

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication.

Distribution List

	<input type="checkbox"/>

**A COMPLETE GUIDE TO THE
REGULATED HEALTH PROFESSIONS ACT**

Richard Steinecke

Release No. 35, September 2018

This publication provides a systematic explanation of how the law of self-regulation works, with particular focus on health practitioners in Ontario, and includes: examples, illustrations, flow charts, forms, checklists and precedents; an explanation of every aspect of the *Regulated Health Professions Act* (RHPA); complete text of the RHPA, procedural Code and statutes such as the *Statutory Powers Procedure Act*, as well as everything needed for a hearing or meeting, and extensive case citations.

What's New in this Update:

This release features updates to Chapter 1 (Role of Minister of Health and Advisory Council), Chapter 2 (Role and Structure of the Colleges), Chapter 3 (Registration), Chapter 4 (Mandatory Reports and the Public Register), Chapter 5 (Investigations and Complaints), Chapter 7 (Incapacity of Practitioners), Chapter 8 (Appeals, Reinstatement and

THOMSON REUTERS CANADA

Customer Support

1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

Fax 1-416-298-5082 (Toronto)

Fax 1-877-750-9041 (Toll Free Canada Only)

Email CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

Other Remedies), Chapter 9 (Quality Assurance), Chapter 10 (Sexual Abuse Provisions) and Chapter 11 (Controlled Acts and Protected Titles). In addition, Chapter 6 (Discipline Proceedings) has been rewritten.

Highlights:

- **Disciplinary proceedings before law society** — Law Society found lawyer knowingly participated in mortgage fraud in respect of six residential real estate transactions. Lawyer's licence to practice law was revoked. Decision of Hearing Division was rendered by only two of three members who heard matter as third was appointed to Bench. Appeal Division upheld decision of Hearing Division. Lawyer claimed Hearing Division had no jurisdiction to render decision with only two members of panel. Lawyer appealed. Appeal dismissed as *Law Society Act* or Regulation did not address issue of quorum once hearing was underway or what should happen where panel member could not complete or participate in hearing after commencement of proceedings. Under s. 4.4(1) of Statutory Powers Procedure Act, remaining two members of panel had jurisdiction to render decision: *Chin v. The Law Society of Upper Canada*, 2018 CarswellOnt 4962 (Ont. Div. Ct.).
- **Discipline by College of Physicians and Surgeons due to sexual relations with patients** — Patients of medical doctor in family practice in walk-in clinic complained of improper sexual touching. The Discipline Committee of the College of Physicians and Surgeons of Ontario found the doctor committed unprofessional conduct with respect to five patients, sexually abused four, committed disgraceful, dishonourable or unprofessional conduct with respect to fifth, but allegations of sixth complainant were not proven. The Committee suspended the doctor's licence for six months, imposed practice restrictions for 12 months, ordered training, and costs. The doctor appealed; appeal allowed. The disciplinary committee's penalty was restored as it was implicit that discipline committee was confident that his behaviour could be corrected, even if prurient interest could not be completely ruled out. Legislature gave discipline committee task of fashioning penalties to favour goal of eradicating sexual abuse of patients while taking into account and balancing other relevant factors. Unlike criminal sentences, self-regulated professions were mandated to make these determinations; Divisional Court had neither mandate nor evidentiary basis to intervene, let alone change, penalty range for entire category of behaviour and changing penalty range was effectively arbitrary exercise: *College of Physicians and Surgeons of Ontario v. Peirovy*, 2018 ONCA 420 (Ont. C.A.).