation — RHPA	Presentation	Julie Maciura, SML	--	9:30
	BREAK				11:00
5.0	ELECTION OF THE 2023 EXECUTIVE COMMITTEE <i>Note: Election will be chaired by the Registrar, Dr. Glenn Pettifer</i>				11:15
5.1	Appointment of Scrutineers	Election	Dr. Glenn Pettifer	--	
5.2	Nominations and Election of President	Election	Dr. Glenn Pettifer	--	
5.3	Nominations and Election of Vice-President	Election	Dr. Glenn Pettifer	--	
5.4	Nominations and Election of Three Executive Members	Election	Dr. Glenn Pettifer	--	
5.5	Motion for Destruction of Emails	For Approval	Dr. Glenn Pettifer	--	
	LUNCH				12:15
6.0	REQUIRED APPROVALS AGENDA				1:15
6.1	Emergency Class of Registration	For Approval	Dr. Glenn Pettifer	TAB 4	1:15

7.0	SELF-EVALUATION OF GOVERNANCE PROCESS				2:00
7.1	Council Meeting Evaluation	For Evaluation and Discussion	TBD	--	2:00
8.0	NEXT MEETING DATE — March 31, 2023				2:30
9.0	ADJOURNMENT			TAB 5	2:30

Roll Call

Council Meeting

Friday, January 20, 2023

Virtual Meeting

<input type="checkbox"/>	Michelle Atkinson	Elected
<input type="checkbox"/>	Loree Beniuk	Public
<input type="checkbox"/>	Erin Betts	Public
<input type="checkbox"/>	Maheen Cassim	Elected
<input type="checkbox"/>	Anne-Marie Conaghan	Academic
<input type="checkbox"/>	Jennifer Cooper	Academic
<input type="checkbox"/>	Krista Dufour	Elected
<input type="checkbox"/>	Pella Giabanis	Public
<input type="checkbox"/>	Carla Grbac	Elected
<input type="checkbox"/>	Alex Greco	Public
<input type="checkbox"/>	Farzana Hussain	Elected
<input type="checkbox"/>	Ehizele Martin Iyamabo	Public
<input type="checkbox"/>	Meghan Leuprecht	Public
<input type="checkbox"/>	Angelica Palantzas	Public
<input type="checkbox"/>	Vanessa Pereira	Elected
<input type="checkbox"/>	Sasha Sidhu	Public
<input type="checkbox"/>	Terri Strawn	Elected
<input type="checkbox"/>	Margaret Wade	Public
<input type="checkbox"/>	Jacqueline White	Elected
<input type="checkbox"/>	Mary Yeomans	Elected
/20 total members		

COUNCIL CODE OF CONDUCT

Excerpt from Bylaw 5

Council and Non-Council Committee Member Code of Conduct

- (1) This entire Code of Conduct, from sections 3.7 through to and including section 3.9, shall apply to Council Members and with necessary modifications, to Non-Council Committee Members. Any reference to Council Members shall be interpreted as also applying to Non-Council Committee Members as the circumstances may require.

Fiduciary Duties

- (2) Council Members shall act in the best interests of the College and of the public of Ontario. They shall perform their duties in accordance with the Act, the bylaw and any policies of the College.
- (3) Council Members shall conduct themselves in a manner which is ethical, business-like and lawful and upholds the reputation of the CDHO. This includes proper use of authority and appropriate decorum when acting as Council Members. Council Members shall treat one another and staff members with respect, co-operation and a willingness to deal openly on all matters.
- (4) Council Members must have loyalty to the College that supersedes any loyalties to staff, other organizations or any personal interest as a consumer.
- (5) Council Members are accountable to exercise the powers and discharge the duties of their office honestly and in good faith. Members shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
- (6) Council Members will not attempt to exercise individual authority over the organization.
- (7) When interacting with staff, Council Members must recognize that individual Council Members have no authority to instruct or evaluate employees, and no authority to insert themselves into employee operations.
- (8) Council Members shall recognize that the President or designate is the only person authorized to speak to the media on behalf of the Council. Council Members shall not presume to speak for the Council when interacting with the public. Council Members shall only report actual Council policy decisions when interacting with the public.
- (9) Council Members shall be familiar with the incorporating documents, relevant legislation and regulations, bylaws, and policies of the organization as well as the rules of procedure and proper conduct of a meeting so that any decision of the Council may be made in an efficient, knowledgeable and expeditious fashion.
- (10) Council Members will be properly prepared for, and actively participate in Council deliberation.
- (11) Council Members will support the legitimacy and authority of Council decisions, regardless of the

member's personal position on the issue.

- (12) Council Members shall regularly take part in educational activities that will assist them in carrying out their responsibilities.
- (13) Council Members are expected to attend all meetings and to be punctual. All Council Members must remain engaged in Council meetings and not allow their personal electronic devices to interfere with their attention or the attention of others.
- (14) Council Members who are unable to attend a meeting shall inform the President and the Registrar/CEO of their expected absence and the reason for it.
- (15) Council Members shall be prepared **to serve on** committees and complete individual tasks as assigned by the Council from time to time.

Conflict of Interest

- (16) The terms "conflict of interest" and "appearance of bias" are often used interchangeably. The term "conflict of interest" generally applies to policy or administrative decisions while the term "appearance of bias" generally applies to an adjudicative type of decision. For the purpose of this bylaw, they mean the same thing.
- (17) Council Members must not carry out their duties when they are in a conflict of interest. A conflict of interest exists where a reasonable person could conclude that the personal interests of the individual or a related person or company could improperly influence the individual's judgment in performing their duties as a Council Member.
- (18) There must be no self-dealing or any conduct of private business or personal services between any Council Member and the organization, except as procedurally controlled to assure openness, competitive opportunity, and equal access to otherwise "inside" information. Council Members will annually disclose their involvements with other organizations, with vendors, or any associations that might be or might reasonably be seen as being a conflict.
- (19) Council Members may not accept an employment or administrative position with the College, including that of the Registrar, unless one year has passed since they were a Council Member or Non-Council Member.
- (20) Council Members will not use their Council or Committee position to obtain employment in the organization for themselves, family members, or close associates. Should a Council Member wish to apply for employment, they must resign from the Council and not apply before a date twelve (12) months from the effective date of their resignation. Family members are spouse, life partner, child, parent, in-law, live-in grandparent or sibling.

