



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

REGULATED HEALTH PROFESSIONS ACT MEDICAL PRACTITIONERS REGULATIONS

PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca



MEDICAL PRACTITIONERS REGULATIONS

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REGULATED HEALTH PROFESSIONS ACT

CHAPTER R-10.1

MEDICAL PRACTITIONERS REGULATIONS

Pursuant to sections 2 and 96 of the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1, Council made the following regulations:

PART 1 – INTERPRETATION AND ADMINISTRATION

1. Definitions

In these regulations

- (a) “**accredited**” means, in respect of a medical school or faculty of medicine, listed in
 - (i) the International Medical Education Directory published by the Foundation for the Advancement of International Medical Education and Research, or
 - (ii) the World Directory of Medical Schools published by the World Federation for Medical Education and the Foundation for Advancement of International Medical Education and Research;
- (b) “**Act**” means the *Regulated Health Professions Act* R.S.P.E.I. 1988, Cap. R-10.1;
- (c) “**College**” means the College of Physicians and Surgeons of Prince Edward Island continued under section 3;
- (d) “**Council**” means the Council of the College;
- (e) “**former Act**” means the *Medical Act* R.S.P.E.I. 1988, Cap. M-5;
- (f) “**medical corporation**” means a health profession corporation carrying on the business of providing the professional services of a medical practitioner;
- (g) “**medical practitioner**” means, except where the context indicates otherwise, a person, other than a medical student or post-graduate medical trainee, who is registered in the register for medicine;
- (h) “**medical student**” means a person who is registered in the medical students part of the medical education register in the register for medicine;
- (i) “**medicine**” means the health profession in which a person applies particular knowledge, skills and judgment in
 - (i) promoting human health and wellness,
 - (ii) diagnosing, preventing, alleviating, treating or curing diseases or conditions in humans,

- (iii) assisting patients to make informed decisions about preventative measures or treatment of diseases or conditions,
- (iv) performing reserved activities, and
- (v) conducting research, education, management or administrative activities related to performing the activities referred to in subclauses (i) to (iv);
- (j) “**post-graduate medical trainee**” means a person who is registered in the post-graduate medical trainees part of the medical education register in the register for medicine;
- (k) “**refresher program**” means a refresher program in medicine consisting of a formal curriculum, a set of individualized assignments of studies and experiences, a set of continuing education credits, a practicum or a combination of these elements. *(EC843/21)*

2. Designation

Medicine is designated as a regulated health profession. *(EC843/21)*

3. College continued

The College of Physicians and Surgeons of Prince Edward Island, established under the former Act, is continued as the college for medicine. *(EC843/21)*

4. Register

The register for medicine is divided into the following sub-registers and parts:

- (a) family medicine register
 - (i) general registration,
 - (ii) provisional registration,
 - (ii.1) associate registration,
 - (iii) special registration;
- (b) specific disciplines register
 - (i) general registration,
 - (ii) provisional registration,
 - (ii.1) associate registration,
 - (iii) special registration;
- (c) medical education register
 - (i) medical students,
 - (ii) post-graduate medical trainees. *(EC843/21; 498/23)*

PART 2 – FAMILY MEDICINE REGISTER

Interpretation

5. Post-graduate medical training program

In this Part, “**post-graduate medical training program**” means a post-graduate medical training program recognized by the College of Family Physicians of Canada or approved by the Council. (EC843/21; 498/23)

General Registration

6. Education

- (1) For the purpose of clause 12(2)(c) of the Act, an applicant for general registration under this Part shall have a medical degree from a medical school or faculty of medicine that is accredited at the time the degree is granted.

Examination

- (2) For the purpose of clause 12(2)(d) of the Act, an applicant for general registration under this Part shall have successfully completed
 - (a) the Medical Council of Canada Qualifying Examination Part I; or
 - (b) an examination administered in another jurisdiction that, in the Council’s opinion, is substantially equivalent to the one in clause (a).

Training

- (3) For the purpose of clause 12(2)(e) of the Act, an applicant for general registration under this Part shall
 - (a) have successfully completed a post-graduate medical training program; or
 - (b) have qualifications, experience and training that, in the Council’s opinion, are substantially equivalent to the successful completion of a post-graduate medical training program.

