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The Affairs of the College Bylaw

The College of Physicians and Surgeons of Manitoba

(Enacted by the Councillors of the College of Physicians and Surgeons of Manitoba
on November 22, 2018 repealing Bylaws 1, 2, 3, 3D, 4, 5, 6, 7, 8, 9, 10 and 11 under *The Medical Act*)

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PART A – DEFINITIONS

Definitions

1. Terms that are defined in *The Regulated Health Professions Act* (“RHPA”) or the regulations have the same meaning in all parts of this Bylaw, unless specifically defined in this Bylaw.
2. The following definitions apply in this Bylaw:

“**Bylaw**” means a Bylaw of the College established under section 222 of the RHPA

“**certificate year**” means the period for which a certificate of practice is issued for a particular class of members

“**College**” means the College of Physicians and Surgeons continued under section 8(b) of the RHPA

“**Councillor**” means a person serving on the Council of the College

“**elected Councillor**” means a person elected to Council under clauses 180(1)(a) or (c) of the RHPA

“**Executive Committee**” means the Executive Committee of the College as established under section 22(1)(b) of the RHPA

“**primary practice location**” means the primary location at which a member is carrying on the practice of medicine

“**regulations**” mean regulations applicable to the College made under the RHPA

“**RHPA**” means *The Regulated Health Professions Act*

PART B – ELECTIONS AND APPOINTMENTS

Councillors Eligibility and Electoral Districts

Eligibility requirements for candidates (AM12/19)

3. To be eligible to be a candidate for election as a Councillor, a regulated member must meet all of the following requirements:
 - a. be on the voters list for that electoral district;
 - b. maintain his or her primary practice location in the electoral district in which he or she seeks to be a candidate up to the election date;
 - c. be nominated as a candidate for election as set out in this Bylaw;
 - d. meet the requirements of s. 14 of the RHPA;
 - e. not be a current member of the Board of Directors of Doctors Manitoba.

Electoral Districts

4. For the election of regulated members, Manitoba is divided into the four electoral districts described in Schedule A attached to this Bylaw.

Number of Elected Councillors from each Electoral District

5. The number of regulated members to be elected from each electoral district is:
 - a. 5 members from the Winnipeg electoral district;
 - b. 1 member from the North electoral district;
 - c. 1 member from the East electoral district; and
 - d. 1 member from the West electoral district.

Elections

Election Transition Provisions to Prevail

6. For the election of regulated members, the Election Transition provisions at section 110 shall prevail over the terms of this Bylaw until the election in 2022.
7. Commencing in 2020 and continuing every second year thereafter there must be an election of regulated members to Council on the following schedule:
 - 2020 - 3 Councillors from the Winnipeg Electoral District
 - 2020 - 1 Councillor from the West Electoral District
 - 2022 - 2 Councillors from the Winnipeg Electoral District
 - 2022 - 1 Councillor from the North Electoral District
 - 2022 - 1 Councillor from the East Electoral District

Election for Regulated Associate Members

8. Commencing in 2019 and continuing annually thereafter there must be an election for one Councillor from the regulated associate members.

Procedures governing all elections, by-elections and run-off elections

9. The Registrar must supervise and administer all Council elections and may establish procedures for that purpose consistent with the Bylaws.
10. The Registrar must:
 - a. use electronic processes for the circulation of election notices, forms, ballots, nominations, other documentation, and the collection of votes must be by electronic ballot.
 - b. ensure that all methods of voting are secure and preserve the anonymity of the voters and the secrecy of their votes.
 - c. act as the returning officer in each election.
 - d. resolve any dispute or irregularity with respect to any nomination, ballot or election.

Notice of Election

11. By no later than the fourth Tuesday in March preceding an election, the Registrar must circulate written notice of the election, the applicable voters list, the nomination form and nomination procedures to every regulated member or regulated associate member whose name is on the voters list for an election to be held that year.

Voters List

12. The Registrar must prepare a voters list by no later than the fourth Tuesday in March in each year:
 - a. when an election of regulated members is required, for each electoral district in which an election is to be held, listing all regulated members whose business address is in that electoral district as of the date the voters list is prepared and who holds a current certificate of practice in one of the following classes:
 - i. full practising;
 - ii. provisional academic - s. 181 faculty;
 - iii. provisional academic - post-certification trainee;
 - iv. provisional specialty practice - limited;
 - v. provisional family practice - limited;
 - vi. provisional Manitoba Practice Assessment Program;
 - vii. provisional public health officer.

- b. for a regulated associate members election, a voters list listing all regulated associate members who hold a current certificate of practice in one of the following classes:
 - i. educational medical student;
 - ii. educational physician assistant student;
 - iii. educational resident;
 - iv. educational resident limited;
 - v. educational external or visiting student;
 - vi. physician assistant full;
 - vii. physician assistant academic – s. 181 faculty;
 - viii. clinical assistant full.

Right to examine voters list

13. Any College member may examine the voters list prepared for an election at the College office during office hours.

Correction of voters list

14. Any member who believes that there is an error in the voters list may report the error to the Registrar. The Registrar must investigate and must correct any error found to exist.

Nominations

15. The nomination of a candidate for election is valid only if:
 - a. it is on the nomination form approved by the Registrar;
 - b. it is in writing, and names only one candidate;
 - c. for an election of:
 - i. regulated members, it is signed by at least two regulated members of the College who maintain a primary practice location in the same electoral district as the nominated member and whose names are on the voters list of regulated members;
 - ii. a regulated associate member, it is signed by at least two regulated associate members whose names are on the voters list of regulated associate members;
 - d. the nominee consents in writing to the nomination; and
 - e. the written nomination and consent are received by the Registrar on or before noon on the second Tuesday in April preceding the date of an election.

Election dates

16. Any election of members to Council must be held on the first Tuesday in May. Ballots may be cast any time after the third Tuesday in April and the deadline for receipt of ballots in the election is noon on the first Tuesday in May.

Entitlement to vote

17. Every regulated member whose name is on the voters list created for an election in an electoral district is entitled to vote in the election in that electoral district.
18. Every regulated associate member whose name is on the voters list created for an election of a regulated associate member is entitled to vote in that election.