Examples of Conflicts of Interest

- (21) Without limiting the usual and ordinary meaning of "conflict of interest" or "appearance of bias", some examples of activities or circumstances that would usually constitute a conflict of interest or an appearance of bias for a Council or Non-Council Member include the following:
 - (a) Where the decision could confer a more than trivial financial or other benefit or burden

- to the Council Member or their close relative or friend or affiliated entity;
- (b) Where the Council Member or their close relative or friend or affiliated entity seeks or accepts more than a nominal gift from a person or entity connected to or affected by the College or its mandate or a gift which could reasonably be viewed as influencing the Council or Committee Member;
 - (c) Where the Council Member or their close relative or friend or affiliated entity uses the Council Member's position with the College to advance their personal or financial interests;
 - (d) Where the Council Member takes action or counsels another to take action against the College, the reputation of the College or its staff;
 - (e) Where the Council Member is running for national or provincial public office and where the Council or Committee Member has not taken a leave of absence from all Council and committee positions at the College;
 - (f) Where the Council Member agrees to give or gives a presentation on an issue related to the College's role or activities without prior College approval;
 - (g) Where the Council Member agrees to participate or participates in a committee, working group, task force or other group related to the College's role or activities without prior College approval;
 - (h) Where the Council Member, who is not the official spokesperson for the College, is in communication with government officials, politicians or the media on any matter related to the College without prior College approval;
 - (i) Where the Council Member publishes, including a posting on social media, a statement that could impair the public's confidence in the College or compromise the policy or public image of the College or the Council Member's ability to make transparent, objective, impartial and fair decisions that are in the public interest;
 - (j) Where the Council Member appears to give preferential access to a person or entity that advances the interests of dental hygienists or that has policy-making responsibilities for dental hygienists or that oversees the regulation of dental hygienists without prior College approval;
 - (k) Where the Council Member advises or assists anyone in their dealings with the College, including acting as a peer mentor unless the Council Member has prior College approval;
 - (l) Where the Council Member demonstrates a closed mind on an issue that is coming up, or is likely to come up, before the College;
 - (m) Where the Council Member is the subject of an inquiry or investigation by the College, the police or another authority that impairs the ability of the Council Member to participate in a decision or to continue to serve in their position or has the potential to jeopardize public trust in the member, the Council, the Committee or the College;
 - (n) Where the Council Member applies for employment with the College without first resigning all Council and committee positions;
 - (o) Where the Council Member has a connection with a person or issue to be determined

that would reasonably be seen by those who know all of the circumstances as incompatible with his or her responsibilities as an impartial decision-maker; and

- (p) Where the Council Member or their close relative or friend or affiliated entity uses materials developed for the College for commercial purposes without prior College approval.

Preventing and Addressing Conflicts of Interest

- (22) Council Members shall avoid, where feasible, situations where they would have conflicting duties of confidentiality and disclosure between their role with the College and with another person or entity.
- (23) Where a Council Member is in doubt as to whether they have a conflict of interest, the Council Member shall consult with an appropriate person such as the Chair of the affected committee, the President, the Registrar, or independent legal counsel in a hearing.
- (24) If a Council Member believes that they have a conflict of interest in a particular matter, they shall,
 - (a) prior to any consideration of the matter, declare to the Council or the committee that they have a conflict of interest that prevents them from participating;
 - (b) not take part in the discussion of or vote on any question in respect of the matter;
 - (c) leave the room for the portion of the meeting relating to the matter even where the meeting is open to the public; and
 - (d) not attempt in any way to influence the voting or do anything which might be reasonably perceived as an attempt to influence other Council or Committee Members or the decision relating to that matter.
- (25) Where a Council Member declares a conflict of interest, that fact shall be recorded in the minutes of that meeting of Council or the committee.
- (26) Where a Council Member believes that another Council Member has a conflict of interest that has not been declared despite any appropriate informal communications with the other Council Member, the first Council Member shall advise an appropriate person such as the Chair of the affected committee, the President, the Registrar, or independent legal counsel in hearing matters. The person who is suggested as having a conflict of interest is entitled to address the matter before any decision is made regarding the issue under paragraph 28 of this Article.
- (27) Where a Council Member believes that another Council or Committee Member has already acted in a conflict of interest or is in an ongoing conflict of interest, they shall advise in writing an appropriate person such as the Chair of the affected committee, the President, the Registrar or independent legal counsel in hearing matters. The person who is suggested as having a conflict of interest is entitled to make submissions about the matter before any decision is made regarding the issue under paragraph 28 of this Article.
- (28) Where the Council or a Committee concludes that one of its members has a conflict of interest that has not been declared, it can, after allowing the affected member to make submissions regarding the issue, direct that the Council or Committee Member not participate in the discussion or decision, leave the room for that portion of the meeting and not try to or otherwise exert influence in the matter.

Declaration of Conflict of Interest by Council and Non-Council Members

- (29) Every Council Member shall declare, verbally, and where the Council deems it appropriate, in

writing, if they have an actual or perceived conflict of interest pertaining to their duties as a Council or Committee Member. This declaration will take place at the first Council or Committee meeting at which they become aware of an actual or perceived conflict of interest and subsequently at the first Council meeting of each year.

Confidentiality

- (30) The purpose of this part of the bylaw is to provide helpful explanations as how to comply with the confidentiality provisions of the Code of Conduct. These provisions in no way limit the full extent of the duties set out in the Code of Conduct.
- (31) Council Members shall treat all information learned in the course of their duties, whether or not the information is related to an individual, as confidential and shall not disclose it unless a clearly identified exception applies.
- (32) Council Members shall review at least annually and when there are changes, the provisions in the *Regulated Health Professions Act* (especially section 36) and the Health Professions Procedural Code (especially sections 83 and 83.1), relating to confidentiality.
- (33) Council Members shall generally leave to College staff the disclosure of information under the legal exceptions to the duty of confidentiality. However, in appropriate circumstances, Council Members may disclose information directly when performing their duties, such as in rendering a decision and reasons on behalf of a committee, when appropriately discussing information that is public under the legislation and when consulting with their own legal counsel.
- (34) Even for communications within the College, Council Members shall only obtain or disclose information on a need-to-know basis.
- (35) Council Members will not share or post information on social media that compromises the organization or the Council's policy or public image.
- (36) Council Members shall take reasonable measures to safeguard College information including the safe management of paper documents and portable electronic devices and avoiding the use of unsecure electronic forms of communication or the use of social media for such communications.
- (37) Where a Council Member believes that there has been a breach of confidentiality by a Council or Committee Member, whether intentional or unintentional, they shall immediately advise the Registrar in writing providing all of the details. The Registrar shall notify the President as soon as possible of any breach of confidentiality by a Council or Committee Member.
- (38) Council Members will sign annually their agreement to abide by the Code of Conduct in its entirety.