Currency of knowledge and skills

- (4) For the purpose of clause 12(2)(f) of the Act, to demonstrate currency of professional knowledge and skills, an applicant for general registration under this Part shall have done one of the following within the three years immediately preceding the application:
 - (a) successfully completed a post-graduate medical training program or engaged in activities considered substantially equivalent, in accordance with subsection (3);
 - (b) actively engaged in the practice of medicine in the province or in another jurisdiction recognized by the Council to an extent that is acceptable to the Council;
 - (c) successfully completed a refresher program approved by the Council.

Other requirements

- (5) Pursuant to clause 12(2)(k) of the Act, an applicant for general registration under this Part shall
 - (a) be enrolled in the Canadian Medical Register as a Licentiate of the Medical Council of Canada or have qualifications that the Council accepts as an alternative; and

- (b) be certified by
 - (i) the College of Family Physicians of Canada,
 - (ii) the Collège des médecins du Québec, or
 - (iii) an organization, recognized by the Council, governing family medicine in another jurisdiction. *(EC843/21; 498/23)*

7. **Renewal of general registration**

An applicant for the renewal of general registration under this Part shall

- (a) for the purpose of subclause 22(2)(a)(i) of the Act, meet the minimum annual and cumulative requirements of the College of Family Physicians of Canada and any continuing education and competency program established by the council pursuant to section 60.1 of the Act; and
- (b) for the purpose of subclause 22(2)(a)(ii) of the Act, demonstrate currency of professional knowledge and skills in accordance with subsection 6(4). *(EC843/21)*

8. **Reinstatement period**

- (1) For the purpose of subsection 24(1) of the Act, the maximum prescribed period of time following a lapse in general registration under this Part during which a person may apply for reinstatement is three years.

Reinstatement of general registration

- (2) An applicant for the reinstatement of general registration under this Part shall, for the purpose of clause 24(4)(c) of the Act, demonstrate currency of professional knowledge and skills in accordance with subsection 6(4). *(EC843/21)*

Provisional Registration

9. **Requirements**

- (1) An applicant for provisional registration under this Part shall
 - (a) meet the education, examination, training and currency requirements set out in subsections 6(1) to (4), respectively; and
 - (b) pursuant to clause 12(2)(k) of the Act,
 - (i) be eligible to write the certification examination administered by, or eligible for and awaiting certification by, the College of Family Physicians of Canada or Collège des médecins du Québec, or
 - (ii) have successfully completed a practice ready assessment program, approved by the Council.

Transitional

- (2) A person who is engaged in a post-graduate medical training program and has provisional registration under this Part immediately before this section comes into force is deemed to be registered as a post-graduate medical trainee on the coming into force of this section. *(EC843/21; 498/23)*

10. Subject to supervision

The Council may require a medical practitioner with provisional registration under this Part to practise medicine under the supervision of a medical practitioner registered under this Part who is not subject to supervision. (EC843/21)

11. Renewal of provisional registration

An applicant for the renewal of provisional registration under this Part shall

- (a) for the purpose of subclause 22(2)(a)(ii) of the Act, demonstrate currency of professional knowledge and skills in accordance with subsection 6(4); and
- (b) for the purpose of subclause 22(2)(a)(v.1) of the Act, continue to meet the requirement in subclause 9(1)(b)(i) or have met the requirement in subclause 9(1)(b)(ii). (EC843/21; 498/23)

12. No reinstatement

Provisional registration under this Part may not be reinstated under section 24 of the Act. (EC843/21)

Associate Registration

12.1 Requirements

An applicant for associate registration under this Part shall

- (a) meet the education, training and currency requirements set out in subsections 6(1), (3) and (4), respectively; and
- (b) pursuant to clause 12(2)(k) of the Act, be certified by an organization, recognized by the Council, governing family medicine in another jurisdiction. (EC498/23)

12.2 Supervision

A medical practitioner with associate registration under this Part shall not practise medicine except under the supervision of a supervisor designated in accordance with section 33. (EC498/23)

12.3 Renewal of associate registration

An applicant for the renewal of associate registration under this Part shall, for the purpose of subclause 22(2)(a)(ii) of the Act, demonstrate currency of professional knowledge and skills in accordance with subsection 6(4). (EC498/23)

12.4 No reinstatement

Associate registration under this Part may not be reinstated under section 24 of the Act. (EC498/23)

Special Registration

13. Special registration

- (1) Where the Council directs the registrar to register an applicant under this Part pursuant to subsection 13(3) of the Act, the registrar shall register the applicant in the special registration part of the family medicine register.

