

CONSOLIDATION OF BY-LAW NO. 28
as if amendments proposed by
By-law No. 57 were enacted

~~(September 25, 2015)~~

A By-law relating to the register and information to be provided by members of the College of Medical Radiation Technologists of Ontario (the "College").

BE IT ENACTED as a By-law of the College as follows:

1. In this By-law, the following words and phrases shall have the meanings set out below:

"**Code**" means the Health Professions Procedural Code, which is Schedule 2 of the *Regulated Health Professions Act, 1991*.

"**Council**" means the Council of the College.

"**Register**" means the register required by subsection 23(1) of the Code.

"remove from the Register" means, with respect to certain information kept in the Register, to remove the designation of such information as public.

"**specialty**" includes radiography, radiation therapy, nuclear medicine and magnetic resonance.

2. Subject to section 4, a member's name in the Register shall be the member's name as provided in the documentary evidence used to support the member's initial registration.
3. The member shall notify the Registrar in writing of any change of name and provide the Registrar with proof of the change of name within seven (7) days of the effective date of the change.
4. The Registrar may direct that a name other than as provided in section 2 be entered in the Register if such a request is made by the member and the Registrar is satisfied that:
- (a) the member has validly changed his or her name; and
 - (b) the use of the name is not for an improper purpose.
- 4.1 The Registrar may direct that a given name, in addition to the given name which forms part of the member's name referred to in section 2 or section 4, be entered in the Register if such request is made by the member and such given name is used by the member in his or her practice of the profession.

5. The Registrar may give a direction under section 4 or section 4.1 before or after the initial entry of the member's name in the Register.
6. Under subsection 23(2) of the Code, certain information must be contained in the Register, and, subject to certain exceptions contained in the Code, such information is to be made available to the public in accordance with subsection 23(5) of the Code. As of June 4, 2009, the Register is required to contain the following:
 - (a) each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.
 - (b) the name, business address and business telephone number of every health profession corporation.
 - (c) the names of the shareholders of each health profession corporation who are members of the College.
 - (d) each member's class of registration and specialist status.
 - (e) the terms, conditions and limitations that are in effect on each certificate of registration.
 - (f) a notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and has not been finally resolved, until the matter has been resolved.
 - (g) the result, including a synopsis of the decision, of every disciplinary and incapacity proceeding, unless a panel of the relevant committee makes no finding with regard to the proceeding.
 - (h) a notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
 - (i) a notation of every revocation or suspension of a certificate of registration.
 - (j) a notation of every revocation or suspension of a certificate of authorization.
 - (k) information that a panel of the Registration, Discipline or Fitness to Practise Committee specifies shall be included.
 - (l) where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
 - (m) where, during or as a result of a proceeding under section 25 of the Code, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.

~~6.~~ 6.1 In addition to the information required under subsection 23(2) of the Code, the Register shall contain the following information with respect to each member:

- (a) the member's name (including any given name directed to be entered in the Register under section 4.1).
- (b) ~~(a.1)~~ any changes to the member's name which have been made in the Register since he or she first became registered with the College.
- (c) ~~(b)~~ the member's registration number.
- (d) ~~(b.1)~~ the member's registration status.
- (e) ~~(c)~~ the date when the member's certificate of registration was first issued or, if the member held a certificate under the *Radiological Technicians Act*, the date when the member was first issued a certificate by the Board of Radiological Technicians.
- (f) ~~(d)~~ where the person has resigned as a member, a notation to this effect and the date upon which the person resigned.
- (g) ~~(d.1)~~ where a member's certificate of registration is reinstated, a notation to this effect and the date of reinstatement.
- (h) ~~(e)~~ if the member has died, a notation to this effect and the date of death, if known.
- (i) ~~(f)~~ the name of the educational institution(s) where the member successfully completed a medical radiation technology program in the specialty(ies) in which the member is authorized to practise and the year in which the member successfully completed such program(s).
- (j) ~~(g)~~ the date on which the member successfully completed the examination set or approved by the Council.
- (k) ~~(h)~~ the date on which each specialty certificate of registration held by the member was issued and, if applicable, the date on which the member ceased to hold such specialty certificate of registration.
- (l) ~~(h.1)~~ where a member's specialty certificate of registration is reinstated, a notation to this effect and the date of reinstatement.
- (m) ~~(i)~~ the member's business address (including the name of the member's employer) and the business telephone number for the member's primary place of practice and all other places of practice, if any.
- (n) ~~(j)~~ the member's home address and home telephone number.
- (o) ~~(k)~~ the gender of the member.