Disqualification of Council and Non-Council Members

- (1) The Council shall disqualify a Registrant from sitting on Council or a Committee or serving as a Non-Council Member if the Registrant:
 - (a) is found by a panel of the Discipline Committee to have committed an act of professional

- misconduct or to be incompetent;
- (b) is found by a panel of the Fitness to Practise Committee to be incapacitated;
 - (c) subject to the discretion of Council to excuse the absence, fails, without reasonable cause, to attend two consecutive meetings of the Council or fails, for any reason, to attend three consecutive meetings of the Council;
 - (d) subject to the discretion of Council to excuse the absence, fails to attend two consecutive meetings of a Committee without reasonable cause or fails, for any reason, to attend three consecutive meetings of a Committee of which she or he is a member;
 - (e) fails, without reasonable cause, to attend a hearing of a panel for which he or she has been selected;
 - (f) in the case of an Elected Member, ceases to qualify for election in the electoral district for which the Elected Member was Elected;
 - (g) in the case of an Academic Member, ceases to be Faculty;
 - (h) breaches section 36 of the Act which, in the opinion of Council, is of such a nature that warrants disqualification;
 - (i) ceases to be a Registrant;
 - (j) fails, in the opinion of the Council, to discharge properly or honestly any office to which he or she has been Elected, Selected or Appointed;
 - (k) has breached the Code of Conduct or conflict of interest provisions of this bylaw which, in the opinion of the Conduct Committee or its delegate, is of such a nature that warrants disqualification;
 - (l) becomes a member of a Council of any other College regulated under the Act;
 - (m) is found guilty of a criminal offence which, in the opinion of Council, is of such a nature that warrants disqualification;
 - (n) has not complied, within 30 days, or as otherwise specified, of being given notice of the failure, the College's requirements to pay fees, or the College's requirements for the provision of information;
 - (o) has a term, limit or condition imposed by the Quality Assurance Committee, the Discipline Committee or the Fitness to Practise Committee on his or her certificate of registration;
 - (p) is or becomes an officer, director or employee of a Professional Advocacy Association (however, a Council Member shall not be disqualified by reason of serving on an association or organization to which he or she has been appointed by the Council as a representative of the College);
 - (q) initiates, joins, continues or materially contributes to a legal proceeding against the College of any Committee or representatives of the College;
 - (r) has been directed by the Inquiries, Complaints and Reports Committee to complete a specified continuing education or remediation program and/or to appear before a panel of

the Committee to be cautioned in the six years prior to the term of such Member, or during the term of such Member; or

- (s) has given an undertaking to the College in response to a request by a panel of the Inquiries, Complaints and Reports Committee related to a complaint or for a matter in which an investigator is appointed under clause 75(1)(a) or clause 75(1)(b) of the Code, in the six years prior to the term of such Member, or during the term of such Member.
- (2) Jurisdiction for disqualifying a Public Member falls to the Lieutenant Governor in Council. The President on behalf of Council shall report to the Public Appointments Secretariat if a Public Member:
- (a) subject to the discretion of Council to excuse the absence, fails, without reasonable cause, to attend two consecutive regular meetings of the Council or fails, for any reason, to attend three consecutive meetings of the Council;
 - (b) subject to the discretion of Council to excuse the absence, fails, without reasonable cause, to attend two consecutive regular meetings of a Committee of which she or he is a member or fails, for any reason, to attend three consecutive meetings of a Committee of which she or he is a member;
 - (c) fails, without reasonable cause, to attend a hearing of a panel for which she or he has been selected;
 - (d) breaches section 36 of the Act which, in the opinion of Council, is of such a nature that warrants disqualification;
 - (e) has breached the Code of Conduct or conflict of interest provisions of this bylaw which, in the opinion of the Conduct Committee or its delegate, is of such a nature that warrants disqualification;
 - (f) ceases to be a resident of Ontario;
 - (g) fails, in the opinion of the Council, to discharge properly or honestly any office to which he or she has been appointed;
 - (h) becomes a member of a Council of any other College regulated under the Act;
 - (i) is found guilty of a criminal offence which, in the opinion of Council, is of such a nature that warrants disqualification;
 - (j) is or becomes an officer, director or employee of a Professional Advocacy Association (however, a Public Member shall not be reported to the Public Appointments Secretariat by reason of serving on an association or organization to which he or she has been appointed by the Council as a representative of the College); or
 - (k) initiates, joins, continues or materially contributes to a legal proceeding against the College or any Committee or representatives of the College.
- (3) The Council shall disqualify an individual who is not a Registrant from serving as a Non-Council Member if the individual:
- (a) is found to have engaged in professional misconduct, to be incompetent, or to be

- incapacitated by a regulatory authority to which he or she is subject;
- (b) subject to the discretion of Council to excuse the absence, fails to attend two consecutive meetings of a Committee without reasonable cause or fails, for any reason, to attend three consecutive meetings of a Committee of which she or he is a member;
 - (c) fails, without reasonable cause, to attend a hearing of a panel for which he or she has been selected;
 - (d) breaches section 36 of the Act which, in the opinion of Council, is of such a nature that warrants disqualification;
 - (e) fails, in the opinion of the Council, to discharge properly or honestly any office to which he or she has been Appointed;
 - (f) has breached the Code of Conduct or conflict of interest provisions of this bylaw which, in the opinion of the Conduct Committee or its delegate, is of such a nature that warrants disqualification;
 - (g) ceases to be a resident of Ontario;
 - (h) becomes a member of a Council of any other College regulated under the Act;
 - (i) is found guilty of a criminal offence which, in the opinion of Council, is of such a nature that warrants disqualification;
 - (j) is or becomes an officer, director or employee of a Professional Advocacy Association;
 - (k) initiates, joins, continues or materially contributes to a legal proceeding against the College of any Committee or representatives of the College.
- (4) A person who has served as a Council or Non-Council Member may not become an employee of the College until one year has passed following the expiration of their term of office.
- (5) A Council Member who has been disqualified from sitting on the Council ceases to be a member of the Council and ceases to be a member of any Committees, including any panel, to which he or she had been Appointed.