Locum term

- (2) Where an applicant has special registration for the purpose of temporarily replacing another medical practitioner, the registrar shall issue a certificate of registration to the applicant for the term of the replacement, not exceeding one year.

No renewal or reinstatement

- (3) Special registration may not be renewed under section 22 of the Act or reinstated under section 24 of the Act. *(EC843/21)*

Designations and Reserved Activities

14. Designations

For the purpose of subsection 89(1) of the Act, the designations of a medical practitioner registered under this Part include the following titles, abbreviations and initials:

- (a) doctor or Dr.;
- (b) medical doctor, M.D. or MD;
- (c) medical practitioner;
- (d) physician;
- (e) family doctor, family physician or family practitioner;
- (f) general practitioner. *(EC843/21)*

15. Reserved activities

- (1) Subject to subsection (2) and any terms or conditions on the medical practitioner's registration, a medical practitioner registered under this Part is authorized to perform a reserved activity provided that

- (a) the reserved activity is within the practice of family medicine;
- (b) the medical practitioner is competent to perform the reserved activity; and
- (c) it is appropriate in the clinical circumstances.

Supervision, provisional registration

- (2) A medical practitioner with provisional registration or associate registration under this Part who is subject to supervision in practising medicine shall not perform a reserved activity except under the supervision of a medical practitioner registered under this Part who is not subject to supervision. *(EC843/21; 498/23)*

PART 3 – SPECIFIC DISCIPLINES REGISTER

Interpretation

16. Post-graduate medical training program

In this Part, “**post-graduate medical training program**” means a post-graduate medical training program recognized by the Royal College of Physicians and Surgeons of Canada or approved by the Council. (EC843/21; 498/23)

General Registration

17. Education

- (1) For the purpose of clause 12(2)(c) of the Act, an applicant for general registration under this Part shall have a medical degree from a medical school or faculty of medicine that is accredited at the time the degree is granted.

Examination

- (2) For the purpose of clause 12(2)(d) of the Act, an applicant for general registration under this Part shall have successfully completed
- (a) the Medical Council of Canada Qualifying Examination Part I; or
 - (b) an examination administered in another jurisdiction that, in the Council’s opinion, is substantially equivalent to the one in clause (a).

Training

- (3) For the purpose of clause 12(2)(e) of the Act, an applicant for general registration under this Part shall
- (a) have successfully completed a post-graduate medical training program; or
 - (b) have qualifications, experience and training that, in the Council’s opinion, are substantially equivalent to the successful completion of a post-graduate medical training program.

Currency of knowledge and skills

- (4) For the purpose of clause 12(2)(f) of the Act, to demonstrate currency of professional knowledge and skills, an applicant for general registration under this Part shall have done one of the following within the three years immediately preceding the application:
- (a) successfully completed a post-graduate medical training program or engaged in activities considered substantially equivalent, in accordance with subsection (3);
 - (b) actively engaged in the practice of medicine in the province or in another jurisdiction recognized by the Council to an extent that is acceptable to the Council;
 - (c) successfully completed a refresher program approved by the Council.