Election Procedure

19. For each election, by no later than the third Tuesday in April preceding the date of an election the Registrar must circulate to each member entitled to vote in an election of:
 - a. regulated members, a form of ballot that lists under each electoral district the names in alphabetical order of all candidates nominated for that electoral district;
 - b. a regulated associate member, a form of ballot that lists the names in alphabetical order of all candidates nominated;
 - c. voting instructions, including the date and time by which ballots must be received by the Registrar;
 - d. candidate biographical information in the form prescribed by the Registrar; and
 - e. such other material as may be required.

Invalid ballots

20. A ballot is invalid that:
 - a. is not cast in accordance with the instructions circulated by the Registrar,
 - b. votes for more candidates than the number to be elected in the electoral district or the election as the case may be, or
 - c. is not received by the Registrar before the deadline for receipt of ballots in the election.

Right to be present

21. Any of the candidates for election may be present at the tabulation of the election results.

Acclamation

22. The Registrar must declare that those nominated are elected by acclamation, if:
 - a. for an election of a regulated associate member, only one regulated associate member is nominated,
 - b. for an election of regulated members, the number of candidates nominated in an electoral district does not exceed the number to be elected in that district.

Procedure in the event of a tie

23. In the event of a tie vote, a run-off election must take place between the tied candidates, no later than fourteen days after the election date. The election procedure in Sections 14 to 18 applies to a run-off election, with the necessary modifications to dates and procedures implied.

Insufficient candidates

24. If insufficient candidates are nominated to elect the required number of Councillors, the Executive Committee must, within 45 days following the date nominations were due, appoint to fill the vacancy:
 - a. For regulated members, a regulated member who meets the eligibility criteria for nomination in the electoral district with insufficient candidates;
 - b. For a regulated associate member, a regulated associate member who meets the eligibility criteria for nomination as a regulated associate member.

Election results

25. The Registrar must declare elected the candidates with the highest number of votes, up to the number to be elected in the electoral district or the regulated associate member election as the case may be.
26. The Registrar must certify in writing as soon as possible after an election the names of the person or persons who have been elected and must give written notice of the election results to members.

Challenge to Election

27. Challenge to Election
 - a. Any member who lawfully voted in the election may file a written petition challenging the election of any candidate and stating the grounds for the challenge. The Registrar must provide a copy of the challenge to the candidate whose election is disputed.
 - b. The Executive Committee must hear the challenge, and the member challenging and the candidate whose election is disputed must be given notice of the date, time and place of the hearing.
 - c. Following the hearing, the Executive Committee must report to the Council, which must declare whether the candidate whose election is disputed was duly elected. If the decision is that the candidate was not duly elected, Council must declare another eligible candidate elected.

Failure to comply

28. Any accidental failure to comply with the Bylaw or procedures set for elections does not invalidate an election.

Appointments

University Faculty selection

29. By no later than the first Tuesday in April in any year in which the Rady Faculty of Health Sciences, Max Rady College of Medicine selection of a representative to Council is required, the Registrar must request that the Dean of the Max Rady College of Medicine notify the Registrar of the name of the faculty member selected as Councillor and his or her alternate when he or she is not available, pursuant to s. 180(1)(d) of the RHPA.

Appointment of Public Representatives by Minister

30. By no later than the first Tuesday in April in any year in which the ministerial appointment of public representatives to Council is required, the Registrar must request that the Minister notify the Registrar of the names of the ministerial appointments to Council.

Appointment of Public Representatives by the Council

31. On or before the first Tuesday in April in any year which Council is to appoint a public representative, the Executive Committee shall submit to Council one or more candidates who meet the criteria established by Council as to identified skills or attributes required of public representatives.
32. If more candidates are nominated than there are positions to be filled, the Registrar must conduct an election by Councillors of public representatives according to the following process:
 - a. no later than the fourth Tuesday in April preceding the date of an election, provide to each Councillor:
 - i. a form of ballot that lists the names in alphabetical order of all candidates nominated;
 - ii. voting instructions, including the date and time by which votes must be received by the Registrar; and
 - iii. such other material as may be required.
 - b. The Registrar must declare elected the candidate(s) with the greatest number of votes up to the number required to be elected and report the results to Council.
 - c. In the event of a tie vote, the President shall cast the deciding vote.

Vacancies on Council

33. If an elected Councillor or a Councillor appointed by Council ceases to hold office before the end of his or her term, the Council shall conduct a by-election in the same manner as a scheduled election, with all necessary modifications to dates and procedures implied.

Term of office

34. Unless elected to fill a vacancy, the term of office of Councillors begins immediately after the annual meeting of Council following the election and after the Councillor has signed the oath of office, and is:
- For regulated members, including the Max Rady College of Medicine appointee, a four-year term;
 - For regulated associate members, a one-year term;
 - For public representatives, a four-year term, or, for government appointed public representatives, the term designated by the government to a maximum of four years.
35. Councillors elected to fill a vacancy take office immediately upon election and signing the oath of office and hold office for the unexpired portion of the vacant term.

Council members ceasing to hold office

36. An elected Councillor or a Councillor appointed by Council ceases to hold office if the Councillor: (AM12/19)
- resigns by written notice delivered to the Registrar;
 - ceases to be eligible for election or appointment to the Council, unless the Councillor loses eligibility only by reason of parental leave or illness;
 - is censured pursuant to section 102 of the RHPA or an Inquiry Panel makes a finding against the member pursuant to section 124 of the RHPA;
 - is absent, without cause, from three consecutive Council meetings, unless previously excused by the Council;
 - is removed from Council in accordance with s. 20(5) of the RHPA governing breach of the Oath of Office or is removed for breach of the Councillor and Committee Code of Conduct located in the Governance Policy;
 - dies;
 - is determined to be permanently mentally incapacitated; or
 - Becomes a member of the Board of Directors of Doctors Manitoba.

College Officers

Officers

37. The officers of the College are:
 - a. The President;
 - b. The President-Elect, who will also hold the office of Treasurer;
 - c. The Past President; and
 - d. The Registrar
38. The officers must:
 - a. throughout their term of office be regulated members of the College with a current certificate of practice;
 - b. perform the duties imposed and exercise the powers given to them by the RHPA, the regulations and the Bylaws, or assigned to them by the policies of Council.