Disqualification Proceedings for Council and Non-Council Members

- (1) This Article does not apply to and shall not be interpreted as in any way limiting the ability of Council or the Executive Committee under Article 3.8 to remove or disqualify a Council or Non-Council Member from a Committee or office. When removing or disqualifying under Article 3.8 there is no requirement to follow the procedure set out below.
- (2) **Wherever possible, unless it is inappropriate to do so, informal resolution between the person with the concern and the Council or Non-Council Member about whom the person has the concern should be attempted before engaging the formal complaints process.** Nothing in this by-law prevents the informal resolution of Code of Conduct concerns including by providing feedback, guidance, reminders, advice or counselling or by negotiating agreements or undertakings.
- (3) The following procedure shall be followed to address a complaint filed about a Code of Conduct concern **only if it has not been possible to reach an informal resolution before or during the process.**
- (4) A written complaint shall be filed with both the Chair of the Conduct Committee and the Registrar. A complaint may be made by any person, including a member of the public, a Council or Committee Member or the Registrar. If the complaint is made to only one of the named persons then that person shall immediately file a copy of the complaint with the other person referenced in this article.
- (5) If the Conduct Committee as a whole has a conflict of interest with respect to the complaint or if the Conduct Committee is otherwise unable to act on the complaint, it shall appoint an independent investigator from a list approved by the Council to investigate on its behalf under this Article and it shall appoint an independent commissioner from a list approved by the Council to make decisions on its behalf under this Article.
- (6) The Conduct Committee or its delegate shall conduct any investigation it deems appropriate. If material facts are in dispute, the Conduct Committee or its delegate shall adopt a fair and reasonable process to determine those facts which may include the appointment of an independent investigator to investigate and provide a written report respecting those facts.
- (7) After providing the Council or Non-Council Member an opportunity to make written submissions to it, the Conduct Committee or its delegate shall determine whether there has been a breach of the Code of Conduct and, if so, whether the matter should be resolved informally or whether the matter should be resolved formally at a determination meeting pursuant to Article 3.9(10).
- (8) Where the Conduct Committee or its delegate believes that the complaint does not warrant formal resolution, it shall provide a report to the Executive Committee or its delegate about the investigation and conclusion, with reasons for the conclusion. The Executive Committee or its delegate may accept the report and resolve the matter informally or may return the matter to the Conduct Committee for additional investigation or other action.
- (9) The Conduct Committee or its delegate may make an interim direction at any time to protect the integrity and reputation of the College including directing that the Council or Non-Council Member be suspended from his or her positions or duties until the matter is finally resolved.

- (10) The Conduct Committee, or its delegate, the complainant and the Council or Non-Council Member whose conduct is the subject of concern shall be the parties at the determination meeting. The Council or Non-Council Member whose conduct is the subject of concern shall be given reasonable notice of the complaint, the relevant supporting information gathered in relation to the complaint, and all parties shall be given the opportunity to make written and oral submissions at the determination meeting. The Conduct Committee or its delegate is not required to hold a hearing.
- (11) An appropriate sanction imposed by the Conduct Committee may include one or more of the following:
- (a) censure of the Council or Non-Council Member verbally or in writing;
 - (b) removal of the Council or Non-Council Member from any committee on which he or she serves;
 - (c) removal of a Council or Non-Council Member as a Chair of any committee on which he or she serves;
 - (d) exclusion of the Council or Non-Council Member from all or part of meetings of the Council or any committees;
 - (e) restricting access to confidential information by the Council or Non-Council Member;
 - (f) disqualification of an elected Council Member;
 - (g) delivery of a report to the Public Appointments Secretariat requesting the removal of a Council Member who has been appointed by the Lieutenant Governor in Council; or
 - (h) any other sanction appropriate to the circumstances.
- (12) Any sanction under Article 3.9 requires a majority vote of the members of the Conduct Committee or its delegate (if more than one), present at the meeting.
- (13) If the sanction imposed by the Conduct Committee was either 3.9(11)(f) or (g), the Council or Non-Council Member who is the subject of the complaint may appeal the decision of the Conduct Committee or its delegate to the Council. The Council is not required to hold a hearing and may establish its own procedures for determining the appeal. A written indication of intention to appeal shall be given within 14 days of the Conduct Committee decision, unless Council agrees to extend the time for appeal. The Council has all of the powers of the Conduct Committee or its delegate in making the determination. Council will be acting in an appellate capacity, and any decision requires a two-thirds majority of the votes cast at the meeting by those present. Failure to obtain a two-thirds majority vote of those Council Members in attendance means that the Conduct Committee decision is upheld. The Council or Non-Council Member whose conduct is in issue and the complainant, if a Council Member, shall not be entitled to vote at the Council meeting.
- (14) The procedure set out in this Article is intended to be followed in a timely manner recognizing the risk of possible continuing conduct and that the reputation of individuals and the College is at stake while also recognizing the need to provide a fair process for all concerned.

- (15) No Council Member shall take action, or permit any person to take action, against any person for making a complaint, or cooperating with the investigation of a complaint, under this bylaw.
- (16) Legal costs are only payable by the College to the subject of the complaint if no breach of the Code of Conduct was found and Council votes, on a two-thirds majority, to reimburse some or all of their legal costs.

Suggested Motion – Friday, January 20, 2023

2.1 ADOPTION OF AGENDA

MOTION: **THAT** Council moves to approve the January 20, 2023 Council meeting agenda as presented.

Moved:

Seconded:

VOTE:

Suggested Motions – Friday, January 20, 2023

5.5 MOTION FOR DESTRUCTION OF EMAILS

MOTION: **THAT** the 2023 Executive Committee election emails be destroyed in accordance with Schedule II of CDHO Bylaw 5.

Moved:

Seconded:

Vote:

Council BRIEFING NOTE

Meeting date:	January 20, 2023
Agenda item:	Emergency Class of Certificate of Registration
Appendices:	Draft Amendments to Registration Regulation
References:	Health Professions Procedural Code, ss. 16.3, 95 Ontario Regulation 508/22 (Registration Requirements)
Owner:	Council
Staff support:	Registrar & CEO Director, Registration & Professional Conduct

Issue: Council is being asked to approve for circulation, draft amendments to the College's Registration Regulation to establish an Emergency Class of Certificate of Registration. As a result of recent amendments to the *Health Professions Procedural Code* ("Code"), being Schedule II to the *Regulated Health Professions Act, 1991*, it is mandatory for all Health Profession Regulatory Colleges to establish an Emergency Class of Certificate of Registration

Public Protection Rationale: Through recent amendments to the Code, the Government of Ontario has mandated all Health Profession Regulatory Colleges to create an Emergency Class of Certificate of Registration. The Emergency Class is intended to enable Colleges to register health professionals quickly in times of urgent need, such as during a public health crisis.

