

## Draft Amendments Relating to Administrative Suspensions

### **Dentistry Act, 1991 Loi de 1991 sur les dentistes**

### **ONTARIO REGULATION 205/94**

#### **GENERAL**

**Consolidation Period:** From July 10, 2014 to the e-Laws currency date.

Last amendment: 140/14.

#### RESIGNATION

**27.** (1) A member may resign as a member of the College by giving written notice to the College.

(2) A resignation under this section is effective on the date set out in the resignation or on the date it is received by the College, whichever is later.

(3) A resignation under subsection (1) automatically revokes the certificate or certificates of registration and any specialty certificates to which it applies at the time the resignation becomes effective.

#### SUSPENSION FOR FAILURE TO PROVIDE INFORMATION

**28.** (1) If a member fails to provide information about the member as required by the Act, the *Regulated Health Professions Act, 1991*, the regulations under the *Regulated Health Professions Act, 1991* or the by-laws, in the manner and form as may be required, the Registrar shall give the member notice of intention to suspend the member and may suspend one or more of the member's certificates of registration for failure to provide the information where at least 15 days have passed after notice is given.

(2) Where the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that the required information has been filed with the College and that any fees required under the by-laws for the lifting of that suspension have been paid.

#### LIFTING OF CERTAIN SUSPENSIONS

**29.** Where the Registrar suspended a certificate of registration pursuant to section 24 of the Health Professions Procedural Code, the Registrar shall lift the suspension upon being satisfied that,

- (a) all amounts owing to the College at the time of the lifting of the suspension have been paid; and
- (b) any fees required under the by-laws for the lifting of the suspension have been paid; and

#### REVOCATION

**30.** (1) The Registrar shall revoke the certificate of registration of a member where,

- (a) his or her certificate of registration was suspended pursuant to section 24 of the Health Professions Procedural Code and that suspension continued for at least 60 days; or
- (b) his or her certificate of registration was suspended pursuant to subsection 28(1) of this Regulation and the suspension continued for at least 60 days.

(2) The Registrar may revoke a certificate of registration of a member if the member has more than one certificate of registration and gives written notice to the College asking that one of his or her certificates of registration be revoked.

#### REINSTATEMENT

**31.** Where a former member's certificate of registration is ordered to be reinstated by a panel of the Discipline or Fitness to Practise Committee, the Registrar shall reinstate the member's certificate of registration upon receipt of the annual fee for the year in which the former member is to be reinstated, if not previously paid, and any other fees required by the by-laws of the College.

**32.** (1) A former member whose general, specialty or academic certificate of registration was revoked under section 30 or who resigned pursuant to section 27 or a predecessor to one of those provisions may apply for the reinstatement of his or her certificate of registration by submitting a completed application to the Registrar in the form provided by the Registrar.

(2) Subject to subsection (3), the Registrar may reinstate the former member's certificate of registration if,

- (a) the Registrar is satisfied that the former member has corrected the deficiency or deficiencies that provided the grounds for the revocation of the former member's certificate pursuant to section 30, if applicable;
- (b) the application for reinstatement was submitted to the Registrar within 3 years of the date on which the former member's certificate of registration was revoked; and
- (c) the former member has paid,
  - (i) the reinstatement fees required under the by-laws,
  - (ii) any other applicable fees required under the by-laws,

(iii) any other money otherwise owed by the former member to the College at the date of reinstatement.

(d) the former member satisfies the Registrar that the former member engaged in the practice of dentistry, or engaged in the specialty practice of dentistry, if applicable, on a continuous and regular basis in Canada, or another jurisdiction approved by the Council, within three years before the date on which the former member met all of the other requirements for the reinstatement of his or her certificate of registration.

(3) A former member is ineligible for reinstatement under subsection (2) if, during the period from immediately before he or she ceased to be a member up to and including the date of receipt of the application for reinstatement, he or she,

- (a) was the subject of a proceeding for professional misconduct, incompetence or incapacity, whether in Ontario or in another jurisdiction either in relation to the dental profession or another health profession, other than a proceeding which was completed based upon its merits;
- (b) was the subject of an inquiry or investigation by the Registrar, a committee, a panel of a committee or board of inquiry of the College, which was not completed on its merits or which resulted in the resignation of the member;
- (c) was the subject of an outstanding order of a committee, a panel of a committee or a board of inquiry of the College;
- (d) was in breach of an order of a committee, a panel of a committee or a board of inquiry of the College;
- (e) failed to comply with a decision of a panel of the Inquiries, Complaints and Reports Committee or a predecessor to that committee, including a decision requiring the member to attend to be cautioned;
- (f) failed to comply with a written agreement with the College or any undertaking provided to the College;
- (g) had terms, conditions or limitations on her or his certificate of registration other than those terms, conditions or limitations which are generally applicable to all members of the particular class of certificate of registration which the applicant previously held;
- (h) was previously refused reinstatement by the Registration Committee either under this Regulation or any predecessor regulation;
- (i) was found guilty of any criminal offence in any jurisdiction or of any offence involving the use, possession or sale of drugs in any jurisdiction;
- (j) was found guilty of any offence in any jurisdiction relating to the practice of dentistry or any other profession or occupation;
- (k) was selected or directed to undergo an assessment or reassessment under the College's Quality Assurance Program unless the assessment or reassessment was completed and

any continuing education or remedial program required by a panel of the Quality Assurance Committee was completed before the time he or she ceased to be a member;

(l) was refused registration in any jurisdiction either in dentistry or any other profession; or

(m) was, after he or she ceased to be a member, the subject of a finding of professional negligence or malpractice in any jurisdiction in relation to dentistry or any other profession or occupation.

(4) A former member who resigned, whose certificate was revoked under section 30, or whose application for reinstatement was refused by the Registrar under subsection (2) may make an application for a new certificate of registration under the Health Professions Procedural Code.

(5) An application referred to in subsection (4) shall be treated as an initial application for registration.