Appointment of President-Elect

39. The President-Elect must be appointed from Councillors who are regulated members, according to the following process:
 - a. Commencing in 2018, in every second year, the Executive Committee must present a report to Council prior to December, recommending at least one nominee for the office of President-Elect.
 - b. In each year when appointment to the office of President-Elect is required, the Executive Committee's report must be included in the agenda material distributed to Councillors in advance of the December Council meeting.
 - c. At the December Council meeting, the Chair must ask for nominations from the floor for the office of President-Elect, provided that only Councillors present (either in person or through electronic means) are eligible to nominate from the floor, and that a Councillor may nominate himself or herself as a candidate for President-Elect.
 - d. If more than one candidate is nominated for President-Elect, the Registrar must conduct an election by Councillors according to the following process:
 - i. No later than the first Wednesday following the December Council meeting, provide to each Councillor:
 1. a form of ballot that lists the names in alphabetical order of all candidates nominated;
 2. voting instructions, including the date and time by which votes must be received by the Registrar; and
 3. such other material as may be required.
 - ii. Upon receipt of a vote, the Registrar must be satisfied that it is the vote of a Councillor entitled to vote.
 - iii. The candidate for whom the highest number of votes is cast will be appointed as President-Elect.
 - iv. In the event of a tie vote, the President shall cast the deciding vote.

- v. Any of the candidates for President-Elect may be present at the counting of the ballots.
- vi. The Registrar must resolve any dispute or irregularity with respect to any nomination, ballot or election.

Term of office – President and President-Elect

- 40. The President-Elect and President each hold office for a maximum term of two years except in exceptional circumstances and approved by Council.
- 41. At the end of his or her two-year term as President-Elect, the President-Elect assumes the office of the President for a two-year term and at the end of the two-year term as President, assumes the office of Past-President for a two-year term.

By-election for President-Elect

- 42. If the office of the President becomes vacant, the President-Elect becomes President for the unexpired term and a by-election must be conducted for the office of President-Elect.
- 43. The procedure set forth in section 37 of this Bylaw applies to any by-election for a President-Elect, with all necessary modifications as to date and procedure implied.

PART C – COUNCIL MEETINGS AND MEETINGS OF THE MEMBERSHIP

Council Meetings

Regular meetings

44. Council must meet at least four times in each calendar year.

Special meetings

45. The President may call a special meeting of Council, and must convene a special meeting of Council upon receipt of a written request by at least four Councillors, stating the nature of the business that is proposed to be conducted at the special meeting

Notice of Council meeting

46. The President must provide at least 14 days' notice of a meeting of Council to all Councillors, members of the College and the public, unless shorter notice is required to conduct urgent business.
47. Notice of a Council meeting may be provided to members and to the public by posting a notice on the College website. The Council agenda and materials are to be included in the notice on the College website, except where a private meeting is necessary to consider matters of a confidential nature or of a personal nature concerning an individual in accordance with section 25 of the Regulated Health Professions Act.
48. The accidental omission to deliver notice of a Council meeting to, or the non-receipt of such notice by, any person entitled to receive notice does not invalidate proceedings at that meeting.

Entitlement to attend meeting

49. Council meetings must be open to members of the College and the public but:
 - a. only Councillors are entitled to vote; and
 - b. a person who is not a Councillor may not speak without permission of the chair.

Private meeting of Council

50. In accordance with section 25(5) of the RHPA, Council may decide that an item of business on the agenda be dealt with in a private meeting. For any private meeting, all Councillors are entitled to be present but only those College staff members and guests invited by Council may attend.

Voting at Council meetings (AM12/19)

51. Each Councillor, except the Chair, is entitled to one vote on all matters. If there is an equality of votes on a matter the Chair has the deciding vote.
52. All voting at Council and Committee meetings is open. Voting for the position of President-Elect may be conducted by secret ballot if requested by any councillor.
53. A Councillor is not entitled to vote by proxy.

Procedure at Council meetings

54. The Council may meet and conduct business in person, or by video, telephone conference, web casting, or an equivalent mechanism.
55. If, in the opinion of the President, a matter is urgent business that requires immediate attention by the Council, and if, in the opinion of the President, the matter can be adequately addressed by providing information to the Council electronically or in writing, with the Council voting on a resolution included in the information by mail or by specified electronic means, the President may provide such information to the members of the Council, and allow a time for response that is, in the opinion of the President, sufficient to permit the Council members to respond.
56. In order to constitute quorum of the Council for the purposes of section 53 of this Bylaw, a simple majority of the members of Council must have voted on the resolution by specified electronic means by the time for response established by the President.
57. Council meetings must be conducted in accordance with Council policy governing the conduct of meetings and the *Interpretation Act*.

Presiding Officer

58. The President, or in the absence of the President, the President-Elect or the Past-President, must preside at a Council meeting. In the absence of the President, President-Elect and Past-President, the Councillors present must choose a Councillor to preside at the meeting.

Dispute Resolution

59. A dispute concerning the procedure to be followed at a Council meeting that is not provided for in the RHPA, Bylaws or policies of Council may be resolved in accordance with Roberts Rules of Order.

Meetings of Membership

Annual meeting of the membership

60. Each calendar year, an annual meeting of the members of the College must be held in Manitoba, at a time and place to be determined by Council.

Special meeting of the membership

61. At any time, Council may convene a special meeting of the membership.
62. Upon receiving a written request signed by at least five percent of the regulated members of the College entitled to vote, Council must convene a special meeting the membership for the purpose specified in the request. The written request must be delivered to the Registrar and must state the nature of the business that is proposed to be considered at the meeting.
63. A special meeting of members convened under section 60 of this Bylaw must be held within 75 days of receipt of the written request.

Notice of meeting of the membership

64. The notice of a special meeting of members must state the business that will be considered at the meeting and the meeting must not consider any other business.
65. For all annual general and special meetings of the membership:
 - a. Council must provide at least 14 days notice of the meeting to each member of the College and to the public;
 - b. notice to members must include:
 - i. the place, date and time of the meeting, and
 - ii. any resolutions proposed to be presented at the meeting; and
 - c. notice to members and to the public may be given by posting a notice on the College website.
66. The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, a person entitled to receive notice does not invalidate proceedings at the meeting.