Source of Authority: Subsection 16.3(1)¹ of the Code provides that "Council shall make regulations under clause 95(1)(b) establishing an Emergency Class of Registration." Subsection 16.3(2) further provides that the Emergency Class of Registration must meet the requirements established by the Minister through regulation.

Subsection 95(1) of the Code authorizes the Council to make regulations, subject to the approval of the Lieutenant Governor in Council and with prior review of the Minister, respecting certain matters, including

- (a) Prescribing classes of Certificates of Registration and imposing terms, conditions and limitations on the certificates of registration of a class;

¹ Section 16.3 will come into effect on a date to be proclaimed by the Lieutenant Governor; it is expected to come into effect on August 31, 2023.

- (b) Respecting applications for Certificates of Registration or classes of them and the issuing, suspension, revocation and expirations of the certificates or classes of them; and
- (c) Prescribing standards and qualifications for the issue of Certificates of Registration.

Subsection 95(1.4) requires that all proposed regulations made under subsection 95(1) be circulated to all registrants of the College at least 60 days before they are approved by Council.

Background:

Legislative Requirements for an Emergency Class

Bill 106 (Pandemic and Emergency Preparedness Act, 2022), which came into effect in April 2022, made amendments to the Code that, among other things, mandate all Health Profession Regulatory Colleges to establish an Emergency Class of Certificate of Registration.

Ontario Regulation 508/22 (Registration Requirements) sets out the required attributes of the Regulation establishing the Emergency Class of Certificate of Registration, as follows:

1. It must specify the circumstances that will cause the class to be open for registration.
2. It must specify that the Emergency Class of Certificates of Registration expire no more than one year after they are issued, but they are renewable for the same period, with no limit on the number of renewals, as long as the emergency circumstances persist.
3. It must specify circumstances in which a holder of an Emergency Certificate of Registration may apply for another class of Certificate of Registration and it must exempt the applicant from at least some of registration requirements that would ordinarily apply.

The above-listed requirements come into effect on **August 31, 2023**. The Ministry has advised the College that to ensure its regulatory amendments are passed by the legislated timeline, the College must have its proposed amendments submitted to the Ministry no later than **May 1, 2023**.

Overview of Proposed Emergency Class

The Health Professions Regulators of Ontario (HPRO) engaged Richard Steinecke of the law firm Steinecke Maciura LeBlanc to develop a template for the required emergency class that could inform the regulatory amendments of individual Colleges. To the extent possible, the proposed amendments to the CDHO Registration Regulation follow this template.

Given that the purpose of the Emergency Class is to provide an expedited route to registration during urgent circumstances, certain entry-to-practice requirements must be exempted to make it effective. The Ministry is unlikely to approve amendments that fail to provide a simplified route to registration in the emergency class that can be completed in a short timeframe. At the same time, adequate core requirements must be retained to ensure public safety. The proposed amendments strive to balance these two competing factors.

The proposed amendments exempt applicants to the Emergency Class from having to complete the entry-to-practice examinations (both the National Dental Hygiene Certification Examination [“NDHCE”] and the Canadian Performance Exam in Dental Hygiene [“CPEDH”]), both of which are only offered at set intervals during the year. This amendment ensures that applicants do not have to wait for the next sitting of the entry-to-practice examinations to be registered when there is emergent/urgent need for registration. The proposed amendments maintain the remaining registration requirements and impose a condition on members of the emergency class to only practise under the supervision of a Registrant in the General or Speciality class. This amendment ensures that applicants to the Emergency Class have completed the relevant education. Once registered in the Emergency Class, these Registrants will be limited to supervised practice. The details of supervision requirements will be established through College policy.

As required by law, the proposed amendments must also exempt members of the emergency class who subsequently apply for a General Certificate of Regulation from some of the registration requirements that would ordinarily apply. As a result, the proposed amendments also provide a route for members of the Emergency Class to apply for a Certificate of Registration in the General Class, without having completed the entry-to-practice examinations, based on a minimum period of supervised practice of one year.

In summary, the proposed amendments achieve the following:

1. Create a new Emergency Class of Certificate of Registration.
2. Set out that the Emergency Class of Registration is only available where
 - a. The Minister requests the College to begin issuing and renewing Emergency Certificates, or

- b. The Council declares that emergency circumstances exist that make it in the public interest for the College to begin issuing and renewing Emergency Certificates.
- 3. Specify that applicants to the Emergency Class must meet the following non-exemptible requirements:
 - a. Have completed the same educational requirements as for a General Certificate of Registration.
 - b. Show proof of Professional Liability Insurance coverage.
 - c. Be a Canadian citizen, a permanent resident, or otherwise authorized to work in Canada.
- 4. Specify that applicants to the Emergency Class must meet the following exemptible requirements:
 - a. Have graduated from their educational program or practised dental hygiene in any jurisdiction within the previous three years.
- 5. Establish the following conditions for holders of an Emergency Class of Certificate of Registration:
 - a. Hold Professional Liability Insurance in the form required by the by-laws.
 - b. Practise the profession only under the supervision of a Registrant who holds a General or Specialty Certificate of Registration.
 - c. Identify themselves as practising under supervision while offering dental hygiene services.
 - d. Use the title "Registered Dental Hygienist (Supervised)" or "Hygiéniste Dentaire Autorisée (Supervisée)"
- 6. Set out that Emergency Certificates of Registration expire
 - a. after one year, subject to renewal, or
 - b. after six months, if the Minister withdraws their request or the Council declares that emergency circumstances no longer exist.
- 7. Enable the holder of a Certificate of Registration in the Emergency Class to apply for a Certificate of Registration in the General Class despite not having completed the entry-to-practice examinations, if they
 - a. Satisfy all other registration requirements
 - b. Provide satisfactory evidence based on their practice for a period of at least one year that they will practise competently and ethically without supervision.

Next steps: Council is being asked to approve, for circulation to all registrants and stakeholders, the draft amendments to the Registration Regulation for the required 60 days. The proposed regulatory amendments, along with all comments received during the consultation period, will be returned to Council for consideration and final approval at its next meeting in March 10, 2023.

Decision:

MOTION: That Council direct the circulation of the proposed amendments to Part VII (Registration) of Ontario Regulation 218/94 (General) made under the Dental Hygiene Act 1991, attached here as Appendix A, to all Registrants of the College and key stakeholders for a period of at least sixty (60) days pursuant to subsection 95(1.4) of the *Health Professions Procedural Code*.

