



PRACTICE DIRECTION

Cancellation of Registration or Certificates of Practice Pursuant to Section 48 of the RHPA

Initial Approval: November 22, 2018

Effective Date: January 1, 2019

Reviewed with NO Changes

Reviewed with Changes

Practice Directions set out requirements related to specific aspects of the practice of medicine. Practice Directions provide more detailed information than contained in *The Regulated Health Professions Act*, Regulations, Bylaws, and Standards of Practice issued by the College. All members must comply with Practice Directions, per s. 86 of The Regulated Health Professions Act.

This Practice Direction is made under the authority of s. 85 of the RHPA and implements and supplements the mandatory requirements set out in s. 48(2) and 48(3) of the RHPA that the member first be notified in writing and be provided with the opportunity to make submissions. These requirements arise when the Executive Committee is determining whether to direct the Registrar to cancel a member's registration or certificate of practice or both:

- a. after consideration of a report from the Registrar that the Registrar is satisfied on reasonable grounds that a member's registration or certificate of practice or both have been obtained by means of a false representation or declaration [s. 48(1) and 48(2) of the RHPA]; or
- b. if the member has been convicted of a criminal offence that is relevant to his or her suitability to practice [s. 48(3) of the RHPA].

1. Initiation of proceedings

- 1.1. Where the Registrar is satisfied on reasonable grounds that a member's registration or certificate of practice or both have been obtained by means of a false representation or declaration the Registrar must report the matter to the Executive Committee pursuant to s. 48(1) of the RHPA.
- 1.2. Where a member has been convicted of a criminal conviction offence that is relevant to his or her suitability to practice the Registrar may report the matter to the Executive Committee pursuant to s. 48(3) of the RHPA.

2. Notification to Member

- 2.1. The Registrar will provide the member with a copy of the report to the Executive Committee made pursuant to s. 48(1) or 48(3) of the RHPA and invite the member to make a written submission and/or request an opportunity to appear before the Executive Committee, with or without counsel to make submissions at the hearing.
- 2.2. Where the member elects to make a written submission, the member must provide sufficient copies of the member's submission and any supporting documentation for all members of the Executive Committee, counsel to the Executive Committee and the Registrar.

3. Date of Hearing the Matter

- 3.1. The President is responsible to fix a date for the hearing of the matter, according to the following principles:
 - 3.1.1. Unless the President otherwise directs, the hearing will be scheduled for the next available regularly scheduled meeting of the Executive Committee.
 - 3.1.2. Where, in the sole opinion of the President, the report from the Registrar is received too near the date of the next regularly scheduled Executive Committee meeting to reasonably permit the application material to be assembled and the other requirements of this Practice Direction to be met, the President may schedule the hearing for a subsequent regularly scheduled Executive Committee meeting.
 - 3.1.3. Where, in the sole opinion of the President, the application should be heard earlier, the President may schedule the hearing for an earlier date.

4. Notice of Hearing

- 4.1. The member and the Registrar must be given written notice of the date, time and place of the hearing as soon as reasonably possible after the date has been scheduled.

5. Objection to Panel or Executive Committee Member

- 5.1. The member must be advised of the names of Executive Committee members or the panel of Executive Committee members who will hear the matter and asked to promptly advise of any objection to any of those individuals hearing the appeal.

6. Hearing Material

- 6.1. The Executive Committee may consider any of the following written material:
- 6.1.1. the report and any additional material submitted by the Registrar, including any documentary and/or affidavit evidence and/or written submissions; and
 - 6.1.2. any material submitted by the member, including any documentary and/or affidavit evidence and/or written submissions, if any.

7. Deadline for Submission of Material

- 7.1. All hearing material must be supplied to the Executive Committee at least two weeks in advance of the scheduled hearing date.
- 7.2. The President shall have the discretion to determine whether to accept any material filed outside of this deadline.

8. Hearing

- 8.1. The Registrar and the member are entitled to make oral representations at the hearing and to appear at the hearing with or without legal counsel.
- 8.2. Executive Committee may have legal counsel to assist it in relation to the matter.
- 8.3. Executive Committee may request any additional information it deems necessary and may adjourn the hearing to request the additional information from the Registrar and/or the member.

9. Executive Committee Decision

- 9.1. The Executive Committee may direct the Registrar to cancel a member's registration or certificate of practice or both or take no action and will communicate its decision to the Registrar and the member by way of a Resolution and Order of Executive Committee and Reasons for Decision.
- 9.2. If directed to do so, the Registrar must cancel the member's registration or certificate of practice, or both, and will also give the written notice of the cancellation as required under s. 49 of the RHPA to:
- 9.2.1. any person who employs or engages the member to provide health care on a full-time or part-time basis in any capacity, including as an employee, contractor or consultant;
 - 9.2.2. a hospital or regional health authority that has granted privileges to the member; and

9.2.3. any other person specified in the regulations.

9.3. The reasons for decision, including the member's name, will be published by the College in accordance with s. 49(1) of the RHPA.

9.4. The member should be informed of his/her right of appeal the cancellation to the court by filing a notice of appeal within 30 days after receiving notice of the decision pursuant to the RHPA.