Quorum at meeting of the membership

67. A quorum for a meeting of members is eight voting members.

Procedure at meeting of the membership

68. The President or in the absence of the President, the President-Elect or the Past-President, must preside over the meeting. In the absence of the President, President-Elect and Past-President, the members present must elect a chairperson from among Councillors present at the meeting.
69. The President must set the agenda for the annual general meeting of the members. The agenda must include the following items:
 - a. Council reports relevant to the activities of the College;
 - b. the CPSM's audited financial statement and report;
 - c. any new Bylaws or Bylaw amendments approved by Council in the preceding fiscal year, which require membership approval; and
 - d. the annual appointment of the auditors of the College.

Voting at meeting of the membership

70. A member of the College in good standing present in person at the meeting and entitled to vote at the meeting has one vote.
71. Voting will be conducted by a show of hands, unless the chairperson considers it necessary to conduct a vote by ballot.
72. In case of a tie vote, the proposed resolution does not pass.
73. Any resolution passed at an annual or special meeting of members, except for a resolution confirming or varying a Bylaw, must be considered by Council at its next regularly scheduled meeting.

Voting by Members on Bylaws Other than at a meeting

74. If Council determines that it is in the best interests of the College to have a bylaw amended or repealed by the members prior to the next annual meeting of members, Council may approve a vote on the proposed bylaw amendment or repeal by an electronic ballot of members who are entitled to vote at a meeting of the membership.
75. The vote on the bylaws by the members shall be conducted electronically as soon as practicable following the decision by Council to hold a vote prior to the annual meeting of members.
76. Members shall be allowed a minimum of seven calendar days in which to cast their vote following the date of the electronic distribution of the instructions and voting materials to the members entitled to vote. The voting materials shall include the proposed bylaw

amendment(s) and a concise explanation for the rationale for the proposed amendment(s).

77. A majority of the members who cast a valid electronic ballot shall determine the result of the vote provided that the minimum quorum of 8 members cast a vote.

Entitlement to vote at meeting of the membership

78. All regulated members and regulated associate members who attend a meeting of the membership in person are entitled to vote at the meeting, except members in the following classes:
- a. Full - academic, visiting professor;
 - b. Full - non-practising;
 - c. Full - retired;
 - d. Provisional - restricted purpose;
 - e. Provisional - temporary locum;
 - f. Provisional - non-practising;
 - g. Provisional - retired;
 - h. Assessment candidate - specialty practice;
 - i. Assessment candidate - family practice;
 - j. Assessment candidate - re-entry to practice;
 - k. Educational - non-practising;
 - l. Physician assistant - restricted purpose;
 - m. Physician assistant - non-practising;
 - n. Clinical assistant- non-practising;
 - o. Physician assistant or clinical assistant retired.

Procedural issues at members meeting

79. A dispute concerning the procedure to be followed at a meeting of members that is not provided for in the RHPA or Bylaws must be resolved in accordance with Roberts Rules of Order.

PART D - PROCEDURAL RULES FOR THE INQUIRY COMMITTEE

80. Rescinded
81. The Procedural Rules for the Inquiry Committee attached as Schedule B set out certain procedures to be followed by the Inquiry Committee.
82. Neither the Code of Ethics nor the Procedural Rules for the Inquiry Committee bind or limit an Inquiry Panel in determining its own procedures in accordance with s. 117(1) of the RHPA or whether the conduct of a member is professional misconduct in accordance with s. 124(2) of the RHPA.

PART E - COUNCIL REGULATIONS, STANDARDS OF PRACTICE OR BYLAWS AMENDMENTS, FORMS

Amendment to Regulations or Bylaws (AM03/19)

- 83(a) Before making a *Regulation* or adopting a *Code of Ethics*, the Registrar must:
- i. post on the College website an explanation of the proposed Regulation or Code of Ethics,
 - ii. and, within a specified time frame of at least 30 days, seek the input of members, the Minister of Health, and any other person Council considers necessary on the proposed change; and
 - iii. present Council with the results of consultation for consideration before it votes on the proposed Regulation or Code of Ethics
- 83(b) Before making a *Bylaw (other than the Fee Bylaw)*, the Registrar must:
- i. post on the College website an explanation of the proposed change,
 - ii. and, within a specified time frame of at least 30 days, seek the input of members and any other person Council considers necessary on the proposed change (and if the *Accredited Facilities Bylaw* additionally seek the input of the Minister of Health); and
 - iii. present Council with the results of consultation for consideration before it votes on the proposed Bylaw.
- 83(c) Before making a new *Standard of Practice of Medicine*, the Registrar must:
- i. post on the College website an explanation of the proposed change,
 - ii. and, within a specified time frame of at least 30 days, seek the input of members, the Minister of Health, and any other person Council considers necessary on the proposed change; and
 - iii. present Council with the results of consultation for consideration before it votes on the proposed Standard of Practice.
- 83(d) Before making a new *Practice Direction*, the Registrar must:
- a. post on the College website an explanation of the proposed change,
 - b. and, within a specified time frame of at least 30 days, seek the input of members and any other person Council considers necessary on the proposed change; and
 - c. present Council with the results of consultation for consideration before it votes on the proposed Practice Direction.
84. The Registrar may make non-substantive amendments to the Bylaws, Standards of Practice, Practice Directions, and Policies such as name changes, grammatical corrections, and non-material changes.
85. Following approval by Council, every amendment to Council Regulations shall be signed by the either the President, President-Elect, or Past-President, and the Registrar, and forwarded to the Lieutenant Governor in Council for consideration.

86. Every Bylaw or Bylaw amendment enacted by the Council shall be signed by:
- a. one of the President, President-Elect, or Past-President; and
 - b. the Registrar.

PART F - COMMITTEES OF COUNCIL AND DELEGATION TO COMMITTEES

87. The Council committees are:
- a. Executive Committee;
 - b. Audit and Risk Management Committee;
 - c. Complaints Committee;
 - d. Investigation Committee;
 - e. Inquiry Committee;
 - f. Central Standards Committee and its subcommittees; and
 - g. Program Review Committee.

Terms of Reference for Council committees

88. Council must establish terms of reference for each Council committee which are set out in this Bylaw and include at least:
- a. Authority;
 - b. Purpose;
 - c. Composition; and
 - d. Term of office for committee members if the duration of the term is other than a one-year term.
89. Each Council committee must operate within the terms of reference established from time to time by Council for that committee.

COUNCIL DELEGATED AUTHORITY TO COMMITTEES

Council Delegated Authority

90. Pursuant to section 17 of the RHPA, Council delegates the following authority:
- a. to Audit and Risk Management Committee the authority to make investment decisions on behalf of the College;
 - b. to Executive Committee:
 - i. The committee has authority delegated by Council to take the necessary actions, to hear and to determine appeals and reinstatement applications and other adjudicative matters as specified in this Part of this Bylaw.
 - ii. The committee has authority delegated by Council to approve forms where approval is required by the RHPA, as set out in the Governance Policy.
 - iii. The committee has the authority delegated by Council to direct a member to complete a specific course of action or supervised practical experience, on the advice of the Central Standards Committee pursuant to section 182(4) of the RHPA.
 - iv. The committee has the authority to appoint practice auditors pursuant to section 135(1) of the RHPA. If an auditor is required to be appointed between meetings

of the Executive the Chair may appoint the auditor(s) and provide the name for ratification at the next committee meeting.

- v. The committee has the authority delegated by Council to employ, terminate, discipline or change the conditions of employment of the Registrar.

Council Delegated Adjudication

91. Council has delegated to the Executive Committee responsibility to take necessary actions, to hear and to decide the following matters pursuant to the powers, authorities, privileges and duties conferred or imposed upon Council in the specified sections of the RHPA and the sections necessarily ancillary to those sections:
 - a. Sitting as a panel of Council pursuant to RHPA s. 38(4):
 - i. registration appeals pursuant to:
 - ii. **RHPA s. 38** - Denial of registration or approval of registration subject to conditions;
 - iii. **RHPA s. 43** - Denial of certificate of practice or with conditions;
 - iv. **RHPA s. 47** - Non-renewal due to failure to meet the requirements of the regulations;
 - v. **RHPA s.183(10) and (11)**– decision to cancel certificate of accreditation and order to cease operations and consideration of written submissions to Council; or
 - vi. **CPSM General Regulation s.3.73** - Request for extension.
 - b. The powers delegated by Council to the Executive Committee pursuant to **section 17(1)** of the RHPA include:
 - i. **RHPA s.48** - Cancellation of registration or practice certificate due to false representation or declaration or if criminal conviction for an offence relevant to his or her suitability to practice;
 - ii. **RHPA s. 50 and s.133** - Reinstatement applications;
 - iii. **RHPA s.60** – refusal of a medical corporation permit;
 - iv. **RHPA s.65** – suspension or cancellation of a medical corporation permit;
 - v. **RHPA s.66** – alternatives to suspending or cancelling a medical corporation permit;
 - vi. **RHPA s.110** – appeals from interim suspension or interim terms and conditions;
 - vii. **RHPA s.126(6)** – decision to cancel or suspended certificate of practice or registration for contravention of an order under s.126(1); and
 - viii. Registrar’s decision on posting a criminal conviction on a profile under **CPSM General Regulation s. 9.13**.
 - c. Sitting in panels of three, one of whom must be a public representative, to hear appeals from the Investigation Committee, in accordance with the appeal guidelines fixed by Council, pursuant to **section 108** of the RHPA.

PART G – COUNCIL AND COMMITTEE EXPENSES AND REMUNERATION

92. Council members attending meetings of the Council or of any committee of the Council shall be paid remuneration and travel expenses at such rates and in accordance with the Financial Management Policy of Council.

PART H - REGISTRAR'S DUTIES

93. The Registrar may appoint one or more Assistant Registrars to assume all the Registrar's responsibilities when the Registrar is absent. An Assistant Registrar has the same authority as the Registrar when he or she is acting on behalf of the Registrar. An Assistant Registrar is not required to be a member.
94. The Registrar is authorized to:
 - a. establish forms, certificates, or other documents for the purposes of the RHPA, Regulations, or Bylaws and to require the use of such forms, certificates, or other documents by members and applicants for membership; and
 - b. delegate such duties as he or she may deem fit to College staff.
95. The Registrar's other duties, authority, evaluation, requirements, and conflict of interest provisions are set out in the Council's Policy - Registrar.
96. Council directs the Registrar to consider and decide on applications for registration under sections 32 and 33 of the RHPA in accordance with the Act, Regulations, Bylaws, Practice Direction on Qualifications and Registration, and any other Council policies.

Registrar Response to Alleged Serious Criminal Behaviour by a Member

97. Where a member is charged with a serious criminal offence, there are competing interests (e.g. presumption of innocence, undermining public trust, member's privacy rights and the legitimate rights of other individuals or organizations with whom the member interacts to be aware of the allegations of a serious criminal offence). The Registrar must follow the process set out below when advised that a member of the College has been charged with a serious criminal offence:
 - a. On receipt of information that a member has been charged with a criminal offence, the Registrar must assess whether the matter is sufficiently serious to warrant referral to the Investigation Committee. In all cases where the matter is of such a nature that referral to the Investigation Committee is warranted, the matter shall be regarded as an allegation of a serious criminal offence.
 - b. Where there is an allegation of a serious criminal offence against a member of the College, the Registrar must promptly:
 - i. Attempt to obtain a copy of the charges laid against the member;
 - ii. Ascertain whether there are search warrants or other public documents from the court docket available in relation to the charges and, if so, attempt to obtain copies of those documents;
 - iii. Determine the practice location(s) of the member, including whether the member has privileges at any facility;

- iv. Where possible, ascertain whether the person reporting to the College has also made a report to each facility where the member has privileges and, if so, the content of that report and to whom the report was made.
- c. Where a member who has been charged with a serious criminal offence is a member of the medical staff of a regional health authority, the Registrar must promptly communicate with the Chief Medical Officer of that regional health authority to ensure that the Chief Medical Officer is aware of the charges against the member.
- d. Where a member who has been charged with a serious criminal offence is not a member of the medical staff of a regional health authority, the Registrar must promptly notify the Deputy Minister of Health of the charges against the member.
- e. Where the College has obtained copies of charges or other documents from the court docket respecting the charges against a member, the Registrar must provide copies of these documents to the Chief Medical Officer or the Deputy Minister of Health as the case may be.
- f. In accordance with *The Regulated Health Professions Act*, the Investigation Chair is responsible for determining whether a member who is charged with a serious criminal offence:
 - i. should be allowed to continue to practice without restriction,
 - ii. should be interim suspended from practice,
 - iii. should be allowed to practice subject to the imposition of interim terms and conditions, or
 - iv. should be allowed to practice subject to the terms of an undertaking
- g. Where the Investigation Chair is contemplating allowing the individual to practice subject to the terms of an undertaking, the Investigation Chair must assess whether:
 - i. the public can only be adequately protected by an undertaking that authorizes the College to provide any and all information respecting the criminal charges against the member to the Chief Medical Officer of any regional health authority where the member has privileges or to the Deputy Minister of Health, as the case may be.
 - ii. the public can only be adequately protected by the imposition of terms and conditions which are a matter of public record.
- h. Where the report to the College is made by the police, the Registrar must confirm with the police that the College will disclose the information provided by the police to Chief Medical Officer of any regional health authority, and if applicable CancerCare, Diagnostic Services of Manitoba, or Shared Health Services of Manitoba, where the member has privileges or to the Deputy Minister of Health, as the case may be.

Posting criminal conviction on Practitioner Profile

98. The Registrar must use the following criteria to assess whether a Member's criminal conviction is relevant to the member's competence or safe practice of medicine:
- a. The conviction is based upon an event that resulted from a physician/patient relationship, and/or
 - b. The conviction results from harm to a patient or society related to or resulting from the practice of medicine, and/or
 - c. The conviction indicates that the member's ability to practise medicine safely is compromised taking into account the following factors:
 - the nature of the offence;
 - any prior convictions;
 - the length of time since the conviction;
 - the completion of any penalty imposed;
 - the degree of regret and remediation demonstrated by the member;
 - the potential that the offence will affect the member's current practice.
99. Where the Registrar is of the opinion that a Member's conviction is deemed relevant to the Member's competence or to the safe practise of medicine, the Registrar must inform the member that the member's conviction will be published on the practitioner profile within thirty days. The notification must be in writing and must include the reasons for the decision.
100. The member may appeal the decision to post his/her criminal conviction to the Executive Committee within 30 days of being so notified. The appeal must be in writing and must state the reasons for the appeal.
101. The Executive Committee shall notify the member of its decision in writing.
102. The conviction shall be posted pending the appeal decision of the Executive Committee.

PART I – COMMUNICATION WITH THE COLLEGE

Member's Response to CPSM Correspondence

103. When the Registrar, an Assistant Registrar or a Medical Consultant engaged by the College writes to a member with respect to any matter and requires a response, the member shall:
- a. respond in writing;
 - b. when responding to correspondence related to a complaint or investigation, unless otherwise approved by the CPSM Medical Consultant, personally sign the response. In respect to all other correspondence, electronic signature of the member will suffice unless otherwise directed by the Registrar, Assistant Registrar or Medical Consultant.
 - c. provide a response to the substance of the matter, and all particulars pertinent thereto; and
 - d. respond within the length of time specified in the College correspondence.

Reminder

104. When reminder correspondence is sent to a member from the Registrar, an Assistant Registrar or a Medical Consultant engaged by the College and the member fails to respond in writing within 15 days from the date of the reminder correspondence, the member may be referred to the Investigation Committee.

Compliance

105. A member who, without a reasonable excuse, fails to comply with section 103 or 104 may be found guilty of professional misconduct.
106. Except for correspondence sent requiring a member to respond in less than 5 days, correspondence sent to a member may be sent by ordinary mail addressed to the member's business address as appears on the records of the College. A correspondence sent by ordinary mail to a member shall be deemed to be received by the member on the fifth working day after the date of the correspondence.
107. In the absence of specific instruction to the contrary, the College shall regard each member's primary practice location as that member's business address.

Business Address

108. Correspondence being mailed to a member will be sent to that member's primary practice location unless the member provides to the College an alternate address as the address for all official notifications.

PART J - MEDICAL CORPORATIONS

Change in information

109. A medical corporation must inform the Registrar, in writing, of any change in the shareholders, directors or officers of the medical corporation within 15 days of such change.

PART K – ELECTION TRANSITION

Election Transition

110. In 2020, the following elections of regulated members will be held:
- Eastman Electoral District – one Councillor for a two-year term;
 - West Electoral District – one Councillor for a four-year term;
 - Winnipeg Electoral District – three Councillors for a four-year term.
111. In 2022, elections of regulated members will be held according to the schedule set out in Part B of this Affairs of the College and Code of Ethics Bylaw of the College. Section 326 (Election Transition) shall continue in effect only until January 1, 2022.

PART L - REPEAL

Repeal

112. Bylaws No. 1, 2, 3, 3D, 4, 5, 6, 7, 8, 9, 10 and 11 of the CPSM previously enacted by Council, pursuant to *The Medical Act*, with all amendments thereto, are repealed effective January 1, 2019. This Bylaw shall be in force as of and from January 1, 2019. This Bylaw has not retroactive effect and the previous bylaws now repealed, maintain authority for the period in which they were in effect.

PART M - SCHEDULES

ELECTORAL DISTRICTS - SCHEDULE "A" TO THIS BYLAW

All references to Health Regions in this schedule refer to the Health Regions as defined in Manitoba Regulation 207-97 as at June 21st, 2002. The Health Regions are shown on the attached sketches of the southern area and northern area of Manitoba and are dated September 1999.

North Electoral District:

Those areas described as the former Northman, Parklands and Interlake Electoral Districts of the College as set out in Manitoba Regulation 207-97:

Northman those areas described in:

- a. section 1 of Schedule 2 of Manitoba Regulation 207/97 as the Burntwood Health Region,
- b. section 1 of Schedule 4 of Manitoba Regulation 207/97 as the Churchill Health Region, and
- c. section 1 of Schedule 7 of Manitoba Regulation 207/97 as the Norman Health Region.

Parklands That area described in section 1 of Schedule 9 of Manitoba Regulation 207/97 as the Parkland Health Region.

Interlake That area described in section 1 of Schedule 5 of Manitoba Regulation 207/97 as the Interlake Health Region.

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East Electoral District

Those areas described in:

Eastman Electoral District: Those areas described in:

- a. section 1 of Schedule 8 of Manitoba Regulation 207/97 as the North Eastman Health Region, and
- b. section 1 of Schedule 10 of Manitoba Regulation 207/97 as the South Eastman Health Region.

Central Electoral District: That area described in section 1 of Schedule 3 of Manitoba Regulation 207/97 as the Central Health Region.

West Electoral District

Those areas described in:

Westman Electoral District: Those areas described in:

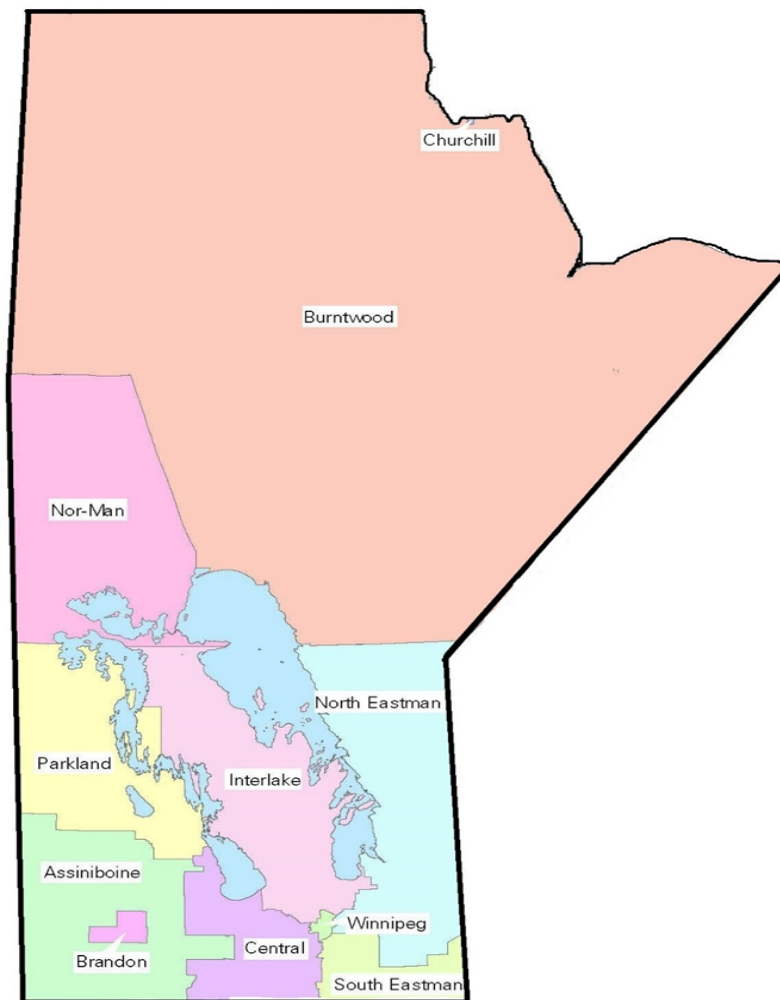
- a. section 1 of Schedule 6 of Manitoba Regulation 207/97 as the Marquette Health Region, and
- b. section 1 of Schedule 11 of Manitoba Regulation 207/97 as the South Westman Health Region.

Brandon Electoral District: That area within the boundaries of the City of Brandon and the Rural Municipalities of Elton, Whitehead and Cornwallis.

Winnipeg Electoral District

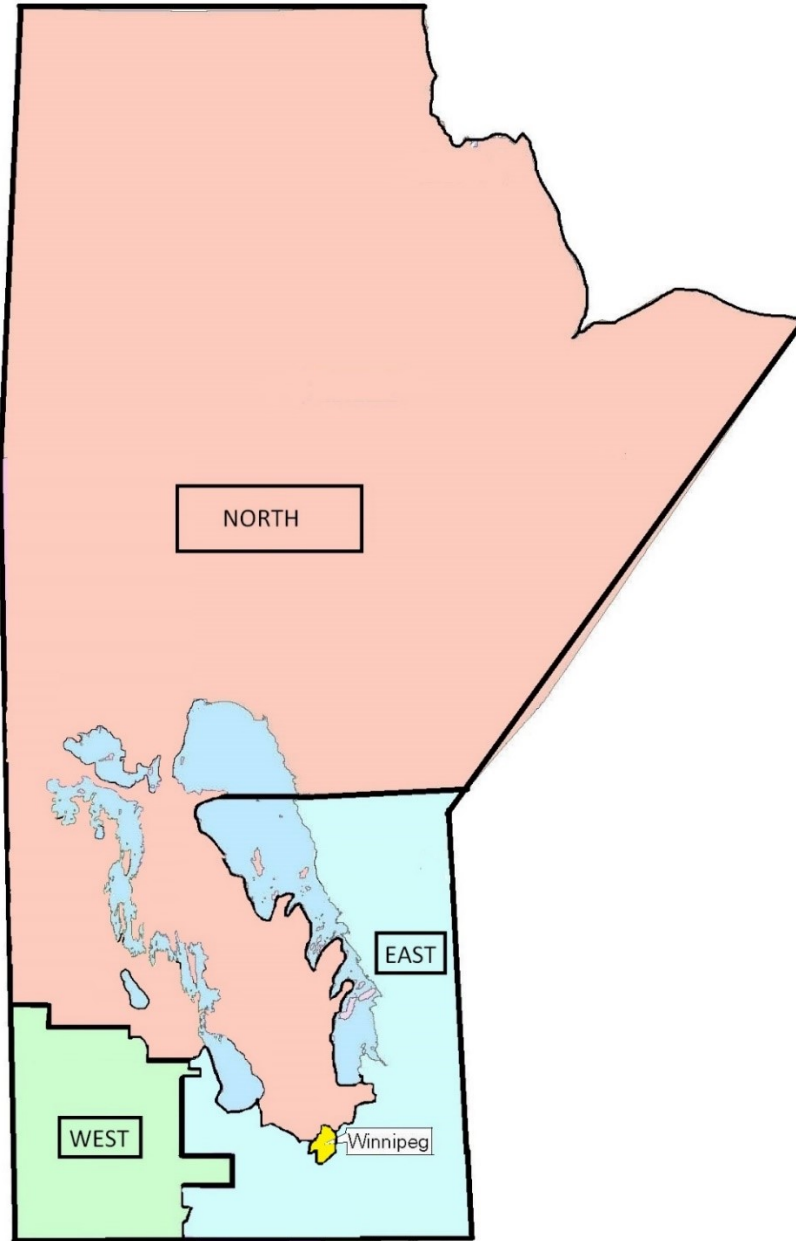
Winnipeg Electoral District: That area within the boundaries of the City of Winnipeg and the Rural Municipalities of West St. Paul and East St. Paul.

For each electoral district using the boundary descriptions set forth in Manitoba Regulation 207/97, the descriptions in effect as at June 21, 2002 are hereby incorporated into and form part of this Schedule.



The Sketch outlining the Health Regions as at September 1999 are hereby incorporated and form part of this schedule.

Below is a colour map showing the new CPSM Electoral Boundaries under the RHPA



PROCEDURAL RULES FOR THE INQUIRY COMMITTEE – SCHEDULE “B” TO THIS BYLAW

Meeting to Set Hearing Dates

1. Upon referral of a matter to the Inquiry Committee pursuant to s. 102(1) of the RHPA, the Registrar shall give written notice to the investigated member of the date on which the chair or vice-chair of the Inquiry Committee will hold a meeting for the purpose of setting a date for convening and conducting a hearing in accordance with the requirements of s. 116 of the RHPA.
2. Neither the investigated member nor the College are required to appear in person for any meeting for the purpose described in section 1 herein where the chair or vice-chair of the Inquiry Committee is provided with sufficient information from legal counsel for the College and the investigated member or the member’s legal counsel in advance of the meeting for the purpose of:
 - a. setting the date(s) for beginning and conducting the hearing; and
 - b. selecting a panel of the Inquiry Committee which will hold the hearing.
3. In order to comply with the requirements of s. 116 of the RHPA:
 - a. the date on which the hearing begins must be within 120 days of the matter is referred to the Inquiry Committee by the Investigation Committee unless the investigated member consents in writing to a later date; and
 - b. allow for the Registrar to give written notice to the investigated member and the complainant stating the date, time and place of the hearing, and identifying in general terms the complaint or matter about which the hearing will be held at least 30 days before the hearing begins.

Pre-Hearing Conference

4. The chair or vice-chair of the Inquiry Committee or any other person who is a member of the Inquiry Committee and is appointed by the chair or vice-chair of the Inquiry Committee may order a pre-hearing conference at any time before the hearing begins at the request of the investigated member or the member’s legal counsel or legal counsel for the College or on the chair or vice-chair’s own initiative.
5. The pre-hearing conference may be conducted by the chair or vice-chair of the Inquiry Committee or their appointee or by legal counsel to the Inquiry Committee.
6. Legal counsel for the College and the investigated member or the investigated member’s legal counsel must participate in any pre-hearing conference ordered pursuant to this bylaw.

7. The pre-hearing conference may be conducted in person, or by video, telephone conference, web casting, or an equivalent mechanism provided that all parties participating are able to communicate with each other.
8. A pre-hearing conference may address any number of matters, including the following:
 - a. the identification and simplification of the issues;
 - b. the necessity or desirability of amendments to the Notice of Inquiry;
 - c. the possibility of obtaining admissions which might facilitate the hearing;
 - d. the discovery and production of documents;
 - e. the estimated duration of the hearing;
 - f. whether any preliminary motions are anticipated and the need to file a motions brief in respect of same; and
 - g. any other matters that may aid in the disposition of the Notice of Inquiry.
9. The person conducting the pre-hearing conference may adjourn the pre-hearing conference to a specified date, time and place.
10. Agreements and/or undertakings made at a pre-hearing conference may be recorded in a memorandum prepared by or at the direction of the person conducting the pre-hearing conference. Copies of the memorandum shall be provided to the College and the investigated member.

Appointment of Members of the Panel

11. The person who conducts any pre-hearing conference(s) will not be appointed as a member of the Inquiry Panel hearing the matter unless the investigated member or the member's legal counsel or legal counsel for the College all consent to that person's appointment to the Inquiry Panel.
12. After the chair or vice-chair of the Inquiry Committee makes a preliminary selection of Panel members, both counsel for the College and the investigated member will be notified of the selection and provided with an opportunity to object to any Panel member selected. If there are any objection(s), they must be communicated in writing and include the reason(s) for the objection(s) such that a determination can be made as to whether any selected member(s) should be disqualified from serving as a Panel member
13. The chair or vice-chair of the Inquiry Committee will decide if a potential Panel member should be disqualified and will provide written reasons for the decision to both the College and the investigated member.

14. If either the College or the investigated member objects to the decision of the chair or vice-chair not to disqualify a panel member for any reason, the objection shall be dealt with by a formal motion unless otherwise agreed by the College and the investigated member.

Notice to Attend and Produce Records

15. Where either legal counsel for the College or the investigated member or the member's legal counsel makes a request, in writing, the Registrar may issue a Notice to Attend and Produce Records with the names of any number of witnesses which legal counsel for the College or the investigated member or the member's legal counsel identifies in the request pursuant to section 119(5) of the RHPA.

Alternative means of receiving Oral Evidence

16. Upon the motion of either the College or the investigated member prior to or during the hearing and with the consent of the Inquiry Panel, a witness may give evidence in person, or by video, telephone conference, web casting, or an equivalent mechanism.