Moved:

Seconded:

Vote:

Appendix A

PART VII REGISTRATION

27. The following are prescribed as classes of certificates of registration:

1. General.
2. Specialty.
3. Inactive.
4. Emergency

O. Reg. 36/12, s. 1.

28. (1) A person may apply for a certificate of registration by submitting a completed application to the Registrar, in the manner specified by the Registrar, together with all required supporting documentation and the application fee. O. Reg. 36/12, s. 1.

(2) This Regulation, as it read immediately before March 26, 2012 continues to apply to applications for a certificate of registration that were received by the Registrar and that were not finally determined before that date. O. Reg. 36/12, s. 1.

29. (1) It is a registration requirement for a certificate of registration of any class that the applicant provide details of any of the following that relate to the applicant:

1. Any charge for any criminal offence, including a charge under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada), unless the ensuing proceedings concluded with a verdict of not guilty.
2. Any charge for any other offence where the ensuing proceedings resulted in the imposition of incarceration or a fine of more than \$1,000.
3. A finding of professional misconduct, incompetency or incapacity, or any like finding, in Ontario in relation to another profession, or in another jurisdiction in relation to the profession or another profession.
4. A current proceeding for professional misconduct, incompetency or incapacity, or any like proceeding, in Ontario in relation to another profession, or in another jurisdiction in relation to the profession or another profession.
5. An unsuccessful application for registration as a dental hygienist in Ontario or another jurisdiction.
6. An attempt to pass an examination or evaluation required for purposes of being licensed or certified to practise any profession whether in Ontario or another

jurisdiction that has not, at the time of the application, resulted in a passing grade. O. Reg. 36/12, s. 1.

(2) An applicant shall provide the information referred to in subsection (1) upon application or, if an event referred to in subsection (1) occurs after the application is submitted but before a certificate of registration is issued, immediately after the event occurs. O. Reg. 36/12, s. 1.

(3) Where an applicant has undertaken a program in dental hygiene that at the time of the applicant's graduation was not accredited by the Commission on Dental Accreditation of Canada or by the American Dental Association Commission on Dental Accreditation, it is a registration requirement for a certificate of registration of any class that the applicant provide a copy of a verification of his or her program in dental hygiene that has been prepared by an assessment agency that has been approved by the Registration Committee for that purpose. O. Reg. 36/12, s. 1.

(4) In addition to the requirements in subsection (1), the following are registration requirements for a registration of any class:

1. The applicant must provide the College with a police record check that is dated no earlier than one year before the date on which his or her application was submitted.
2. Within the 12-month period immediately preceding the submission of his or her application, the applicant must successfully complete a jurisprudence course set or approved by the Registration Committee.
3. The applicant must be able to effectively comprehend and communicate in either English or French, both orally and in writing. O. Reg. 36/12, s. 1.

30. It is a condition of a certificate of registration of any class that the member provide the College with details of any of the following that relate to the member and that occur or arise after registration:

1. A charge for any offence unless the ensuing proceedings concluded with a verdict of not guilty.
2. A finding of professional misconduct, incompetency or incapacity, or any like finding, in Ontario in relation to another profession, or in another jurisdiction in relation to the profession or another profession.
3. A proceeding for professional misconduct, incompetency or incapacity, or any like proceeding, in Ontario in relation to another profession, or in another jurisdiction in relation to the profession or another profession. O. Reg. 36/12, s. 1.

31. (1) An applicant for the issuance of a general certificate of registration must meet the following non-exemptible registration requirements:

1. The applicant must have,
 - i. successfully completed a program in dental hygiene that is equivalent to a full-time program of two years and which, at the time of the applicant's graduation, was accredited by the Commission on Dental Accreditation of Canada or by the American Dental Association Commission on Dental Accreditation, or
 - ii. subject to subsection (2), successfully completed a program in dental hygiene that the Registration Committee considers to be substantially equivalent to a program referred to in subparagraph i.
2. The applicant must be the holder of a certificate issued by the National Dental Hygiene Certification Board or, if he or she was never eligible to sit for the National Dental Hygiene Certification Examination but otherwise meets the registration requirements, must have successfully completed the written competency evaluation set or approved by the Registration Committee.
3. Subsequent to having met the requirement in paragraph 2, the applicant must have successfully completed a clinical competency evaluation set or approved by the Registration Committee, unless the applicant has successfully completed a program referred to in subparagraph 1 i.
4. An applicant who submits to an evaluation under paragraph 2 or 3 must pay the applicable fees.
5. 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 by the by-laws as of the anticipated date for the issuance of his or her certificate of registration. O. Reg. 36/12, s. 1.

(2) Where the program referred to in subparagraph 1 ii of subsection (1) was taken in Canada or the United States of America, the Registration Committee shall not consider it to be substantially equivalent to a program referred to in subparagraph 1 i of subsection (1) if the applicant completed the program on or after March 26, 2015. O. Reg. 36/12, s. 1.

(3) The College shall provide the applicant with a copy of the list of programs referred to in subparagraph 1 i of subsection (1) upon request. O. Reg. 36/12, s. 1.

(4) Where section 22.18 of the Health Professions Procedural Code applies to an applicant, the applicant is deemed to have met the requirements of subsection 29 (3), paragraphs 1, 2 and 3 of subsection (1) and paragraph 2 of section 32. O. Reg. 36/12, s. 1.

(5) Despite subsection (4), it is a non-exemptible registration requirement that an applicant referred to in that subsection, provide a certificate, letter or other evidence satisfactory to the Registrar or a panel of the Registration Committee that the applicant

is in good standing as a dental hygienist in every jurisdiction where the applicant holds an out-of-province certificate. O. Reg. 36/12, s. 1.

(6) Despite subsection (4), it is a non-exemptible registration requirement that, where an applicant referred to in that subsection is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession to the extent that would be permitted by a general certificate of registration at any time in the three years immediately prior to the date of the applicant's application, the applicant must, within 18 months before the day the general certificate of registration is issued, have successfully completed either,

- (a) a refresher course set or approved by the Registration Committee; or
- (b) a professional competency assessment as set or approved by the Registration Committee and, if recommended by the professional competency assessment, upgrading courses as set or approved by the Registration Committee. O. Reg. 36/12, s. 1.