Other requirements

- (5) Pursuant to clause 12(2)(k) of the Act, an applicant for general registration under this Part shall
- (a) be enrolled in the Canadian Medical Register as a Licentiate of the Medical Council of Canada or have qualifications that the Council accepts as an alternative; and

- (b) either
 - (i) be certified in a specific discipline of medicine by the Royal College of Physicians and Surgeons of Canada or an organization, recognized by the Council, governing specific disciplines of medicine in another jurisdiction, or
 - (ii) have successfully completed a clinical assessment process established, adopted or approved by the Council. *(EC843/21; 498/23)*

18. Renewal of general registration

An applicant for the renewal of general registration under this Part shall

- (a) for the purpose of subclause 22(2)(a)(i) of the Act, meet the minimum annual and cumulative continuing education requirements of the Royal College of Physicians and Surgeons of Canada and any continuing education and competency program established by the Council pursuant to section 60.1 of the Act; and
- (b) for the purpose of subclause 22(2)(a)(ii) of the Act, demonstrate currency of professional knowledge and skills in accordance with subsection 17(4). *(EC843/21)*

19. Reinstatement period

- (1) For the purpose of subsection 24(1) of the Act, the maximum prescribed period of time following a lapse in general registration under this Part during which a person may apply for reinstatement is three years.

Reinstatement of general registration

- (2) An applicant for the reinstatement of general registration under this Part shall, for the purpose of clause 24(4)(c) of the Act, demonstrate currency of professional knowledge and skills in accordance with subsection 17(4). *(EC843/21)*

Provisional Registration

20. Requirements

- (1) An applicant for provisional registration under this Part shall
 - (a) meet the education, examination, training and currency requirements set out in subsections 17(1) to (4), respectively; and
 - (b) pursuant to clause 12(2)(k) of the Act, be eligible to write the applicable specialty examination administered by, or eligible for and awaiting certification by, the Royal College of Physicians and Surgeons of Canada.

Transitional

- (2) A person who is engaged in a post-graduate medical training program and has provisional registration under this Part immediately before this section comes into force is deemed to be registered as a post-graduate medical trainee on the coming into force of this section. *(EC843/21; 498/23)*

21. Subject to supervision

The Council may require a medical practitioner with provisional registration under this Part to practise medicine under the supervision of a medical practitioner who is registered in the specific disciplines register and is not subject to supervision. *(EC843/21)*

22. Renewal of provisional registration

An applicant for the renewal of provisional registration under this Part shall

- (a) for the purpose of subclause 22(2)(a)(ii) of the Act, demonstrate currency of professional knowledge and skills in accordance with subsection 17(4); and
- (b) for the purpose of subclause 22(2)(a)(v.1) of the Act, continue to meet the requirement in clause 20(1)(b). *(EC843/21; 498/23)*

23. No reinstatement

Provisional registration under this Part may not be reinstated under section 24 of the Act. *(EC843/21)*

Associate Registration

23.1 Requirements

An applicant for associate registration under this Part shall

- (a) meet the education, training and currency requirements set out in subsections 17(1), (3) and (4), respectively; and
- (b) pursuant to clause 12(2)(k) of the Act, be certified by an organization, recognized by the Council, governing specific disciplines of medicine in another jurisdiction. *(EC498/23)*

23.2 Supervision

A medical practitioner with associate registration under this Part shall not practise medicine except under the supervision of a supervisor designated in accordance with section 33. *(EC498/23)*

23.3 Renewal of associate registration

An applicant for the renewal of associate registration under this Part shall, for the purpose of subclause 22(2)(a)(ii) of the Act, demonstrate currency of professional knowledge and skills in accordance with subsection 17(4). *(EC498/23)*

23.4 No reinstatement

Associate registration under this Part may not be reinstated under section 24 of the Act. *(EC498/23)*

Special Registration

24. Special registration

- (1) Where the Council directs the registrar to register an applicant under this Part pursuant to subsection 13(3) of the Act, the registrar shall register the applicant in the special registration part of the specific disciplines register.

Locum term

- (2) Where an applicant has special registration for the purpose of temporarily replacing another medical practitioner, the registrar shall issue a certificate of registration to the applicant for the term of the replacement not exceeding one year.

No renewal or reinstatement

- (3) Special registration may not be renewed under section 22 of the Act or reinstated under section 24 of the Act. (EC843/21)

Designations and Reserved Activities

25. Designations

For the purpose of subsection 89(1) of the Act, the designations of a medical practitioner registered under this Part include

- (a) the following titles, abbreviations and initials:
- (i) doctor or Dr.,
 - (ii) medical doctor, M.D. or MD,
 - (iii) medical practitioner,
 - (iv) physician,
 - (v) surgeon;
- (b) any titles, abbreviations or initials commonly utilized by a medical practitioner in the specific discipline of medicine in which the medical practitioner is trained and certified. (EC843/21)

26. Reserved activities

- (1) Subject to subsection (2) and any terms or conditions on the medical practitioner's registration, a medical practitioner registered under this Part is authorized to perform a reserved activity provided that
- (a) the reserved activity is within the general practice of medicine or the specific discipline of medicine in which the medical practitioner is trained and certified;
 - (b) the medical practitioner is competent to perform the reserved activity; and
 - (c) it is appropriate in the clinical circumstances.

Supervision, provisional registration

- (2) A medical practitioner with provisional registration or associate registration under this Part who is subject to supervision in practising medicine shall not perform a reserved activity except under the supervision of a medical practitioner who is registered in the specific disciplines register and is not subject to supervision. (EC843/21; 498/23)

PART 4 – MEDICAL EDUCATION REGISTER

Medical Students

27. Registration as medical student

- (1) An applicant for registration as a medical student shall
 - (a) for the purpose of clause 12(2)(c) of the Act, be enrolled in an undergraduate medical degree program at an accredited medical school or faculty of medicine;
 - (b) for the purpose of clause 12(2)(e) of the Act, be authorized by the administrator of the program referred to in clause (a) to participate in a clinical medical training program approved by the medical school or faculty of medicine; and
 - (c) pursuant to clause 12(2)(k) of the Act, have engaged or been assigned a preceptor who is a medical practitioner appointed by the medical school or faculty of medicine.

Renewal of registration as medical student

- (2) An applicant for the renewal of registration as a medical student shall, pursuant to clause 22(2)(v.1) of the Act, continue to meet the requirements set out in clauses (1)(a) to (c).

No reinstatement

- (3) Registration as a medical student may not be reinstated under section 24 of the Act. (EC843/21)

28. Restricted practice

A medical student shall not practise medicine or perform a reserved activity except

- (a) in the context of the medical student's authorized participation in an approved clinical medical training program;
- (b) in accordance with the medical student's competence and experience; and
- (c) under the immediate supervision and direction of the medical student's preceptor. (EC843/21)

Post-Graduate Medical Trainees

29. Registration as post-graduate medical trainee

- (1) An applicant for registration as a post-graduate medical trainee shall
 - (a) for the purpose of clause 12(2)(c) of the Act, have a medical degree from a medical school or faculty of medicine that is accredited at the time the degree is granted;
 - (b) for the purpose of clause 12(2)(e) of the Act, be engaged in a post-graduate medical training program, as defined in Part 2 or 3, or other clinical training approved by the Council; and
 - (c) pursuant to clause 12(2)(k) of the Act, have engaged or been assigned a preceptor who is a medical practitioner appointed by the medical school or faculty of medicine.

Renewal of registration as medical trainee

- (2) An applicant for the renewal of registration as a post-graduate medical trainee shall, pursuant to clause 22(2)(v.1), continue to meet the requirements set out in clauses (1)(b) and (c).

No reinstatement

- (3) Registration as a post-graduate medical trainee may not be reinstated under section 24 of the Act. (EC843/21)

30. Restricted practice

A post-graduate medical trainee shall not practise medicine or perform a reserved activity except

- (a) in the context of a post-graduate medical training program or other clinical training approved by the Council;
- (b) in accordance with the post-graduate medical trainee’s competence and experience; and
- (c) under the supervision and direction of the post-graduate medical trainee’s preceptor. (EC843/21)

PART 5 – GENERAL

Professional Liability Insurance and Protection

31. Minimum insurance requirements

- (1) For the purpose of clause 12(2)(j), subclause 22(2)(a)(v) and clauses 24(4)(f) and 25(3)(c) of the Act, an applicant or a member, as the case may be, is required to hold or be covered by professional liability insurance or protection satisfactory to the Council that, at a minimum,
- (a) is issued in the name of the applicant or member, or clearly extends to the applicant or member;
 - (b) extends to any practice setting in Prince Edward Island;
 - (c) provides protection of not less than \$10,000,000 per claim or occurrence and an aggregate limit of not less than \$10,000,000;
 - (d) extends to professional liability for any professional service the applicant will be providing or the member provides in practising medicine; and
 - (e) includes an extended reporting period of at least six years in the case of claims-based protection or a minimum retroactive date of six years in the case of occurrence-based or claims-based protection.

Confirmation required

- (2) The registrar shall obtain confirmation that the applicant or member holds or is eligible for professional liability insurance or protection that meets the requirements of subsection (1). (EC843/21)

Terms and Conditions

32. Matters subject to terms and conditions

For the purpose of subsection 12(6) of the Act, the Council may impose terms and conditions on the registration of an applicant respecting matters including

- (a) supervision of practice;
- (b) specifying or limiting areas or disciplines of practice;

- (c) specifying or limiting practice settings or programs; and
- (d) completion of training or examinations. (EC843/21)

Supervisors

33. Qualifications of supervisor

- (1) The Council may designate a medical practitioner as a supervisor for the purpose of Parts 2 and 3 if the medical practitioner
 - (a) is not subject to supervision in practising medicine;
 - (b) is not subject to restrictions or limitations imposed by Council on the medical practitioner's registration;
 - (c) actively practises medicine in the same or a similar area or discipline as the person to be supervised;
 - (d) is in good standing with the College and is not the subject of an active complaint;
 - (e) is not, in the Council's opinion, unsuitable to act as a supervisor because the medical practitioner
 - (i) has been the subject of a finding of professional misconduct or incompetence in this or another jurisdiction,
 - (ii) has been the subject of a judgment in negligence in this or another jurisdiction, or
 - (iii) has been found guilty of an offence.

Duty of supervisor

- (2) A supervisor shall oversee the practice of the supervised medical practitioner to ensure that the medical practitioner meets the expected standard of care and conduct and patient safety is not compromised.

Report to Council

- (3) A supervisor shall report to the Council in respect of the supervision in the time and manner required by the Council.

Revocation of designation

- (4) The designation of a supervisor is revoked if the supervisor ceases to meet the qualifications under subsection (1).

Notice of revocation

- (5) The registrar shall promptly notify the supervisor and the supervised medical practitioner of the revocation of the supervisor's designation. (EC843/21)

Professional Misconduct

34. Conduct that constitutes professional misconduct

- (1) Pursuant to clause 57(1)(e) of the Act, in addition to the matters set out in subsection 57(1) of the Act, professional misconduct by a member includes
 - (a) failing to advise a patient that the member's moral or religious convictions prevent the provision of medical treatment that may be appropriate for the patient and of the consequences of not receiving the medical treatment;

- (b) making a claim respecting the utility of a remedy, treatment, device, or procedure that cannot be supported as a reasonable professional medical opinion;
- (c) prescribing, administering or assisting any person in the use of any drugs or therapy in a manner that is not consistent with generally accepted professional standards and procedures in the practice of medicine, unless in the context of a research protocol approved by a research ethics committee acceptable to the Council;
- (d) failing to reveal the exact nature of a remedy or treatment following the lawful request for such information;
- (e) prescribing, selling, administering, distributing, ordering or giving any drug that is classified as a controlled substance under the *Controlled Drugs and Substances Act* (Canada) or recognized as addictive or dangerous, to a family member or oneself;
- (f) treating oneself, a family member or any person with whom the member has a close relationship that may render the member unable to exercise objective professional judgment in reaching diagnostic or therapeutic decisions;
- (g) failing to comply with the terms of any agreement made with the Council relating to the practice of medicine or with any undertaking given to the Council;
- (h) failing to respond appropriately or within a reasonable time to a written inquiry relating to the member's practice of medicine from the registrar, the Council, an investigator, an investigation committee or a hearing committee;
- (i) failure to report to the Council the commencement of any legal proceedings against the member, any action taken against the member by any professional regulatory body, health care institution, professional association, government body, law enforcement agency, or a decision or judgment in respect of the member by any court, for any act or conduct which could constitute professional misconduct under the Act or these regulations, or for any act or conduct that could lead to a finding under the Act that the member is unfit to engage in the practice of medicine;
- (j) permitting, counselling or assisting any person who is not a member or medical corporation to engage in the practice of medicine unless the member has, in the opinion of Council, reasonable justification;
- (k) improperly prescribing, selling or dispensing a drug or a medical product;
- (l) abusing a patient verbally, physically, or sexually;
- (m) engaging in the practice of medicine in another jurisdiction without being authorized to do so by the professional regulatory body regulating the practice of medicine in that jurisdiction unless the member has, in the opinion of the Council, reasonable justification;
- (n) providing a professional medical service without the consent of the patient if consent is required by law;
- (o) conduct leading to the restriction, suspension or cancellation of the member's rights or privileges under the *Food and Drugs Act* (Canada) or its regulations;
- (p) requesting that a patient or any other person release, exempt, or otherwise limit the member's liability resulting from professional negligence or error;
- (q) failing to maintain the records and accounts that are required by the College to be kept by members with respect to their practice;
- (r) charging or accepting any fee that is not fully disclosed, fair and reasonable;
- (s) charging or accepting a fee for an undertaking to be available to provide insured services to a specific patient;
- (t) refusing to render a medically necessary emergency service unless payment of whole or part of the fee is received in advance of the service being rendered;

- (u) charging or accepting a fee for services not performed, other than for the cancellation of an appointment not within a reasonable time before the appointment according to a written policy of the member, if the patient has received prior notification of the policy, and a method is available for patients to notify the member of cancellations;
- (v) failing to issue a statement or receipt on the request of a patient or a person on behalf of the patient;
- (w) signing or issuing in the member's professional capacity a document which the member knows or ought to know is false or misleading;
- (x) paying fees to or conferring a benefit on, or requesting or accepting a fee, rebate, commission or other benefit from, a person in respect of the referral of a patient;
- (y) failing to provide to a patient, without reasonable excuse, a report, certificate or record relating to an examination or treatment performed by the member;
- (z) engaging in conduct or an act relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by medical practitioners as disgraceful, dishonourable or unprofessional;
- (aa) failing to cooperate with the College, the Council and their committees, officers or employees;
- (bb) failing to provide information as reasonably required by the Council.

Family member, defined

- (2) For the purpose of clauses (1)(e) and (f), “family member” in respect of a member means
- (a) a spouse, common-law spouse, child, parent, grandparent, grandchild, sibling, uncle, aunt, nephew or niece of the member, whether by blood or marriage; and
 - (b) any relative of the member who resides with the member.

Sexual abuse, defined

- (3) For the purpose of clause (1)(l) “sexual abuse” means any sort of sexual conduct by a member toward or with a patient, whether by
- (a) a remark, gesture or other behaviour of a sexual nature toward the patient, or by subjecting the patient to a position or state of undress, which appears intended to be erotic, seductive or demeaning;
 - (b) touching in a sexual manner; or
 - (c) violating behaviour, namely sexual intercourse, other physical sexual relations including genital to genital, genital to anal, oral to genital, or oral to anal contact, masturbation by or of either party or encouragement of the patient to masturbate in the presence of the member.

Exception

- (4) Notwithstanding subsection (3), sexual conduct by a member toward or with a patient is not sexual abuse where
- (a) the member has provided a medical service in circumstances of urgency or necessity to a person who is not normally a patient of the member and who has an already established sexual relationship with the member; or
 - (b) the doctor-patient relationship has been formally terminated and there is no expectation that any further medical care will be provided by the member to the other person.

Exception does not apply

- (5) Notwithstanding clause (4)(b), sexual conduct toward or with a former patient

- (a) is sexual abuse when the former patient was, while receiving medical care from the member, or is currently, a minor; or
- (b) may be found to be sexual abuse where the former patient
 - (i) was, while receiving medical care from the member, or is currently, suffering from a judgment impairing disorder, or
 - (ii) received psychotherapy or psychiatric counselling from the member.
(EC843/21)

Advertising and Promotion

35. Restrictions on advertising and promotion

- (1) A medical practitioner shall not, when publishing or communicating any information about the medical practitioner's practice of medicine or qualifications, whether orally, in print or through electronic media,
 - (a) make statements that are unprofessional, false, misleading or deceptive in any way;
 - (b) promote or offer incentives for the use of the medical practitioner's services;
 - (c) compare the medical practitioner's skill with other medical practitioners so as to imply supremacy of skill or quality of services;
 - (d) refer to specific drugs, appliances or equipment;
 - (e) include associations between the medical practitioner and any company or product, unless the product is closely identified with a procedure performed by the medical practitioner and the association with the product is reasonable for the purposes of adequately informing the public;
 - (f) make endorsements; or
 - (g) contravene the Canadian Medical Association Code of Ethics and Professionalism.

Permitted advertising and promotion

- (2) A medical practitioner may publish or communicate information that includes the medical practitioner's
 - (a) name and contact information;
 - (b) office address and information respecting accessibility;
 - (c) academic degrees;
 - (d) specialty as recognized by the College;
 - (e) areas of practice or special interest; and
 - (f) languages spoken. (EC843/21)

Medical Corporations

36. Name of corporation

- (1) For the purpose of clause 15(2)(d) of the Act, the name of a corporation applying for a permit to carry on the business of providing the professional services of a medical practitioner, and any business name or partnership name under which the corporation carries on that business,
 - (a) shall be, in the opinion of the registrar, in good taste, dignified and professional;
 - (b) shall contain
 - (i) the words "medical corporation", and

- (ii) the name of one or more medical practitioners whose professional services are delivered through the corporation, or other words indicating that the corporation is providing the professional services of a medical practitioner;
- (c) shall not
 - (i) be inaccurate or misleading,
 - (ii) express or imply superiority of qualifications, experience or education over that of other medical practitioners, or
 - (iii) otherwise tend to bring the medical profession into disrepute.

Transitional

- (2) Notwithstanding subclause (1)(b)(i), the name of a medical corporation that, immediately before the day these regulations come into force, is registered under section 21 of the former Act in the Corporations Register and holds a licence under the former Act may contain the words “professional corporation” instead of “medical corporation”.

Change of name

- (3) Before changing its name, a medical corporation shall obtain written confirmation from the registrar that the proposed name meets the requirements of subsection (1). (EC843/21)

37. Duty of medical corporation

- (1) A medical corporation shall ensure that all communications with the public on behalf of the medical corporation identify the medical practitioners whose professional services are delivered through the corporation.

Duty of partnership including medical corporation

- (2) A member of a general partnership of medical corporations or of medical corporations and medical practitioners shall ensure that all communications with the public on behalf of the partnership
 - (a) indicate that one or more of the partners is a medical corporation; and
 - (b) identify the medical practitioners whose professional services are delivered through the corporation. (EC843/21)

38. Transition of members

For the purpose of section 98 of the Act, a person who, immediately before this section comes into force, is registered under the former Act in the register listed in Column 1 below and holds a valid license issued under the former Act, is deemed, on the coming into force of this section, to be registered in the sub-register and part of the register for medicine set out in the corresponding provision in Column 2 below:

Transition of Members

Column 1 Former Act	Column 2 Regulated Health Professions Act
1. Family Practice Register	Family Medicine Register – general registration
2. Medical Specialist Register	Specific Disciplines Register – general registration
3. Temporary and Limited	Family Medicine Register –

Register – family practice partial qualifications	provisional registration
4. Temporary and Limited Register – medical specialist partial qualifications	Specific Disciplines Register – provisional registration
5. Temporary and Limited Register – locum	Family Medicine Register or Specific Disciplines Register - special registration
6. Temporary and Limited Register – visiting consultant	Family Medicine Register or Specific Disciplines Register - special registration
7. Temporary and Limited Register – organ retrieval	Family Medicine Register or Specific Disciplines Register - special registration
8. Medical Education Register – clause 22(3)(a) regulations under former Act	Education Register – medical students
9. Medical Education Register – clause 22(3)(c) regulations under former Act	Education Register – post-graduate medical trainees
10. Medical Register – employee of Government of Canada or Canadian Armed Forces	Family Medicine Register or Specific Disciplines Register - special registration

(EC843/21)