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- (p) ~~(h)~~ the birth date of the member.
- (q) ~~(m)~~ the member's electoral district for purposes of election to the Council.
- (r) ~~(n)~~ the member's preference to communicate with the College in English or French.
- (s) ~~(o)~~ whether the member has indicated that the member is bilingual.
- (t) ~~(p)~~ where the member's certificate of registration is suspended for non-payment of the annual fee or any fee required by the College, a notation of that fact, the date upon which the suspension took effect and, if applicable, the date upon which the suspension was removed.
- (u) a summary of any existing restriction on the member's right to practise that has resulted from an undertaking given by the member to the College or an agreement entered into between the member and the College.
- (v) where a decision of a panel of the Inquiries, Complaints and Reports Committee, made on or after January 1, 2017, requires a member to attend before a panel of that committee to be cautioned, as authorized by paragraph 3 of subsection 26(1) of the Code:

 - (i) a notation of that fact;
 - (ii) a summary of the caution;
 - (iii) the date of the panel's decision;
 - (iv) the date on which the member attended and received the caution; and
 - (v) if applicable, a notation that the panel's decision is currently under review or appeal, until the review or appeal is finally disposed of.
- (w) where a decision of a panel of the Inquiries, Complaints or Reports Committee, made on or after January 1, 2017, requires a member to complete a specified continuing education or remediation program, as authorized by paragraph 4 of subsection 26(1) and subsection 26(3) of the Code:

 - (i) a notation of that fact;
 - (ii) a summary of the specified continuing education or remediation program;
 - (iii) the date of the panel's decision; and
 - (iv) if applicable, a notation that the panel's decision is currently under review or appeal, until the review or appeal is finally disposed of.

- (x) ~~(p.1)~~—where a matter has been referred to the Discipline Committee in respect of the member and is outstanding:
- ~~(i)~~ (i) the date of the referral;
 - ~~(ii)~~ (ii) a brief summary of the allegations;
 - (iii) a link to the notice of hearing as published on the College’s website;
 - ~~(iii)~~ (iv) the date of the hearing if the hearing date has been set;
 - ~~(iv)~~ (v) the next scheduled date for the continuation of the hearing if the hearing was adjourned to a specific date or if the hearing was adjourned without a specific date, a notation to that effect; and
 - ~~(v)~~ (vi) the place of the hearing.
- (y) where a member agreed to resign to avoid a proceeding before the Discipline Committee or resigned while a discipline proceeding was outstanding, a notation of that fact.
- (z) where findings of the Fitness to Practise Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
- (aa) ~~(p.2)~~—any information that the College and the member have agreed should be included in the Register.
- (bb) ~~(p.3)~~ a notation of the existence of a charge against a member, of which the College is aware, laid on or after January 1, 2017, which in the opinion of the Registrar is relevant to the member’s suitability to practise the profession, in respect of any criminal offence and any offence related to the regulation of the practice of the profession, in any jurisdiction, including the date the charge was laid.~~3)~~—
- (cc) a summary of any existing restriction on the member’s right to practise that has been imposed by a court or other lawful authority, if the College is aware of the restriction, including the name of the court or other lawful authority that imposed the restriction and the date the restriction was imposed.
- (dd) a summary of any finding of guilt made by a court or other lawful authority on or after January 1, 2017, against a member, of which the College is aware, in respect of any criminal offence and any offence related to the regulation of the practice of the profession, in any jurisdiction, which in the opinion of the Registrar is relevant to the member’s suitability to practise the profession, including:
- ~~(p.4)~~ where a member agreed to resign to avoid a proceeding before the Discipline Committee or resigned while a discipline proceeding was outstanding, a notation of that fact. i) the date of and a brief summary of the finding;

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- ~~(g) where findings of the Fitness to Practise Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.~~
- (ii) the date of and the sentence imposed, if any; and
- (iii) where the finding is under appeal, a notation to that effect, until the appeal is finally disposed of.
- (ee) where the College is aware of the fact that a member is currently registered or licensed to practise the profession in another jurisdiction, a notation to that effect including the name of the jurisdiction.
- (ff) where the College is aware that a finding of professional misconduct or incompetence or other like finding has been made against a member by a body that governs any profession, whether inside or outside of Ontario,
- (i) a notation of that fact;
- (ii) the date of the finding;
- (iii) the name of the governing body that made the finding; and
- (iv) where the finding is under appeal, a notation of that fact, until the appeal is finally disposed of.

~~6.1~~6.2 In addition to the information required under subsection 23(2) of the Code, the Register shall contain, ~~in~~with respect to each health profession corporation to which a certificate of authorization has been issued by the College, the following information:

- ~~(a) The~~the certificate of authorization number.
- ~~(b) The~~(b) the mailing address of the health profession corporation.
- ~~(c) The~~(c) the date upon which the certificate of authorization was first issued.
- ~~(d) If~~(d) if the certificate of authorization has been revoked, a notation of that fact, the date when the revocation occurred and a brief summary of the reasons for the revocation.
- ~~(e) If~~(e) if the certificate of authorization was revised or a new certificate of authorization was issued to the health profession corporation, a notation of that fact and the date when that occurred.
- ~~(f) The~~(f) the practice name(s) or business name(s), if any, used by the health profession corporation.
- ~~(g) The~~(g) the facsimile number and email address, if any, of the health profession corporation.

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~~(h)~~ ~~The~~(h) the address and telephone number of each location at which the health profession corporation carries on the practice of the profession.

~~(i)~~ ~~A~~(i) a brief description of the professional activities carried on by the health profession corporation.

~~7.~~ ~~The information contained~~7. Subject to sections 8.1 to 8.8 inclusive, all of the information referred to in section 6.1 is designated as public for the purposes of subsection 23(5) of the Code, except the information referred to in paragraphs (a), (b), (b.1), (c), (d), (d.1b), (h), (h.1), (i), (j), (n), (o), (p), (p.1), (p.2), (p.3), (p.4)(q), (r) and (qs) of section 6 and the 6.1.

7.1 The information ~~contained~~referred to in paragraphs (d), (f) and (i) of section ~~6.1~~6.2 is designated as public for the purposes of subsection 23(5) of the Code.

~~8.8.~~ Information which, but for the commencement of an appeal or other legal proceeding, would have been available to the public under subsection 23(5) of the Code, shall be available to the public as if no appeal or legal proceeding had been commenced.

8.1 Unless otherwise required by the Code and subject to section 8.2, information designated as public with regard to a former member who resigned ~~is no longer designated as public~~shall be removed from the Register five years after the date upon which the person resigned.

8.2 Section 8.1 does not apply in the case of a former member who

~~(a)~~ ~~(a)~~ resigned and agreed never to practise again in Ontario during or as a result of a proceeding under section 25 of the Code;

~~(b)~~ ~~(b)~~ agreed to resign to avoid a proceeding before the Discipline Committee; or

~~(c)~~ ~~(c)~~ resigned while a proceeding before the Discipline Committee was outstanding.

8.3 All of the information referred to in subsection 23(2) of the Code and all of the information designated as public in this By-law is information designated to be withheld from the public pursuant to subsection 23(6) of the Code such that the Registrar may refuse to disclose to an individual or to post on the College's website any or all of that information if the Registrar has reasonable grounds to believe that disclosure may jeopardize the safety of an individual.

8.4 Where as a result of an appeal or review from a decision of a panel of the Inquiries, Complaints or Reports Committee, a member is no longer required to attend before a panel of that committee to be cautioned, the information placed in the Register as a result of paragraph (v) of section 6.1 shall be removed from the Register, once the appeal or review has become final.

8.5 Information placed in the Register as a result of paragraph (v) of section 6.1, shall be removed from the Register once two years have expired after the member attended before a panel of the Inquiries, Complaints and Reports Committee and received the caution.

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8.6 Where as a result of an appeal or review from a decision of a panel of the Inquiries, Complaints or Reports Committee, a member is no longer required to complete a specified continuing education or remediation program, the information placed in the Register as a result of paragraph (w) of section 6.1 shall be removed from the Register, once the review or appeal becomes final.

8.7 Information placed in the Register as a result of paragraph (w) of section 6.1, shall be removed from the Register once the Registrar is satisfied that the member successfully completed all of the requirements of the specified continuing education or remediation program.

8.8 The information placed in the Register as a result of paragraph (bb) of section 6.1 shall be removed from the Register once the charges are no longer outstanding.

~~9.9.~~ A member shall provide to the College, in the form and at the time or times determined by the Registrar, the following:

- (a) the member's home address and home telephone number.
- (b) the member's business address(es) (including the name of the member's employer) and business telephone number(s) for:
 - (i) the member's primary place of practice; and
 - (ii) all other places of practice.
- (b.1) an email address for the member that is distinct from the email address of any other member and that the member checks personally on a regular basis.
- (c) the member's employment information including employment status, period of employment, practice hours, practice hours related to area(s) of responsibility, and historical information, and, for each place of employment, employment category, full time/part-time status, position, type of facility, area(s) of responsibility, area(s) of practice, and categories of patients seen.
 - (c.1) the language(s) in which the member provides services.
- (d) information about the member's education related to the practice of medical radiation technology including, for each program or course of study, the credential, name and location of institution, year of graduation or completion, and specialty(ies) or area(s) of practice.
- (e) information about the member's education not related to the practice of medical radiation technology including, for each program or course of study, the credential, field of study, location of institution, and year of graduation or completion.
- (f) information about the examination(s) successfully completed by the member related to the practice of medical radiation technology and other imaging

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modalities including, for each examination, the designation, year of completion, name of institution, and specialty(ies) or area(s) of practice.

- (g) the address at which the member prefers to receive communications from the College.
- (h) if the member is eligible to vote in more than one electoral district, the member's selection of the electoral district in which the member intends to vote.
- (i) information about any other jurisdictions in which the member practises or has practised as a medical radiation technologist, and the period of practice in any such jurisdiction(s).
- (j) any information required to be kept in the Register.
- (k) any information which the College may be required to collect for the purpose of health human resources planning of the Ministry of Health and Long-Term Care in accordance with the *Regulated Health Professions Act, 1991*.

9.1 A member shall, for every health profession corporation of which the member is a shareholder, provide to the College in the form and at the time or times determined by the Registrar, the following:

- (a) the name of the health profession corporation as registered with the Ministry of Government Services.
- (b) any practice or business name(s) used by the health profession corporation.
- (c) the name, as set out in the Register, and registration number of each shareholder of the health profession corporation.
- (d) the name of each officer and director of the health profession corporation, and the title or office held by each.
- (e) the business address and business telephone number, facsimile number, mailing address and email address of the health profession corporation.
- (f) the address and telephone number of all other locations, at which the health profession corporation carries on the practice of the profession.
- (g) a brief description of the professional activities carried on by the health profession corporation.

~~10-10.~~ If there has been any change in the information which is required to be provided under paragraphs (a), (b), (b.1), (g), (h) and (j) of section 9 or under section 9.1, the member shall notify the Registrar of the change in writing or by a method of electronic communication acceptable to the College within seven (7) days of the effective date of change.

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NOTE: Section 4 of Proposed By-law No. 57 is omitted. It provides for the coming into force of By-law No. 57.

Legend:
<u>Insertion</u>
Deletion
<u>Moved from</u>
<u>Moved to</u>