(7) Despite subsection (4), a requirement set out in subsection 29 (3) or in paragraphs 1, 2 and 3 of subsection (1) or in paragraph 2 of section 32 will continue to apply to an applicant where that requirement is a requirement described in subsection 22.18 (3) of the Health Professions Procedural Code. O. Reg. 36/12, s. 1.

(8) An applicant referred to in subsection (4) is deemed to have met the requirement in paragraph 3 of subsection 29 (4) where the requirements for the issuance of the applicant's out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph. O. Reg. 36/12, s. 1.

32. The following are registration requirements for a general certificate of registration:

- 1. Nothing in the applicant's conduct affords reasonable grounds for the belief that the applicant will not practise the profession safely and with decency, integrity and honesty, and in accordance with the law.
- 2. If the applicant completed a program referred to in paragraph 1 of subsection 31 (1) more than three years before the date of the application for registration, the applicant must,
 - i. within 18 months before the day the general certificate of registration is issued, have successfully completed either,
 - A. a refresher course set or approved by the Registration Committee, or
 - B. a professional competency assessment as set or approved by the Registration Committee and, if recommended by the professional competency assessment, upgrading courses as set or approved by the Registration Committee, or

- ii. have been practising dental hygiene in any jurisdiction within the three years before the issuance of the certificate of registration in a manner that demonstrates that he or she could meet the current standards of practice in Ontario and provide the College with a certificate of professional conduct from any such jurisdiction.

- 3. 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 engage in the practice of the profession. O. Reg. 36/12, s. 1.

33. The following are conditions of a general or specialty certificate of registration:

- 1. 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 engage in the practice of the profession.
- 2. The member shall maintain professional liability insurance in the amount and in the form as required by the by-laws. O. Reg. 36/12, s. 1.

34. (1) The following are non-exemptible registration requirements for a specialty certificate of registration as a restorative dental hygienist:

- 1. The applicant must be the holder of a general certificate of registration.
- 2. The applicant must have,
 - i. successfully completed a program in restorative dental hygiene that at the time of the applicant's graduation was accredited by the Commission on Dental Accreditation of Canada or by the American Dental Association Commission on Dental Accreditation, or
 - ii. successfully completed a program in restorative dental hygiene that the Registration Committee considers to be substantially equivalent to the program referred to in subparagraph i.
- 3. If the applicant completed a program referred to in paragraph 2 more than three years before the date of the application for a specialty certificate of registration, the applicant must,
 - i. within 18 months before the day the specialty certificate of registration is issued, have successfully completed either,
 - A. a restorative dental hygiene refresher course set or approved by the Registration Committee, or
 - B. a professional competency assessment as set or approved by the Registration Committee and, if recommended by the professional competency assessment, upgrading courses as set or approved by the Registration Committee, or

- ii. have been practising restorative dental hygiene in any jurisdiction within the three years before the issuance of the certificate of registration in a manner that demonstrates that the applicant could meet current standards of practice in Ontario and provide the College with a certificate of professional conduct from any such jurisdiction.

- 4. The applicant, other than an applicant who has successfully completed a program referred to in subparagraph 2 i, must have successfully completed a specialty evaluation set or approved by the Registration Committee and complied with all requirements associated with the evaluation, including payment of the relevant fees set by the by-laws. O. Reg. 36/12, s. 1.

(2) Where section 22.18 of the Health Professions Procedural Code applies to an applicant, the applicant is deemed to have met the requirements of subsection 29 (3) and of subsection (1). O. Reg. 36/12, s. 1.

(3) Despite subsection (2), it is a non-exemptible registration requirement that an applicant referred to in that subsection provide a certificate, letter or other evidence satisfactory to the Registrar or a panel of the Registration Committee that the applicant is in good standing as a dental hygienist with a specialty in restorative dental hygiene in every jurisdiction where the applicant holds an out-of-province certificate. O. Reg. 36/12, s. 1.

(4) Despite subsection (2), where an applicant referred to in that subsection is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised restorative dental hygiene to the extent that would be permitted by a specialty certificate of registration as a restorative dental hygienist at any time in the three years immediately prior to the date of that applicant's application, that applicant must, within 18 months before the day the specialty certificate of registration as a restorative dental hygienist is issued, have successfully completed either,

- (a) a restorative dental hygiene refresher course set or approved by the Registration Committee; or
- (b) a professional competency assessment as set or approved by the Registration Committee and, if recommended by the professional competency assessment, upgrading courses as set or approved by the Registration Committee. O. Reg. 36/12, s. 1.

(5) Despite subsection (2), a requirement set out in subsection 29 (3) or in subsection (1) will continue to apply to an applicant where that requirement is a requirement described in subsection 22.18 (3) of the Health Professions Procedural Code. O. Reg. 36/12, s. 1.

(6) An applicant referred to in subsection (2) is deemed to have met the requirement in paragraph 3 of subsection 29 (4) where the requirements for the issuance of the

applicant's out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph. O. Reg. 36/12, s. 1.

(7) For the purposes of paragraph 3 of subsection (1) and of subsection (4), "practised restorative dental hygiene" and "practising restorative dental hygiene" mean having performed restorative procedures for which an order would have been required under subsection 5 (2) of the Act if the procedures were performed in Ontario. O. Reg. 36/12, s. 1.

(8) The College shall provide the applicant with a copy of the list of programs referred to in subparagraph 2 i of subsection (1) upon request. O. Reg. 36/12, s. 1.

(9) Only a member who holds a specialty certificate shall use the title "restorative dental hygienist", a variation or abbreviation or an equivalent in another language. O. Reg. 36/12, s. 1.

35. (1) It is a non-exemptible registration requirement for an inactive certificate of registration that the applicant must,

- (a) be a member who has previously been the holder of a general certificate of registration;
- (b) meet the requirements of paragraphs 1, 2, 3 and 4 of subsection 31 (1) and the registration requirements of paragraphs 1 and 3 of subsection 29 (4) and paragraphs 1 and 3 of section 32; or
- (c) be an applicant to whom subsection 31 (4) applies, and meet the registration requirements of paragraphs 1 and 3 of subsection 29 (4) and of paragraphs 1 and 3 of section 32, with the exception that, where the requirements for the issuance of the applicant's out-of-province certificate of registration included language proficiency requirements equivalent to those required by paragraph 3 of subsection 29 (4), the requirements of that paragraph do not have to be met. O. Reg. 36/12, s. 1.

(2) It is a condition of an inactive certificate of registration that the member not practise as a dental hygienist in Ontario. O. Reg. 36/12, s. 1.

35.1 The College may issue and renew certificates of registration in the emergency class only where one or more of the following conditions are met:

1. The Minister has requested the College to issue and renew certificates of registration in the emergency class to qualified applicants.
2. Council has declared the existence of an emergency circumstance where it is in the public interest for the College to issue and renew certificates of registration in the emergency class to qualified applicants.

35.2 (1) An applicant for the issuance of a certificate of registration in the emergency class must meet the following non-exemptible requirements:

1. Satisfy the educational requirements set out in paragraph 1 of subsection 31(1).
2. Satisfy the requirement for professional liability insurance set out in paragraph 5 of subsection 31(1).
3. Be a Canadian citizen or a permanent resident of Canada or be authorized under the *Immigration and Refugee Protection Act* (Canada) to engage in the practice of the profession.

(2) It is a requirement for the issuance of a certificate of registration in the emergency class that within the three years immediately prior to submitting their application for registration, the applicant must

- (a) have satisfied the educational requirements of paragraph 1 of subsection 31(1); or
- (b) have been practising dental hygiene in any jurisdiction in a manner that demonstrates that they could meet the current standards of practice in Ontario and provide the College with a certificate of professional conduct from any such jurisdiction.

35.3 The following are conditions of a certificate of registration in the emergency class:

1. The member shall maintain professional liability insurance in the amount and in the form as required by the by-laws.
2. The member shall practise the profession only within the scope of their certificate.
3. The member shall practise the profession only under the supervision of a holder of a certificate of registration in the general or specialty class who is in compliance with the supervision requirements specified in the document entitled "Supervision of Emergency Class Registrants" posted on the College's website as it may read from time to time.
4. The member shall at all times when providing professional services, identify themselves as practising under supervision.
5. The member shall use the title "Registered Dental Hygienist (Supervised)" or "RDH (Supervised)" or Hygiéniste dentaire autorisée (Supervisée) or HDA (Supervisée)

35.4 (1) Unless stated otherwise on the certificate, a certificate of registration in the emergency class expires one year after it is issued, unless it is renewed.

(2) Unless stated otherwise on the certificate, a renewed certificate of registration in the emergency class expires one year after it is issued, unless it is renewed again.

(3) Despite subsections (1) and (2), a certificate of registration in the emergency class expires six months after the earlier of

(i) the date the Minister withdraws their request that certificates of registration in the emergency class be issued or renewed, and

(ii) the Council declares that the emergency circumstances where it is in the interest of the public to issue and renew certificates of registration in the emergency class have ended.

35.5 A member who holds a certificate of registration in the emergency class may be issued a certificate of registration in the general class despite not having met the requirements set out in paragraphs 2 and 3 of subsection 31(1), if the member

(a) applies for a certificate of registration in the general class;

(b) satisfies all other requirements for a certificate of registration in the general class; and

(c) provides satisfactory evidence based on their practice for a period of at least one year under the certificate of registration in the emergency class that the member will practise competently and ethically even though practising without supervision.

36. (1) Subject to subsections (2) and (3), a member who holds an inactive certificate of registration may, upon application, be issued a general certificate of registration or, if appropriate, a specialty certificate of registration if the member continues to meet the requirements of subsection 29 (4) and paragraphs 1 and 3 of section 32 and meets at least one of the following registration requirements:

1. The member has practised dental hygiene within the previous three years and has done so in a manner that demonstrates that the member could meet the current standards of practice in Ontario.
2. The member has, within 18 months before the day the general or specialty certificate of registration is issued, successfully completed,

- i. a refresher course set or approved by the Registration Committee, or
- ii. a professional competency assessment as set or approved by the Registration Committee and, if recommended by the professional competency assessment, upgrading courses as set or approved by the Registration Committee. O. Reg. 36/12, s. 1.

(2) The member must provide evidence satisfactory to the Registrar that the applicant will have professional liability insurance in the amount and in the form as required by the

by-laws as of the anticipated date for the issuance of his or her general or specialty certificate of registration. O. Reg. 36/12, s. 1.

(3) If the member is applying for a general or specialty certificate of registration on the basis of having met the requirements of paragraph 1 of subsection (1) and the member has practised in a jurisdiction outside of Ontario during the preceding three years, the member must provide the College with a certificate of professional conduct from every jurisdiction in which he or she practised. O. Reg. 36/12, s. 1.

37. (1) If a member fails to provide the annual information return required by the by-laws, the Registrar may send the member notice that he or she must comply within 30 days of receiving the notice. O. Reg. 36/12, s. 1.

(2) If the member fails to provide an information return within 30 days of receiving the notice under subsection (1), the Registrar may suspend the member's certificate of registration. O. Reg. 36/12, s. 1.

(3) The Registrar shall lift the suspension of a certificate suspended under subsection (2) if the member provides the information required under the by-laws and pays any outstanding fees and penalties in an amount set out in the by-laws. O. Reg. 36/12, s. 1.

38. (1) The Registrar shall suspend the certificate of registration of a member holding a general or specialty certificate of registration who fails to comply with the condition set out in paragraph 1 or 2 of section 33. O. Reg. 36/12, s. 1.

(2) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension on,

- (a) the receipt of proof that section 33 is now being fully complied with; and
- (b) the payment of the fees set out in the by-laws. O. Reg. 36/12, s. 1.

39. (1) If the Registrar suspends or revokes a member's certificate of registration for failure to pay a prescribed fee, the Registrar shall lift the suspension or issue a new certificate on the payment of,

- (a) the fee the member failed to pay;
- (b) the reinstatement fee as required under the by-laws;
- (c) all outstanding fees, costs and expenses; and
- (d) any applicable penalties or other fees owing under the by-laws. O. Reg. 36/12, s. 1.

(2) If a person whose certificate of registration has been revoked or suspended as a result of disciplinary or incapacity proceedings applies to have a new certificate issued or the suspension lifted, and the Registrar is directed under the *Health Professions*

Procedural Code to issue the new certificate or lift the suspension, the Registrar shall do so on the payment of,

- (a) all outstanding fees, costs and expenses; and
- (b) any applicable penalties or other fees owing under the by-laws. O. Reg. 36/12, s. 1.

(3) A certificate of registration that has been suspended by the Registrar is deemed to have been revoked the day after the second anniversary of the event that gave rise to the suspension, if the suspension is still in effect at that time. O. Reg. 36/12, s. 1.

Suggested Motions – Friday, January 20, 2023

9.0 ADJOURNMENT

MOTION: **THAT** the Council meeting be adjourned at ____:____ p.m.

Moved:

Seconded:

VOTE: