

**BY-LAWS OF THE ROYAL COLLEGE OF DENTAL
SURGEONS OF ONTARIO**

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TABLE OF CONTENTS
(By-Law > Chapter)

TABLE OF CONTENTS I

DETAILED TABLE OF CONTENTS VII

1 DEFINITIONS AND INTERPRETATION 1

 1.1 DEFINITIONS 1

 1.2 INTERPRETATION 2

2 MEETINGS OF COUNCIL..... 4

 2.1 PRIOR TO INITIAL MEETING OF COUNCIL 4

 2.2 INITIAL MEETING OF COUNCIL..... 4

 2.3 ELECTION OF EXECUTIVE COMMITTEE 4

 2.4 NOMINATIONS TO COMMITTEES, OTHER APPOINTMENTS 6

 2.5 SCHEDULING OF MEETINGS OF COUNCIL 6

 2.6 NOTICE OF COUNCIL MEETINGS 7

 2.7 COUNCIL MEETING BUSINESS AND AGENDAS..... 7

 2.8 PRESIDING OFFICER 8

 2.9 QUORUM..... 9

 2.10 VOTING 9

 2.11 MINUTES AND ADJOURNMENTS10

 2.12 RULES OF ORDER11

3 OFFICERS OF THE COLLEGE.....12

 3.1 GENERAL12

 3.2 PRESIDENT12

 3.3 VICE-PRESIDENT.....12

 3.4 REGISTRAR13

 3.5 ACTING REGISTRAR14

 3.6 INSPECTORS14

 3.7 HIRING OF REGISTRAR14

 3.8 REMUNERATION OF REGISTRAR.....15

 3.9 REMOVAL OF PRESIDENT, VICE-PRESIDENT OR OTHER OFFICERS16

 3.10 VACANCIES16

4 COMMITTEES OF THE COLLEGE.....17

 4.1 EXECUTIVE COMMITTEE17

 4.2 REGISTRATION COMMITTEE.....18

 4.3 INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE.....18

4.4	DISCIPLINE COMMITTEE	18
4.5	FITNESS TO PRACTISE COMMITTEE	19
4.6	QUALITY ASSURANCE COMMITTEE	19
4.7	PATIENT RELATIONS COMMITTEE.....	19
4.8	AUDIT COMMITTEE.....	19
4.9	DENTAL CT SCANNER COMMITTEE	20
4.10	ELECTIONS COMMITTEE.....	21
4.11	FINANCE, PROPERTY AND ADMINISTRATION COMMITTEE	21
4.12	LEGAL AND LEGISLATION COMMITTEE.....	22
4.13	PROFESSIONAL LIABILITY PROGRAM COMMITTEE.....	22
4.14	SEDATION AND GENERAL ANAESTHESIA COMMITTEE	23
4.15	INTERNATIONAL TRADE COMMITTEE.....	23
4.16	PENSION GOVERNANCE COMMITTEE	24
5	COMMITTEE PROCEDURE.....	25
5.1	APPOINTMENTS TO COMMITTEES.....	25
5.2	STANDING AND AD HOC COMMITTEES	25
5.3	DELEGATION TO COMMITTEES.....	26
5.4	VACANCIES ON A COMMITTEE	26
5.5	REMOVING COMMITTEE MEMBERS.....	27
5.6	COMMITTEE MEETINGS.....	28
6	MEMBERS OF COUNCIL.....	31
6.1	ELECTORAL DISTRICTS	31
6.2	ELECTED MEMBERS OF COUNCIL.....	31
6.3	SELECTED MEMBERS OF COUNCIL.....	32
6.4	RESIGNATIONS	32
6.5	VACANCIES	33
7	ELECTIONS TO COUNCIL.....	34
7.1	TIMING OF ELECTIONS	34
7.2	ELIGIBILITY	34
7.3	DISPUTED ELIGIBILITY.....	36
7.4	NOMINATIONS AND ELECTION PROCEDURE.....	37
7.5	ACCLAMATION	38
7.6	VOTING PROCEDURE.....	38
7.7	TIED VOTES	40
7.8	ELECTION RESULTS	40
7.9	RECOUNTS	41
7.10	BY-ELECTIONS.....	42

8	SELECTIONS TO COUNCIL	43
8.1	ELIGIBILITY	43
9	NON-COUNCIL COMMITTEE MEMBERS	45
9.1	GENERAL	45
9.2	ELIGIBILITY	45
9.3	RESIGNATION.....	47
9.4	DISQUALIFICATION	47
9.5	PROCEDURE	48
9.6	REVOKED (MARCH 10, 2016).....	49
9.7	TERM OF OFFICE	49
9.8	VACANCIES.....	50
9.9	ADDITIONAL NON-COUNCIL COMMITTEE MEMBERS.....	51
10	REMUNERATION OF MEMBERS OF COUNCIL AND COMMITTEES	53
10.1	GENERAL	53
10.2	ALLOWANCES AND PER DIEMS	53
10.3	ALLOWANCES AND PER DIEMS – APPLICATION AND LIMITATIONS	55
10.4	TELECONFERENCE MEETINGS	56
10.5	EXPENSES – GENERAL.....	57
10.6	CLAIMS PROCEDURE	57
11	CODE OF ETHICS	59
11.1	GENERAL	59
12	CODE OF CONDUCT	60
12.1	PREAMBLE	60
12.2	CODE OF CONDUCT.....	60
13	CONFLICTS OF INTEREST.....	63
13.1	GENERAL	63
13.2	CONFLICTS OF INTEREST OF COUNCIL AND COMMITTEE MEMBERS.....	63
13.3	PROCEDURE FOR CONFLICTS OF INTEREST	64
14	DISQUALIFICATIONS, GENERAL	67
14.1	GENERAL	67
14.2	TEMPORARY EXCLUSION	67
14.3	GENERAL DISQUALIFICATION CRITERIA	68
14.4	ALLEGATIONS AND INFORMATION	69
14.5	EXECUTIVE COMMITTEE PROCESS	70
14.6	COUNCIL PROCESS, GENERAL	70
14.7	COUNCIL PROCESS, CONFLICT OF INTEREST	71
14.8	COMMISSIONER PROCESS.....	72

14.9	ACTIONS BY COUNCIL	73
14.10	ADDITIONAL PROCEDURAL REQUIREMENTS	75
14.11	FOLLOWING DISQUALIFICATION	76
15	DISQUALIFICATIONS, CODE OF CONDUCT.....	77
15.1	GENERAL	77
15.2	ALLEGATIONS OF BREACH	77
15.3	COMMISSIONER PROCESS	78
15.4	EXECUTIVE COMMITTEE PROCESS	79
15.5	ADJUDICATION COMMITTEE PROCESS.....	80
15.6	INFORMAL RESOLUTIONS	83
15.7	REPORT AND FINDINGS	84
15.8	NO FURTHER ACTION BY COUNCIL.....	85
15.9	FURTHER ACTION BY COUNCIL.....	86
15.10	RECOVERY OF COSTS AND EXPENSES	87
15.11	ADDITIONAL PROCEDURAL REQUIREMENTS	88
15.12	FOLLOWING DISQUALIFICATION	88
16	THE REGISTER	90
16.1	GENERAL	90
16.2	CONTENTS OF THE REGISTER	90
16.3	REMOVAL OF INFORMATION FROM THE REGISTER	92
16.4	INFORMATION FROM MEMBERS OF THE COLLEGE.....	93
17	HEALTH PROFESSION CORPORATIONS.....	95
17.1	CERTIFICATES OF AUTHORIZATION.....	95
17.2	CHANGE OF SHAREHOLDERS.....	98
17.3	INTERPRETATION.....	98
18	FEES	99
18.1	APPLICATION FEES.....	99
18.2	REGISTRATION FEES	99
18.3	ANNUAL FEES	99
18.4	EXAMINATION FEES	102
18.5	REPLACEMENT CERTIFICATES.....	102
18.6	FEES FOR LIFTING SUSPENSIONS	103
18.7	REINSTATEMENT FEES	103
18.8	COURSE FEES	104
18.9	SEDATION AND GENERAL ANAESTHESIA	105
18.10	HEALTH PROFESSION CORPORATION FEES.....	106
18.11	DENTAL CT SCANNER FEES.....	106

18.12	OTHER FEES	106
18.13	METHOD OF PAYMENT	107
18.14	REFUNDS	108
19	EXAMINATION FOR SPECIALITY IN DENTAL ANAESTHESIA	109
19.1	GENERAL	109
19.2	ELIGIBILITY	109
20	DENTAL CT SCANNERS	111
20.1	GENERAL	111
20.2	AUTHORIZATIONS	111
20.3	FACILITY PERMITS – GENERAL	112
20.4	PROVISIONAL FACILITY PERMITS	113
20.5	ANNUAL FACILITY PERMITS	114
20.6	SUBJECT-TO-INSPECTION FACILITY PERMITS	115
20.7	REVISED ANNUAL FACILITY PERMITS	116
21	SEDATION AND GENERAL ANAESTHESIA	118
21.1	GENERAL	118
21.2	MEMBER’S AUTHORIZATIONS	119
21.3	PROVISIONAL AUTHORIZATIONS	120
21.4	ANNUAL AUTHORIZATIONS	121
21.5	AMENDMENTS TO AUTHORIZATIONS	123
21.6	FACILITY PERMITS: GENERAL, APPLICATION	124
21.7	FACILITY PERMITS: EXPIRY, RENEWAL, EXTENSION, REVISION, CANCELLATION	126
21.8	DUTIES OF FACILITY PERMIT HOLDER	128
21.9	FACILITY PERMIT INSPECTIONS	128
21.10	TRANSITION	129
22	PROFESSIONAL LIABILITY AND INDEMNIFICATION	130
22.1	PROFESSIONAL LIABILITY	130
22.2	INDEMNITY TO MEMBERS OF COUNCIL, OFFICERS AND OTHERS	130
23	COLLEGE FINANCES	131
23.1	BANKING	131
23.2	BORROWING AND SECURITY	131
23.3	CHEQUES, DRAFTS, NOTES	132
23.4	INVESTMENT	132
23.5	CUSTODY OF SHARES AND SECURITIES	133
23.6	FISCAL YEAR	133
23.7	AUDITORS	134
23.8	RESERVE FUNDS	134

24	SIGNING AUTHORITIES	135
24.1	COLLEGE SEAL	135
24.2	EXECUTION OF CONTRACTS, DOCUMENTS, AND OTHER INSTRUMENTS	135
25	ACCESS TO INFORMATION	137
25.1	INFORMATION AVAILABLE TO MEMBERS	137
26	PROCEDURE	138
26.1	ENACTMENT, AMENDMENT AND REVOCATION OF BY-LAWS	138
26.2	NOTICES	138
27	DECLARED EMERGENCY	140
27.1	GENERAL	140
27.2	PROCEDURES DURING A DECLARED EMERGENCY	140
28	APPENDICES	I
28.1	APPENDIX – REGISTER INFORMATION REQUIRED BY SUBSECTION 23(2) OF THE CODE	I
28.2	APPENDIX – ADDITIONAL REGISTER INFORMATION UNDER ARTICLE 16.2.2	III
28.3	APPENDIX – ELECTORAL DISTRICTS	IX
28.4	CODE OF ETHICS	XI

DETAILED TABLE OF CONTENTS

(By-Law > Chapter > Article)

TABLE OF CONTENTS	I
DETAILED TABLE OF CONTENTS	VII
1 DEFINITIONS AND INTERPRETATION	1
1.1 DEFINITIONS	1
1.1.1 <i>General definitions</i>	1
1.2 INTERPRETATION	2
1.2.1 <i>Singular includes the plural</i>	2
1.2.2 <i>Person includes corporation</i>	2
1.2.3 <i>References to statutes, etc.</i>	2
1.2.4 <i>Severability</i>	2
1.2.5 <i>Computation of time</i>	3
1.2.6 <i>Written includes electronic</i>	3
2 MEETINGS OF COUNCIL.....	4
2.1 PRIOR TO INITIAL MEETING OF COUNCIL	4
2.1.1 <i>Registrar to provide list of new Council members</i>	4
2.1.2 <i>Registrar to circulate agenda</i>	4
2.2 INITIAL MEETING OF COUNCIL.....	4
2.2.1 <i>Registrar as Presiding Officer</i>	4
2.2.2 <i>Transition to new Council</i>	4
2.2.3 <i>Report on elections</i>	4
2.3 ELECTION OF EXECUTIVE COMMITTEE	4
2.3.1 <i>Call for nominations for President</i>	4
2.3.2 <i>Acclamation of President</i>	4
2.3.3 <i>Election of President by secret ballot</i>	5
2.3.4 <i>Candidates may address Council</i>	5
2.3.5 <i>Returning officers</i>	5
2.3.6 <i>Majority</i>	5
2.3.7 <i>Where no majority</i>	5
2.3.8 <i>Tied votes</i>	5
2.3.9 <i>Tied candidates may address Council</i>	5
2.3.10 <i>Tied vote broken by lot after second attempt</i>	5
2.3.11 <i>Council may adopt alternative</i>	6
2.3.12 <i>President to assume chair</i>	6
2.3.13 <i>Election of Vice-President, members of Executive Committee</i>	6
2.4 NOMINATIONS TO COMMITTEES, OTHER APPOINTMENTS	6
2.4.1 <i>Executive Committee as nominations committee</i>	6
2.5 SCHEDULING OF MEETINGS OF COUNCIL	6
2.5.1 <i>Initial meeting within two months of elections</i>	6
2.5.2 <i>Regular Council meetings</i>	6
2.5.3 <i>Location of regular Council meetings</i>	6
2.5.4 <i>Special Council meetings</i>	7

2.5.5	<i>Location of special Council meetings</i>	7
2.5.6	<i>Teleconference</i>	7
2.6	NOTICE OF COUNCIL MEETINGS	7
2.6.1	<i>Registrar to provide notice</i>	7
2.6.2	<i>Contents of notice</i>	7
2.7	COUNCIL MEETING BUSINESS AND AGENDAS.....	7
2.7.1	<i>Business at special Council meetings</i>	7
2.7.2	<i>Business at regular Council meetings</i>	8
2.7.3	<i>Meeting agendas set by the President</i>	8
2.8	PRESIDING OFFICER	8
2.8.1	<i>Presiding Officer as chair</i>	8
2.8.2	<i>Term of office</i>	8
2.8.3	<i>Duties of Presiding Officer</i>	8
2.8.4	<i>Duty of confidentiality</i>	9
2.8.5	<i>Acting chair</i>	9
2.9	QUORUM.....	9
2.9.1	<i>Quorum as majority</i>	9
2.9.2	<i>Effect of vacancy on quorum</i>	9
2.10	VOTING.....	9
2.10.1	<i>Default method</i>	9
2.10.2	<i>Roll call vote at teleconference</i>	9
2.10.3	<i>Roll call vote by request</i>	9
2.10.4	<i>Roll call vote recorded in the minutes</i>	10
2.10.5	<i>Roll call vote for regulations</i>	10
2.10.6	<i>Default is simple majority</i>	10
2.10.7	<i>Vote of chair to be counted</i>	10
2.10.8	<i>Tied votes decided in the negative</i>	10
2.10.9	<i>Record of dissent upon request</i>	10
2.11	MINUTES AND ADJOURNMENTS	10
2.11.1	<i>Minutes of Council meetings</i>	10
2.11.2	<i>Accuracy of minutes</i>	10
2.11.3	<i>Adjournments</i>	11
2.11.4	<i>Reconvening after an adjournment</i>	11
2.12	RULES OF ORDER	11
2.12.1	<i>Rules of order</i>	11
2.12.2	<i>Rules inconsistent with Act, etc</i>	11
3	OFFICERS OF THE COLLEGE	12
3.1	GENERAL	12
3.1.1	<i>Officers of the College</i>	12
3.1.2	<i>Duties of officers may be delegated</i>	12
3.2	PRESIDENT.....	12
3.2.1	<i>Duties of the President</i>	12
3.2.2	<i>Powers of the President</i>	12
3.3	VICE-PRESIDENT.....	12
3.3.1	<i>Duties of the Vice-President</i>	12

3.3.2	<i>Powers of the Vice-President</i>	13
3.4	REGISTRAR	13
3.4.1	<i>Duties of the Registrar</i>	13
3.4.2	<i>Powers of the Registrar</i>	13
3.4.3	<i>Direction by Council, Executive Committee</i>	14
3.4.4	<i>Custodian of seal and other documents</i>	14
3.4.5	<i>Delegation of authority</i>	14
3.5	ACTING REGISTRAR	14
3.5.1	<i>Acting Registrar during absence</i>	14
3.5.2	<i>Duty to consult regarding appointment</i>	14
3.5.3	<i>Remuneration of Acting Registrar</i>	14
3.6	INSPECTORS	14
3.6.1	<i>Appointment of inspectors</i>	14
3.7	HIRING OF REGISTRAR	14
3.7.1	<i>Definition</i>	14
3.7.2	<i>Search committee</i>	15
3.7.3	<i>Avoidance of conflict of interest</i>	15
3.7.4	<i>Executive recruitment service</i>	15
3.7.5	<i>Search committee to review job criteria</i>	15
3.7.6	<i>Position to be advertised</i>	15
3.7.7	<i>Short list of candidates</i>	15
3.7.8	<i>Recommendation to Council</i>	15
3.7.9	<i>Council may approve recommendation</i>	15
3.8	REMUNERATION OF REGISTRAR.....	15
3.8.1	<i>Remuneration set by resolution</i>	15
3.9	REMOVAL OF PRESIDENT, VICE-PRESIDENT OR OTHER OFFICERS	16
3.9.1	<i>Two-thirds vote to remove President, Vice-President</i>	16
3.9.2	<i>Replacement of President, Vice-President after removal</i>	16
3.9.3	<i>Removal of other officers</i>	16
3.9.4	<i>Removal from office not termination</i>	16
3.10	VACANCIES.....	16
3.10.1	<i>President, Vice-President</i>	16
4	COMMITTEES OF THE COLLEGE.....	17
4.1	EXECUTIVE COMMITTEE	17
4.1.0	<i>Composition</i>	17
4.1.1	<i>President and Vice-President</i>	17
4.1.2	<i>President as chair</i>	17
4.1.3	<i>Registrar as secretary</i>	17
4.1.4	<i>Quorum</i>	17
4.1.5	<i>Procedure for meetings</i>	17
4.1.6	<i>Invitation to attend</i>	17
4.1.7	<i>Powers of the Executive Committee</i>	17
4.1.8	<i>Report to Council</i>	18
4.2	REGISTRATION COMMITTEE.....	18
4.2.1	<i>Composition</i>	18

4.3	INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE.....	18
4.3.1	<i>Composition</i>	18
4.4	DISCIPLINE COMMITTEE	18
4.4.1	<i>Composition</i>	18
4.4.2	<i>Vice-chair, Discipline Committee</i>	18
4.4.3	<i>Powers of vice-chair, Discipline Committee</i>	18
4.5	FITNESS TO PRACTISE COMMITTEE	19
4.5.1	<i>Composition</i>	19
4.6	QUALITY ASSURANCE COMMITTEE	19
4.6.1	<i>Composition</i>	19
4.7	PATIENT RELATIONS COMMITTEE.....	19
4.7.1	<i>Composition</i>	19
4.8	AUDIT COMMITTEE.....	19
4.8.1	<i>Composition</i>	19
4.8.2	<i>Terms of reference</i>	20
4.8.3	<i>Report to Council</i>	20
4.9	DENTAL CT SCANNER COMMITTEE	20
4.9.1	<i>Composition</i>	20
4.9.2	<i>Terms of Reference</i>	20
4.10	ELECTIONS COMMITTEE.....	21
4.10.1	<i>Composition</i>	21
4.10.2	<i>Terms of reference</i>	21
4.11	FINANCE, PROPERTY AND ADMINISTRATION COMMITTEE	21
4.11.1	<i>Composition</i>	21
4.11.2	<i>Terms of reference</i>	21
4.11.3	<i>Report to Council</i>	22
4.12	LEGAL AND LEGISLATION COMMITTEE.....	22
4.12.1	<i>Composition</i>	22
4.12.2	<i>Terms of reference</i>	22
4.13	PROFESSIONAL LIABILITY PROGRAM COMMITTEE	22
4.13.1	<i>Composition</i>	22
4.13.2	<i>Limitation on chair</i>	22
4.13.3	<i>Terms of reference</i>	23
4.13.4	<i>Approval of claims</i>	23
4.13.5	<i>Report to Council</i>	23
4.14	SEDATION AND GENERAL ANAESTHESIA COMMITTEE	23
4.14.1	<i>Composition</i>	23
4.14.2	<i>Terms of Reference</i>	23
4.15	INTERNATIONAL TRADE COMMITTEE.....	23
4.15.1	<i>Composition</i>	23
4.15.2	<i>Terms of reference</i>	24
4.15.3	<i>Report to Council</i>	24

4.16	PENSION GOVERNANCE COMMITTEE	24
4.16.1	Composition.....	24
4.16.2	Terms of reference	24
4.16.3	Report to Council.....	24
5	COMMITTEE PROCEDURE.....	25
5.1	APPOINTMENTS TO COMMITTEES	25
5.1.1	Appointment to statutory committees.....	25
5.1.2	Chair of statutory committees.....	25
5.1.3	Term of committee appointment	25
5.1.4	Non-Council committee members permitted.....	25
5.2	STANDING AND AD HOC COMMITTEES	25
5.2.1	Creation of standing and ad hoc committees.....	25
5.2.2	Terms of reference for standing, ad hoc committees	25
5.2.3	Members, chair of standing and ad hoc committees.....	25
5.2.4	Quorum, standing, ad hoc committees.....	25
5.2.5	Standing committees	26
5.3	DELEGATION TO COMMITTEES	26
5.3.1	Delegation to committees	26
5.3.2	Delegated powers subject to approval.....	26
5.4	VACANCIES ON A COMMITTEE	26
5.4.1	Committee continued during vacancy.....	26
5.4.2	Effect of vacancy on quorum	26
5.4.3	Vacancy of committee chair.....	26
5.4.4	Vacancy of Discipline Committee chair	27
5.4.5	Filling vacancies on committees.....	27
5.4.6	Filling vacancy of committee chair	27
5.4.7	Term for filled vacancies	27
5.4.8	Confirming, replacing vacancy appointments	27
5.4.9	Replacing appointed chair.....	27
5.5	REMOVING COMMITTEE MEMBERS.....	27
5.5.1	Automatic removal of former Council members.....	27
5.5.2	Removing Council member of statutory committee	28
5.5.3	Replacement, member of Council	28
5.5.4	Replacement chair, statutory committee.....	28
5.5.5	Removing non-Council member, member of standing, ad hoc committee	28
5.5.6	Replacement, non-Council, standing or ad hoc.....	28
5.5.7	Replacement chair, standing or ad hoc committee	28
5.6	COMMITTEE MEETINGS.....	28
5.6.1	Scheduling	28
5.6.2	No formal notice required	28
5.6.3	Informal notice	29
5.6.4	Chair or designate presides.....	29
5.6.5	Panel chair	29
5.6.6	Selection by panel.....	29
5.6.7	Decision by majority.....	29
5.6.8	Tied votes decided in the negative	29
5.6.9	Minutes of committee meetings.....	29
5.6.10	Accuracy of committee minutes	29
5.6.11	Committee meetings by teleconference.....	30

5.6.12	<i>Voting at teleconference</i>	30
5.6.13	<i>Roll call vote by request</i>	30
6	MEMBERS OF COUNCIL	31
6.1	ELECTORAL DISTRICTS	31
6.1.1	<i>Electoral districts established</i>	31
6.1.2	<i>Counties, etc. set</i>	31
6.1.3	<i>Electoral districts complete</i>	31
6.2	ELECTED MEMBERS OF COUNCIL.....	31
6.2.1	<i>Number of elected members</i>	31
6.2.2	<i>Term of office</i>	31
6.2.3	<i>Maximum term</i>	31
6.2.4	<i>Cooling off period, elected Council members</i>	31
6.2.5	<i>By-election counted</i>	32
6.3	SELECTED MEMBERS OF COUNCIL	32
6.3.1	<i>Number of selected members</i>	32
6.3.2	<i>Term of office</i>	32
6.3.3	<i>Maximum term</i>	32
6.3.4	<i>Cooling off period, selected Council members</i>	32
6.3.5	<i>Vacancy counted</i>	32
6.4	RESIGNATIONS	32
6.4.1	<i>Notice of resignation</i>	32
6.4.2	<i>Effective date of resignation</i>	32
6.4.3	<i>Resignation irrevocable</i>	33
6.5	VACANCIES	33
6.5.1	<i>Vacancies</i>	33
6.5.2	<i>Short-term vacancy</i>	33
6.5.3	<i>Long-term vacancy</i>	33
6.5.4	<i>Where no nominations</i>	33
6.5.5	<i>Vacancy, selected member</i>	33
7	ELECTIONS TO COUNCIL	34
7.1	TIMING OF ELECTIONS	34
7.1.1	<i>Election date</i>	34
7.2	ELIGIBILITY	34
7.2.1	<i>Definitions</i>	34
7.2.2	<i>Eligibility to vote</i>	34
7.2.3	<i>Electoral district</i>	34
7.2.4	<i>Eligibility to stand for election</i>	34
7.3	DISPUTED ELIGIBILITY.....	36
7.3.1	<i>Disputed eligibility to vote</i>	36
7.3.2	<i>Disputed candidacy</i>	36
7.3.3	<i>Registrar to refer</i>	36
7.3.4	<i>Registrar may postpone dates during dispute</i>	36
7.3.5	<i>Independent legal consultant</i>	36
7.3.6	<i>Full disclosure</i>	36
7.3.7	<i>Submissions from disputed candidate</i>	37
7.3.8	<i>Notice of decision</i>	37

7.3.9	<i>Decision final</i>	37
7.4	NOMINATIONS AND ELECTION PROCEDURE	37
7.4.1	<i>Registrar to supervise nominations and elections</i>	37
7.4.2	<i>Registrar to set nominations deadline</i>	37
7.4.3	<i>Registrar to notify</i>	37
7.4.4	<i>Nomination procedure</i>	37
7.4.5	<i>Withdrawal of nomination</i>	38
7.4.6	<i>Registrar to provide labels, lists</i>	38
7.4.7	<i>Where no nominated candidates</i>	38
7.5	ACCLAMATION	38
7.5.1	<i>Election by acclamation</i>	38
7.6	VOTING PROCEDURE	38
7.6.1	<i>Electronic voting</i>	38
7.6.2	<i>One vote per member</i>	39
7.6.3	<i>Registrar to supervise election</i>	39
7.6.4	<i>Registrar to notify candidates</i>	39
7.6.5	<i>Mailing irregularities</i>	39
7.6.6	<i>Mail service interruption</i>	39
7.6.7	<i>Ballots to be opened, counted</i>	40
7.7	TIED VOTES	40
7.7.1	<i>Full equality of votes determined by lot</i>	40
7.7.2	<i>Partial equality of votes determined by run-off election</i>	40
7.7.3	<i>Run-off election procedure</i>	40
7.8	ELECTION RESULTS	40
7.8.1	<i>Successful candidate</i>	40
7.8.2	<i>Registrar to notify</i>	41
7.9	RECOUNTS	41
7.9.1	<i>Candidate may require recount</i>	41
7.9.2	<i>Registrar to hold recount</i>	41
7.9.3	<i>Recount procedure</i>	41
7.9.4	<i>Destruction of ballots</i>	41
7.10	BY-ELECTIONS	42
7.10.1	<i>By-election procedure</i>	42
8	SELECTIONS TO COUNCIL	43
8.1	ELIGIBILITY	43
8.1.1	<i>Eligibility for selection</i>	43
9	NON-COUNCIL COMMITTEE MEMBERS	45
9.1	GENERAL	45
9.1.1	<i>Definition</i>	45
9.1.2	<i>Non-Council committee members</i>	45
9.2	ELIGIBILITY	45
9.2.1	<i>Eligibility for non-Council committee members</i>	45
9.2.2	<i>Vacancy counted</i>	46
9.2.3	<i>Reappointment permitted</i>	47

9.2.4	<i>Members of Council disqualified</i>	47
9.2.5	<i>Automatic termination</i>	47
9.3	RESIGNATION.....	47
9.3.1	<i>Resignation by non-Council committee member</i>	47
9.3.2	<i>Effective date of resignation</i>	47
9.3.3	<i>Resignation irrevocable</i>	47
9.4	DISQUALIFICATION.....	47
9.4.1	<i>Termination by Council</i>	47
9.5	PROCEDURE.....	48
9.5.1	<i>Registrar to notify</i>	48
9.5.2	<i>Exception</i>	48
9.5.3	<i>Registrar to set application procedure</i>	48
9.5.4	<i>Application procedure may include forms, documentation</i>	48
9.5.5	<i>Mail service interruption</i>	49
9.5.6	<i>Registrar to prepare list of candidates</i>	49
9.5.7	<i>Executive Committee to present slate</i>	49
9.5.8	<i>Council to appoint non-Council committee members</i>	49
9.6	REVOKED (MARCH 10, 2016).....	49
9.7	TERM OF OFFICE.....	49
9.7.1	<i>Members not on the Professional Liability Program Committee</i>	49
9.7.2	<i>Members on the Professional Liability Program Committee</i>	50
9.7.3	<i>Term of office, vacancies</i>	50
9.7.4	<i>Termination</i>	50
9.8	VACANCIES.....	50
9.8.1	<i>Vacancies</i>	50
9.8.2	<i>Appointment of replacement member</i>	50
9.8.3	<i>Verify willingness, eligibility</i>	50
9.8.4	<i>Eligibility of replacement member</i>	50
9.8.5	<i>Where no eligible member</i>	51
9.8.6	<i>Council to confirm appointment</i>	51
9.8.7	<i>Council refusal to appoint</i>	51
9.8.8	<i>Clarification</i>	51
9.9	ADDITIONAL NON-COUNCIL COMMITTEE MEMBERS.....	51
9.9.1	<i>Additional non-Council committee members</i>	51
9.9.2	<i>Verify willingness, eligibility</i>	51
9.9.3	<i>Eligibility of additional member</i>	51
9.9.4	<i>Where no eligible member</i>	52
9.9.5	<i>Council to confirm appointment</i>	52
9.9.6	<i>Council refusal to appoint</i>	52
10	REMUNERATION OF MEMBERS OF COUNCIL AND COMMITTEES	53
10.1	GENERAL.....	53
10.1.1	<i>Definitions</i>	53
10.1.2	<i>Application to public members of Council</i>	53
10.1.3	<i>Other allowances and expenses</i>	53
10.2	ALLOWANCES AND PER DIEMS.....	53
10.2.1	<i>Automatic adjustment of per diems; starting point</i>	53

10.2.2	<i>President's annual allowance</i>	54
10.2.3	<i>President's per diem</i>	54
10.2.4	<i>Permitted attendances</i>	54
10.2.5	<i>Chair per diem</i>	54
10.2.6	<i>Council, committee member per diem</i>	55
10.2.7	<i>Per diem for other attendances</i>	55
10.3	ALLOWANCES AND PER DIEMS – APPLICATION AND LIMITATIONS	55
10.3.1	<i>No more than a full day per diem</i>	55
10.3.2	<i>Preparation time not included</i>	55
10.3.3	<i>Additional per diem, ICRC preparation</i>	55
10.3.4	<i>Additional per diem, Discipline Committee reasons</i>	55
10.3.5	<i>Payment for expected meeting duration</i>	56
10.3.6	<i>Travel time included</i>	56
10.3.7	<i>Extended travel time</i>	56
10.3.8	<i>Cancellation</i>	56
10.3.9	<i>Partial mitigation</i>	56
10.4	TELECONFERENCE MEETINGS	56
10.4.1	<i>No allowance, per diem for teleconferences</i>	56
10.4.2	<i>Teleconference time accumulated</i>	57
10.4.3	<i>Anticipated or actual duration</i>	57
10.4.4	<i>Per diem for accumulated teleconference time</i>	57
10.4.5	<i>Timing</i>	57
10.5	EXPENSES – GENERAL.....	57
10.5.1	<i>Expenses reimbursed</i>	57
10.5.2	<i>Other sources</i>	57
10.6	CLAIMS PROCEDURE	57
10.6.1	<i>Claims submitted within thirty days</i>	57
10.6.2	<i>Claims automatically adjusted</i>	58
10.6.3	<i>Disputed claims</i>	58
11	CODE OF ETHICS	59
11.1	GENERAL	59
11.1.1	<i>Council to adopt Code of Ethics</i>	59
11.1.2	<i>Purpose of Code of Ethics</i>	59
11.1.3	<i>Members to adhere to Code of Ethics</i>	59
12	CODE OF CONDUCT	60
12.1	PREAMBLE	60
12.1.1	<i>Purpose</i>	60
12.1.2	<i>Expectations for Council members</i>	60
12.1.3	<i>Preamble not considered</i>	60
12.2	CODE OF CONDUCT	60
12.2.1	<i>Duties of Council members</i>	60
12.2.2	<i>Communications regarding specific committee matters</i>	61
12.2.3	<i>Exception, Quality Assurance Committee</i>	62
12.2.4	<i>Explanation of prior disagreement</i>	62
12.2.5	<i>Exception, acknowledgement of dissenting vote</i>	62
12.2.6	<i>Exception, explanation of prior disagreement</i>	62
12.2.7	<i>Breach of Code of Conduct</i>	62

13	CONFLICTS OF INTEREST.....	63
13.1	GENERAL	63
13.1.1	<i>Definitions</i>	63
13.2	CONFLICTS OF INTEREST OF COUNCIL AND COMMITTEE MEMBERS.....	63
13.2.1	<i>Conflict of interest, non-hearing or meeting</i>	63
13.2.2	<i>Conflict of interest, hearing or meeting</i>	64
13.3	PROCEDURE FOR CONFLICTS OF INTEREST	64
13.3.1	<i>Duty to consult, member of Council</i>	64
13.3.2	<i>Action by member of Council</i>	64
13.3.3	<i>Conflict recorded in minutes</i>	65
13.3.4	<i>Participation with approval of Council</i>	65
13.3.5	<i>Duty to consult, member of committee</i>	65
13.3.6	<i>Action by member of committee, hearing</i>	65
13.3.7	<i>Action by member of committee, non-hearing</i>	66
13.3.8	<i>Conflict recorded in minutes</i>	66
14	DISQUALIFICATIONS, GENERAL	67
14.1	GENERAL	67
14.1.1	<i>Commissioner</i>	67
14.1.2	<i>Definitions</i>	67
14.1.3	<i>Council to be mindful</i>	67
14.2	TEMPORARY EXCLUSION	67
14.2.1	<i>Temporary exclusion for default</i>	67
14.2.2	<i>Temporary exclusion during proceedings</i>	67
14.3	GENERAL DISQUALIFICATION CRITERIA	68
14.3.1	<i>Elected members of Council</i>	68
14.3.2	<i>Selected members of Council</i>	68
14.4	ALLEGATIONS AND INFORMATION	69
14.4.1	<i>Information coming to Registrar's attention</i>	69
14.4.2	<i>Statement from member of Council</i>	69
14.4.3	<i>Registrar to notify Executive Committee</i>	70
14.5	EXECUTIVE COMMITTEE PROCESS	70
14.5.1	<i>Preliminary determination of facts</i>	70
14.5.2	<i>Referral to Council</i>	70
14.5.3	<i>Notification of consideration by Council</i>	70
14.5.4	<i>Conflicts of interest referred to Council</i>	70
14.6	COUNCIL PROCESS, GENERAL	70
14.6.1	<i>Disputed material facts</i>	70
14.6.2	<i>Referral to commissioner</i>	71
14.6.3	<i>Public excluded</i>	71
14.7	COUNCIL PROCESS, CONFLICT OF INTEREST	71
14.7.1	<i>Consideration by Council</i>	71
14.7.2	<i>Action by Council, non-hearing process</i>	71
14.7.3	<i>Referral to commissioner</i>	71
14.7.4	<i>Public excluded</i>	72

14.8	COMMISSIONER PROCESS	72
14.8.1	<i>Commissioner to hold hearing</i>	72
14.8.2	<i>Interim suspension of duties</i>	72
14.8.3	<i>Commissioner to determine parties</i>	72
14.8.4	<i>Commissioner hearing process</i>	72
14.8.5	<i>Commissioner time frame</i>	73
14.8.6	<i>Commissioner report</i>	73
14.9	ACTIONS BY COUNCIL.....	73
14.9.1	<i>Council to consider Commissioner report</i>	73
14.9.2	<i>Council may adopt report</i>	73
14.9.3	<i>Lifting of interim suspension</i>	73
14.9.4	<i>Action by Council, where no breach</i>	74
14.9.5	<i>Action by Council, conflict of interest</i>	74
14.9.6	<i>Suspension where apology not received</i>	74
14.9.7	<i>Conditions for resignation</i>	74
14.9.8	<i>Disqualification where resignation not received</i>	74
14.9.9	<i>Public excluded</i>	75
14.10	ADDITIONAL PROCEDURAL REQUIREMENTS	75
14.10.1	<i>Two-thirds votes required</i>	75
14.10.2	<i>Opportunity for submissions</i>	75
14.10.3	<i>No participation of subject member</i>	75
14.11	FOLLOWING DISQUALIFICATION	76
14.11.1	<i>Following disqualification</i>	76
15	DISQUALIFICATIONS, CODE OF CONDUCT.....	77
15.1	GENERAL	77
15.1.1	<i>Definitions</i>	77
15.2	ALLEGATIONS OF BREACH	77
15.2.1	<i>Statement from member of Council</i>	77
15.2.2	<i>Security for commissioner</i>	77
15.2.3	<i>Agreement to pay cost, resign</i>	78
15.3	COMMISSIONER PROCESS	78
15.3.1	<i>Registrar to refer to commissioner</i>	78
15.3.2	<i>Commissioner to review</i>	78
15.3.3	<i>Timeline for decision by commissioner</i>	79
15.3.4	<i>Commissioner to notify of delay</i>	79
15.3.5	<i>Decision of commissioner final</i>	79
15.3.6	<i>Return of deposit</i>	79
15.3.7	<i>Forfeit of deposit</i>	79
15.4	EXECUTIVE COMMITTEE PROCESS	79
15.4.1	<i>Registrar to notify Executive Committee</i>	79
15.4.2	<i>Executive Committee may refer to adjudication committee</i>	79
15.4.3	<i>Executive Committee to meet in camera</i>	80
15.5	ADJUDICATION COMMITTEE PROCESS.....	80
15.5.1	<i>Registrar to establish adjudication committee</i>	80
15.5.2	<i>Timeframe for establishment of adjudication committee</i>	80
15.5.3	<i>Composition of adjudication committee</i>	80

15.5.4	<i>No prior knowledge</i>	80
15.5.5	<i>Confidentiality</i>	81
15.5.6	<i>Committee continued during vacancy</i>	81
15.5.7	<i>Vacancy of chair</i>	81
15.5.8	<i>Registrar to inform committee</i>	81
15.5.9	<i>Registrar to notify member</i>	81
15.5.10	<i>Registrar to notify Executive Committee</i>	81
15.5.11	<i>Delay in establishing committee</i>	82
15.5.12	<i>Registrar to assist</i>	82
15.5.13	<i>Committee to meet in camera</i>	82
15.5.14	<i>Adjudication committee investigation</i>	82
15.5.15	<i>Timeframe</i>	82
15.5.16	<i>Delay</i>	82
15.5.17	<i>Registrar to notify</i>	83
15.6	INFORMAL RESOLUTIONS	83
15.6.1	<i>Informal resolution</i>	83
15.6.2	<i>Approval of informal resolution</i>	83
15.6.3	<i>Executive committee may approve</i>	83
15.6.4	<i>Meeting in camera</i>	83
15.6.5	<i>No further action, informal resolution</i>	84
15.6.6	<i>Report to Council</i>	84
15.6.7	<i>Contents, manner of report</i>	84
15.7	REPORT AND FINDINGS	84
15.7.1	<i>Report</i>	84
15.7.2	<i>Findings final</i>	84
15.7.3	<i>Findings of breach</i>	84
15.7.4	<i>No submissions by reporting member</i>	85
15.7.5	<i>Registrar to deliver to Executive Committee</i>	85
15.8	NO FURTHER ACTION BY COUNCIL.....	85
15.8.1	<i>Report to Council</i>	85
15.8.2	<i>Contents of report</i>	85
15.8.3	<i>Exception, contents of report</i>	85
15.8.4	<i>Public excluded</i>	86
15.8.5	<i>No further action</i>	86
15.9	FURTHER ACTION BY COUNCIL.....	86
15.9.1	<i>Report to Council</i>	86
15.9.2	<i>Public excluded</i>	86
15.9.3	<i>Submissions by member</i>	86
15.9.4	<i>Action by Council</i>	86
15.9.5	<i>Suspension where apology not received</i>	87
15.9.6	<i>Conditions for resignation</i>	87
15.9.7	<i>Disqualification where resignation not received</i>	87
15.9.8	<i>Vote by secret ballot</i>	87
15.10	RECOVERY OF COSTS AND EXPENSES	87
15.10.1	<i>No recovery of costs</i>	87
15.10.2	<i>Recovery of legal expenses, subject member</i>	87
15.10.3	<i>Recovery of legal expenses, reporting member</i>	87
15.11	ADDITIONAL PROCEDURAL REQUIREMENTS	88
15.11.1	<i>Two-thirds votes required</i>	88
15.11.2	<i>Opportunity for submissions</i>	88

15.11.3	<i>No participation of subject member</i>	88
15.11.4	<i>No participation of reporting member</i>	88
15.12	FOLLOWING DISQUALIFICATION	88
15.12.1	<i>Following disqualification</i>	88
16	THE REGISTER	90
16.1	GENERAL	90
16.1.1	<i>Definitions</i>	90
16.2	CONTENTS OF THE REGISTER	90
16.2.1	<i>Contents required by the Code</i>	90
16.2.2	<i>Additional information</i>	91
16.2.3	<i>Designated information for safety exception</i>	91
16.2.4	<i>Name of member</i>	91
16.2.5	<i>Change of name</i>	91
16.2.6	<i>Business address</i>	91
16.2.7	<i>Business telephone number</i>	91
16.3	REMOVAL OF INFORMATION FROM THE REGISTER	92
16.3.1	<i>Deceased member</i>	92
16.3.2	<i>Former member</i>	92
16.3.3	<i>Removal of cautions delivered</i>	92
16.3.4	<i>Removal of education or remediation programs completed</i>	92
16.3.5	<i>Exceptions</i>	92
16.4	INFORMATION FROM MEMBERS OF THE COLLEGE	93
16.4.1	<i>Notification information</i>	93
16.4.2	<i>Change to information</i>	93
16.4.3	<i>Information upon request</i>	93
17	HEALTH PROFESSION CORPORATIONS.....	95
17.1	CERTIFICATES OF AUTHORIZATION	95
17.1.1	<i>Issuance by Registrar</i>	95
17.1.2	<i>Annual renewal</i>	96
17.1.3	<i>Revocation of certificate</i>	96
17.1.4	<i>Revised certificate of authorization</i>	96
17.1.5	<i>Renewals</i>	96
17.1.6	<i>Incomplete applications rejected</i>	97
17.1.7	<i>Return of documents</i>	97
17.1.8	<i>Cancellation</i>	97
17.2	CHANGE OF SHAREHOLDERS	98
17.2.1	<i>Notice of change of shareholders</i>	98
17.2.2	<i>Timing of notice</i>	98
17.2.3	<i>Additional declaration</i>	98
17.3	INTERPRETATION.....	98
17.3.1	<i>Time of receipt</i>	98
18	FEES	99
18.1	APPLICATION FEES.....	99
18.1.1	<i>General, specialty, academic certificates</i>	99
18.1.2	<i>Exemption, Remote Services Program</i>	99

18.1.3	<i>Other certificates</i>	99
18.2	REGISTRATION FEES	99
18.2.1	<i>General, academic, etc.</i>	99
18.2.2	<i>Instructional, short duration</i>	99
18.2.3	<i>Academic visitor</i>	99
18.3	ANNUAL FEES	99
18.3.1	<i>Registrar to Notify</i>	99
18.3.2	<i>Initial year of registration, new member</i>	100
18.3.3	<i>Initial year of registration, returning member</i>	100
18.3.4	<i>Maximum one initial annual fee</i>	100
18.3.5	<i>Initial year of registration, education or post specialty training</i>	100
18.3.6	<i>Initial year of registration, graduate student</i>	100
18.3.7	<i>Annual fee, general, academic, speciality</i>	100
18.3.8	<i>Single annual fee for dual certificate holders</i>	101
18.3.9	<i>Annual fee, education – speciality programs</i>	101
18.3.10	<i>Annual fee, education – other program</i>	101
18.3.11	<i>Annual fee, post specialty training</i>	101
18.3.12	<i>Annual fee, graduate student</i>	101
18.3.13	<i>Due date, education, post specialty training, graduate student</i>	101
18.3.14	<i>Penalty fee for late payment</i>	101
18.4	EXAMINATION FEES	102
18.4.1	<i>Definition</i>	102
18.4.2	<i>Examination application fee</i>	102
18.4.3	<i>Written component fee</i>	102
18.4.4	<i>Oral component fee</i>	102
18.4.5	<i>Re-scoring fee, written</i>	102
18.4.6	<i>Re-scoring fee, oral</i>	102
18.4.7	<i>Re-administration fees</i>	102
18.5	REPLACEMENT CERTIFICATES	102
18.5.1	<i>Damaged certificate</i>	102
18.5.2	<i>Lost certificate</i>	103
18.6	FEES FOR LIFTING SUSPENSIONS	103
18.6.1	<i>Suspension for non-payment of fees</i>	103
18.6.2	<i>Two certificates</i>	103
18.6.3	<i>Fees payable on lifting of suspension</i>	103
18.7	REINSTATEMENT FEES	103
18.7.1	<i>Reinstatement hearing</i>	103
18.7.2	<i>Partial refund on withdrawal</i>	103
18.7.3	<i>Other reinstatement</i>	104
18.7.4	<i>Two certificates</i>	104
18.7.5	<i>Fees payable on reinstatement</i>	104
18.8	COURSE FEES	104
18.8.1	<i>Remedial courses</i>	104
18.8.2	<i>Continuing education courses</i>	104
18.8.3	<i>Different course fees by membership</i>	104
18.8.4	<i>Course fees payable on application</i>	104
18.9	SEDATION AND GENERAL ANAESTHESIA	105
18.9.1	<i>Member’s Authorization, initial application</i>	105

18.9.2	<i>Member's Authorization, renewal</i>	105
18.9.3	<i>Member's Authorization, inspection</i>	105
18.9.4	<i>Member's Authorization, revision</i>	105
18.9.5	<i>Facility Permit, application</i>	105
18.9.6	<i>Facility Permit, renewal</i>	105
18.9.7	<i>Facility Permit, extension inspection</i>	105
18.9.8	<i>Facility Permit, renewal inspection</i>	105
18.10	HEALTH PROFESSION CORPORATION FEES	106
18.10.1	<i>Certificate of authorization</i>	106
18.10.2	<i>Revised certificate of authorization</i>	106
18.10.3	<i>Renewal fee</i>	106
18.10.4	<i>Confirmation of certificate</i>	106
18.11	DENTAL CT SCANNER FEES	106
18.11.1	<i>Application Fee</i>	106
18.11.2	<i>Renewal fee</i>	106
18.12	OTHER FEES	106
18.12.1	<i>Letters of standing</i>	106
18.12.2	<i>Registrar may waive fee</i>	106
18.12.3	<i>Loss of prescribing privileges</i>	107
18.12.4	<i>Discretionary removal of obsolete, no longer relevant Register information</i>	107
18.12.5	<i>Removal of historical disciplinary and incapacity Register information</i>	107
18.12.6	<i>Partial refund on withdrawal</i>	107
18.12.7	<i>Declined payment fee</i>	107
18.13	METHOD OF PAYMENT	107
18.13.1	<i>Accepted methods of payment</i>	107
18.13.2	<i>Other methods of payment</i>	108
18.13.3	<i>Timing of receipt of payment</i>	108
18.14	REFUNDS	108
18.14.1	<i>All fees non-refundable</i>	108
19	EXAMINATION FOR SPECIALITY IN DENTAL ANAESTHESIA	109
19.1	GENERAL	109
19.1.1	<i>Definition</i>	109
19.1.2	<i>Re-scoring</i>	109
19.2	ELIGIBILITY	109
19.2.1	<i>Eligibility criteria</i>	109
19.2.2	<i>Additional attempts</i>	109
19.2.3	<i>Additional education, training may include new program</i>	109
19.2.4	<i>Attempts following additional education, training</i>	110
20	DENTAL CT SCANNERS	111
20.1	GENERAL	111
20.1.1	<i>Definitions</i>	111
20.2	AUTHORIZATIONS	111
20.2.1	<i>Authorization required</i>	111
20.2.2	<i>Application for authorization</i>	111
20.2.3	<i>Authorization, dentoalveolar CT scans</i>	111

20.2.4	<i>Authorization, dentoalveolar and craniofacial CT scans</i>	111
20.2.5	<i>Review by Dental CT Scanner Committee</i>	112
20.2.6	<i>Registrar may rescind</i>	112
20.3	FACILITY PERMITS – GENERAL	112
20.3.1	<i>Types of facility permit</i>	112
20.3.2	<i>Facility permit to name members</i>	112
20.3.3	<i>Application</i>	112
20.3.4	<i>Registrar may rescind</i>	112
20.4	PROVISIONAL FACILITY PERMITS	113
20.4.1	<i>Provisional permits</i>	113
20.4.2	<i>Review by Dental CT Scanner Committee</i>	113
20.4.3	<i>Extension of provisional permit</i>	113
20.4.4	<i>Expiry</i>	113
20.5	ANNUAL FACILITY PERMITS	114
20.5.1	<i>Annual permit issued upon inspection</i>	114
20.5.2	<i>Conditions for inspection</i>	114
20.5.3	<i>Regular inspection</i>	114
20.5.4	<i>Expiry</i>	114
20.5.5	<i>Renewal application</i>	115
20.5.6	<i>Renewal</i>	115
20.5.7	<i>Review by Dental CT Scanner Committee</i>	115
20.6	SUBJECT-TO-INSPECTION FACILITY PERMITS	115
20.6.1	<i>Bars to renewal</i>	115
20.6.2	<i>Subject-to-inspection facility permits</i>	116
20.6.3	<i>Dental CT Scanner Committee may direct</i>	116
20.7	REVISED ANNUAL FACILITY PERMITS	116
20.7.1	<i>Application</i>	116
20.7.2	<i>Required documentation</i>	116
20.7.3	<i>Revised Annual Facility Permit</i>	116
20.7.4	<i>Review by Dental CT Scanner Committee</i>	117
21	SEDATION AND GENERAL ANAESTHESIA	118
21.1	GENERAL	118
21.1.1	<i>Definitions</i>	118
21.1.2	<i>Modalities of moderate sedation</i>	119
21.2	MEMBER’S AUTHORIZATIONS	119
21.2.1	<i>Application for sedation/general anaesthesia</i>	119
21.2.2	<i>Application to specify</i>	120
21.2.3	<i>Application for deep sedation</i>	120
21.2.4	<i>Agreement to cease administration upon notice</i>	120
21.3	PROVISIONAL AUTHORIZATIONS	120
21.3.1	<i>Conditions for provisional authorizations</i>	120
21.3.2	<i>Contents of provisional authorization</i>	120
21.3.3	<i>Expiry of provisional authorization</i>	121
21.3.4	<i>Extension of provisional authorization</i>	121
21.4	ANNUAL AUTHORIZATIONS	121
21.4.1	<i>Conditions for annual authorization</i>	121

21.4.2	<i>Expiry of annual authorization</i>	121
21.4.3	<i>Application for renewal</i>	121
21.4.4	<i>Conditions for renewal</i>	122
21.4.5	<i>Inspection</i>	122
21.4.6	<i>Where renewal prohibited</i>	122
21.4.7	<i>Extension of annual authorization for inspection</i>	122
21.4.8	<i>Extension of annual authorization for rectification</i>	123
21.4.9	<i>Conditions of extension</i>	123
21.4.10	<i>Inspection fees</i>	123
21.5	AMENDMENTS TO AUTHORIZATIONS.....	123
21.5.1	<i>Rescinding authorization</i>	123
21.5.2	<i>Application to revise authorization</i>	123
21.5.3	<i>Conditions for revision</i>	123
21.6	FACILITY PERMITS: GENERAL, APPLICATION.....	124
21.6.1	<i>Facility permit required</i>	124
21.6.2	<i>Facility permit for deep sedation</i>	124
21.6.3	<i>Facility permit issued to owner or designated owner</i>	124
21.6.4	<i>Application for facility permit</i>	124
21.6.5	<i>Application to specify type of facility permit</i>	124
21.6.6	<i>Agreement to comply, cease administration upon notice</i>	124
21.6.7	<i>Conditions for facility permit</i>	125
21.6.8	<i>Contents of facility permit</i>	125
21.7	FACILITY PERMITS: EXPIRY, RENEWAL, EXTENSION, REVISION, CANCELLATION.....	126
21.7.1	<i>Expiry of facility permit</i>	126
21.7.2	<i>Renewal of facility permit</i>	126
21.7.3	<i>Conditions for renewal</i>	126
21.7.4	<i>Extension of facility permit for inspection</i>	126
21.7.5	<i>Extension of facility permit, general</i>	127
21.7.6	<i>Conditions of extension</i>	127
21.7.7	<i>Inspection fees</i>	127
21.7.8	<i>Revisions to facility permits</i>	127
21.7.9	<i>No additional revisions to facility permit</i>	127
21.7.10	<i>Cancellation upon replacement</i>	127
21.7.11	<i>Cancellation for non-compliance with written agreement</i>	127
21.7.12	<i>Cancellation, conditions for non-compliance with standard</i>	127
21.7.13	<i>Reapplication</i>	127
21.7.14	<i>Removal of conditions</i>	128
21.8	DUTIES OF FACILITY PERMIT HOLDER.....	128
21.8.1	<i>Duties of facility permit holder</i>	128
21.8.2	<i>Duty to provide information</i>	128
21.9	FACILITY PERMIT INSPECTIONS.....	128
21.9.1	<i>Facility subject to inspection</i>	128
21.9.2	<i>Renewal inspections</i>	129
21.9.3	<i>Inspection fees</i>	129
21.10	TRANSITION.....	129
21.10.1	<i>Member's authorization</i>	129
21.10.2	<i>Facility permits</i>	129
22	PROFESSIONAL LIABILITY AND INDEMNIFICATION	130
22.1	PROFESSIONAL LIABILITY.....	130

22.1.1	<i>Arrangements for professional liability indemnity</i>	130
22.2	INDEMNITY TO MEMBERS OF COUNCIL, OFFICERS AND OTHERS.....	130
22.2.1	<i>Members of Council, officers and others indemnified</i>	130
23	COLLEGE FINANCES	131
23.1	BANKING.....	131
23.1.1	<i>Definition</i>	131
23.1.2	<i>Executive Committee to appoint bank</i>	131
23.1.3	<i>All money deposited with bank</i>	131
23.1.4	<i>Registrar may endorse</i>	131
23.1.5	<i>Endorsement by stamp</i>	131
23.2	BORROWING AND SECURITY	131
23.2.1	<i>Borrowing powers of Council</i>	131
23.2.2	<i>Authorized representative for borrowed monies</i>	132
23.3	CHEQUES, DRAFTS, NOTES	132
23.3.1	<i>Authorized signatories on cheques, etc.</i>	132
23.4	INVESTMENT.....	132
23.4.1	<i>Investment of funds by officers, other persons</i>	132
23.4.2	<i>Investment of funds by Finance, Property and Administration Committee</i>	133
23.4.3	<i>Same, delegation to officer</i>	133
23.5	CUSTODY OF SHARES AND SECURITIES	133
23.5.1	<i>Shares and securities to be held in bank, etc.</i>	133
23.5.2	<i>Bonds, etc. held by nominees</i>	133
23.5.3	<i>Certificates, etc. endorsed in blank, guaranteed</i>	133
23.6	FISCAL YEAR	133
23.6.1	<i>Fiscal year is calendar year</i>	133
23.7	AUDITORS	134
23.7.1	<i>Council to appoint auditor annually</i>	134
23.8	RESERVE FUNDS	134
23.8.1	<i>Reserve funds established by resolution</i>	134
24	SIGNING AUTHORITIES	135
24.1	COLLEGE SEAL.....	135
24.1.1	<i>Official seal</i>	135
24.1.2	<i>Use of College seal</i>	135
24.2	EXECUTION OF CONTRACTS, DOCUMENTS, AND OTHER INSTRUMENTS	135
24.2.1	<i>Appointment of additional signing officers</i>	135
24.2.2	<i>Signing of contracts, etc.</i>	135
24.2.3	<i>Binding on signature</i>	136
24.2.4	<i>Signing of summonses, notices, etc.</i>	136
25	ACCESS TO INFORMATION	137
25.1	INFORMATION AVAILABLE TO MEMBERS.....	137
25.1.1	<i>Members cannot require disclosure of information</i>	137
25.1.2	<i>Council determines access to College records</i>	137

25.1.3	<i>Access to College records granted by statute, Council</i>	137
26	PROCEDURE	138
26.1	ENACTMENT, AMENDMENT AND REVOCATION OF BY-LAWS	138
26.1.1	<i>Two-thirds vote needed to enact, amend, or revoke a by-law</i>	138
26.2	NOTICES	138
26.2.1	<i>Method of service</i>	138
26.2.2	<i>Electronic service</i>	138
26.2.3	<i>Address of service</i>	138
26.2.4	<i>Personal service</i>	138
26.2.5	<i>Service by post</i>	138
26.2.6	<i>Service by courier</i>	139
26.2.7	<i>Service by other means</i>	139
26.2.8	<i>Signatures</i>	139
26.2.9	<i>Counting of notice period</i>	139
27	DECLARED EMERGENCY	140
27.1	GENERAL	140
27.1.1	<i>Definition of “emergency”</i>	140
27.1.2	<i>Declared emergency</i>	140
27.1.3	<i>Effective during emergency</i>	140
27.1.4	<i>By-law takes priority</i>	140
27.2	PROCEDURES DURING A DECLARED EMERGENCY	140
27.2.1	<i>Emergency Procedures</i>	140
27.2.2	<i>End of “declared emergency”</i>	141
27.2.3	<i>Reversion of Registration Committee</i>	141
27.2.4	<i>Delayed elections</i>	141
28	APPENDICES	I
28.1	APPENDIX – REGISTER INFORMATION REQUIRED BY SUBSECTION 23(2) OF THE CODE	I
28.2	APPENDIX – ADDITIONAL REGISTER INFORMATION UNDER ARTICLE 16.2.2	III
28.2.1	<i>Information in respect of members</i>	III
28.2.2	<i>Information in respect of sedation/anaesthesia facilities</i>	VII
28.2.3	<i>Information in respect of sedation/anaesthesia providers</i>	VIII
28.2.4	<i>Information in respect of health professional corporations</i>	VIII
28.3	APPENDIX – ELECTORAL DISTRICTS	IX
28.4	CODE OF ETHICS	XI

1 DEFINITIONS AND INTERPRETATION

1.1 Definitions

1.1.1 General definitions

In these by-laws,

“**Act**” means the *Dentistry Act, 1991*, Statutes of Ontario, 1991, Chapter 24 and includes the RHPA;

“**Code**” means the *Health Professions Procedural Code* being Schedule 2 to the RHPA;

“**College**” means the Royal College of Dental Surgeons of Ontario;

“**committee**” means a committee of the College, including a statutory, standing, or ad hoc committee, and includes a panel of that committee;

“**Council**” means the Council of the College;

“**designated Register address**” of a member of the College means

- a. where the member practises at a single location in Ontario, the address of that location
- b. where the member practises at more than one location in Ontario, the address of the member’s principal practice location, unless the member designates another practice location in Ontario as his or her designated Register address, or
- c. where the member does not practice, an address in Ontario where the member resides;

“**elected member of Council**”, or “**elected Council member**” means a member elected to Council in accordance with the by-laws and includes a member elected in a by-election or appointed to fill a vacancy created by an elected Council member ceasing to be a member of Council prior to the completion of his or her term;

“**general election**” means the election of the elected members of Council conducted in December 2014 and in every second year thereafter;

“**member of Council**” or “**Council member**” means an elected member of Council, public member of Council, or selected member of Council;

“**Ministry**” means the Ministry of Health and Long-Term Care;

“**non-Council committee member**” means a member of a committee appointed pursuant to article 9.1.2 who is a member of the College, but not a member of Council;

“**public member of Council**” or “**public Council member**” means a member of Council appointed by the Lieutenant Governor in Council;

“**regulation**” means a regulation passed pursuant to the Act or RHPA;

“**RHPA**” means the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18 and includes the Code;

“**selected member of Council**” or “**selected Council member**” means a member of Council selected in accordance with the by-laws from members of the faculty of dentistry or school of dentistry in a university in Ontario and includes a member selected or appointed to fill a vacancy created by a selected Council member ceasing to be a member of Council prior to the completion of his or her term;

“**standing committee**” means a committee of the College established by the by-laws;

“**statutory committee**” means a committee of the College established by the Code;

“**teleconference**” means any conference held by telephone, computer network, or any other similar means that allows all participants to communicate with each other simultaneously and instantaneously.

1.2 Interpretation

1.2.1 *Singular includes the plural*

In these by-laws, the singular shall include the plural and the plural shall include the singular, unless context dictates otherwise.

1.2.2 *Person includes corporation*

In these by-laws, the term “person” shall include corporations.

1.2.3 *References to statutes, etc.*

In these by-laws, any reference to a statute, regulation, or by-law, or a section or provision thereof, shall be deemed to extend and apply to any amendment or re-enactment of such statute, regulation, or by-law, or section or provision thereof.

1.2.4 *Severability*

All articles of these by-laws shall be interpreted in a manner consistent with the Act, and where any inconsistency is found to exist between the Act and the by-laws, the inconsistent article shall be severed and the remaining articles shall continue in force.

1.2.5 *Computation of time*

Except as otherwise provided by the Act, regulations, or by-laws, in the computation of time under these by-laws the following conventions shall apply:

- a. Where there is a reference to a number of days between two events, the number of days shall be counted by including the day on which the earlier event occurs and excluding the day on which the latter event occurs.
- b. All days, including Saturdays, Sundays, and holidays, shall be counted.
- c. Where the time for the doing of an act expires on a Saturday, Sunday, or holiday, the act may be done on the next day that is not a Saturday, Sunday, or holiday.

1.2.6 *Written includes electronic*

In these by-laws, unless otherwise required by the Act or regulations, the term “written” shall include any electronically generated text-based format, whether in purely electronic or paper form.

2 MEETINGS OF COUNCIL

2.1 Prior to Initial Meeting of Council

2.1.1 Registrar to provide list of new Council members

Following a general election, the Registrar shall prepare a list of persons who are expected to constitute Council and shall send the list to all of the persons named on the list.

2.1.2 Registrar to circulate agenda

Prior to the initial meeting of Council following a general election, the Registrar shall send to all persons expected to constitute Council the agenda for the initial meeting of Council.

2.2 Initial Meeting of Council

2.2.1 Registrar as Presiding Officer

At the initial meeting of Council following a general election, the Registrar shall call the meeting to order and act as the interim Presiding Officer.

2.2.2 Transition to new Council

The mandate of the previous Council expires and the mandate of the new Council begins at the point of calling to order of the initial meeting of Council following a general election.

2.2.3 Report on elections

Once the initial meeting of Council following a general election has been called to order, the Registrar shall present a report on elections and then call the roll.

2.3 Election of Executive Committee

2.3.1 Call for nominations for President

After calling the roll of the initial meeting of Council following a general election, the Registrar shall call for nominations for the office of the President.

2.3.2 Acclamation of President

Where there is only one member of Council nominated for the office of the President, the Registrar shall declare such member of Council elected by acclamation.

2.3.3 Election of President by secret ballot

Where more than one member of Council is nominated for the office of the President, an election shall be conducted by secret ballot.

2.3.4 Candidates may address Council

Members of Council nominated for the office of the President may briefly address Council prior to the election for that office.

2.3.5 Returning officers

The Registrar shall appoint two returning officers, approved by Council, to conduct the election for the office of the President, to count the votes cast, and to report the results to Council.

2.3.6 Majority

The member of Council who receives a majority of the votes cast on a ballot in an election for the office of the President shall be declared elected.

2.3.7 Where no majority

Where more than two members of Council are nominated for the office of the President, and no member receives a majority of the votes cast on the ballot, the member who received the lowest number of votes shall be removed from the ballot and the voting process repeated.

2.3.8 Tied votes

Where two or more candidates for the office of the President receive an equal number of votes, and the tie must be broken in order to continue the election or declare one candidate elected, a vote by secret ballot shall be conducted for the purpose of breaking the tie.

2.3.9 Tied candidates may address Council

Prior to the vote conducted under article 2.3.8 (Tied votes), each candidate who received an equal number of votes may briefly address Council.

2.3.10 Tied vote broken by lot after second attempt

Unless provided otherwise by article 2.3.11 (Council may adopt alternative), where the candidates in a vote to break a tie conducted under article 2.3.8 (Tied votes) receive an equal number of votes on two successive attempts, the tie shall be broken by lot in the presence of the returning officers.

2.3.11 *Council may adopt alternative*

Where the candidates in a vote to break a tie conducted under article 2.3.8 (Tied votes) receive an equal number of votes on two successive attempts, Council may adopt by resolution any procedure it deems fit for the breaking of the tie, including holding a new election.

2.3.12 *President to assume chair*

The President shall immediately assume the chair of the meeting of Council upon election to office.

2.3.13 *Election of Vice-President, members of Executive Committee*

The Vice-President and the remaining members of the Executive Committee shall be elected according to the same procedure as provided for the election of the President.

2.4 Nominations to Committees, Other Appointments

2.4.1 *Executive Committee as nominations committee*

The Executive Committee shall present to Council a slate of nominees for all committee memberships and other appointments in accordance with the policy established by Council.

2.5 Scheduling of Meetings of Council

2.5.1 *Initial meeting within two months of elections*

Council shall hold a meeting within two months after a general election.

2.5.2 *Regular Council meetings*

Council shall hold at least three regular Council meetings per calendar year, called by the President, at least one of which shall fall during each of the following times:

- a. between 01 January and 30 April
- b. between 01 April and 30 August
- c. between 01 September and 30 December

2.5.3 *Location of regular Council meetings*

The Registrar shall determine the location of regular Council meetings.

2.5.4 *Special Council meetings*

A special Council meeting may be called by

- a. the President;
- b. the Executive Committee; or
- c. any eight members of Council who submit to the Registrar a written request specifying the matters for decision at the meeting.

2.5.5 *Location of special Council meetings*

The Registrar shall determine the location of special Council meetings.

2.5.6 *Teleconference*

The Registrar may, with the approval of Council or the Executive Committee, determine to hold a special Council meeting by teleconference.

2.6 Notice of Council Meetings

2.6.1 *Registrar to provide notice*

The Registrar shall provide written notice of Council meetings to members of Council, to be received at least

- a. 14 days before a regular Council meeting; and
- b. 3 days before a special Council meeting.

2.6.2 *Contents of notice*

The notice of Council meetings provided by the Registrar shall include, as applicable,

- a. whether the meeting will be conducted in person or by teleconference;
- b. the place, date, and time of the meeting; and
- c. the specified matters for decision at a special Council meeting.

2.7 Council Meeting Business and Agendas

2.7.1 *Business at special Council meetings*

At a special Council meeting, Council may only consider and act on

- a. the matters specified in the request for the special Council meeting provided to the Registrar;

- b. any other matters that a majority of the members of Council in attendance determine to be of an urgent nature; and
- c. routine and procedural matters, which shall be dealt with in accordance with the rules of order.

2.7.2 Business at regular Council meetings

At a regular Council meeting, Council may only consider and act on

- a. matters brought by the Executive Committee;
- b. recommendations in reports by committees;
- c. motions for which notice was provided by a member of Council
 - i. at the preceding Council meeting, or
 - ii. in writing at least thirty (30) days in advance of the meeting;
- d. any other matters that a majority of the members of Council in attendance determine to be of an urgent nature; and
- e. routine and procedural matters to be dealt with in accordance with the rules of order.

2.7.3 Meeting agendas set by the President

The President shall set an agenda for each meeting of Council.

2.8 Presiding Officer

2.8.1 Presiding Officer as chair

Council or the Executive Committee may appoint a Presiding Officer who is not a member of Council to act as the chair of Council meetings.

2.8.2 Term of office

The Presiding Officer shall continue in his or her role until dismissed by Council or the Executive Committee.

2.8.3 Duties of Presiding Officer

The Presiding Officer shall act solely as arbiter of Council meeting proceedings in accordance with the Rules of Order and shall not take a role in Council deliberations.

2.8.4 *Duty of confidentiality*

Prior to assuming his or her duties, the Presiding Officer shall agree to maintain the same standard of confidentiality applicable to a member of Council regarding all matters coming before the Council.

2.8.5 *Acting chair*

The following rules shall apply with respect to selecting an acting chair of Council meetings:

- a. Where no Presiding Officer has been appointed, the President or his or her designate shall act as chair of Council meetings.
- b. Where the President is absent and no chair has been designated, the Vice President shall act as chair of Council meetings.
- c. Where both the President and Vice-President are absent and no chair has been designated, the members of the Council in attendance at a Council meeting shall elect one of their numbers to act as chair of the meeting.

2.9 **Quorum**

2.9.1 *Quorum as majority*

Except as otherwise provided by the Act, a majority of members of Council constitutes a quorum for any Council meeting.

2.9.2 *Effect of vacancy on quorum*

A vacancy on Council is not counted in determining whether a quorum is present.

2.10 **Voting**

2.10.1 *Default method*

Except as otherwise provided in these by-laws, or as determined by Council, every vote at a Council meeting shall be by a show of hands and verbal affirmation.

2.10.2 *Roll call vote at teleconference*

All votes at a Council meeting held by teleconference or in any manner other than in person shall be by roll call vote.

2.10.3 *Roll call vote by request*

Except where Council determines to vote by secret ballot, a vote at a Council meeting shall be by roll call vote when requested by a member of Council.

2.10.4 Roll call vote recorded in the minutes

Where a vote at a Council meeting is taken by roll call, the Registrar shall request each member of Council to indicate his or her vote, and each vote will be recorded in the minutes of the matter under consideration.

2.10.5 Roll call vote for regulations

A vote at a Council meeting on a motion to propose or amend a regulation, or to submit a proposed regulation or regulation amendment to the Ministry

- a. shall be by roll call vote; and
- b. the minute of such vote shall record those members of Council in favour, those opposed, those who abstained, and those who were not present.

2.10.6 Default is simple majority

Except as otherwise provided for in the Act, regulations, or by-laws, each vote at a Council meeting shall be decided by a majority of votes cast at the meeting.

2.10.7 Vote of chair to be counted

Where a member of Council is acting as chair of a Council meeting, his or her vote is counted in any matter brought to a vote.

2.10.8 Tied votes decided in the negative

Where there are an equal number of votes at a Council meeting in favour of and opposed to a matter brought to a vote, the matter shall be deemed to have been opposed.

2.10.9 Record of dissent upon request

The dissent of a member of Council who votes against a resolution shall be recorded in the minutes where the member of Council makes such a request at the time that the vote is taken.

2.11 Minutes and Adjournments

2.11.1 Minutes of Council meetings

The proceedings of Council meetings shall be recorded in written minutes in the form and manner determined by Council.

2.11.2 Accuracy of minutes

Minutes of a Council meeting that have been

- a. approved by Council at a subsequent Council meeting, subject to any corrections made at that meeting, and
- b. signed by the recording officer,

are presumed to be an accurate record of the Council meeting that they record.

2.11.3 Adjournments

The Presiding Officer or chair of a Council meeting may adjourn the Council meeting whether or not a quorum is present.

2.11.4 Reconvening after an adjournment

The Presiding Officer or chair of a Council meeting may reconvene a previously adjourned Council meeting provided that either

- a. all members of Council are provided with notice of the reconvened Council meeting in the same manner as for special Council meetings, or
- b. all members of Council are present.

2.12 Rules of Order

2.12.1 Rules of order

The Standard Code of Parliamentary Procedure shall be the rules of order of the Council.

2.12.2 Rules inconsistent with Act, etc.

The Act, regulations, or by-laws govern to the extent of any inconsistency with the rules of order.

3 OFFICERS OF THE COLLEGE

3.1 General

3.1.1 Officers of the College

The officers of the College shall be the President, Vice-President, Registrar, and such other officers as the Council may determine.

3.1.2 Duties of officers may be delegated

Where an officer of the College is absent or otherwise unable to act for any reason, the Council may delegate any or all of the duties and powers of such officer to any other officer or any member of Council.

3.2 President

3.2.1 Duties of the President

The President is responsible for

- a. providing leadership to Council and carrying out his or her responsibilities in accordance with the Act, regulations and by-laws;
- b. overseeing the performance of the duties of the officers of the College;
- c. taking reasonable steps to ensure Council adheres to its governance and policy-making role;
- d. representing Council and its decisions to stakeholders; and
- e. such other duties as assigned by Council or the Executive Committee, or as are reasonably required by the office of President.

3.2.2 Powers of the President

The President shall have all powers assigned by the Act, regulations, by-laws, or Council and as are necessary and incidental to the performance of his or her duties.

3.3 Vice-President

3.3.1 Duties of the Vice-President

The Vice-President is responsible for providing the President any assistance that he or she reasonably requests in carrying out his or her responsibilities under the Act, regulations, or by-laws.

3.3.2 *Powers of the Vice-President*

The Vice-President shall have all the powers and perform all the duties of the President where the President is absent or is unable or refuses to act.

3.4 **Registrar**

3.4.1 *Duties of the Registrar*

In addition to the duties set out in the RHPA, the Act, and the regulations thereunder, the Registrar is responsible for

- a. managing the day-to-day operations of the College in accordance with the mandate of Council and generally accepted business and financial practices;
- b. providing leadership and management to College staff;
- c. advising Council on the requirements of and compliance with the by-laws and College policies;
- d. translating the goals, objectives and strategic directions of Council into operational plans and implementing the decisions of Council;
- e. keeping Council, the Executive Committee and the President informed with respect to the operations of the College and implementation of policy;
- f. supporting the President in meeting his or her responsibilities;
- g. supporting Council and the Executive Committee in meeting their responsibilities;
- h. acting as the recording officer for meetings of Council and the Executive Committee and ensuring that minutes and other records of College business are kept in accordance with good recordkeeping practices;
- i. coordinating preparation of annual reports, business plans and other documents for Council as directed by Council, the Executive Committee or the President;
- j. having care and custody of all funds and securities of the College and depositing such funds and securities in the name of the College;
- k. paying all orders drawn on the accounts of the College;
- l. keeping a correct account of all funds received and disbursed on behalf of the College; and
- m. ensuring that the state of the finances of the College are reported to Council annually and at such other times as requested by Council or the Executive Committee.

3.4.2 *Powers of the Registrar*

The Registrar shall have all powers assigned by the Act, regulations, by-laws, or Council and as are necessary and incidental to the performance of his or her duties.

3.4.3 *Direction by Council, Executive Committee*

The Registrar shall act in accordance with the direction of the Council and the Executive Committee in carrying out the business and affairs of the College in a timely and accountable fashion.

3.4.4 *Custodian of seal and other documents*

The Registrar shall act as the custodian of the seal of the College and of all books, papers, records, correspondence, contracts and other documents belonging to the College.

3.4.5 *Delegation of authority*

The Registrar may delegate any of his or her powers or duties to other officers, agents, or employees of the College.

3.5 **Acting Registrar**

3.5.1 *Acting Registrar during absence*

Where the Registrar is absent or otherwise temporarily unable to act, the Executive Committee may appoint an Acting Registrar who shall have all the powers and perform all the duties of the Registrar until such time as the Registrar is able to resume his or her duties, or the Executive Committee or Council appoints another Acting Registrar.

3.5.2 *Duty to consult regarding appointment*

Where reasonably practicable, the Executive Committee shall consult the Registrar regarding the appointment of an Acting Registrar.

3.5.3 *Remuneration of Acting Registrar*

The Executive Committee shall determine the remuneration of the Acting Registrar.

3.6 **Inspectors**

3.6.1 *Appointment of inspectors*

The Registrar may appoint persons to act as inspectors for the College and to perform such duties as the Registrar may determine.

3.7 **Hiring of Registrar**

3.7.1 *Definition*

In this chapter, “**search committee**” means a search committee constituted under article 3.7.2.

3.7.2 *Search committee*

Where a need arises to hire a Registrar, Council shall constitute a search committee composed of the President and such other members as determined by Council on the recommendation of the Executive Committee.

3.7.3 *Avoidance of conflict of interest*

Where a member of a search committee becomes a candidate for the post to be filled, he or she shall immediately resign as a member of the search committee.

3.7.4 *Executive recruitment service*

A search committee shall engage a company providing executive recruitment services to assist in all aspects of the hiring process, unless Council, in its sole discretion, approves otherwise.

3.7.5 *Search committee to review job criteria*

A search committee shall review with the representative of the executive recruitment service the job description and essential criteria of the post to be filled.

3.7.6 *Position to be advertised*

A search committee shall ensure that the position is broadly advertised, which shall include positing the position on the College's website.

3.7.7 *Short list of candidates*

A search committee shall review a short list of candidates compiled by the executive recruitment service after the deadline for receipt of applications.

3.7.8 *Recommendation to Council*

A search committee shall interview the candidates on the short list compiled by the executive recruitment service with a representative from the executive recruitment service and shall report to Council with its recommendation.

3.7.9 *Council may approve recommendation*

Council may approve the recommendation made by a search committee or make such other direction as it deems fit.

3.8 **Remuneration of Registrar**

3.8.1 *Remuneration set by resolution*

The remuneration of the Registrar shall be determined by resolution of Council.

3.9 Removal of President, Vice-President or other officers

3.9.1 Two-thirds vote to remove President, Vice-President

Council may remove the President or Vice-President from office by a two-thirds vote of the members of Council, excluding vacancies.

3.9.2 Replacement of President, Vice-President after removal

Where the President or Vice-President is removed from office, Council shall elect a new President or Vice-President from among its members to hold office for the remainder of the term.

3.9.3 Removal of other officers

Council may remove officers, other than the President or Vice-President, from office by resolution.

3.9.4 Removal from office not termination

Where an officer is an employee of the College, removal from office does not constitute, in itself, termination of employment.

3.10 Vacancies

3.10.1 President, Vice-President

If the President or Vice-President resigns, dies, or otherwise becomes unable to act due to a physical or mental infirmity, Council shall elect a new President or Vice-President from among its members, to hold office for the remainder of the term.

4 COMMITTEES OF THE COLLEGE

4.1 Executive Committee

4.1.0 Composition

The Executive Committee shall be composed of five (5) members of Council, three (3) being elected or selected members of Council and two (2) being public members of Council.

4.1.1 President and Vice-President

The President and Vice-President shall be two (2) of the five (5) members of the Executive Committee.

4.1.2 President as chair

The President shall act as the chair of the Executive Committee, but he or she may delegate the function to another member of the Executive Committee.

4.1.3 Registrar as secretary

The Registrar shall act as the secretary of the Executive Committee.

4.1.4 Quorum

A majority of members of the Executive Committee constitutes quorum.

4.1.5 Procedure for meetings

The procedure for the calling and conduct of meetings of the Executive Committee shall be determined by the Executive Committee.

4.1.6 Invitation to attend

The Executive Committee may invite officers, members of Council, members of College staff, or any other individuals to attend meetings of the Executive Committee and to participate in the discussion and consideration of the affairs of the College as determined by the Executive Committee.

4.1.7 Powers of the Executive Committee

Between the meetings of Council, the Executive Committee has all the powers of Council with respect to any matter that, in the Executive Committee's opinion, requires immediate attention, other than the power to make, amend or revoke a regulation or by-law.

4.1.8 *Report to Council*

If the Executive Committee exercises a power of the Council under article 4.1.7 (Powers of the Executive Committee), it shall report on its actions to the Council at the Council's next regular meeting.

4.2 **Registration Committee**

4.2.1 *Composition*

The Registration Committee shall be composed of the following members:

- a. three (3) members of Council who are members of the College; and
- b. one (1) public member of Council.

4.3 **Inquiries, Complaints and Reports Committee**

4.3.1 *Composition*

The Inquiries, Complaints and Reports Committee shall be composed of the following members:

- a. at least five (5) members of Council who are members of the College;
- b. at least four (4) public members of Council; and
- c. at least three (3) non-Council committee members.

4.4 **Discipline Committee**

4.4.1 *Composition*

The Discipline Committee shall be composed of the following members:

- a. at least four (4) members of Council who are members of the College;
- b. at least four (4) and not more than six (6) public members of Council;
- c. at least five (5) non-Council committee members.

4.4.2 *Vice-chair, Discipline Committee*

Council shall appoint a vice-chair of the Discipline Committee from among the members of the Discipline Committee.

4.4.3 *Powers of vice-chair, Discipline Committee*

The vice-chair of the Discipline Committee shall have all of the authority of the chair of the Discipline Committee where any of the following occurs:

- a. The chair requests the vice-chair to assume any or all of the duties of the chair.
- b. The position of chair becomes vacant for any reason.
- c. The Registrar is unable to reach the chair despite reasonable efforts, and there is a matter of urgency that requires the action of the chair.

4.5 Fitness to Practise Committee

4.5.1 Composition

The Fitness to Practice Committee shall be composed of the following members:

- a. two (2) members of Council who are members of the College;
- b. two (2) public members of Council; and
- c. at least two (2) non-Council committee members.

4.6 Quality Assurance Committee

4.6.1 Composition

The Quality Assurance Committee shall be composed of the following members:

- a. two (2) members of Council who are members of the College;
- b. one (1) public member of Council; and
- c. two (2) non-Council committee members.

4.7 Patient Relations Committee

4.7.1 Composition

The Patient Relations Committee shall be composed of the following members:

- a. one (1) member of Council who is a member of the College;
- b. two (2) public members of Council; and
- c. at least two (2) non-Council committee members.

4.8 Audit Committee

4.8.1 Composition

The Audit Committee shall be composed of the following members:

- a. the President;

- b. two (2) elected members of Council; and
- c. one (1) public member of Council.

4.8.2 *Terms of reference*

The Audit Committee shall study and make recommendations to Council or the Executive Committee on the following matters:

- a. the appointment or reappointment of an Auditor, after reviewing the remuneration and other terms of such appointment;
- b. the scope of the Auditor's examination, the nature and level of support provided by the College's internal accounting function, and any staff reports arising from these matters;
- c. the approval of non-audit services that may be provided by the Auditor;
- d. the College's annual audited financial statements;
- e. the effectiveness of the external audit function and any matter which the Auditor wishes to bring to the attention of the College;
- f. periodic reports from the Director of Finance and Administration;
- g. appropriate systems of internal control over financial reporting;
- h. reports from College staff on the adequacy of the College's financial reporting, accounting and internal control procedures;
- i. any litigation, claim or other contingency that could have a material effect upon the financial position or operating results of the College; and
- j. such other matters as may be assigned by Council or the Executive Committee.

4.8.3 *Report to Council*

The Audit Committee shall report to Council at least once per year.

4.9 **Dental CT Scanner Committee**

4.9.1 *Composition*

The Dental CT Scanner Committee shall be composed of those persons who are members of the Quality Assurance Committee and its chair shall be the chair of the Quality Assurance Committee.

4.9.2 *Terms of Reference*

The Dental CT Scanner Committee shall perform

- a. such functions as required of it under the by-laws; and

- b. such other functions as may be assigned from time to time by Council or the Executive Committee.

4.10 Elections Committee

4.10.1 Composition

The Elections Committee shall be composed of three (3) public members of Council.

4.10.2 Terms of reference

The Elections Committee shall study and make recommendations to Council or the Executive Committee on the following matters:

- a. the election of elected members of Council;
- b. the selection of selected members of Council;
- c. the selection for appointment of non-Council committee members;
- d. the election of the Officers of the College and members of the Executive Committee; and
- e. such other matters as may be assigned by Council or the Executive Committee.

4.11 Finance, Property and Administration Committee

4.11.1 Composition

The Finance, Property and Administration Committee shall be composed of the following members:

- a. the President;
- b. two (2) members of Council who are members of the College; and
- c. one (1) public member of Council.

4.11.2 Terms of reference

The Finance, Property and Administration Committee shall study and make recommendations to Council or the Executive Committee on the following matters:

- a. the financial and property requirements of the College;
- b. the financial implications of proposed changes to the College's policies and programs;
- c. the annual budget of the College;
- d. the disbursement of the funds of the College;
- e. Council allowances, staff salaries and benefits;

- f. the management of the headquarters property; and
- g. such other matters as may be assigned by Council or the Executive Committee.

4.11.3 *Report to Council*

The Finance, Property and Administration Committee shall report to Council at least once per year.

4.12 **Legal and Legislation Committee**

4.12.1 *Composition*

The Legal and Legislation Committee shall be composed of the following members:

- a. the President;
- b. three (3) members of Council who are members of the College; and
- c. one (1) public member of Council.

4.12.2 *Terms of reference*

The Legal and Legislation Committee shall study and make recommendations to Council or the Executive Committee on the following matters:

- a. matters having legal, legislative or regulatory significance for the practice of dentistry in Ontario or for the governance of the College and its members;
- b. legal and legislative suggestions received from committees or other groups or individuals;
- c. the current application of the Act, other statutes, the regulations and by-laws; and
- d. such other matters as may be assigned by the Council or Executive Committee.

4.13 **Professional Liability Program Committee**

4.13.1 *Composition*

The Professional Liability Program Committee shall be composed of the following members:

- a. one (1) public member of Council, who shall act as chair of the committee; and
- b. five (5) non-Council committee members.

4.13.2 *Limitation on chair*

The chair of the Professional Liability Program Committee shall not be a member of any statutory committee of the College.

4.13.3 *Terms of reference*

The Professional Liability Program Committee shall study and make recommendations to Council or the Executive Committee on the following matters:

- a. the policies and practices of the Professional Liability Program; and
- b. such other matters as may be assigned by Council or the Executive Committee.

4.13.4 *Approval of claims*

The Professional Liability Program Committee shall consider and may approve all claims expenditures for sums in excess of the limit authorized for the individual responsible for managing the claims administered through the Professional Liability Program.

4.13.5 *Report to Council*

The Professional Liability Program Committee shall report to Council at least once per year.

4.14 Sedation and General Anaesthesia Committee

4.14.1 *Composition*

The Sedation and General Anaesthesia Committee shall be composed of those persons who are members of the Quality Assurance Committee and its chair shall be the chair of the Quality Assurance Committee.

4.14.2 *Terms of Reference*

The Sedation and Anaesthesia Committee shall perform

- a. such functions as required of it under the by-laws; and
- b. such other functions as may be assigned from time to time by Council or the Executive Committee.

4.15 International Trade Committee

4.15.1 *Composition*

The International Trade Committee shall be composed of the following members:

- a. the President;
- b. at least one (1) but not more than two (2) public members of Council;
- c. one (1) member of Council who is a member of the College; and
- d. one (1) member of the College who is not a member of Council.

4.15.2 *Terms of reference*

The International Trade Committee shall study and make recommendations to Council or the Executive Committee on the following matters:

- a. how to ensure that internationally-trained dentists have the knowledge, skill and judgement to be easily integrated into Ontario practise so as to facilitate registration while, at the same time, ensuring public protection;
- b. such other matters relating to trade agreements and labour mobility that, in the Committee's view, may affect the College's mandate to protect the public interest; and
- c. such other matters as may be assigned by Council or the Executive Committee.

4.15.3 *Report to Council*

The International Trade Committee shall report to Council at least once per year.

4.16 Pension Governance Committee

4.16.1 *Composition*

The Pension Governance Committee shall be composed of the following members:

- a. the President;
- b. two (2) elected members of Council; and
- c. one (1) public member of Council.

4.16.2 *Terms of reference*

The Pension Governance Committee shall study and make recommendations to Council or the Executive Committee on the following matters:

- a. to ensure the College meets each of its pension plan's obligations, including legal and compliance obligations;
- b. the sufficiency of each existing pension plan;
- c. the appropriateness of pension plan documents and administrative policies;
- d. the performance of each pension plan; and
- e. such other matters as may be assigned by Council or the Executive Committee.

4.16.3 *Report to Council*

The Pension Governance Committee shall report to Council at least once per year.

5 COMMITTEE PROCEDURE

5.1 Appointments to Committees

5.1.1 Appointment to statutory committees

Except as provided otherwise by the Act, Council shall appoint the members of each statutory committee in accordance with the by-laws.

5.1.2 Chair of statutory committees

Except as provided otherwise by the Act, Council shall appoint a chair for each statutory committee from among the members of the committee in accordance with the by-laws.

5.1.3 Term of committee appointment

Every appointment to a committee expires at the first regular meeting of Council following the next general election.

5.1.4 Non-Council committee members permitted

Except as provided otherwise by the Act or by-laws, Council may appoint members of Council or individuals who are not members of Council to committees.

5.2 Standing and Ad Hoc Committees

5.2.1 Creation of standing and ad hoc committees

Council may appoint one or more standing or ad hoc committees.

5.2.2 Terms of reference for standing, ad hoc committees

Council shall establish the terms of reference for any standing or ad hoc committee at the time of its appointment.

5.2.3 Members, chair of standing and ad hoc committees

Unless otherwise delegated by Council, Council shall appoint the members of any standing or ad hoc committee and shall appoint a chair from among the members of the committee in accordance with the by-laws.

5.2.4 Quorum, standing, ad hoc committees

A majority of members of a standing or ad hoc committee shall constitute a quorum.

5.2.5 *Standing committees*

The following are the standing committees of the College:

- a. Audit Committee
- b. Elections Committee
- c. Finance, Property and Administration Committee
- d. Legal and Legislation Committee
- e. Professional Liability Program Committee
- f. Sedation and General Anaesthesia Committee
- g. Dental CT Scanner Committee
- h. International Trade Committee
- i. Pension Governance Committee

5.3 **Delegation to Committees**

5.3.1 *Delegation to committees*

Council may delegate to any committee any power or authority to manage and direct the affairs of the College, except as provided otherwise by the Act, regulations, or by-laws.

5.3.2 *Delegated powers subject to approval*

The exercise of any power delegated by Council to a committee is subject to approval by Council, unless the delegation of such power by Council expressly provides otherwise.

5.4 **Vacancies on a Committee**

5.4.1 *Committee continued during vacancy*

Where there is a vacancy in the membership of a committee, the remaining members of the committee shall constitute the committee until the vacancy is filled, provided that there are sufficient members to constitute a quorum.

5.4.2 *Effect of vacancy on quorum*

A vacancy on a committee is counted in determining whether quorum exists.

5.4.3 *Vacancy of committee chair*

Except in the case of the Discipline Committee, where a vacancy on a committee is the chair of the committee, the remaining members of the committee shall select one of their number to act as chair until the vacancy is filled.

5.4.4 *Vacancy of Discipline Committee chair*

Where the chair of the Discipline Committee becomes vacant, the vice chair shall assume the chair of the committee.

5.4.5 *Filling vacancies on committees*

The Executive Committee may appoint persons to fill any vacancies in the membership of a committee, other than the Executive Committee, and it shall make an appointment to fill a vacancy on a committee where necessary for the committee to achieve quorum or to comply with the Act or regulations.

5.4.6 *Filling vacancy of committee chair*

Where the Executive Committee makes an appointment to fill a vacancy created by the departure of the chair or vice chair of a committee, the Executive Committee shall appoint a new chair or vice chair of the committee from among the members of the committee.

5.4.7 *Term for filled vacancies*

Every individual appointed by the Executive Committee to fill a vacancy on a committee shall remain a member or chair of the committee, as applicable, until the earliest of the following events occurs:

- a. The individual is replaced by Council in accordance with the by-laws.
- b. The first regular meeting of Council following the general election is held.

5.4.8 *Confirming, replacing vacancy appointments*

Council shall confirm an appointment by the Executive Committee to fill a vacancy on a committee or replace the appointed individual at its next regular meeting, or such later meeting as Council may determine.

5.4.9 *Replacing appointed chair*

Where Council replaces an individual appointed by the Executive Committee to serve as chair or vice chair of a committee following a vacancy, Council shall appoint a new chair or vice chair of the committee from among the members of the committee.

5.5 **Removing Committee Members**

5.5.1 *Automatic removal of former Council members*

A member of a committee who is also a member of Council ceases to be a member of the committee upon ceasing to be a member of Council.

5.5.2 *Removing Council member of statutory committee*

Council may remove any member of a statutory committee who is also a member of Council by a two-thirds vote of the members of Council present at a meeting of Council.

5.5.3 *Replacement, member of Council*

Where Council removes a member of a statutory committee who is also a member of Council, Council shall elect a replacement from among the members of Council to hold membership on the committee for the remainder of the term.

5.5.4 *Replacement chair, statutory committee*

Where Council removes the chair of a statutory committee and elects a member of Council to fill the vacancy, Council shall appoint a new chair from among the members of the committee.

5.5.5 *Removing non-Council member, member of standing, ad hoc committee*

Council may remove any member of a statutory committee who is not a member of Council or any member of a standing or ad hoc committee by resolution.

5.5.6 *Replacement, non-Council, standing or ad hoc*

Where Council removes a member of a statutory committee who is not a member of Council or a member of a standing or ad hoc committee, Council shall appoint an individual to hold membership on the committee for the remainder of the term.

5.5.7 *Replacement chair, standing or ad hoc committee*

Where Council removes the chair of a standing or ad hoc committee and makes an appointment to fill the vacancy, Council shall appoint a new chair from among the members of the committee.

5.6 **Committee Meetings**

5.6.1 *Scheduling*

Committees shall meet at the direction of Council, Executive Committee, or chair of the committee, or as required by the Act, regulations, or by-laws, on a date and time designated by the committee chair.

5.6.2 *No formal notice required*

No formal notice is required for a meeting of a committee, unless otherwise required by law.

5.6.3 *Informal notice*

The chair of a committee shall direct College staff to make reasonable efforts to notify all members of the committee of every meeting of the committee, and to arrange the meeting date and time for the convenience of the members.

5.6.4 *Chair or designate presides*

The chair of a committee or his or her designate shall preside over meetings of the committee.

5.6.5 *Panel chair*

Where a chair of a committee selects a panel of the committee that does not include the chair, he or she shall designate a member of that panel to act as chair of the panel.

5.6.6 *Selection by panel*

Where a committee chair does not designate a panel chair, the members of the panel shall select a chair from among their number.

5.6.7 *Decision by majority*

Every question before a committee shall be decided by a majority of votes cast by the members present.

5.6.8 *Tied votes decided in the negative*

Where there are an equal number of votes at a committee meeting in favour of and opposed to a matter brought to a vote, the matter shall be deemed to have been opposed.

5.6.9 *Minutes of committee meetings*

The proceedings of committee meetings, except for hearings held pursuant to the Act, shall be recorded in written minutes in the form and manner determined by the presiding committee member.

5.6.10 *Accuracy of committee minutes*

Minutes of a committee meeting that have been

- a. approved by the committee at a subsequent meeting, subject to any corrections made at that meeting, and
- b. signed by the presiding and recording committee member,

are presumed to be an accurate record of the committee meeting.

5.6.11 *Committee meetings by teleconference*

Subject to the Act, any meeting of a committee, other than one held to conduct a hearing, may be held by teleconference with the approval of the committee chair.

5.6.12 *Voting at teleconference*

A vote at a meeting of a committee held by teleconference shall be taken in the manner determined by the chair of the committee.

5.6.13 *Roll call vote by request*

Where requested by a member of the committee, a vote taken at a meeting of a committee held by teleconference shall be by roll call.

6 MEMBERS OF COUNCIL

6.1 Electoral Districts

6.1.1 Electoral districts established

The twelve electoral districts set out in appendix 28.3 are established for the purpose of the election of members to Council.

6.1.2 Counties, etc. set

The counties, united counties, regional municipalities, municipalities, district municipalities and territorial districts described in appendix 28.3 are those that existed as at December 31, 1996.

6.1.3 Electoral districts complete

The geographical territory of each electoral district set out in appendix 28.3 shall be interpreted to ensure that all parts of Ontario fall into one of the counties, united counties, regional municipalities, municipalities, district municipalities or territorial districts described therein.

6.2 Elected Members of Council

6.2.1 Number of elected members

There shall be one elected member of Council from each electoral district.

6.2.2 Term of office

The term of office of an elected member of Council commences at the initial regular meeting of Council following the general election and continues until his or her successor takes office at the initial regular meeting of Council following a subsequent general election.

6.2.3 Maximum term

A member of the College may be elected to Council in four (4) consecutive general elections.

6.2.4 Cooling off period, elected Council members

A member of the College who has been elected to Council in four consecutive general elections is ineligible to stand for election to Council until the general election that is more than five (5) calendar years after the member was last elected as a member of Council.

6.2.5 *By-election counted*

An election in a by-election shall be counted in determining whether a member of the College is eligible to stand for election under article 6.2.4.

6.3 **Selected Members of Council**

6.3.1 *Number of selected members*

For the purposes of clause 6(1)(c) of the Act, one member of Council shall be selected by the Faculty of Dentistry at the University of Toronto and one member of Council shall be selected by the Schulich School of Medicine and Dentistry at Western University.

6.3.2 *Term of office*

The term of office of a selected member of Council commences after the member completes and submits to the Registrar an eligibility questionnaire in the form approved by Council and continues until the first regular meeting of Council following the next general election after his or her selection.

6.3.3 *Maximum term*

A selected member of Council may be selected for four consecutive terms.

6.3.4 *Cooling off period, selected Council members*

A selected member of Council who has been selected and served for four (4) consecutive terms is ineligible to be re-selected until more than five calendar years after the member was last selected to be a member of Council.

6.3.5 *Vacancy counted*

A selection as a selected member of Council to fill a vacancy shall be considered as a selection for the purposes of determining eligibility under article 6.3.4.

6.4 **Resignations**

6.4.1 *Notice of resignation*

An elected or selected member of Council may resign by providing written notice to the President, Vice-President, or Registrar.

6.4.2 *Effective date of resignation*

The resignation of an elected or selected member of Council is effective upon the date set out in the written notice or, where no date is specified, immediately upon receipt by the President, Vice-President, or Registrar.

6.4.3 *Resignation irrevocable*

The resignation of an elected or selected member of Council is irrevocable and may not be withdrawn or rescinded.

6.5 **Vacancies**

6.5.1 *Vacancies*

The seat of an elected or selected member of Council becomes vacant upon the death, resignation, or disqualification of the member.

6.5.2 *Short-term vacancy*

Where the seat of an elected member of Council becomes vacant in an electoral district not more than six months before the date of the next scheduled general election, the Council may

- a. leave the seat vacant,
- b. appoint a member of the College who would be eligible for election in that electoral district as of the date of his or her appointment, or
- c. direct the Registrar to hold a by-election in that electoral district.

6.5.3 *Long-term vacancy*

Where the seat of an elected member of Council becomes vacant more than six months before the date of the next scheduled general election, the Registrar shall hold a by-election in that electoral district.

6.5.4 *Where no nominations*

Where no eligible candidates are nominated during a by-election to fill a vacancy on Council, Council may

- a. leave the seat vacant, or
- b. appoint a member of the College who would be eligible for election in that electoral district as of the date of his or her appointment.

6.5.5 *Vacancy, selected member*

Where the seat of a selected member of Council becomes vacant, the Council shall request the faculty or school of dentistry from which the member was selected to select an eligible candidate to serve for the remainder of the term.

7 ELECTIONS TO COUNCIL

7.1 Timing of Elections

7.1.1 Election date

A general election shall be held on the second Wednesday of December in 2014 and the second Wednesday of December in every second year thereafter.

7.2 Eligibility

7.2.1 Definitions

The “eligibility date” is the day that is four days before the deadline for receipt of nominations set by the Registrar under article 7.4.2.

7.2.2 Eligibility to vote

A member of the College may vote in a general election provided that he or she satisfies all of the following conditions on the eligibility date:

- a. the member holds a general or specialty certificate of registration;
- b. the member practises dentistry or resides in Ontario;
- c. the member is not in default of payment of any fees, fines, or other amounts owed to the College; and
- d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws.

7.2.3 Electoral district

The electoral district in which a member is eligible to vote is the district in which the designated Register address of the member is located on the eligibility date.

7.2.4 Eligibility to stand for election

A member of the College is eligible to stand for election to Council in an electoral district provided that he or she satisfies all of the following conditions on the deadline for receipt of nominations:

- a. the member holds a general or specialty certificate of registration;
- b. the member practises dentistry in the electoral district in which he or she wishes to stand for election, or the member is not engaged in the practice of dentistry and resides in the electoral district in which he or she wishes to stand for election;

- c. the member is not in default of payment of any fees, fines, or other amounts owed to the College;
- d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws;
- e. the member is not the subject of any disciplinary or incapacity proceeding in Ontario or any similar proceeding in any other jurisdiction;
- e.1 the member does not have a notation on the College's (public) register that the member has been the subject of a caution or required to complete a specified continuing education or remediation program based on a decision of the Inquiries Complaints and Reports Committee;
- f. the member's certificate of registration is not subject to a term, condition, or limitation, other than one applicable to all members holding that class of certificate;
- g. the member is not and has not been during the previous two years
 - i. a director or other member of the board of directors, governing Council or other governing body of,
 - ii. officer of, or
 - iii. Executive Director, Chief Administrative Officer, or other appointed official of
 - iv. the Canadian Dental Association, Ontario Dental Association, a national or provincial dental specialty association or organization, or other similar national or provincial association or organization;
- h. the member is not and has not been a salaried employee of the College during the previous two years;
- i. the member is not ineligible as a result of article 6.2.4 (Cooling off period, elected Council members);
- j. where the member was found guilty of an offence under the Criminal Code (Canada) or any other criminal offence in any other jurisdiction, a period of at least three years has elapsed since the member fully complied with any penalty imposed as a result of that finding, or where no penalty was imposed, a period of at least three years has elapsed since the finding was made;
- k. where the member was the subject of an order of the Discipline or Fitness to Practice Committee or any similar order made in any other jurisdiction in relation to a profession, a period of at least three years has elapsed since the member complied with all aspects of that order; and
- l. where the member was disqualified by Council from serving as a member of Council as a result of a breach of article 11 (Code of Conduct) or article 13 (CONFLICTS OF INTEREST), a period of at least three years has elapsed since that disqualification.

7.3 **Disputed Eligibility**

7.3.1 *Disputed eligibility to vote*

Any dispute with respect to the eligibility of a member of the College to vote in a general election shall be decided by the Elections Committee.

7.3.2 *Disputed candidacy*

A member of the College standing for election to Council in an electoral district may dispute the eligibility of another candidate standing for election in the same district by filing a written notice with the Registrar.

7.3.3 *Registrar to refer*

Where the Registrar receives a written notice of disputed candidacy under article 7.3.2, or receives information which, if true, may disqualify or render ineligible a candidate for election to Council, the Registrar shall take one of the following actions:

- a. where the notice or information is received on or before the twenty-second (22nd) day before the election, refer the matter to the Elections Committee to determine the candidate's eligibility to stand for election; or
- b. where the notice or information is received after the twenty-second (22nd) day before the election and the candidate is successful in the election, refer the matter to Council to determine if the newly elected member should be disqualified.

7.3.4 *Registrar may postpone dates during dispute*

Where the Registrar refers a matter to the Elections Committee to determine the eligibility of a candidate under article 7.3.3, the Registrar may postpone the date of the election, in the impacted electoral district by a maximum of seven (7) days.

7.3.5 *Independent legal consultant*

In determining a candidate's eligibility in a matter referred to it under article 7.3.3, the Elections Committee may obtain the assistance of an independent legal consultant with respect to any issues of law.

7.3.6 *Full disclosure*

The Elections Committee shall provide a candidate whose eligibility it is considering with full disclosure of any information it receives with respect to the matter, including any information it receives from an independent legal consultant retained under article 7.3.5.

7.3.7 Submissions from disputed candidate

The Elections Committee shall provide a candidate whose eligibility it is considering with a reasonable opportunity to make written and oral submissions.

7.3.8 Notice of decision

The Elections Committee shall notify the Registrar of its decision concerning the eligibility of a candidate referred to it under article 7.3.3, and the Registrar shall immediately notify the candidate and any member who filed a notice under article 7.3.2 of the decision of the Election Committee.

7.3.9 Decision final

A decision of the Elections Committee under article 7.3.1 or 7.3.8 is final, and an election result is not subject to challenge on the basis that a member of the College was not entitled to vote or a candidate was not permitted to stand for election as result of a decision of the Elections Committee.

7.4 Nominations and Election Procedure

7.4.1 Registrar to supervise nominations and elections

The Registrar shall supervise the nomination of candidates for and the election of members to Council.

7.4.2 Registrar to set nominations deadline

The Registrar shall set a deadline for the receipt of nominations of candidates for election to Council that is at least forty-five (45) days before the date of the election.

7.4.3 Registrar to notify

The Registrar shall notify every member of the College who is eligible to vote of the following information no later than sixty (60) days prior to the date of an election:

- a. the date, time, place, and method of the election;
- b. the procedure for standing for election; and
- c. the deadline for receipt of nominations.

7.4.4 Nomination procedure

A member of the College wishing to stand for election to Council shall submit the following information to be received by the Registrar on or before the deadline for the receipt of nominations set by the Registrar:

- a. a completed nomination using the method and the form approved by Council; and

- b. a completed and signed declaration using the method and the form approved by Council.

7.4.5 Withdrawal of nomination

A member of the College may withdraw his or her nomination as a candidate in an election by notifying the Registrar in writing at least forty (40) days prior to the election date.

7.4.6 Registrar to provide labels, lists

Where an election is to be held in an electoral district, the Registrar shall provide the following items to each member of the College standing for election in that district, immediately after the deadline for receipt of nominations:

- a. two sets of mailing labels containing the designated register address of each member of the College eligible to vote in the electoral district; and
- b. one printed list containing the designated register address and telephone number of each member of the College eligible to vote in the electoral district.

7.4.7 Where no nominated candidates

Where no eligible candidate is nominated in an electoral district, the Registrar shall hold a by-election for that electoral district in accordance with the by-laws.

7.5 Acclamation

7.5.1 Election by acclamation

Where there is only one eligible candidate nominated to stand for election to Council in an electoral district, the Registrar shall declare that candidate to be elected by acclamation.

7.6 Voting Procedure

7.6.1 Electronic voting

Voting for eligible candidates shall be by electronic ballot cast in the manner determined by the Registrar.

7.6.1.1

Access to a ballot listing all of the eligible candidates and voting instructions shall be provided to every member eligible to vote in an electoral district in which an election is to take place on a date to be determined by the Registrar which date shall be not less than fourteen (14) and not more than twenty-one (21) days before the election.

7.6.2 *One vote per member*

A member of the College shall not cast more than one vote in a general election.

7.6.2.1

Only ballots cast before 2:00 pm Eastern Standard Time on the day of the election shall be tabulated.

7.6.3 *Registrar to supervise election*

The Registrar shall supervise and administer the election of candidates and, without limiting the generality of the foregoing, shall

- a. adopt a process to provide members who claim not to have received access to a ballot listing all of the eligible candidates and voting instructions to cast a ballot, provided the Registrar receives notice of that claim at least forty-eight (48) hours prior to the deadline to cast ballots;
- b. retain an independent organization to receive the ballots cast and to tabulate the results of each election; and
- c. provide for the notification of all candidates and members of the College of the results of the election.

7.6.4 *Registrar to notify candidates*

The Registrar shall notify all candidates for election to Council of the date on which members will be sent a ballot listing all of the eligible candidates and giving voting instructions, after setting that date.

7.6.5 *Mailing irregularities*

A failure to send, on the date set by the Registrar, access to a ballot listing all of the eligible candidates and giving voting instructions in an election does not, in and of itself, invalidate the results of an election.

7.6.6 *Mail service interruption*

Where there is a service interruption during the period of nomination or election of members to Council, the Registrar may extend the deadline for receipt of nominations, postpone the date of the election, or both, for such period of time as the Registrar considers necessary to compensate for the interruption.

7.6.7 Ballots to be opened, counted

Ballots cast in an election on or before 2:00 pm Eastern Standard Time on the day of an election shall be tabulated by an independent organization appointed by the Registrar.

7.7 Tied Votes

7.7.1 Full equality of votes determined by lot

Where in an election to Council all of the candidates in an electoral district receive an equal number of votes, the Registrar shall break the tie by lot in the presence of at least one member of the Elections Committee.

7.7.2 Partial equality of votes determined by run-off election

Where in an election to Council in an electoral district at least two candidates receive the highest number of votes and at least one candidate receives fewer votes, a run-off election shall be conducted between only those candidates who received the highest number of votes in the manner provided in article 7.7.3.

7.7.3 Run-off election procedure

A run-off election shall be conducted in the same manner as provided in chapter 7.6 (Voting Procedure) with such necessary modifications, including that

- a. chapter 7.3 (Disputed Eligibility) and chapter 7.4 (Nominations and Election Procedure) shall not apply;
- b. the only candidates for election shall be those who obtained the highest number of votes in the election that gave rise to the run-off election;
- c. the Registrar shall determine the date of the run-off election and the deadline for receipt of ballots, bearing in mind the need to complete the run-off election prior to the next regular meeting of Council; and
- d. where the run-off election results in a full or partial equality of votes cast for the candidates, the registrar shall break the tie between those candidates holding the highest number of votes by lot in the presence of at least one member of the Elections Committee.

7.8 Election Results

7.8.1 Successful candidate

The successful candidate in a general election is the eligible candidate who received the highest number of votes or whose name was chosen by the Registrar by lot in accordance with article 7.7.1 or article 7.7.3.

7.8.2 *Registrar to notify*

As soon as possible following the tabulation of the vote in an election, the Registrar shall

- a. notify each eligible candidate of the results of the election and the number of votes cast for each candidate;
- b. notify each eligible candidate that he or she may require a recount; and
- c. where the registrar broke a tie vote by lot, notify each eligible candidate of the manner in which the tie was broken and who was present when the registrar broke the tie.

7.9 **Recounts**

7.9.1 *Candidate may require recount*

An eligible candidate in an election of the members of Council may require a recount of the results of the election by providing a written request to the Registrar no more than five (5) days after being advised of the results of the election.

7.9.2 *Registrar to hold recount*

The Registrar shall arrange for a re-tabulation of the results of an election no more than five (5) days after receiving a request under article 7.9.1.

7.9.3 *Recount procedure*

The results of a recount shall be reported to the Elections Committee and once directed by it, the Registrar shall report the results of the recount to the candidates involved in the recounted election, including the number of votes cast determined to have been cast for each candidate.

7.9.4 *Destruction of ballots*

Unless otherwise directed by the Registrar, the ballots cast in an election and information held by the independent organization appointed by the Registrar to tabulate the votes cast, shall be destroyed

- a. following the first regular meeting of Council after the election provided that no recount has been requested under article 7.9.1 (Candidate may require recount) and the period of time in which to request such a recount has expired, or
- b. following the first regular meeting of Council following a recount conducted under article 7.9.1 (Candidate may require recount).

7.10 By-Elections

7.10.1 By-election procedure

A by-election in an electoral district shall be held in the same manner as a general election in that district, and the provisions of this by-law applicable to a general election shall apply with such necessary modifications, except

- a. all time limits and deadlines specified for the holding of a general election do not apply with respect to the by-election, and
- b. the Registrar shall be responsible for all aspects of the by-election, including setting the date of the by-election and determining all other dates and deadlines required to hold the by-election.

8 SELECTIONS TO COUNCIL

8.1 Eligibility

8.1.1 *Eligibility for selection*

A member is eligible to be selected as a selected member of Council provided that he or she satisfies all of the following conditions on the date of his or her selection:

- a. the member holds a full-time appointment of professorial rank in the faculty or school of dentistry that selected him or her;
- b. the member submitted a completed and signed written declaration in the form approved by Council and that written declaration was received by the Registrar;
- c. the member is not in default of any fees, fines, or other amounts owed to the College;
- d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws;
- e. the member is not the subject of any disciplinary or incapacity proceeding in Ontario or any similar proceeding in any other jurisdiction;
- e.1 the member does not have a notation on the College's (public) register that the member has been the subject of a caution or required to complete a specified continuing education or remediation program based on a decision of the Inquiries Complaints and Reports Committee;
- f. the member's certificate of registration is not subject to a term, condition, or limitation, other than one applicable to all members holding that class of certificate;
- g. the member is not and has not been during the previous two years
 - i. a director or other member of the board of directors, governing Council or other governing body of,
 - ii. officer of, or
 - iii. Executive Director, Chief Administrative Officer, or other appointed official of
 - iv. the Canadian Dental Association, Ontario Dental Association, a national or provincial dental specialty association or organization, or other similar national or provincial association or organization;

- h. the member is not and has not been a salaried employee of the College during the previous two years;
- i. the member is not ineligible as a result of article 6.3.4 (Cooling off period, selected Council members);
- j. where the member was found guilty of an offence under the *Criminal Code* (Canada) or any other criminal offence in any jurisdiction, a period of at least three years has elapsed since the member fully complied with any penalty imposed as a result of that finding, or where no penalty was imposed, a period of at least three years has elapsed since the finding was made;
- k. where the member was the subject of an order of the Discipline or Fitness to Practice Committee or any similar order made in any other jurisdiction in relation to a profession, a period of at least three years has elapsed since the member complied with all aspects of that order;
- l. where the member was disqualified by Council from serving as a member of Council as a result of a breach of By-Law 11 (CODE OF ETHICS) or By-Law 13 (CONFLICTS OF INTEREST), a period of at least three years has elapsed since that disqualification.

9 NON-COUNCIL COMMITTEE MEMBERS

9.1 General

9.1.1 *Definition*

In this article, the “**eligibility date**” means, in the case of a member of the College applying for appointment as a non-Council committee member, 9:00 a.m. on the day upon which applications for the appointment must be submitted to the Registrar, as provided in this article.

9.1.2 *Non-Council committee members*

Council shall appoint non-Council committee members from among eligible candidates in accordance with the by-laws.

9.2 Eligibility

9.2.1 *Eligibility for non-Council committee members*

A member of the College is eligible for appointment as a non-Council committee member provided that the member satisfies all of the following conditions on the eligibility date:

- a. the member has filed a completed application in the form approved by the Registrar;
- b. the member is not ineligible for election or selection as a member of Council under article 6.2.3 (Maximum term - elected) or article 6.3.3 (Maximum term - selected);
- c. the member is not in default of any fees, fines, or other amounts owed to the College;
- d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws;
- e. the member is not the subject of any disciplinary or incapacity proceeding in Ontario or any similar proceeding in any other jurisdiction;
- f. the member’s certificate of registration is not subject to a term, condition, or limitation, other than one applicable to all members holding that class of certificate;
- g. the member is not and has not been during the previous two years
 - i. a director or other member of the board of directors, governing Council or other governing body of,

- ii. officer of, or
 - iii. Executive Director, Chief Administrative Officer, or other appointed official of
 - iv. the Canadian Dental Association, Ontario Dental Association, a national or provincial dental specialty association or organization, or other similar national or provincial association or organization;
- h. the member is not and has not been engaged as a dental consultant to a third party dental benefits provider during the previous three years;
 - i. the member is not and has not been a salaried employee of the College during the previous two years;
 - j. where the member was found guilty of an offence under the *Criminal Code* (Canada) or any other criminal offence in any jurisdiction, a period of at least three years has elapsed since the member fully complied with any penalty imposed as a result of that finding, or where no penalty was imposed, a period of at least three years has elapsed since the finding was made;
 - k. where the member was the subject of an order of the Discipline or Fitness to Practice Committee or any similar order made in any other jurisdiction in relation to a profession, a period of at least three years has elapsed since the member complied with all aspects of that order;
 - k.1 the member does not have a notation on the College's (public) register that the member has been the subject of a caution or required to complete a specified continuing education or remediation program based on a decision of the Inquiries Complaints and Reports Committee;
 - l. where the member was disqualified by Council from serving as a member of Council or as a member of a committee, a period of at least three years has elapsed since that disqualification;
 - m. the member has not served as a non-Council committee member for more than three (3) consecutive terms, in the case of a member appointed to serve on any committee other than the Professional Liability Program Committee, and two (2) consecutive terms in the case of a member appointed to serve on the Professional Liability Program Committee.

9.2.2 *Vacancy counted*

An appointment as a non-Council committee member to fill a vacancy shall be considered an appointment for the purposes of determining eligibility under article 9.2.1.

9.2.3 *Reappointment permitted*

Subject to meeting the eligibility criteria set out in article 9.2.1, a non-Council committee member may be reappointed.

9.2.4 *Members of Council disqualified*

A member of the College may not be a member of Council and a non-Council committee member at the same time.

9.2.5 *Automatic termination*

The appointment of a non-Council committee member automatically terminates if the member becomes a member of Council.

9.3 **Resignation**

9.3.1 *Resignation by non-Council committee member*

A non-Council committee member may resign his or her appointment by giving written notice.

9.3.2 *Effective date of resignation*

The resignation of a non-Council committee member is effective upon the date set out in the written notice or, where no date is specified, immediately upon receipt by the President, Vice-President, or Registrar.

9.3.3 *Resignation irrevocable*

The resignation of a non-Council committee member is irrevocable and may not be withdrawn or rescinded.

9.4 **Disqualification**

9.4.1 *Termination by Council*

The Executive Committee shall terminate the appointment of a non-Council committee member where it is satisfied that the member meets any of the following criteria:

- a. the member ceases to meet any of the eligibility conditions set out in article 9.2.1;
- b. the member becomes the subject of a referral of specified allegations of professional misconduct or incompetence to the Discipline Committee;
- c. the member becomes the subject of a referral to the Fitness to Practise Committee;

- c.1 the member becomes the subject of a notation on the College's (public) register that the member has been the subject of a caution or required to complete a specified continuing education or remediation program based on a decision of the Inquiries Complaints and Reports Committee, whether or not the decision is subject to review or appeal;
- d. the member fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member;
- e. the member fails, without reasonable cause, to attend a hearing of a committee for which he or she has been appointed;
- f. the member breaches section 36 of the RHPA (Duty of confidentiality); or
- g. the member breaches any of the rules respecting conflicts of interest set out in by-law 13 (CONFLICTS OF INTEREST).

9.5 Procedure

9.5.1 Registrar to notify

Subject to article 9.5.2, the Registrar shall notify every member of the College of the following information no later than sixty (60) days prior to the anticipated termination of the term of office of a non-Council committee member:

- a. the opportunity to be appointed as a non-Council committee member;
- b. the eligibility date set by the Registrar;
- c. the eligibility criteria to be appointed as a non-Council committee member; and
- d. the procedure to apply for appointment.

9.5.2 Exception

The provisions of article 9.5.1 do not apply where the Registrar is seeking applications to fill a vacancy.

9.5.3 Registrar to set application procedure

The Registrar shall establish the procedure for applying for appointment as a non-Council committee member, in consultation with the Executive Committee.

9.5.4 Application procedure may include forms, documentation

The procedure to apply for appointment as a non-Council committee member shall include the completion of a form set by the Registrar and the submission of relevant documentation, including the applicant's curriculum vitae.

9.5.5 *Mail service interruption*

Where there is a mail service interruption during the process of seeking application for appointment as a non-Council committee member, the Registrar may extend the date for the receipt of applications for such period as the Registrar considers appropriate to compensate for the interruption.

9.5.6 *Registrar to prepare list of candidates*

After the eligibility date or any extension under article 9.5.5, the Registrar shall

- a. prepare a list of all eligible candidates for appointment as non-Council committee members, and
- b. submit the list, along with any documentation received from the candidates, to the Executive Committee.

9.5.7 *Executive Committee to present slate*

Following receipt of the list of eligible candidates for appointment as non-Council committee members, the Executive Committee shall present a slate of members for appointment for each committee, having regard for the composition requirements of each committee as set out in the by-laws.

9.5.7.1 *Selection Criteria*

The Executive Committee's selection of members to present to Council for appointment as non-Council committee members shall be based on merit with consideration that it is generally desirable that there be representation of members across the province.

9.5.8 *Council to appoint non-Council committee members*

After receiving the recommendations of the Executive Committee and subject to any amendments by Council, Council shall appoint members of the College as non-Council committee members to the committees.

9.6 **Revoked (March 10, 2016)**

9.7 **Term of Office**

9.7.1 *Members not on the Professional Liability Program Committee*

Subject to article 9.7.3, the term of office of a non-Council member of a committee other than the Professional Liability Program Committee commences on the date of his or her appointment and terminates at the initial Council meeting following the next general election.

9.7.2 Members on the Professional Liability Program Committee

Subject to article 9.7.3, the term of office of a non-Council member of the Professional Liability Program Committee commences on the date of his or her appointment and terminates at the first regular Council meeting in the third calendar year after the date of appointment.

9.7.3 Term of office, vacancies

The term of office of a non-Council committee member appointed to fill a vacancy commences on the date of his or her appointment and continues for the balance of the term of office of the member whom he or she replaced.

9.7.4 Termination

Council may, by resolution, terminate the appointment of a non-Council committee member at any time and for any reason without notice, with or without cause.

9.8 Vacancies

9.8.1 Vacancies

A vacancy occurs where for any reason, a member appointed as a non-Council committee member ceases to act in that capacity, including as a result of the member's death, resignation, disqualification or termination of the appointment by Council prior to the completion of the term.

9.8.2 Appointment of replacement member

Where a vacancy occurs, as contemplated by article 9.8.1, the Executive Committee may appoint, in accordance with this article and effective immediately, a member who had made application to be appointed to be a non-Council committee member when the College last sought applications from members for appointment.

9.8.3 Verify willingness, eligibility

Before making the appointment, the Executive Committee shall verify that the proposed replacement member appointed pursuant to article 9.8.2 is both willing and eligible to be appointed as a non-Council committee member.

9.8.4 Eligibility of replacement member

A proposed replacement member appointed pursuant to article 9.8.2 is eligible to be appointed as a non-Council committee member provided that the member meets the eligibility criteria set out in article 9.2.1 on the date of his or her appointment.

9.8.5 *Where no eligible member*

Where no willing and eligible member can be found under article 9.8.2, the Executive Committee shall direct the Registrar to seek applications for appointment in accordance with the procedure set out in article 9.5.

9.8.6 *Council to confirm appointment*

Council shall be asked to confirm an appointment by the Executive Committee under article 9.8.2 at its next regular meeting, or such later meeting as Council may determine.

9.8.7 *Council refusal to appoint*

In the event Council refuses to confirm an appointment to fill a vacancy under article 9.8.2 the member appointed shall immediately cease to be a non-Council committee member and shall immediately cease to be member of the committee or committees to which he or she was appointed.

9.8.8 *Clarification*

Subject to the requirements of these by-laws, the Executive Committee may fill a committee vacancy with a member who is currently a non-Council committee member of another committee, in which event article 9.8 would not apply.

9.9 **Additional Non-Council Committee Members**

9.9.1 *Additional non-Council committee members*

Where the Executive Committee believes that one (1) or more additional non-Council committee members is required by the College, the Executive Committee may appoint, in accordance with this article, and effective immediately, one (1) or more members who had previously made application to be appointed to be a non-Council committee member when the College last sought applications from members for appointment.

9.9.2 *Verify willingness, eligibility*

Before making the appointment, the Executive Committee shall verify that the proposed additional member appointed pursuant to article 9.9.1 is both willing and eligible to be appointed as a non-Council committee member.

9.9.3 *Eligibility of additional member*

A proposed additional member appointed pursuant to article 9.9.1 is eligible to be appointed as a non-Council committee member provided that the member meets the eligibility criteria set out in article 9.2.1 on the date of his or her appointment.

9.9.4 *Where no eligible member*

Where no willing and eligible member can be found under article 9.9.1, the Executive Committee shall direct the Registrar to seek applications for appointment in accordance with the procedure set out in article 9.5.

9.9.5 *Council to confirm appointment*

Council shall be asked to confirm an appointment by the Executive Committee under article 9.9.1 at its next regular meeting, or such later meeting as Council may determine.

9.9.6 *Council refusal to appoint*

In the event Council refuses to confirm an appointment to fill a vacancy under article 9.9.1, the member appointed shall immediately cease to be a non-Council Committee member and shall immediately cease to be member of the Committee or Committees to which he or she was appointed.

10 REMUNERATION OF MEMBERS OF COUNCIL AND COMMITTEES

10.1 General

10.1.1 Definitions

In this by-law,

a “**full day**” means a period of time, including time permitted for travel, that is greater than or equal to four (4) hours;

a “**half day**” means a period of time, including time permitted for travel, that is greater than or equal to two (2) hours but is less than four (4) hours;

a “**quarter day**” means a period of time, including time permitted for travel, that is less than two (2) hours; and

an “**expense**” or “**expenses**” include, but are not limited to, costs associated with travel to and from a person’s home or office and a destination, accommodation, meals, gratuities, and local travel during the period of time necessary to conduct College business.

10.1.2 Application to public members of Council

The articles of this by-law related to the payment of allowances and the reimbursement of expenses do not apply to public members of Council, but do apply to other members of Council and members of the College.

10.1.3 Other allowances and expenses

Where a person requests the payment of allowances or the reimbursement of expenses not provided for in these by-laws, the Executive Committee shall determine whether the requested amounts shall be paid.

10.2 Allowances and Per Diems

10.2.1 Automatic adjustment of per diems; starting point

The per diems provided for in these by-laws shall be automatically adjusted on 01 January each year by an amount equal to the consumer price index adjustment for staff salary ranges as contained in the College budget approved by Council, rounded to the nearest five dollar (\$5.⁰⁰) increment.

The first automatic adjustment of per diems shall be made effective 01 January 2015.

10.2.2 *President's annual allowance*

The President shall be paid an annual allowance of \$50,000 in addition to any specific per diems provided for in this by-law, in recognition of the responsibilities undertaken by the President on behalf of the Council and College.

10.2.3 *President's per diem*

The President shall receive a per diem in the following amounts for attendances respecting the affairs of the College set out in this by-law:

Full Day	\$1565. ⁰⁰
Half Day	\$805. ⁰⁰
Quarter Day	\$430. ⁰⁰

10.2.4 *Permitted attendances*

The President shall receive a per diem in respect of all attendances for which he or she may reasonably be expected to attend as part of his or her duties, including, but not limited to

- a. meetings of Council, the Executive Committee, or other committees;
- b. meetings with senior staff of the College;
- c. Ontario Dental Association Local Society meetings;
- d. conferences and meetings of the Canadian Dental Association or Ontario Dental Association;
- e. other federal or provincial-level meetings and conferences to which the President is invited;
- f. graduation ceremonies of Ontario faculties or schools of dentistry; and
- g. any other attendance for which prior approval has been received from the Executive Committee.

10.2.5 *Chair per diem*

A chair of a committee shall receive a per diem in the following amounts for presiding at a meeting of the committee:

Full Day	\$1,270. ⁰⁰
Half Day	\$640. ⁰⁰
Quarter Day	\$335. ⁰⁰

10.2.6 Council, committee member per diem

Each member of Council and each member of a committee, other than the President or a chair of a committee, shall receive a per diem in the following amounts for attendance at a meeting of Council or a committee:

Full Day	\$1,060. ⁰⁰
Half Day	\$545. ⁰⁰
Quarter Day	\$275. ⁰⁰

10.2.7 Per diem for other attendances

Each member of Council or member of the College, other than the President, shall receive a per diem in the following amounts for an attendance respecting the affairs of the College that was approved by the President, the Executive Committee, or Council, other than a meeting of Council or a committee:

Full Day	\$1,060. ⁰⁰
Half Day	\$545. ⁰⁰
Quarter Day	\$275. ⁰⁰

10.3 Allowances and Per Diems – Application and Limitations

10.3.1 No more than a full day per diem

No more than one full day per diem shall be paid for attendances in a single calendar day, unless approved by the Finance, Property and Administration Committee.

10.3.2 Preparation time not included

Except for meetings of a panel of the Inquiries, Complaints and Reports Committee, preparation time shall not be included in determining whether a full day, half day or quarter day per diem is payable.

10.3.3 Additional per diem, ICRC preparation

In recognition of the extraordinary amount of preparation that may be spent for meetings of panels of the Inquiries, Complaints and Reports Committee, each member of such panel shall be eligible for up to two additional full day per diems at the rate for non-chair committee members for each full day attendance at a meeting of the panel.

10.3.4 Additional per diem, Discipline Committee reasons

The member of a panel of the Discipline Committee responsible for preparing the draft reasons for decision of the panel shall be paid an additional per diem at the rate for non-chair committee members for the time spent to prepare the reasons, up to a maximum of two full days per hearing.

10.3.5 *Payment for expected meeting duration*

Where a meeting or hearing is planned as a full day or half day duration or is reasonably expected to last a full day or half day, but the actual duration of the meeting or hearing is less than a full day or half day, as applicable, any per diem payable under this by-law shall be paid at the rate for the planned or expected duration of the meeting or hearing.

10.3.6 *Travel time included*

In determining whether a person's attendance at a meeting, hearing, or other function was a full day, half day, or quarter day in duration, the reasonable time the person actually spent in travelling from his or her home or office to the meeting, hearing or other function shall be included.

10.3.7 *Extended travel time*

Where a person needed to travel on the day prior to or the day after the meeting, hearing or other function, the person shall be paid an additional full day, half day, or quarter day per diem, as applicable, in respect of his or her extended travel time.

10.3.8 *Cancellation*

Where a member of a committee is requested to attend a meeting, hearing, or other function for which he or she would be entitled to a per diem, but the meeting, hearing, or other function is cancelled, the member shall be paid the per diem to which he or she would have been entitled, provided that

- a. the member would have earned professional income from the practice of dentistry but for his or her arrangement to attend the meeting, hearing or other function, and
- b. he or she made reasonable efforts to mitigate against the loss of income, but was unable to do so.

10.3.9 *Partial mitigation*

A member of a committee who is able to partially mitigate his or her loss of professional income caused by the cancellation of a meeting, hearing or other function, shall be paid a pro-rated portion of the per-diem otherwise payable under this by-law.

10.4 Teleconference Meetings

10.4.1 *No allowance, per diem for teleconferences*

No allowance or per diem shall be paid for time spent in attending meetings held by teleconference except as provided for in this by-law.

10.4.2 *Teleconference time accumulated*

A person who attends a meeting by teleconference shall record the time spent in such meeting.

10.4.3 *Anticipated or actual duration*

A person recording time spent in a teleconference meeting may record the actual time spent in the meeting or the anticipated duration of the meeting provided in advance by the person responsible for organizing the meeting, whichever is greater.

10.4.4 *Per diem for accumulated teleconference time*

A person entitled to per diems under this by-law shall be paid a half day per diem at the rate applicable to his or her position for each period of three (3) hours spent in attendance at meetings by teleconference, and a pro-rated per diem for any residual amount of time less than three hours.

10.4.5 *Timing*

A person seeking payment under article 10.4.4 shall submit such request as soon as a period of three (3) hours spent in attendance at meetings by teleconference has been accumulated and no later than the end of the College's fiscal year.

10.5 Expenses – General

10.5.1 *Expenses reimbursed*

The College shall reimburse all persons carrying out business of the College approved by the President, Executive Committee, or Council for valid, allowable expenses incurred in carrying out such business, in accordance with the College's expense policy. .

10.5.2 *Other sources*

The College shall not reimburse any expense for which reimbursement is available from other sources.

10.6 Claims Procedure

10.6.1 *Claims submitted within thirty days*

All claims for payment or reimbursement under these by-laws shall be submitted to the College within thirty (30) days of the close of the meeting or other business of the College to which they relate.

10.6.2 *Claims automatically adjusted*

Any claim in excess of the allowable maximums set in these by-laws shall be adjusted before processing for payment.

10.6.3 *Disputed claims*

The Finance, Property and Administration Committee shall decide any dispute regarding the allowances, per diems or expenses payable under these by-laws.

11 CODE OF ETHICS

11.1 General

11.1.1 Council to adopt Code of Ethics

Council shall adopt a Code of Ethics for members of the College.

For ease of reference, a copy of the Code of Ethics adopted by Council is attached as appendix 28.4 to these by-laws.

11.1.2 Purpose of Code of Ethics

The purpose of the Code of Ethics is to ensure the dignity and integrity of members of the College and to define obligations and professional duties to be observed by every member of the College.

11.1.3 Members to adhere to Code of Ethics

Members of the College shall adhere to the Code of Ethics, both to its content and to its underlying spirit and precepts.

12 CODE OF CONDUCT

12.1 Preamble

12.1.1 Purpose

The purpose of the Code of Conduct is to ensure that members of Council properly perform their duties in a manner that promotes the highest standard of public trust and integrity.

12.1.2 Expectations for Council members

In order to fulfil their duties, it is expected that all members of Council shall

- a. familiarize themselves with the Regulated Health Professions Act, 1991 and its Health Professions Procedural Code, the Dentistry Act, 1991, the regulations under those Acts and the by-laws and policies of the College;
- b. place the interests of the public, the College, its Council and committees above all other competing interests;
- c. exercise reasonable care, diligence, skill and prudence in carrying out their duties;
- d. be fully prepared to participate in meetings of Council and meetings of committees or panels of committees to which they are appointed by reading background material and documents provided to them by the College and attending meetings when called on to do so; and
- e. participate in Council and committee meetings in a respectful, courteous and professional manner recognizing the diverse background, skills and experience of Council and committee members.

12.1.3 Preamble not considered

Neither article 12.1.1 (Purpose) nor article 12.1.2 (Expectations for Council members) shall be considered in determining whether a breach of the Code of Conduct has taken place.

12.2 Code of Conduct

12.2.1 Duties of Council members

In performing his or her duties, each member of Council shall

- a. comply with the provisions of the Act, the RHPA, the Code, the regulations, the by-laws, and the policies of the College;

- b. ensure that confidential information received by him or her is not disclosed by him or her except as required for the performance of his or her duties or as directed by Council;
- c. not communicate with members of any statutory committee or take any other action which could be reasonably perceived as influencing or attempting to influence any member of a committee in making a statutory decision, except where he or she is a member of the panel which is making that decision or, where there is no panel, of the committee making that decision;
- d. comply with the College's by-laws respecting conflict of interest and bias including avoiding and, where that is not possible, declaring any appearance of or actual conflict of interest or bias in accordance with the provisions of that by-law;
- e. respect and support every decision of Council regardless of the level of prior individual disagreement with that decision;
- f. follow the established policies and processes of the College regarding College communications;
- g. be respectful of staff, fellow councillors and non-Council committee members and in particular, but without limiting the generality of the foregoing, not engage in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment;
- h. not use his or her position as a member of Council to obtain or attempt to obtain employment or preferential treatment for him or herself, family members, friends or associates; and
- i. refrain from including or referencing Council or committee titles or positions held at the College in any personal or business promotional material, advertisement, or business cards.

12.2.2 *Communications regarding specific committee matters*

The prohibition on communication contained in paragraph (c) of article 12.2.1 (Duties of Council members) includes communications with respect to the following:

- a. applications for registration or reinstatement;
- b. matters coming before the Inquiries, Complaints and Reports Committee respecting a member's conduct;
- c. an investigation by the College of a member's conduct;
- d. matters coming before the Quality Assurance Committee relating to an individual member; and

- e. matters relating to discipline or fitness to practise proceedings in relation to a member.

12.2.3 Exception, Quality Assurance Committee

The prohibition on communication contained in paragraph (c) of article 12.2.1 (Duties of Council members) does not prevent a member of Council from making a submission to the Quality Assurance Committee respecting a statutory decision that does not specifically relate to a member's conduct and/or compliance with the College's Quality Assurance Program.

12.2.4 Explanation of prior disagreement

Except as provided for by article 12.2.5 (Exception, acknowledgement of dissenting vote) and article 12.2.6 (Exception, explanation of prior disagreement), any attempt by a member of Council to explain why he or she did not support a decision of Council may be considered a breach of paragraph (e) of article 12.2.1 (Duties of Council members) regardless of how the member voted on it.

12.2.5 Exception, acknowledgement of dissenting vote

It is not a breach of paragraph (e) of article 12.2.1 (Duties of Council members) for a member of Council to state publicly that he or she did not personally support a decision of Council, provided that the member of Council voted against the decision at the time the decision was made; however, in keeping with best practices and in order to establish that such a statement was true, a member of Council in this position should ask that his or her dissenting vote be recorded at the time the vote was taken in accordance with article 2.10.9 (Record of dissent upon request).

12.2.6 Exception, explanation of prior disagreement

It is not a breach of paragraph (e) of article 12.2.1 (Duties of Council members) for a member of Council to explain his or her reasons for voting against a decision of Council when asked to do so, provided that the member

- a. does so in a manner that both respects and supports the Council's decision, and
- b. does not use the forum as an opportunity to question the decision of Council or to provoke further discussion or debate on the issue.

12.2.7 Breach of Code of Conduct

A member of Council who fails to comply with any of the provisions of article 12.2.1 (Duties of Council members) shall have breached this Code of Conduct and may be subject to disqualification under by-law 15 (DISQUALIFICATIONS).

13 CONFLICTS OF INTEREST

13.1 General

13.1.1 Definitions

In this by-law,

a “**related corporation**” in respect of a member of Council or a committee means a corporation wholly or substantially owned or controlled by the member or a related person of that member;

a “**related person**” in respect of a member of Council or a committee means any person who has one of the following relationships to the member or the spouse of the member, whether by blood, marriage, common law, or adoption:

- a. child or spouse of a child
- b. grandchild or spouse of a grandchild
- c. parent or spouse of a parent
- d. grandparent or spouse of a grandparent
- e. sibling or spouse of a sibling
- f. aunt or uncle or spouse of an aunt or uncle
- g. niece or nephew or spouse of a niece or nephew;

a “**child**” includes an adopted child and a person towards whom a parent has demonstrated a settled intention to treat as a child of his or her family;

“**parent**” means a person who has demonstrated a settled intention to treat a child as a member of his or her family, whether or not that person is a natural parent of the child; and

“**spouse**” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

13.2 Conflicts of Interest of Council and Committee Members

13.2.1 Conflict of interest, non-hearing or meeting

In any context other than one involving a hearing or meeting related to a decision that directly affects a named person, a member of Council or a committee is in a conflict of interest where

- a. a reasonable person knowing the relevant facts would conclude or perceive that the exercise of the member's judgement was likely to have been influenced by the personal or financial interest of the member or by the personal or financial interest of a related person or related corporation of that member, or
- b. a reasonable person knowing the relevant facts would conclude or perceive that the exercise of the member's judgement was likely to have been influenced by the member's responsibilities or duties to another organization in which the member holds a position.

13.2.2 *Conflict of interest, hearing or meeting*

In the context of a hearing or meeting related to a decision that directly affects a named person, a member of Council or a committee is in a conflict of interest where

- a. the member has an association, relationship, non-financial interest or activity that is incompatible with his or her responsibilities as an impartial decision-maker; or
- b. a reasonable person knowing the relevant facts would conclude or perceive that the member's decision was not impartial nor based solely on the evidence or information properly received by Council or the committee, but rather influenced by the existence of personal extraneous factors, such as
 - i. the member's connection with the issues or decisions to be made, or
 - ii. the member's connection with any person involved in the proceeding, including the person who is the subject matter of the hearing or meeting, or any person whose evidence or information is presented at the hearing or meeting.

13.3 **Procedure for Conflicts of Interest**

13.3.1 *Duty to consult, member of Council*

Where a member of Council believes that he or she may have a conflict of interest in respect of any matter that is the subject of debate, action, or intended action by Council, the member shall, where time and circumstances permit, consult privately with the Registrar, a designated member of staff, or the Presiding Officer regarding whether a conflict of interest exists and how the member should proceed.

13.3.2 *Action by member of Council*

Where a member of Council believes that he or she may have a conflict of interest in respect of any matter that is the subject of debate, action, or intended action by Council, the member shall

- a. prior to any consideration of the matter at a meeting of Council, disclose to Council the fact that he or she may have a conflict of interest;

- b. not take part in the discussion of or vote on any question at Council in respect of the matter;
- c. absent himself or herself from that portion of any Council meeting relating to the matter; and
- d. not attempt in any way to influence the voting or do anything which might be reasonably perceived as an attempt to influence the other members of Council or the decision relating to that matter.

13.3.3 *Conflict recorded in minutes*

Where a member of Council declares a conflict of interest in accordance with article 13.3.1, that fact shall be recorded in the minutes of the Council meeting at which it was declared.

13.3.4 *Participation with approval of Council*

Notwithstanding article 13.3.2, a member of Council may participate in and vote on a matter in which the member has disclosed a potential conflict of interest to Council, provided that Council determines to permit such participation by a vote of at least two-thirds of the members of Council present at the meeting.

13.3.5 *Duty to consult, member of committee*

Where a member of a committee believes that he or she may have a conflict of interest in respect of any matter that is the subject of action or intended action by the committee, the member shall

- a. where time and circumstances permit, consult privately with the Registrar or a designated member of staff regarding whether a conflict of interest exists and how the member should proceed; or
- b. where the member is part of a panel appointed to conduct a hearing and time or circumstances prevent the member from consulting privately with the Registrar or a designated member of staff, consult privately with the panel's independent legal counsel at the earliest opportunity regarding whether a conflict of interest exists and how the member should proceed.

13.3.6 *Action by member of committee, hearing*

Where a committee is holding a hearing or involved in a matter that directly affects a named person and a member of that committee believes that he or she may have a conflict of interest in respect of the hearing or matter, the member shall

- a. decline to participate in any way in respect of the hearing or matter and remove himself or herself from the panel or committee, and

- b. not attempt in any way to influence or do anything that might be reasonably perceived as an attempt to influence any of the other members of the committee or the outcome of the hearing or matter.

13.3.7 *Action by member of committee, non-hearing*

Where a member of a committee believes that he or she may have a conflict of interest in respect of a matter that is the subject of action or intended action by the committee and that matter is not a hearing and does not directly affect a named person, the member shall either

- a. prior to any consideration of the matter,
 - i. disclose to the chair of the committee that he or she has a potential conflict of interest that prevents the member from participating, without disclosing the details of the potential conflict,
 - ii. not take part in the discussion of or vote on any question in respect of the matter,
 - iii. absent himself or herself from the portion of the meeting relating to the matter, and
 - iv. not attempt in any way to influence or do anything that might be reasonably perceived as an attempt to influence any of the other members of the committee or the decision relating to the matter; or
- b. prior to any consideration of the matter,
 - i. disclose to the committee that he or she has a potential conflict of interest and the nature of the potential conflict, and
 - ii. not take part in the vote on any question in respect of the matter.

13.3.8 *Conflict recorded in minutes*

Where a member of a committee declares a conflict of interest in accordance with article 13.3.7, that fact shall be recorded in the minutes of the committee meeting at which the conflict was declared.

14 DISQUALIFICATIONS, GENERAL

14.1 General

14.1.1 Commissioner

Council shall appoint a former justice of the Ontario Superior Court of Justice to act as a commissioner for the purposes set out in these by-laws, on such terms and for such duration as Council deems appropriate.

14.1.2 Definitions

In this by-law, a “**commissioner**” means a commissioner appointed under article 14.1.1.

14.1.3 Council to be mindful

In determining what actions to take regarding a member of Council who is the subject of a matter under by-law 14 (DISQUALIFICATIONS, GENERAL), Council shall be mindful of the general principle that sanctions, except in the most extreme cases, should not be used to punish a member, but rather to protect the integrity of the College and its processes.

14.2 Temporary Exclusion

14.2.1 Temporary exclusion for default

An elected or selected member of Council who becomes in default of

- a. any fees, fines, or other amounts owed to the College, or
- b. completing and submitting any form prescribed by the regulations or required by the by-laws,

including any default that originates after the deadline for receipt of nominations, in the case of an elected member of Council, or after the member’s selection, in the case of a selected member, shall not serve on Council or any committee until the default is remedied.

14.2.2 Temporary exclusion during proceedings

An elected or selected member of Council who becomes the subject of a disciplinary or incapacity proceeding, including any proceeding that originates after the deadline for receipt of nominations, in the case of an elected member of Council, or after the member’s selection, in the case of a selected member, shall not serve on Council or any committee until the proceeding is finally completed.

14.3 General Disqualification Criteria

14.3.1 Elected members of Council

Council shall disqualify an elected member of Council where the member is found to meet any of the following criteria:

- a. the member is determined by Council not to have met any of the eligibility conditions for election, other than that set out in e.1 of article 7.2.4;
- b. the member ceases to hold either a general or specialty certificate of registration;
- c. the member ceases to practice or reside in the electoral district from which the member was elected;
- d. the member has a term, condition, or limitation placed on his or her certificate of registration other than one applicable to all members holding that class of certificate;
- e. the member is found to have committed an act of professional misconduct or to be incompetent by a panel of the Discipline Committee;
- f. the member is found to be incapacitated by a panel of the Fitness to Practice Committee;
- g. the member fails, without reasonable cause, to attend two consecutive regular meetings of Council;
- h. the member fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member; or
- i. the member fails, without reasonable cause, to attend a hearing of a committee for which he or she has been selected.

14.3.2 Selected members of Council

Council shall disqualify a selected member of Council where the member is found to meet any of the following criteria:

- a. the member is determined by Council not to have met any of the eligibility conditions for selection, other than that set out in e.1 of article 8.1.1;
- b. the member has a term, condition, or limitation placed on his or her certificate of registration other than one applicable to all members holding that class of certificate;
- c. the member ceases to hold a full-time appointment of professorial rank in the faculty or school of dentistry that selected the member;
- d. the member has his or her selection rescinded, withdrawn, or otherwise cancelled by the faculty or school of dentistry that selected the member;

- e. the member is found to have committed an act of professional misconduct or to be incompetent by a panel of the Discipline Committee;
- f. the member is found to be incapacitated by a panel of the Fitness to Practice Committee;
- g. the member fails, without reasonable cause, to attend two consecutive regular meetings of Council;
- h. the member fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member; or
- i. the member fails, without reasonable cause, to attend a hearing of a committee for which he or she has been selected.

14.4 Allegations and Information

14.4.1 Information coming to Registrar's attention

Where the Registrar believes on reasonable and probable grounds that an elected or selected member of Council

- i. meets one or more of the disqualification criteria set out in article 14.3.1 or 14.3.2, or
- ii. may have contravened the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest

the Registrar shall

- a. notify the member in writing of the basis for the Registrar's belief, and
- b. provide the member with twenty (20) days in which to make a written response.

14.4.2 Statement from member of Council

Where the Registrar receives a written statement from a member of Council alleging that an elected or selected member of Council

- i. meets one or more of the disqualification criteria set out in article 14.3.1 or 14.3.2, or
- ii. may have contravened the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest

the Registrar shall

- a. provide the member of Council who is the subject of the statement with a copy of the statement, and
- b. provide that member with twenty (20) days in which to make a written response.

14.4.3 Registrar to notify Executive Committee

After receiving a response from a member of Council or the expiry of the twenty day period under article 14.4.1 or 14.4.2, the Registrar shall provide the Executive Committee with the response, if any, and the information or written statement provided for in those articles, as applicable.

14.5 Executive Committee Process

14.5.1 Preliminary determination of facts

Where the Executive Committee receives a report from the Registrar under article 14.4.3 related to a member who potentially meets one or more disqualification criteria set out in article 14.3.1 or 14.3.2, the Executive Committee shall make a preliminary determination of the relevant facts and report its findings to the member of Council who is the subject of the matter and, where applicable, to the member of Council who provided a written statement to the Registrar under article 14.4.2.

14.5.2 Referral to Council

Where the Executive Committee is of the view that further action may be required by Council regarding a matter under article 14.5.1, the Executive Committee shall either place the matter on the agenda of the next regular meeting of Council or call a special meeting of Council to consider the matter.

14.5.3 Notification of consideration by Council

Where an issue is placed on a Council meeting agenda under article 14.5.2, the Registrar shall notify the member who is the subject of the matter of the date of the meeting at which the matter will be considered and of his or her opportunity to make written and oral submissions to Council.

14.5.4 Conflicts of interest referred to Council

Where the Executive Committee receives a report from the Registrar under article 14.4.3 related to an alleged conflict of interest, the Executive Committee shall either place the matter on the agenda of the next regular meeting of Council or call a special meeting of Council to consider the matter.

14.6 Council Process, General

14.6.1 Disputed material facts

After receiving any submissions from the member who is the subject of the matter referred to it under article 14.5.2, Council shall determine whether there are any material facts in dispute.

14.6.2 *Referral to commissioner*

Where Council determines under article 14.6.1 that material facts are in dispute and that the facts would constitute grounds for disqualification if proven, Council shall refer the matter to a commissioner.

14.6.3 *Public excluded*

Any deliberation or vote by Council under article 14.6.1 or article 14.6.2 shall be with the public excluded, unless the member of Council who is the subject of the matter under consideration requests otherwise.

14.7 Council Process, Conflict of Interest

14.7.1 *Consideration by Council*

Where Council considers a matter related to an alleged breach of the conflict of interest articles of these by-laws or other action by a member of Council while in a conflict of interest, Council shall either

- a. refer the matter to a commissioner under article 14.7.3, or
- b. adopt a process to deal with the allegation that is consistent with the rules of order and provides the member with an opportunity to explain his or her actions to Council.

14.7.2 *Action by Council, non-hearing process*

Where Council determines, without referring the matter to a commissioner under article 14.7.3, that a member of Council breached the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest, Council may take one or more of the following actions:

- a. demand an apology from the member;
- b. require assurances from the member that similar behaviour will not occur in the future; or
- c. suspend the member until an apology or resolution acceptable to Council is reached.

14.7.3 *Referral to commissioner*

Where Council determines that an alleged breach of the conflict of interest articles of these by-laws or other action by a member of Council while in a conflict of interest would constitute grounds for disqualification of the member if proven, Council shall refer the matter to a commissioner.

14.7.4 *Public excluded*

Any deliberation or vote by Council under article 14.7.1, 14.7.2, or 14.7.3 shall be with the public excluded, unless the member of Council who is the subject of the matter under consideration requests otherwise.

14.8 Commissioner Process

14.8.1 *Commissioner to hold hearing*

When a matter is referred to a commissioner, the commissioner shall hold a hearing to consider the following:

- a. the relevant facts and circumstances;
- b. whether the member of Council who is the subject of the hearing breached the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest, if the matter was referred under article 14.7.3;
- c. any questions of law for which Council requested the commissioner's assistance; and
- d. the effect or anticipated effect of the member's conduct on the College.

14.8.2 *Interim suspension of duties*

Where Council refers a matter to a commissioner and where Council considers it necessary to ensure the integrity of the College or its processes, Council may suspend the member of Council who is the subject of the matter from all of his or her duties on Council, including on any committee, until the matter is finally disposed.

14.8.3 *Commissioner to determine parties*

A commissioner shall determine who, in addition to the member of Council who is the subject of the matter, shall be parties to the hearing, and may appoint legal counsel to present relevant evidence.

14.8.4 *Commissioner hearing process*

A commissioner shall adopt a hearing process that

- a. provides the member of Council who is the subject of the matter with full and continuing disclosure of the evidence to be presented at the hearing,
- b. provides the member with an opportunity to make written and oral submissions, and
- c. is, to the extent reasonably possible, in keeping with the *Statutory Powers and Procedures Act*.

14.8.5 *Commissioner time frame*

A commissioner shall complete the hearing within forty-five (45) days of the matter being referred to him or her, or within such longer period of time permitted by the Executive Committee.

14.8.6 *Commissioner report*

After considering all of the evidence presented at the hearing, a commissioner shall provide a written report to Council as soon as possible following the conclusion of the hearing that includes the following:

- a. the commissioner's findings in respect of the relevant facts;
- b. the commissioner's findings as to whether the member of Council who was the subject of the hearing breached the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest, if the matter was referred under article 14.7.3;
- c. the commissioner's opinions on any question of law for which the Council sought the commissioner's assistance;
- d. the commissioner's findings in respect of the actual or anticipated effect of the member's conduct on the College; and
- e. the commissioner's reasons for those findings and opinions.

14.9 Actions by Council

14.9.1 *Council to consider Commissioner report*

Council shall consider a report from a commissioner and what action to take as a result at its next scheduled meeting, unless the Executive Committee determines to hold a special meeting of Council to consider the report.

14.9.2 *Council may adopt report*

Council may adopt, in whole or in part, the report of a commissioner.

14.9.3 *Lifting of interim suspension*

Any interim suspension imposed on a member of Council under article 14.8.2 is automatically lifted where Council determines that the member

- a. does not meet any of the criteria for disqualification under article 14.3.1 or 14.3.2,
or
- b. did not breach the conflict of interest articles of these by-laws or otherwise act while in a conflict of interest.

14.9.4 *Action by Council, where no breach*

Council shall take no further action regarding a matter where Council determines that a member of Council

- a. does not meet any of the criteria for disqualification under article 14.3.1 or 14.3.2, or
- b. did not breach the conflict of interest articles of these by-laws or otherwise act while in a conflict of interest.

14.9.5 *Action by Council, conflict of interest*

Where Council determines that a member of Council breached the conflict of interest articles of these by-laws or otherwise acted while in a conflict of interest, Council may take any of the following actions:

- a. demand an apology from the member in a form acceptable to Council; or
- b. subject to article 14.9.7 (Conditions for resignation), demand the immediate written resignation of the member.

14.9.6 *Suspension where apology not received*

Where an apology from a member of Council demanded under paragraph (a) of article 14.9.5 is not received, Council may suspend the member until such apology is received or another resolution acceptable to Council is reached.

14.9.7 *Conditions for resignation*

Council shall not demand the resignation of a member of Council under paragraph (b) of article 14.9.5, unless Council is satisfied that

- a. the member's breach of the conflict of interest articles of the by-laws or other action while in a conflict of interest was willful or caused by the gross neglect of the member, or
- b. the member's actions have had or are likely to have serious and substantial negative implications for the College.

14.9.8 *Disqualification where resignation not received*

Where the written resignation of a member of Council demanded under paragraph (b) of article 14.9.5 is not received forthwith, Council may disqualify the member.

14.9.9 *Public excluded*

Any deliberation or vote by Council under an article of 14.9 (Actions by Council) shall be with the public excluded, unless the member of Council who is the subject of the matter under consideration requests otherwise.

14.10 Additional Procedural Requirements

14.10.1 *Two-thirds votes required*

A two-thirds vote of the members of Council is required to take any of the following actions:

- a. referring a matter to a commissioner under article 14.6.2 or 14.7.3;
- b. imposing an interim suspension under article 14.8.2;
- c. taking action under article 14.7.2 or article 14.9.5;
- d. suspending a member of Council under article 14.9.6; or
- e. disqualifying a member of Council under article 14.3.1, article 14.3.2, or article 14.9.8.

14.10.2 *Opportunity for submissions*

Council shall provide an opportunity for a member of Council who is the subject of a matter to address Council prior to taking any of the following actions:

- a. referring a matter to a commissioner under article 14.6.2 or 14.7.3;
- b. imposing an interim suspension under article 14.8.2;
- c. taking action under article 14.7.2, article 14.9.5;
- d. suspending a member of Council under article 14.9.6; or
- e. disqualifying a member of Council under article 14.3.1, article 14.3.2, or article 14.9.8.

14.10.3 *No participation of subject member*

A member of Council who is the subject of any matter under article 14
(DISQUALIFICATION)

- a. shall not take part in any deliberation or vote of Council regarding the matter,
- b. shall not be present during any vote of Council regarding the matter, and
- c. shall not be counted as a member of Council in determining whether quorum exists or whether any motion or resolution was carried or defeated.

14.11 Following Disqualification

14.11.1 Following disqualification

Where Council disqualifies a member of Council, Council shall

- a. in the case of a public member of Council, immediately advise the Ministry of its findings and suspend the member, or
- b. in the case of an elected or selected member of Council, treat the situation in the same manner as if a vacancy had been created as a result of the member's resignation from Council and all committees on which he or she served.

15 DISQUALIFICATIONS, CODE OF CONDUCT

15.1 General

15.1.1 Definitions

In this by-law,

an “**adjudication committee**” means the committee established under article 15.5.1;

“**Code of conduct**” means the obligations of members of Council under article 12.2.1 (Duties of Council members); and

a “**commissioner**” means a commissioner appointed under article 14.1.1.

15.2 Allegations of Breach

15.2.1 Statement from member of Council

Where a member of Council believes that

- i. another member of Council has breached the code of conduct, and
- ii. it is both necessary and in the interests of the College to formally deal with the alleged breach,

the member of Council may provide a written statement to the Registrar setting out the following:

- a. the name of the member of Council who he or she believes breached the Code of Conduct;
- b. the factual basis for his or her belief;
- c. the reasons that he or she believes make it necessary and in the interest of the College to formally deal with the alleged breach; and
- d. whether the decision to establish an adjudication committee under article 15.5.1 should be made by the Executive Committee or a commissioner.

15.2.2 Security for commissioner

Where a member of Council who provided a statement under article 15.2.1 directs that the decision to appoint an adjudication committee should be made by a commissioner, the member of Council shall

- a. deposit with the College the sum of \$3,500 in a form acceptable to the Registrar, and

- b. sign an agreement in a form acceptable to the Registrar that complies with article 15.2.3 (Agreement to pay cost, resign)

15.2.3 Agreement to pay cost, resign

An agreement required under article 15.2.2 (Security for commissioner) shall stipulate that if an adjudication committee finds

- i. that the allegation made by the member of Council is frivolous, vexation, or made in bad faith, or
- ii. that the member of Council knew or ought to have known that the allegation was false,

the member of Council agrees

- a. to repay the College any costs incurred as a result of the member's providing a statement under article 15.2.1, including without limitation the College's costs associated with the use of a commissioner and adjudication committee, and any legal costs paid by the College to the member of Council who was the subject of the allegation in accordance with article 15.10.2 (Recovery of legal expenses, subject member), and
- b. to resign as a member of Council immediately upon the adjudication committee's finding.

15.3 Commissioner Process

15.3.1 Registrar to refer to commissioner

Where a member of Council who provided a statement under article 15.2.1 directs that the decision to appoint an adjudication committee should be made by a commissioner and complies with the requirements of article 15.2.2 (Security for commissioner), the Registrar shall refer the matter to a commissioner within seven (7) days.

15.3.2 Commissioner to review

A commissioner shall direct the Registrar to establish an adjudication committee if and only if the commissioner is satisfied of all of the following:

- a. the facts set out in the written statement provided under article 15.2.1, if true, would constitute a breach of the code of conduct;
- b. it is in the interest of the College to further investigate and adjudicate the allegation; and
- c. there is no reason to believe, based on the information currently available to the commissioner, that the allegation is frivolous, vexatious, or made in bad faith.

15.3.3 Timeline for decision by commissioner

A commissioner shall use his or her best efforts to make a determination under article 15.3.2 as soon as reasonably possible.

15.3.4 Commissioner to notify of delay

Where a commissioner has not made a determination under article 15.3.2 within thirty (30) days of his or her appointment, the commissioner shall immediately advise the Registrar of the reasons for same.

15.3.5 Decision of commissioner final

The decision of a commissioner under article 15.3.2 is final and is not subject to review by Council or any committee.

15.3.6 Return of deposit

Where a commissioner directs the establishment of an adjudication committee under article 15.3.2, the deposit provided by the member of Council under article 15.2.2 (Security for commissioner) shall be immediately returned.

15.3.7 Forfeit of deposit

Where a commissioner does not direct the establishment of an adjudication committee under article 15.3.2, the deposit provided by the member of Council under article 15.2.2 (Security for commissioner) shall be forfeited.

15.4 Executive Committee Process

15.4.1 Registrar to notify Executive Committee

Where a member of Council who provided a statement under article 15.2.1 directs that the decision to appoint an adjudication committee should be made by the Executive Committee, the Registrar shall bring the matter forward at the next scheduled meeting of the Executive Committee.

15.4.2 Executive Committee may refer to adjudication committee

Where the Executive Committee considers a matter brought to it under article 15.4.1, the Executive Committee may

- a. direct the Registrar to appoint an adjudication committee, or
- b. take such other action as it deems appropriate in the circumstances.

15.4.3 *Executive Committee to meet in camera*

A meeting of the Executive Committee to consider a matter brought before it under article 15.4.1 shall be held *in camera*.

15.5 Adjudication Committee Process

15.5.1 *Registrar to establish adjudication committee*

The Registrar shall establish an adjudication committee where

- a. he is directed to do so by a commissioner under article 15.3.2;
- b. he is directed to do so by the Executive Committee under article 15.4.2; or
- c. he receives information other than from a member of Council and determines that there are reasonable and probable grounds to believe that
 - i. a member of Council has breached the code of conduct, and
 - ii. it is both necessary and in the interests of the College to formally deal with the alleged breach.

15.5.2 *Timeframe for establishment of adjudication committee*

Where the Registrar is directed to establish an adjudication committee by the Executive Committee or a commissioner, the Registrar shall take all reasonable steps to do so within ten (10) days of receiving such a direction.

15.5.3 *Composition of adjudication committee*

An adjudication committee shall be composed of the following three persons:

- a. A former justice of the Ontario Superior Court of Justice selected by the Registrar, who shall act as chair.
- b. A current or former registrar or executive director of a health professional college regulated under the RHPA, or a current or former chief executive or chief administrative officer of another regulatory authority for a statutorily self-regulated profession in Ontario, selected by the Registrar.
- c. A third individual selected by the two members described above.

15.5.4 *No prior knowledge*

No member of an adjudication committee shall have any prior knowledge of the facts surrounding an alleged breach of the code of conduct.

15.5.5 *Confidentiality*

Each member of an adjudication committee shall sign a confidentiality agreement in a form acceptable to the Registrar prior to serving as a member of the committee.

15.5.6 *Committee continued during vacancy*

Where a member of an adjudication committee, other than the chair, is unable or unwilling to continue as a member of the committee, the remaining members of the committee shall constitute the adjudication committee.

15.5.7 *Vacancy of chair*

Where the chair of an adjudication committee is unable or unwilling to continue as a member of the committee, the Registrar shall select another former justice of the Ontario Superior Court of Justice to act as chair.

15.5.8 *Registrar to inform committee*

Within ten (10) days of selecting the two members of an adjudication committee under article 15.5.3, the Registrar shall

- a. advise the members of their responsibility to select a third member of the committee and to notify the Registrar of the identity of that member once selected, and
- b. provide the members with all of the materials and other information the Registrar has in connection with the alleged breach of the code of conduct for which the committee was established.

15.5.9 *Registrar to notify member*

Within ten (10) days of selecting the two members of an adjudication committee under article 15.5.3, the Registrar shall

- a. advise the member of Council who is alleged to have breached the code of conduct that an adjudication committee has been established and that he or she will be contacted by the adjudication committee regarding its process, and
- b. provide the member of Council with a copy of all materials and other information that were provided to the adjudication committee.

15.5.10 *Registrar to notify Executive Committee*

Within ten (10) days of selecting the two members of an adjudication committee under article 15.5.3, the Registrar shall

- a. notify the Executive Committee during an *in camera* meeting that an adjudication committee has been appointed

- b. where not previously disclosed, inform the Executive Committee of the name of the member of Council who is alleged to have breached the code of conduct, and
- c. where not previously disclosed, inform the Executive Committee of the name of the member of Council who made the written statement under article 15.2.1, as applicable.

15.5.11 *Delay in establishing committee*

Where an adjudication committee has not been established within twenty-five (25) days after the Registrar was required to do so under article 15.5.1, the Registrar shall notify and provide an explanation for the delay to the following parties:

- a. the member of Council who is alleged to have breached the code of conduct;
- b. the Executive Committee, during an *in camera* meeting;
- c. the member of Council who provided a written statement under article 15.2.1, as applicable.

15.5.12 *Registrar to assist*

The Registrar shall provide such administrative assistance as requested by an adjudication committee, but shall not participate in or be present during any deliberation or fact finding of the committee.

15.5.13 *Committee to meet in camera*

All meetings of an adjudication committee shall be held *in camera*.

15.5.14 *Adjudication committee investigation*

An adjudication committee shall

- a. take such steps as it, in its sole discretion, considers necessary to fairly investigate the matter before it, having regard to the seriousness of the allegations, and
- b. adopt such processes as it considers fair and reasonable to ensure that the member of Council who is the subject of the investigation has a reasonable opportunity to make a full answer to the allegations.

15.5.15 *Timeframe*

An adjudication committee shall use its best efforts to complete its responsibilities within ninety (90) days of being established.

15.5.16 *Delay*

Where an adjudication committee has not resolved a matter under article 15.6.1 (Informal resolution) or issued a report under article 15.7.1 within ninety (90) days of being

established, the adjudication committee shall report the reasons for the delay to the Registrar immediately and every thirty (30) days thereafter until the matter is resolved or a report issued.

15.5.17 *Registrar to notify*

The Registrar shall relay the explanation for delay provided by the adjudication committee under article 15.5.16, to the following parties:

- a. the member of Council who is alleged to have breached the code of conduct;
- b. the Executive Committee, during an *in camera* meeting; and
- c. the member of Council who provided a written statement under article 15.2.1, as applicable.

15.6 **Informal Resolutions**

15.6.1 *Informal resolution*

An adjudication committee may attempt to resolve a matter brought before it any manner it deems acceptable without making any findings or issuing a report under article 15.7.1.

15.6.2 *Approval of informal resolution*

Subject to article 15.6.3, a resolution under article 15.6.1 must be acceptable to

- a. the adjudication committee;
- b. the member of Council who is alleged to have breached the code of conduct; and
 - i. the Executive Committee, where the matter was referred to the adjudication committee at the direction of the Executive Committee, or
 - ii. the member of Council who provided the written statement under article 15.2.1, where the matter was referred to the adjudication committee at the direction of a commissioner.

15.6.3 *Executive committee may approve*

Where a resolution under article 15.6.1 is acceptable to the adjudication committee and the member of Council who is alleged to have breached the code of conduct, but not to the member of Council who provided the written statement under article 15.2.1, the Executive Committee may approve the resolution.

15.6.4 *Meeting in camera*

A meeting of the Executive Committee to consider a resolution under article 15.6.1 shall be held *in camera*.

15.6.5 *No further action, informal resolution*

No further action shall be taken in respect of a matter referred to an adjudication committee where

- a. the member of Council who alleged to have breached the code of conduct resigns as a member of Council, or
- b. the matter is resolved under article 15.6.1 (Informal resolution)

15.6.6 *Report to Council*

Where a matter referred to an adjudication committee is resolved under article 15.6.1 (Informal resolution), the Executive Committee shall report to Council at its next regular meeting that an adjudication committee was appointed and that the matter was successfully resolved.

15.6.7 *Contents, manner of report*

The report of the Executive Committee under article 15.6.6 shall not include the nature of the allegations, the details of the resolution, the name of the member of Council who was the subject of the matter, or the name of the individual who provided the information that gave rise to the matter, and shall be delivered at a meeting with the public excluded.

15.7 Report and Findings

15.7.1 *Report*

Where an adjudication committee does not resolve a matter before it under article 15.6.1 (Informal resolution), the adjudication committee shall submit a written report of its findings and the reasons for those findings to

- a. the member of Council who is the subject of the matter,
- b. the Registrar, and
- c. the member of Council who provided a written statement under article 15.2.1, as applicable.

15.7.2 *Findings final*

The report and findings of an adjudication committee under article 15.7.1 are final and are not subject to review by Council or any committee.

15.7.3 *Findings of breach*

Where an adjudication committee finds that a member of Council breached the code of conduct, the adjudication committee shall include in its report its findings and reasons as to

- a. whether it is in the interest of the College for Council to take further action in respect of the member, and
- b. whether the breach by the member is sufficiently serious that Council should consider disqualifying the member.

15.7.4 No submissions by reporting member

A member of Council who provided a written statement under article 15.2.1 shall not be permitted to make oral or written submissions to Council regarding the report of the adjudication committee under article 15.7.1.

15.7.5 Registrar to deliver to Executive Committee

The Registrar shall provide a report received under article 15.7.1 to the Executive Committee during an *in camera* meeting.

15.8 No Further Action by Council

15.8.1 Report to Council

Where an adjudication committee finds that

- a. the allegations giving rise to the matter are frivolous, vexatious, or made in bad faith
- b. the allegations giving rise to the matter have no merit, or
- c. even if a breach of the code of conduct did occur, it is not in the interests of the College to take further action in respect of the matter

the Executive Committee shall report to Council regarding the matter at its next regular meeting.

15.8.2 Contents of report

Subject to article 15.8.3, a report delivered by the Executive Committee under article 15.8.1 shall not include

- a. the nature of the allegations giving rise to the matter,
- b. the name of the member of Council who was the subject of the allegations, or
- c. the name of the individual who provided the information which gave rise to the matter.

15.8.3 Exception, contents of report

Where the member who was the subject of the matter before an adjudication committee provides a written direction to the Registrar, the report of the Executive Committee under article 15.8.1 shall include the full report of the adjudication committee.

15.8.4 *Public excluded*

The delivery of a report by the Executive Committee under article 15.8.1 shall be delivered with the public excluded.

15.8.5 *No further action*

No further action shall be taken by Council in respect of a report under article 15.8.1.

15.9 Further Action by Council

15.9.1 *Report to Council*

Where an adjudication committee finds that

- a. a member of Council breached the code of conduct, and
- b. it is in the interest of the College for Council to take further action in respect of the member

the Executive Committee shall deliver the report of the adjudication committee to Council at a special meeting of Council held at a date and location determined by the Registrar.

15.9.2 *Public excluded*

The delivery of a report by Executive Committee under article 15.9.1 and any subsequent deliberation or vote by Council regarding the subject matter of the report shall be with the public excluded.

15.9.3 *Submissions by member*

A member of Council who is found to have breached the code of conduct may make written and oral submissions to Council at the special meeting of Council held under article 15.9.1, but may not dispute the findings of fact made by the adjudication committee.

15.9.4 *Action by Council*

Where the Executive Committee delivers a report under article 15.9.1 regarding a member of Council, Council may take any of the following actions:

- a. demand an apology from the member in a form acceptable to Council;
- b. subject to article 15.9.6 (Conditions for resignation), demand the immediate written resignation of the member.

15.9.5 Suspension where apology not received

Where an apology from a member of Council demanded under paragraph (a) of article 15.9.4 is not received, Council may suspend the member until such apology is received or another resolution acceptable to Council is reached.

15.9.6 Conditions for resignation

Council shall not demand the resignation of a member of Council under paragraph (b) of article 15.9.4, unless Council is satisfied that

- a. the member's breach of the code of conduct was willful or caused by the gross neglect of the member, or
- b. the member's actions have had or are likely to have serious and substantial negative implications for the College.

15.9.7 Disqualification where resignation not received

Where the written resignation of a member of Council demanded under paragraph (b) of article 15.9.4 is not received forthwith, Council may disqualify the member.

15.9.8 Vote by secret ballot

A vote taken under article 15.9.7 to disqualify a member shall be by secret ballot.

15.10 Recovery of Costs and Expenses

15.10.1 No recovery of costs

Except as provided under articles 15.10.2 and 15.10.3, no member of Council shall be entitled to recover from or be reimbursed by the College for any costs or expenses incurred in relation to a matter dealt with under by-law 14 (DISQUALIFICATION).

15.10.2 Recovery of legal expenses, subject member

Where an adjudication committee finds that allegations against a member of Council regarding a breach of the code of conduct are frivolous, vexatious, or made in bad faith, or without merit, the member is entitled to be reimbursed by the College for his or her reasonable legal costs incurred in defending against the allegations as determined by the chair of the adjudication committee.

15.10.3 Recovery of legal expenses, reporting member

A member of Council who provided a written statement under article 15.2.1 is entitled to be reimbursed by the College for his or her reasonable legal costs incurred in pursuing the matter as determined by the chair of the adjudication committee, provided that the adjudication committee finds that a breach of the code of conduct occurred as alleged.

15.11 Additional Procedural Requirements

15.11.1 Two-thirds votes required

A two-thirds vote of the members of Council is required to take any of the following actions:

- a. take action under article 15.9.4;
- b. suspend a member under article 15.9.5; or
- c. disqualify a member of Council under article 15.9.7.

15.11.2 Opportunity for submissions

Council shall provide an opportunity for a member of Council who is the subject of a matter to address Council prior to taking any of the following actions:

- a. take action under article 15.9.4;
- b. suspend a member of Council under article 15.9.5;
- c. disqualify a member of Council under article 15.9.7;

15.11.3 No participation of subject member

A member of Council who is the subject of any matter under by-law 15
(DISQUALIFICATIONS)

- a. shall not take part in any deliberation or vote of Council regarding the matter,
- b. shall not be present during any vote of Council regarding the matter, and
- c. shall not be counted as a member of Council in determining whether quorum exists or whether any motion or resolution was carried or defeated.

15.11.4 No participation of reporting member

A member of Council who provided a statement under article 15.2.1 shall not be counted in determining whether a quorum exists and shall not participate in any vote in related to the matter

15.12 Following Disqualification

15.12.1 Following disqualification

Where Council disqualifies a member of Council, Council shall

- a. in the case of a public member of Council, immediately advise the Ministry of its findings and suspend the member, or

- b. in the case of an elected or selected member of Council, treat the situation in the same manner as if a vacancy had been created as a result of the member's resignation from Council and all committees on which he or she served.

16 THE REGISTER

16.1 General

16.1.1 Definitions

In this by-law,

an "**associated member**" means a member of the College who engages in the practice of dentistry as an employee of a principal member or who provides dental services to a principal member's patients at that member's office as an independent contractor, and "**associated**" has the corresponding meaning;

a "**designated election address**" means the address of a member of the College employed for the purpose of elections to Council, which is

- a. the address in Ontario where the member practices
- b. the address designated by the member, if the member practices at more than one address in Ontario, or
- c. the address in Ontario where the member resides, if the member does not practice in Ontario;

a "**practice name**" means the name associated with the location at which a member of the College practices, other than the name of a member of the College or the name of a health profession corporation; and

a "**principal member**" means

- a. a member of the College with whom an associated member practices as an employee or independent contractor, or
- b. a member of the College who practices dentistry as a member of a partnership.

16.2 Contents of the Register

16.2.1 Contents required by the Code

Subsection 23(2) of the Code requires that the Register contain specified information, subject to certain exceptions provided for in the Code.

For ease of reference only, the information specified by subsection 23(2) of the Code is attached as appendix 28.1 to these by-laws.

16.2.2 *Additional information*

Pursuant to paragraph 14 of subsection 23(2) of the Code, the additional information set out in appendix 28.2 shall be kept in the Register.

16.2.3 *Designated information for safety exception*

All of the information required to be kept in the Register under subsection 23(2) of the Code and all of the information kept in the Register under article 16.2.2 is designated as information that may be withheld from the public if the Registrar has reasonable grounds to believe that disclosure may jeopardize the safety of an individual pursuant to subsection 23(6) of the Code.

16.2.4 *Name of member*

Subject to article 16.2.5 (Change of name), the name of a member as it appears in the Register shall be the name of the member as it appears on the member's degree in dentistry.

16.2.5 *Change of name*

The Registrar shall enter the name of a member in the Register other than the name provided in article 16.2.4 (Name of member) where

- a. the member requests that his or her name as it appears on the Register be changed,
- b. the Registrar is satisfied that the member has validly changed his or her name, and
- c. the Registrar is satisfied that the member did not change his or her name for an improper purpose.

16.2.6 *Business address*

For the purpose of chapter 16.2 (Contents of the Register), a member's business address shall be the address of each location at which the member practices in Ontario, or, where the member does not practice in Ontario, an address designated by the member.

16.2.7 *Business telephone number*

For the purpose of chapter 16.2 (Contents of the Register), a member's business telephone number shall be the telephone number or numbers associated with the member's business address under article 16.2.6 (Business address).

16.3 Removal of Information from the Register

16.3.1 Deceased member

Except as otherwise required by the Code, information regarding a deceased member of the College may be removed from the Register after six years from the date of the member's death.

16.3.2 Former member

Except as otherwise provided by the Code or article 16.3.3, information regarding a former member of the College may be removed from the Register after six years from the effective date of the member's resignation.

16.3.3 Removal of cautions delivered

The information required by paragraph 16 of article 28.2.1 (Information in respect of members) shall be removed from the Register twenty-four months once the Registrar is satisfied that the member has appeared before a panel of the Inquiries, Complaints and Reports Committee and received the caution.

16.3.4 Removal of education or remediation programs completed

The information required by paragraph 17 of article 28.2.1 (Information in respect of members) shall be removed from the Register once the Registrar is satisfied that the member has successfully completed the specified continued education or remediation program that was the subject of the decision of the panel of the Inquiries, Complaints and Reports Committee.

16.3.5 Exceptions

Information regarding a former member of the College shall not be removed from the Register where the member

- a. resigned and agreed never again to practice in Ontario during or as a result of a proceeding under section 25 of the Code,
- b. agreed to resign to avoid a proceeding before the Discipline or Fitness to Practice committee, or
- c. resigned while a proceeding before the Discipline or Fitness to Practice Committee was outstanding.

16.4 Information from Members of the College

16.4.1 Notification information

A member of the College shall notify the Registrar in writing of the following information:

- a. the member's home address and home telephone number;
- b. the member's e-mail address;
- c. whether the member is practicing in Ontario;
- d. where the member is practicing, the address and telephone number of
 - a. the member's principal place of practice in Ontario, and
 - b. all other locations at which the member practices, including any hospital or other health facility at which the member has professional privileges;
- e. where the member is not practicing, the member's designated business address and telephone number;
- f. the member's preferred address for communication by the College;
- g. where the member practices in more than one location in Ontario, the member's designated election address;
- h. where the member uses a practice name
 - i. the locations at which the practice name is used, and
 - ii. the name of every member of the College who engages in practice under the practice name and whether that member practices as a principal or associate member; and
- i. where the member is associated with a member of the College who uses a practice name, the practice name and the locations at which the associated member practices under that practice name.

16.4.2 Change to information

A member of the College shall notify the Registrar in writing of any change to the information required to be reported under article 16.4.1 within thirty (30) days of the effective date of the change.

16.4.3 Information upon request

A member of the College shall provide the following information immediately upon request of the Registrar:

- a. any information required to be provided by the member under the Act, regulations, or by-laws;

- b. the member's date of birth;
- c. the number and date of issuance of the member's certificate from the National Dental Examining Board of Canada, if any;
- d. the name of any health profession corporation that holds a certificate of authorization issued by the College where the member is a voting shareholder, officer, or director of the corporation, and the position or title held by the member with the corporation;
- e. where the member is a voting shareholder, officer, or director of a health profession corporation
 - i. the head office and mailing address of the corporation,
 - ii. the practice names or business names used by the corporation, if any, and
 - iii. the address and telephone number of each location at which the corporation carries on business;
- f. the names and telephone numbers of the member's employees;
- g. every hospital or other health facility in Ontario where the member has professional privileges;
- h. a description of the services that the member provides in each of his or her practice locations; and
- i. details of the legal and financial arrangements between the member and other members of the College practicing at the same location or under the same practice name.

17 HEALTH PROFESSION CORPORATIONS

17.1 Certificates of Authorization

17.1.1 Issuance by Registrar

The Registrar shall issue a certificate of authorization on behalf of the College to an applicant health profession corporation where the Registrar is satisfied that all of the following conditions are met:

- a. the corporation has submitted an application in the form approved by Council;
- b. the corporation has paid all applicable fees for the issuance of the certificate;
- c. the corporation meets all of the eligibility requirements set out in the regulations passed pursuant to the RHPA;
- d. the corporation has submitted the certificate of status of the corporation issued by the Ministry of Consumer and Business Services not more than thirty (30) days prior to the submission of the application showing that the corporation is active;
- e. the corporation has submitted the original, or a certified or notarized copy of, the certificate of incorporation of the corporation;
- f. the corporation has submitted the original, or a certified or notarized copy of, every certificate of the corporation that has been endorsed under the *Business Corporations Act* as of the day that the application was submitted;
- g. the corporation has submitted a statutory declaration of a director of the corporation, executed not more than fifteen (15) days prior to the submission of the application, that certifies that
 - i. the corporation was in compliance with section 3.2 of the *Business Corporations Act* as of the date of the declaration,
 - ii. the corporation does not carry on and does not plan to carry on any business that is not the practice of dentistry or activities related to or ancillary to the practice of dentistry,
 - iii. there has been no change in the status of the corporation since the date of the certificate of status submitted as part of the application, and
 - iv. the information contained in the application is complete and accurate as of the date of the declaration;
- h. the corporation has submitted the name of each person who is a shareholder of the corporation as of the date of application, and, where a shareholder is a member of

- the College, the shareholder's business address, business telephone number, and registration number with the College as of the date of application;
- i. the corporation has submitted the names of the directors and officers of the corporation as of the date of application;
 - j. the corporation has submitted the address of each premise at which the corporation carries on activities as of the date of application.

17.1.2 Annual renewal

A certificate of authorization issued under article 17.1.1 is subject to annual renewal by the College.

17.1.3 Revocation of certificate

A certificate of authorization issued under article 17.1.1 may be revoked in accordance with the regulations passed pursuant to the RHPA.

17.1.4 Revised certificate of authorization

Where an applicant corporation has changed its name following issuance of a certificate of authorization, the Registrar shall issue a revised certificate of authorization on behalf of the College to the corporation provided that the Registrar is satisfied that all of the following conditions are met:

- a. the corporation has submitted an application for a revised certificate of authorization in the form approved by Council
- b. the corporation has submitted all of the applicable fees for the issuance of the revised certificate
- c. the corporation continues to be eligible to hold a certificate of authorization

17.1.5 Renewals

The Registrar shall renew the certificate of authorization of an applicant corporation on behalf of the College where the Registrar is satisfied that all of the following conditions are met:

- a. the corporation has submitted a renewal application in the form approved by Council;
- b. the corporation has paid all applicable fees for the renewal of the certificate;
- c. the corporation has submitted the certificate of status of the corporation issued by the Ministry of Consumer and Business Services not more than thirty (30) days prior to the submission of the application showing that the corporation is active;

- d. the corporation has submitted the original, or a certified or notarized copy of, every certificate of the corporation that has been endorsed under the *Business Corporations Act* since the corporation's most recent application for a certificate of authorization or for renewal of its certificate of authorization;
- e. the corporation has submitted a statutory declaration of a director of the corporation, executed not more than fifteen (15) days prior to the submission of the renewal application, that certifies that
 - i. the corporation was in compliance with section 3.2 of the *Business Corporations Act* as of the date of the declaration,
 - ii. the corporation does not carry on and does not plan to carry on any business that is not the practice of dentistry or activities related to or ancillary to the practice of dentistry,
 - iii. there has been no change in the status of the corporation since the date of the certificate of status submitted as part of the renewal application, and
 - iv. the information contained in the renewal application is complete and accurate as of the date of the declaration;
- f. the corporation has submitted the name of each person who is a shareholder of the corporation as of the date of the renewal application, and, where a shareholder is a member of the College, the shareholder's business address, business telephone number, and registration number with the College as of the date of the renewal application;
- g. the corporation has submitted the names of the directors and officers of the corporation as of the date of the renewal application;
- h. the corporation has submitted the address of each premise at which the corporation carries on activities as of the date of the renewal application.

17.1.6 Incomplete applications rejected

The Registrar may reject an application for a certificate of authorization, a revised certificate of authorization, or for the renewal of a certificate of authorization where the application does not include all of the documents and other things required for the issuance or renewal of the certificate.

17.1.7 Return of documents

Where the Registrar rejects an application under article 17.1.6, the Registrar shall return to the applicant corporation all the documents and other things submitted with the application, except for the applicable fees.

17.1.8 Cancellation

The Registrar shall cancel the certificate of authorization of a corporation upon receipt of a written request of the corporation to that effect and a written confirmation that the corporation no longer practices dentistry.

17.2 Change of Shareholders

17.2.1 Notice of change of shareholders

A corporation that holds a certificate of authorization shall notify the Registrar of every change in the shareholders of the corporation who are members of the College in the form approved by Council.

17.2.2 Timing of notice

A corporation required to provide notice under article 17.2.1 shall submit the notice within ten (10) days of each change of shareholder.

17.2.3 Additional declaration

A corporation required to provide notice under article 17.2.1 shall in addition submit to the Registrar a statutory declaration of a director of the corporation, executed after the change of shareholders, certifying that the corporation is in compliance with section 3.2 of the *Business Corporations Act* and any regulations made under that section, as of the date of the declaration.

17.3 Interpretation

17.3.1 Time of receipt

A document, payment, or other thing that is required to be submitted under chapter 17.1 (Certificates of Authorization) or chapter 17.2 (Change of Shareholders) is deemed to be received at the following times:

- a. where the document, payment, or other thing is received at the College's offices during the normal business hours of the College on a day when the College is open for business, the actual time that the document, payment, or other thing is received by the College; or
- b. where the document, payment, or other thing is received at the College's offices at a time when the College is not open for business, 9:00AM on the next day that the College is open for business.

18 FEES

18.1 Application Fees

18.1.1 General, specialty, academic certificates

An applicant for the issuance of a general, specialty, or academic certificate of registration shall submit an application in the form provided by the Registrar and shall pay an application fee of \$250.⁰⁰.

18.1.2 Exemption, Remote Services Program

An applicant for the issuance of a general certificate of registration restricted to practising in the Remote Services Program of the Ontario Dental Association is exempt from the requirement to pay an application fee under article 18.1.1.

18.1.3 Other certificates

An applicant for the issuance of a certificate of registration other than a general, specialty, or academic certificate shall submit an application in the form provided by the Registrar and shall pay an application fee of \$150.⁰⁰.

18.2 Registration Fees

18.2.1 General, academic, etc.

An applicant for a general, academic, specialty, education, or post-specialty training certificate of registration shall pay a registration fee of \$100.⁰⁰ for the issuance of his or her certificate of registration.

18.2.2 Instructional, short duration

An applicant for an instructional or short duration certificate of registration shall pay a registration fee of \$500.⁰⁰ for the issuance of his or her certificate of registration.

18.2.3 Academic visitor

An applicant for an academic visitor certificate of registration shall pay a registration fee of \$750.⁰⁰ for the issuance of his or her certificate of registration.

18.3 Annual Fees

18.3.1 Registrar to Notify

The Registrar shall notify each member of the College of the amount of his or her annual fee and the day on which the fee is due.

18.3.2 *Initial year of registration, new member*

A member of the College who has never previously been a member of the College shall pay an annual fee in the following amount for the calendar year in which the member is first issued a general, academic, or specialty certificate of registration:

- a. \$2,160.⁰⁰, if the certificate was issued on or after 01 January and before 01 June;
- b. \$1,080.⁰⁰, if the certificate was issued on or after 01 June and before 01 September;
- c. \$650.⁰⁰, if the certificate was issued on or after 01 September.

18.3.3 *Initial year of registration, returning member*

A member of the College who had previously been a member of the College shall pay the annual fee required by article 18.3.7 for the calendar year in which the member is first reissued a general, academic, or specialty certificate of registration.

18.3.4 *Maximum one initial annual fee*

A member of the College shall only pay one annual fee under article 18.3.1 or article 18.3.3, as applicable, regardless of the number of certificates of registration issued or reissued to the member during the calendar year.

18.3.5 *Initial year of registration, education or post specialty training*

A member of the College shall pay an annual fee of \$2,160.⁰⁰ for the calendar year in which he or she is first issued an education or post specialty training certificate of registration.

18.3.6 *Initial year of registration, graduate student*

A member of the College shall pay an annual fee of \$100.⁰⁰ for the calendar year in which he or she is first issued a graduate student certificate of registration.

18.3.7 *Annual fee, general, academic, specialty*

A member of the College who holds a general, academic, or specialty certificate of registration shall pay an annual fee in the following amount for each calendar year in which the member holds the certificate:

- a. \$2,160.⁰⁰, if paid on or before 15 December of the preceding year, or \$2,260.⁰⁰ if paid thereafter.

18.3.8 *Single annual fee for dual certificate holders*

A member of the College who holds a general and speciality certificate of registration or an academic and specialty certificate of registration shall pay a single annual fee under article 18.3.7 per calendar year.

18.3.9 *Annual fee, education – speciality programs*

A member of the College who holds an education certificate of registration and is enrolled in a certificate of completion program in the speciality of endodontics, oral and maxillofacial radiology, orthodontics and dental facial orthopaedics, paediatric dentistry, periodontics, prosthodontics, or public health dentistry shall pay an annual fee of \$100.⁰⁰ for each calendar year in which the member holds the certificate.

18.3.10 *Annual fee, education – other program*

A member of the College who holds an education certificate of registration and is enrolled in a certificate of completion program other than one listed in article 18.3.9 shall pay an annual fee of \$2,160.⁰⁰ for each calendar year in which the member holds the certificate.

18.3.11 *Annual fee, post specialty training*

A member of the College who holds a post specialty training certificate of registration shall pay an annual fee of \$2,160.⁰⁰ for each calendar year in which the member holds the certificate.

18.3.12 *Annual fee, graduate student*

A member of the College who holds a graduate student certificate of registration shall pay an annual fee of \$100.⁰⁰ for each calendar year in which the member holds the certificate.

18.3.13 *Due date, education, post specialty training, graduate student*

A member of the College who holds an education, post specialty training, or graduate student certificate of registration shall pay the applicable annual fee on or before the last day of the month immediately preceding the month in which the certificate was first issued.

18.3.14 *Penalty fee for late payment*

Where a member of the College who holds an education, post specialty training, or graduate student certificate of registration fails to pay the applicable annual fee on or before the date on which the fee is due shall pay an additional penalty fee of \$100.⁰⁰.

18.4 Examination Fees

18.4.1 Definition

In this chapter, “**examination**” means the examination that is a requirement for the issuance of a specialty certificate of registration in dental anaesthesia, including both the written and oral components.

18.4.2 Examination application fee

An applicant for the examination shall pay an application fee of \$100.⁰⁰

18.4.3 Written component fee

An eligible candidate for the written component of the examination shall pay a fee of \$1,600.⁰⁰ at least thirty (30) days prior to the expected date of that component, or within such other period of time approved by the Registrar.

18.4.4 Oral component fee

An eligible candidate for the oral component of the examination shall pay a fee of \$3,300.⁰⁰ at least ninety (90) days prior to the expected date of that component, or within such other period of time approved by the Registrar.

18.4.5 Re-scoring fee, written

An applicant who applies to have the results of the written component of the examination re-scored shall pay a fee of \$100.⁰⁰.

18.4.6 Re-scoring fee, oral

An applicant who applies to have the results of the oral component of the examination re-scored shall pay a fee of \$700.⁰⁰.

18.4.7 Re-administration fees

A candidate who is unsuccessful in the written or oral component of the examination and who applies and is eligible to retake that component shall pay an additional application fee under article 18.4.2 and an additional examination fee under article 18.4.3 or article 18.4.4, as applicable.

18.5 Replacement Certificates

18.5.1 Damaged certificate

The Registrar shall issue a replacement for a damaged certificate of registration upon request by the holder of the certificate provided that the member returns the damaged certificate to the Registrar and pays a fee of \$50.⁰⁰.

18.5.2 *Lost certificate*

The Registrar shall issue a replacement for a lost certificate of registration upon request by the holder of the certificate provided that the Registrar is satisfied that the certificate was lost and the member pays a fee of \$50.⁰⁰.

18.6 Fees for Lifting Suspensions

18.6.1 *Suspension for non-payment of fees*

An applicant seeking the lifting of a suspension imposed for the non-payment of fees shall submit an application in the form provided by the Registrar and a fee of \$250.⁰⁰

18.6.2 *Two certificates*

Where an applicant applies at the same time for the lifting of a suspension on both a general and specialty certificate of registration or an academic and specialty certificate of registration, only one fee shall be payable under 18.6.1.

18.6.3 *Fees payable on lifting of suspension*

Where an applicant's certificate of registration was suspended for the non-payment of fees and the applicant is entitled to have the suspension lifted, the applicant shall pay

- the fees that the applicant failed to pay which gave rise to the suspension,
- the annual fee payable for the calendar year in which the suspension is to be lifted,
- the penalty fee, if applicable, and
- a reinstatement fee of \$100.⁰⁰.

18.7 Reinstatement Fees

18.7.1 *Reinstatement hearing*

An applicant requesting a hearing under the Act to consider reinstatement of his or her certificate of registration shall pay a fee of \$3,500.⁰⁰.

18.7.2 *Partial refund on withdrawal*

Where an applicant for a hearing under article 18.7.1 withdraws the application at least thirty (30) days prior to the scheduled date for the commencement of the hearing, the applicant shall be refunded \$3000.⁰⁰.

18.7.3 *Other reinstatement*

An applicant for the reinstatement of a certificate of registration, other than an applicant under article 18.7.1, shall submit an application in the form provided by the Registrar and pay a fee of \$250.⁰⁰.

18.7.4 *Two certificates*

Where an applicant applies at the same time for the reinstatement of both a general and specialty certificate of registration or an academic and specialty certificate of registration, only one fee shall be payable under article 18.7.1 or article 18.7.3, as applicable.

18.7.5 *Fees payable on reinstatement*

Where a former member of the College is entitled to the reinstatement of his or her certificate of registration, the former member shall pay

- a. the annual fee for any and all years in which the member practised in Ontario, if not previously paid,
- b. any amounts owed to the College, including any penalty fee due at the time the former member ceased to be a member of the College,
- c. the penalty fee, if applicable, and
- d. a reinstatement fee of \$100.⁰⁰.

18.8 Course Fees

18.8.1 *Remedial courses*

Except as otherwise set by Council, a member of the College taking a remedial course presented by the College shall pay a course fee of \$500.⁰⁰.

18.8.2 *Continuing education courses*

The Executive Committee shall determine what course fee, if any, to charge for a continuing education course offered by the College.

18.8.3 *Different course fees by membership*

The Executive Committee may set a different course fee for members and non-members of the College.

18.8.4 *Course fees payable on application*

An applicant for a course presented or offered by the College shall pay the applicable course fee upon application.

18.9 Sedation and General Anaesthesia

18.9.1 Member's Authorization, initial application

A member applying for authorization to administer moderate sedation, deep sedation, and/or general anaesthesia under article 21.2.1 shall pay a fee of \$600.⁰⁰ in the case of a Visiting Member and \$150.⁰⁰ otherwise.

18.9.2 Member's Authorization, renewal

A member applying for renewal of an authorization to administer moderate sedation, deep sedation, and/or general anaesthesia under article 21.4.3 shall pay a fee of \$300.⁰⁰ in the case of a Visiting Member and \$150.⁰⁰ otherwise.

18.9.3 Member's Authorization, inspection

A member required to pay an inspection fee under article 21.4.10 shall pay a fee of \$450.⁰⁰ in the case of a Visiting Member and \$150.⁰⁰ otherwise.

18.9.4 Member's Authorization, revision

A member applying to revise an authorization to administer moderate sedation, deep sedation, and/or general anaesthesia under article 21.5.2 shall pay an application fee of \$150.⁰⁰, and, where the application for revision requires an inspection, an inspection fee of \$450.⁰⁰.

18.9.5 Facility Permit, application

A member applying for a Facility Permit under article 21.6.4 shall pay an application fee of \$750.⁰⁰.

18.9.6 Facility Permit, renewal

A member applying for renewal of a Facility Permit under article 21.7.2 shall pay an application fee of \$350.⁰⁰.

18.9.7 Facility Permit, extension inspection

A member required to pay an inspection fee in respect of an extension of a Facility Permit under article 21.7.7 shall pay a fee of \$600.⁰⁰.

18.9.8 Facility Permit, renewal inspection

A member required to pay an inspection fee in respect of a renewal of a Facility Permit under article 21.9.3 shall pay a fee of \$600.⁰⁰.

18.10 Health Profession Corporation Fees

18.10.1 Certificate of authorization

A corporation applying for a certificate of authorization shall pay a fee of \$750.⁰⁰ for the issuance of the certificate.

18.10.2 Revised certificate of authorization

A corporation applying for a revised certificate of authorization shall pay a fee of \$150.⁰⁰ for the issuance of the revised certificate.

18.10.3 Renewal fee

A corporation applying for renewal of its certificate of authorization shall pay a renewal fee of \$175.⁰⁰, if paid on or before 31 July in the year in which the fee is due, and \$200.⁰⁰ if paid thereafter.

18.10.4 Confirmation of certificate

A corporation requesting a certificate confirming that the corporation holds a certificate of authorization issued by the College shall submit the request to the Registrar and pay a fee of \$50.⁰⁰.

18.11 Dental CT Scanner Fees

18.11.1 Application Fee

A member of the College applying for a facility permit for a dental CT scanner shall pay an application fee of \$850.⁰⁰ per facility permit.

18.11.2 Renewal fee

A member applying for the renewal of an annual facility permit shall pay a renewal fee of \$400.⁰⁰.

18.12 Other Fees

18.12.1 Letters of standing

A member or former member of the College who requests a certificate or letter of standing shall pay a fee of \$75.⁰⁰, to be submitted with the request.

18.12.2 Registrar may waive fee

The Registrar may, in his or her sole discretion, waive the fee for a certificate or letter of standing payable under article 18.12.1.

18.12.3 *Loss of prescribing privileges*

Where a member of the College agrees or is required to give up his or her prescribing privileges, the member shall pay a fee equal to the costs of the College to notify all members of the Ontario College of Pharmacists of the member's loss of prescribing privileges, up to a maximum of \$500.⁰⁰.

18.12.4 *Discretionary removal of obsolete, no longer relevant Register information*

A member of the College requesting the Registrar to exercise his discretion under subsection 23(7) of the Code shall submit an application in the form provided by the Registrar and a fee of \$500.⁰⁰.

18.12.5 *Removal of historical disciplinary and incapacity Register information*

A member of the College making an application under clause (c) of subsection 23(11) of the Code shall submit an application in the form provided by the Registrar and where the application relates to a finding of professional misconduct, the member shall submit a fee of \$3500.⁰⁰.

18.12.6 *Partial refund on withdrawal*

Where a member of the College who was required to pay a fee under article 18.12.5 withdraws the application at least thirty (30) days prior to date on which the application is scheduled to be considered by the Discipline Committee, the applicant shall be refunded \$3000.⁰⁰.

18.12.7 *Declined payment fee*

A member of the College shall pay a fee of \$25.⁰⁰ where

- a. the member purports to make payment to the College by credit card, but the payment is refused by the credit card provider on first submission by the College, or
- b. the member purports to make payment to the College by cheque, but the cheque is not honoured on first presentation to the financial institution of the payer.

18.13 Method of Payment

18.13.1 *Accepted methods of payment*

The College may accept payments made in cash; by credit card accepted by the College; by cheque; by money order; and by electronic bill payment, electronic funds transfer, or other electronic means approved by the Registrar.

18.13.2 *Other methods of payment*

Methods of payment other than those set out in article 18.13.1 are not accepted, except as authorized by Council.

18.13.3 *Timing of receipt of payment*

A fee or other amount is deemed to be paid to the College at the following times:

- a. where the payment is made in cash, the date upon which the cash is received at the offices of the College;
- b. where payment is made by credit card accepted by the College, the date upon which appropriate authorization is received at the offices of the College;
- c. where payment is made by cheque, the date of the cheque or the date that the cheque is received at the offices of the College, whichever is later, provided that the cheque is honoured on first presentation to the financial institution of the payer;
- d. where payment is made by money order, the date upon which the money order is received at the offices of the College; and
- e. where payment is made by electronic bill payment, electronic funds transfer, or other electronic means approved by the Registrar, the date upon which the funds are actually received by the College.

18.14 **Refunds**

18.14.1 *All fees non-refundable*

Except as otherwise provided in these by-laws, all fees or other amounts paid to the College are non-refundable.

19 EXAMINATION FOR SPECIALITY IN DENTAL ANAESTHESIA

19.1 General

19.1.1 Definition

In this by-law, “**examination**” means the examination that is a requirement for the issuance of a specialty certificate of registration in dental anaesthesia, including both the written and oral components.

19.1.2 Re-scoring

A person who is unsuccessful on either the written or oral component of the examination may have the component re-scored by filing a written request with the Registrar within thirty (30) days of receipt of the results of that component of the examination and submitting the applicable fee.

19.2 Eligibility

19.2.1 Eligibility criteria

A person is eligible to attempt the examination if he or she satisfies all of the following conditions:

- a. the person has applied for a specialty certificate of registration in dental anaesthesia and obtained the approval of the Registration Committee;
- b. the person has paid all applicable fees; and
- c. the person has not been unsuccessful on either the written or oral component of the examination on three previous occasions.

19.2.2 Additional attempts

Where a person has been unsuccessful on either the written or oral component of the examination on three previous occasions, the person may not attempt the examination again until he or she has successfully completed such additional education, training, or both approved by a panel of the Registration Committee.

19.2.3 Additional education, training may include new program

The additional education or training approved by a panel of the Registration committee under article 19.2.2 may include the completion of a new approved specialty program that is a requirement for the issuance of a specialty certificate in dental anaesthesia.

19.2.4 *Attempts following additional education, training*

Where a person has completed additional education, training, or both as approved by the Registration Committee under article 19.2.2, the person's unsuccessful attempts at the examination prior to the completion of the education or training shall not be considered for the purpose of determining eligibility to attempt the examination under article 19.2.1.

20 DENTAL CT SCANNERS

20.1 General

20.1.1 Definitions

In this by-law,

“**CF scanner**” means a craniofacial CT scanner; and

“**DA scanner**” means a dentoalveolar CT scanner.

20.2 Authorizations

20.2.1 Authorization required

A member of the College shall not prescribe, order, or take dental CT scans without obtaining appropriate authorization from the Registrar.

20.2.2 Application for authorization

A member of the College may request authorization to prescribe, order, or take dental CT scans by submitting an application in the form provided by the Registrar.

20.2.3 Authorization, dentoalveolar CT scans

Where a member of the College applies to prescribe, order, or take dentoalveolar CT scans, the Registrar shall

- a. grant the authorization, where the Registrar is satisfied that the member has the requisite education and training required under the College’s *Standard of Practice for Dental CT Scanners* to take dentoalveolar CT scans, or
- b. refer the member’s application to the Dental CT Scanner Committee.

20.2.4 Authorization, dentoalveolar and craniofacial CT scans

Where a member of the College applies to prescribe, order, or take both dentoalveolar and craniofacial CT scans, the Registrar shall

- a. grant the authorization, where the Registrar is satisfied that the member has the requisite education and training required under the College’s *Standard of Practice for Dental CT Scanners* to take both dentoalveolar and craniofacial CT scans, or
- b. refer the member’s application to the Dental CT Scanner Committee.

20.2.5 Review by Dental CT Scanner Committee

Where the Registrar has referred a member's application to take dental CT scans under article 20.2.3 or 20.2.4, the Dental CT Scanner Committee may direct the Registrar

- a. to grant such authorization provided that the Committee is satisfied that the member has the requisite education and training required under the College's *Standard of Practice for Dental CT Scanners* to take dentalalveolar CT scans, or both dentoalveolar and craniofacial CT scans, as applicable, or
- b. to reject the application.

20.2.6 Registrar may rescind

The Registrar may rescind an authorization to prescribe, order, and take dental CT scans granted under article 20.2.3, 20.2.4, or 20.2.5 where the Registrar is satisfied that the authorization was granted on the basis of information or representations that were inaccurate, false, or misleading.

20.3 Facility Permits – General

20.3.1 Types of facility permit

The Registrar shall issue the following facility permits to permit the installation and operation of the specified type of dental CT scanner at a specified practice facility:

- a. DA scanner facility permit;
- b. CF scanner facility permit.

20.3.2 Facility permit to name members

A facility permit issued under article 20.3.1 shall name each of the members of the College authorized to prescribe, order, and take the specified type of dental CT scan at the specified practice facility.

20.3.3 Application

A member of the College may request a facility permit for a dental CT scanner by submitting an application in the form provided by the Registrar and paying the applicable fee.

20.3.4 Registrar may rescind

The Registrar may rescind a facility permit where the Registrar is satisfied that the permit was issued on the basis of information or representations that were inaccurate, false, or misleading.

20.4 Provisional Facility Permits

20.4.1 *Provisional permits*

Where a member of the College applies for a facility permit under article 20.3.3, the Registrar shall

- a. issue a provisional facility permit to install and operate a DA scanner, CF scanner, or both, as applicable, if the Registrar is satisfied that the member fulfils the requirements of the College's *Standard of Practice for Dental CT Scanners*, or
- b. refer the member's application to the Dental CT Scanner Committee.

20.4.2 *Review by Dental CT Scanner Committee*

Where the Registrar has referred a member's application for a facility permit under article 20.4.1, the Dental CT Scanner Committee may direct the Registrar

- a. to issue the appropriate facility permit, provided that the Committee is satisfied that the member of the College fulfils the requirements of the College's *Standard of Practice for Dental CT Scanners*, or
- b. reject the application.

20.4.3 *Extension of provisional permit*

The Registrar or Dental CT Scanner Committee may extend a provisional facility permit for a period of up to six (6) months, subject to such conditions as the Registrar or Committee may specify.

20.4.4 *Expiry*

A provisional facility permit expires

- a. on the date of expiry provided in the extension granted by the Registrar or Dental CT Scanner Committee under article 20.4.3; or
- b. the earlier of
 - i. six (6) months from the date of issuance, and
 - ii. the issuance of an annual facility permit in respect of the same dental CT scanner and practice facility for which the provisional permit was issued.

20.5 Annual Facility Permits

20.5.1 Annual permit issued upon inspection

The Registrar shall issue an annual facility permit to a member of the College who holds a provisional facility permit upon successful completion of an inspection conducted by an inspector appointed by the Registrar.

20.5.2 Conditions for inspection

A member of the College who holds a provisional facility permit is eligible for an inspection pursuant to article 20.5.1 provided that the member has submitted all of the following information and documentation:

- a. a copy of the written approval of the Director of X-Ray Safety appointed by the Ministry to install the dental CT scanner;
- b. a copy of the letter of designation from the Ministry designating the facility for the installation and operation of the dental CT scanner;
- c. documentation establishing that the dental CT scanner was manufactured within twelve months prior to installation and was newly manufactured when installed;
- d. documentation establishing that the dental CT scanner passed all acceptance tests recommended by the manufacturer at the time of installation as well as all tests specified by the College's *Standard of Practice for Dental CT Scanners*;
- e. documentation establishing that all dentists authorized to prescribe, order, and take dental CT scans at the practice location specified in the permit have received appropriate on-site training in the safe operation of the equipment;
- f. written confirmation that a quality assurance program compliant with the College's *Standard of Practice for Dental CT Scanners* has been instituted and documented; and
- g. written confirmation that the dental CT scanner covered by the permit has been used to assist in the treatment of at least ten (10) patients.

20.5.3 Regular inspection

Each practice facility associated with a facility permit for dental CT scanners shall be subject to an inspection by an inspector appointed by the Registrar at least once every three years.

20.5.4 Expiry

An annual facility permit for a dental CT scanner expires on 31 October in the year following its issuance.

20.5.5 *Renewal application*

A member of the College who holds an annual facility permit may apply for the renewal of the permit by submitting an application in the form provided by the Registrar and paying the applicable fees at least thirty (30) days prior to the expiry of the permit.

20.5.6 *Renewal*

Where a member of the College applies to renew an annual facility permit, the Registrar shall

- a. renew the permit, provided that the Registrar has no reason to believe that the facility associated with the permit or any of the members practising at that facility are not in compliance with the requirements of the College's *Standard of Practice for Dental CT Scanners*, or
- b. refer the member's application to the Dental CT Scanner Committee.

20.5.7 *Review by Dental CT Scanner Committee*

Where the Registrar has referred a member's application for the renewal of a facility permit under article 20.5.6, the Dental CT Scanner Committee may direct the Registrar

- a. to renew the permit, provided that the Committee has no reason to believe that the facility associated with the permit or any of the members practising at that facility are not in compliance with the requirements of the College's *Standard of Practice for Dental CT Scanners*, or
- b. to reject the application.

20.6 **Subject-to-Inspection Facility Permits**

20.6.1 *Bars to renewal*

An annual facility permit shall not be renewed where the facility associated with the permit

- a. has not been inspected during the preceding three years, or
- b. as a result of an inspection during the preceding three years, the facility or one or more members of the College practising at the facility were found not to be in compliance with the College's *Standard of Practice for Dental CT Scanners* and the failure has not been rectified to the satisfaction of the Registrar or the Dental CT Scanner Committee.

20.6.2 Subject-to-inspection facility permits

Where an annual facility permit cannot be renewed as a result of article 20.6.1, the Registrar may issue a subject-to-inspection facility permit that shall expire on a date set by the Registrar that is no more than sixty (60) days after the date of issuance.

20.6.3 Dental CT Scanner Committee may direct

The Dental CT Scanner Committee may direct the Registrar to issue a subject-to-inspection facility permit under article 20.6.2.

20.7 Revised Annual Facility Permits

20.7.1 Application

A member of the College holding an annual facility permit may apply for a revised annual facility permit to change the practice facility referred to in the existing annual facility permit by submitting an application in the form provided by the Registrar.

20.7.2 Required documentation

A member of the College applying for a revised annual facility permit shall submit all of the following information and documentation:

- a. a copy of the written approval of the Director of X-Ray Safety appointed by the Ministry to install the dental CT scanner at the new facility;
- b. a copy of the letter of designation from the Ministry designating the new facility for the installation and operation of the dental CT scanner; and
- c. documentation establishing that the dental CT scanner passed all acceptance tests recommended by the manufacturer at the time of installation at the new facility as well as all tests specified by the College's *Standard of Practice for Dental CT Scanners*.

20.7.3 Revised Annual Facility Permit

Upon application by a member of the College for a revised annual facility permit the Registrar shall

- a. issue a revised annual facility permit to the member provided that
 - i. the member has submitted all of the information and documentation required by article 20.7.2, and
 - ii. where requested by the Registrar, the new practice facility, the dental CT scanners at that facility, or both have undergone an inspection by an

inspector appointed by the Registrar and no evidence of non-compliance with the College's *Standard of Practice for Dental CT Scanners* was found; or

- b. refer the application to the Dental CT Scanner Committee.

20.7.4 *Review by Dental CT Scanner Committee*

Where the Registrar has referred a member's application for a revised annual facility permit under article 20.7.3, the Dental CT Scanner Committee may direct the Registrar

- a. to issue the revised annual facility permit, provided that
 - i. the Committee is satisfied that the member has submitted all of the information and documentation required by article 20.7.2, and
 - ii. where requested by the Committee, the new practice facility, the dental CT scanners at that facility, or both have undergone an inspection by an inspector appointed by the Registrar and no evidence of non-compliance with the College's *Standard of Practice for Dental CT Scanners* was found; or
- b. to reject the application.

21 SEDATION AND GENERAL ANAESTHESIA

21.1 General

21.1.1 Definitions

In this by-law

“**deep sedation**” has the meaning described in the Standard of Practice;

“**Facility Permit**” means a permit issued by the College authorizing the administration of moderate sedation, deep sedation and/or general anaesthesia at a dental office (“facility”);

“**general anaesthesia**” has the meaning described in the Standard of Practice;

“**inspection**” means

- a. in relation to a member or a dental office which holds a facility permit, an inspection by an inspector or inspectors appointed by the Registrar and includes a re-inspection; and
- b. in relation to a Visiting Physician, an inspection of the physician's equipment and emergency drugs by an inspector either appointed by or approved by the Registrar and includes a re-inspection;

“**Member's Authorization**” is the authorization issued by the College to a member under this by-law to permit the member to administer moderate sedation, deep sedation and/or general anaesthesia in a dental office and, unless the context otherwise requires, includes one which has been provisionally issued under article 21.3.1 of this by-law;

“**moderate sedation**” means the sedation achieved by oral moderate sedation or parenteral conscious sedation as more particularly described in the Standard of Practice;

“**oral moderate sedation**” means the sedation achieved by the oral administration of one or more sedative drugs with or without nitrous oxide and oxygen, as more particularly described in the Standard of Practice;

“**parenteral conscious sedation**” has the meaning described in the Standard of Practice;

“**physician**” means a member of the College of Physicians and Surgeons of Ontario who

- a. holds a certificate of registration issued by the College of Physicians and Surgeons of Ontario permitting the member to practise independently, and

- b. is qualified by the College of Physicians and Surgeons of Ontario to administer moderate sedation, deep sedation and/or general anaesthesia in a dental office for which a facility permit has been issued.

“**Standard of Practice**” means the standard of practice published by the College and entitled *Standard of Practice: Use of Sedation and General Anaesthesia in Dental Practice*;

“**Type A Facility Permit**” means a facility permit which requires the facility to provide and have present at all times all of the equipment and emergency drugs needed to meet the requirements of the Standard of Practice;

“**Type B Facility Permit**” means a facility permit which requires the facility to utilize a Visiting Member or Visiting Physician to perform moderate sedation, deep sedation and/or general anaesthesia at the facility;

“**Visiting Member**” means a member who holds a Member's Authorization and who is permitted under this by-law to perform moderate sedation, deep sedation and/or general anaesthesia at a dental office for which a Type B Facility Permit has been issued;

“**Visiting Physician**” means a physician who performs moderate sedation, deep sedation and/or general anaesthesia at a dental office for which a Type B Facility Permit has been issued.

21.1.2 *Modalities of moderate sedation*

The following are the modalities of moderate sedation:

- a. oral moderate sedation
- b. parenteral conscious sedation – one sedative agent
- c. parenteral conscious sedation – one or more sedative agents

21.2 **Member's Authorizations**

21.2.1 *Application for sedation/general anaesthesia*

A member may apply to obtain authorization from the College to administer moderate sedation, deep sedation, and/or general anaesthesia in a dental office for which a Facility Permit has been issued by submitting

- a. a completed application in the form provided by the Registrar, including any requested documentation;
- b. the written agreement required by article 21.2.4; and
- c. the applicable application fee.

21.2.2 Application to specify

An application under article 21.2.1 to administer moderate sedation, deep sedation and/or general anaesthesia in a dental office shall specify the following:

- a. whether the member is seeking authorization to be a Visiting Member;
- b. whether the member is seeking authorization to perform general anaesthesia and, if not, the modalities of sedation which the member is seeking to be authorized to perform.

21.2.3 Application for deep sedation

An application under article 21.2.1 to administer deep sedation shall be deemed to be an application to administer deep sedation and general anaesthesia.

21.2.4 Agreement to cease administration upon notice

A member applying for authorization to administer moderate sedation, deep sedation and/or general anaesthesia in a dental office shall submit a written agreement, in the form provided by the Registrar, to immediately cease administering moderate sedation, deep sedation, and/or general anaesthesia in the event that the Registrar notifies the member that the Registrar has determined, as a result of an inspection or by any other means, that there is a risk of harm to the public should the member continue to administer sedation, deep sedation, and/or general anaesthesia.

21.3 Provisional Authorizations

21.3.1 Conditions for provisional authorizations

The Registrar may issue a provisional Member's Authorization to a member who has made application under article 21.2.1 where the Registrar or, failing the Registrar, the Sedation and Anaesthesia Committee is satisfied that

- a. the member has the requisite education and training under the Standard of Practice; and
- b. there are no concerns respecting the member's competence or prior conduct in relation to the administration of deep sedation, general anaesthesia, or the modalities of sedation requested by the application.

21.3.2 Contents of provisional authorization

A provisional Member's Authorization issued under article 21.3.1 shall specify the following:

- a. whether the member is authorized to administer deep sedation and general anaesthesia and, if not, the modalities of moderate sedation that the member is authorized to administer;
- b. whether the member is a Visiting Member or is limited to administering moderate sedation, deep sedation and/or general anaesthesia at a facility that holds a Type A Facility Permit; and
- c. that the Member's Authorization is subject to immediate cancellation in the event that the member fails to comply with the written agreement required by article 21.2.4.

21.3.3 Expiry of provisional authorization

Unless extended by the Registrar, a provisional Member's Authorization expires on the earlier of

- a. three (3) months from the date the Member's Authorization was issued; and
- b. the date of issuance of an annual authorization with the same specifications.

21.3.4 Extension of provisional authorization

The Registrar may extend a provisional Member's authorization for a period of up to three (3) months subject to any conditions the Registrar may determine.

21.4 Annual Authorizations

21.4.1 Conditions for annual authorization

The Registrar may issue an annual Member's Authorization to a member who holds a provisional Member's Authorization where the Registrar is satisfied as a result of an inspection that the member's records required to be maintained with regard to the administration of moderate sedation, deep sedation and/or general anaesthesia are in compliance with the Standard of Practice.

21.4.2 Expiry of annual authorization

An annual Member's Authorization, including one that has been renewed, expires on the 31st day of March following its issuance or renewal.

21.4.3 Application for renewal

A member may apply for the renewal of an annual Member's Authorization by submitting the following:

- a. a completed application in the form provided by the Registrar;
- b. evidence satisfactory to the Registrar that the member has maintained the life support certification required by the Standard of practice;

- c. any other documentation requested by the College; and
- d. the applicable renewal fee.

21.4.4 Conditions for renewal

The Registrar may renew a member's annual Member's Authorization where the following conditions are met:

- a. The Registrar is satisfied as a result of an inspection conducted in the preceding 36 months that the member's records required to be maintained with regard to the administration of moderate sedation, deep sedation and/or general anaesthesia are in compliance with the Standard of Practice.
- b. Where the member is a Visiting Member, the Register is satisfied as a result of an inspection conducted in the preceding 36 months that the member's equipment and emergency drugs are in compliance with the Standard of Practice.
- c. The Registrar, or failing the Registrar, the Sedation and General Anaesthesia Committee, is satisfied that the member continues to meet all of the requirements of this by-law for the issuance of the Member's Authorization.

21.4.5 Inspection

An inspection required in order to obtain a renewal of a member's annual Member's Authorization shall include the following:

- a. an inspection of the member's records with regard to the administration of moderate sedation, deep sedation, and/or general anaesthesia; and
- b. in the case of a Visiting Member, an inspection of the member's equipment and emergency drugs.

21.4.6 Where renewal prohibited

The Registrar shall not renew a member's annual Member's Authorization where the most recent inspection of the member's practice found the member to not be in compliance with the Standard of Practice.

21.4.7 Extension of annual authorization for inspection

The Registrar may extend a member's annual Member's Authorization, including one that has expired, for a period of up to 90 days where

- a. the purpose of the extension is to allow time for the conducting of an inspection required by this by-law; and
- b. the Registrar has no reason to believe that the member would not otherwise be entitled to the renewal of the authorization.

21.4.8 Extension of annual authorization for rectification

The Registrar may extend a member's annual Member's Authorization, including one that has expired, for a period of up to 30 days in the case of a Visiting Member and 90 days otherwise, to permit the member to rectify any deficiencies found during an inspection.

21.4.9 Conditions of extension

The Registrar may make an extension granted under article 21.4.8 subject to any conditions or inspections the Registrar may determine.

21.4.10 Inspection fees

A member shall pay the applicable inspection fee where an inspection is required

- a. by the Registrar under article 21.4.7, or
- b. in order to obtain a renewal of the member's annual Member's Authorization due to deficiencies found during a previous inspection.

21.5 Amendments to Authorizations

21.5.1 Rescinding authorization

The Registrar may rescind a Member's Authorization where the Registrar is satisfied that

- a. the authorization was issued on the bases of information or representations that were inaccurate, false, or misleading; or
- b. the member no longer meets the requirements for the issuance of such authorization.

21.5.2 Application to revise authorization

A member may apply to revise his or her Member's Authorization by submitting the following:

- a. a completed application in the form provided by the Registrar;
- b. any requested documentation;
- c. the applicable application fee; and
- d. where the application includes permitting the member to be a Visiting Member, the applicable inspection fee.

21.5.3 Conditions for revision

The Registrar may revise the Member's Authorization of a member provided that

- a. the Registrar or, failing the Registrar, the Sedation and General Anaesthesia Committee, is satisfied that the member would meet all of the requirements of this by-law for the issuance of a new Member's Authorization with the revisions the member is requesting; and
- b. where the application for revision includes permitting the member to be a Visiting Member, the Registrar is satisfied as a result of an inspection that the member's equipment and emergency drugs are in compliance with the Standard of Practice.

21.6 Facility Permits: General, Application

21.6.1 Facility permit required

A Facility Permit shall authorize the use of one or more modalities of moderate sedation, deep sedation, and/or general anaesthesia at a specified dental practice location.

21.6.2 Facility permit for deep sedation

A Facility Permit authorizing the use of general anaesthesia also authorizes the administration of deep sedation and all modalities of moderate sedation.

21.6.3 Facility permit issued to owner or designated owner

A Facility Permit shall only be issued to the member who owns the facility for which the permit is issued, or, in the case of multiple owners, to the member-owner designated by the owners to be the holder of the Facility Permit.

21.6.4 Application for facility permit

A member may apply for a Facility Permit by submitting the following:

- a. a completed application in the form provided by the Registrar;
- b. any requested documentation;
- c. the written agreement required under article 21.6.6; and
- d. the applicable application fee.

21.6.5 Application to specify type of facility permit

An application for a Facility Permit shall specify whether the application is for a Type A Facility Permit, a Type B Facility Permit, or both.

21.6.6 Agreement to comply, cease administration upon notice

A member applying for a Facility Permit shall submit a written agreement, in the form provided by the Registrar, to do the following:

- a. to comply fully with the Standard of Practice and this by-law, including the provisions of article 21.8.1 (Duties of facility permit holder) and 21.8.2 (Duty to provide information);
- b. to immediately cease the use of moderate sedation, deep sedation, and/or general anaesthesia at the facility in the event that the Register notifies the member that the Registrar has determined, as a result of an inspection or by any other means, that
 - i. there is a risk of harm to the public should the facility continue to use sedation, deep sedation, and/or general anaesthesia, or
 - ii. the member is in breach of the terms of the written agreement; and
- c. to immediately cease to use a physician to administer moderate sedation, deep sedation, and/or general anaesthesia in the event that the Registrar notifies the member that the Registrar has reasonable and probably grounds to believe that
 - i. the physician is not in compliance with the Standard of Practice, or
 - ii. there is a risk of harm to the public should the facility continue to use the physician.

21.6.7 Conditions for facility permit

The Registrar may issue a Facility Permit to a member where the Registrar or, failing the Registrar, the Sedation and General Anaesthesia Committee, is satisfied on the basis of an inspection that the facility is in compliance with the Standard of Practice.

21.6.8 Contents of facility permit

Each Facility Permit shall specify the following:

- a. whether the Facility Permit is a Type A or Type B Facility Permit;
- b. for a Type A Facility Permit, whether deep sedation and general anaesthesia are authorized to be used at the facility, and if not, the modalities of moderate sedation authorized to be used at the facility;
- c. for a Type B Facility Permit, that moderate sedation, deep sedation, and/or general anaesthesia must be administered by a Visiting Member or by a Visiting Physician whose equipment and emergency drugs have been subject to an inspection and found to be in compliance with the Standard of Practice;
- d. that the Facility Permit is subject to immediate cancellation in the event that the member who holds the Facility Permit fails to comply with the written agreement required under article 21.6.6.

21.7 Facility Permits: Expiry, Renewal, Extension, Revision, Cancellation

21.7.1 Expiry of facility permit

A Facility Permit, including one that has been renewed, expires on the 31st day of March following its issuance or renewal.

21.7.2 Renewal of facility permit

A member who holds a Facility Permit may apply for the renewal the permit by submitting the following:

- a. a completed application in the form provided by the Registrar;
- b. any requested documentation; and
- c. the applicable renewal fee.

21.7.3 Conditions for renewal

The Registrar may renew a member's Facility Permit where the Registrar or, failing the Registrar, the Sedation and General Anaesthesia Committee, is satisfied that

- a. an inspection of the facility has taken place within the previous 36 months;
- b. any inspection of the facility requested by the Registrar has been completed;
- c. any deficiencies found during any inspection of the facility have been rectified; and
- d. there is no reason to believe that the facility or the members or physicians authorized or qualified to administer moderate sedation, deep sedation, and/or general anaesthesia at the facility are not in compliance with the Standard of Practice.

21.7.4 Extension of facility permit for inspection

The Registrar may extend a member's Facility Permit, including one that has expired, for a period of up to 90 days where

- a. the purpose of the extension is to allow time for the conducting of an inspection required by this by-law; and
- b. the Registrar has no reason to believe that the member would not otherwise be entitled to the renewal of the Facility Permit.

21.7.5 Extension of facility permit, general

The Registrar may extend a member's Facility Permit, including one that has expired, for a period of up to 30 days in the case of a Type A Facility Permit and 90 days in the case of a Type B Facility Permit.

21.7.6 Conditions of extension

The Registrar may make an extension granted under article 21.7.5 subject to any conditions or inspections the Registrar may determine.

21.7.7 Inspection fees

Where an inspection is required by the Registrar under article 21.7.6 the member shall pay the applicable inspection fee.

21.7.8 Revisions to facility permits

The Registrar may revise a Type A Facility Permit into a Type B Facility permit upon application by the holder of the Facility Permit.

21.7.9 No additional revisions to facility permit

No revisions to a Facility Permit shall be made, other than a revision under article 21.7.8.

21.7.10 Cancellation upon replacement

Where a new Facility Permit is issued for a facility which has at the time of issuance an existing Facility Permit of the same type, the existing Facility Permit is automatically cancelled.

21.7.11 Cancellation for non-compliance with written agreement

The Registrar may immediately cancel a Facility Permit whether the Registrar determines that the member who holds the Facility Permit is not in compliance with the written agreement required under article 21.6.6.

21.7.12 Cancellation, conditions for non-compliance with standard

The Registrar may cancel, refuse to renew, or place conditions on a member's Facility Permit where an inspection indicates that the facility, or any member or physician administering moderate sedation, deep sedation, and/or general anaesthesia at the facility, does not meet any requirement of the Standard of Practice.

21.7.13 Reapplication

Where a Facility Permit is cancelled by the Registrar, the former holder of the Facility Permit may apply for the issuance of a new Facility Permit.

21.7.14 *Removal of conditions*

Where the Registrar places a condition on a Facility Permit, the Registrar may remove the condition on being satisfied that the facility and any member or physician who administers moderate sedation, deep sedation, and/or general anaesthesia at the facility, is in compliance with the Standard of Practice.

21.8 Duties of Facility Permit Holder

21.8.1 *Duties of facility permit holder*

A member who is the holder of a Facility Permit shall comply with the Standard of Practice and shall ensure that all of the following conditions are met:

- a. Each member who administers moderate sedation, deep sedation, and/or general anaesthesia in the facility holds an appropriate Member's Authorization to do so.
- b. Each physician, including each Visiting Physician, who administers moderate sedation, deep sedation, and/or general anaesthesia in the facility,
 - i. has notified the Out-of-Hospital Premises Inspection Program of the College of Physicians and Surgeons of Ontario of his or her intent to provide moderate sedation, deep sedation, and/or general anaesthesia in a dental office and has been qualified by that College to administer the applicable modality of moderate sedation, deep sedation, and/or general anaesthesia for which the Facility Permit was issued; and
 - ii. has maintained the life support certification required by the standards of practice of the College of Physicians and Surgeons of Ontario applicable to the Out-of-Hospital Premises Inspection Program.
- c. The equipment and emergency drugs of each Visiting Physician have been subject to an inspection to satisfy the Registrar that the equipment and emergency drugs are in compliance with the Standards of Practice prior to the Visiting Physician's first administration of moderate sedation, deep sedation, and/or general anaesthesia and at least one every three (3) years thereafter.

21.8.2 *Duty to provide information*

A member who is the holder of a Facility Permit shall, upon request of the College, provide details of the members and physicians who have administered moderate sedation, deep sedation, and/or general anaesthesia at the facility during the preceding 12 months.

21.9 Facility Permit Inspections

21.9.1 *Facility subject to inspection*

Each facility for which a Facility Permit has been issued is subject to inspection at such times as the Registrar may determine.

21.9.2 *Renewal inspections*

Where deficiencies were noted during any inspection of a facility conducted in the preceding 36 months, the Registrar or the Sedation and General Anaesthesia Committee may require the facility to undergo one or more inspections prior to determining whether to renew the Facility Permit.

21.9.3 *Inspection fees*

Where an inspection is required by the Registrar or the Sedation and General Anaesthesia Committee under article 21.9.2, the member shall submit the applicable inspection fee.

21.10 Transition

21.10.1 *Member's authorization*

A member authorized by the College to administer moderate sedation, deep sedation, and/or general anaesthesia under the predecessor to this by-law shall not be entitled to the renewal of that authorization unless the member files with the College an original signed copy of the written agreement required under article 21.2.4 (Agreement to cease administration upon notice) within 30 days of receipt of a form of that agreement from the College.

21.10.2 *Facility permits*

A member who holds a Facility Permit issued by the College under the predecessor to this by-law shall not be entitled to the renewal of that Facility Permit unless the member files with the College an original signed copy of the written agreement required under article 21.6.6 (Agreement to comply, cease administration upon notice) within 30 days of receipt of a form of that agreement from the College.

22 PROFESSIONAL LIABILITY AND INDEMNIFICATION

22.1 Professional Liability

22.1.1 Arrangements for professional liability indemnity

Council may cause the College to enter into arrangements for itself and its members respecting the indemnity of members for professional liability.

22.2 Indemnity to Members of Council, Officers and Others

22.2.1 Members of Council, officers and others indemnified

Every member of the Council, every member of a committee, every officer of the College, every employee of the College, and every investigator, inspector, assessor, monitor, and expert consultant engaged by the College or any of its committees who, in respect of the execution or intended execution of his/her duties has undertaken or is about to undertake any liability on behalf of the College, and his/her respective heirs, executors and administrators, and estates and effects shall at all times be indemnified and saved harmless out of the funds of the College from and against all costs, charges, and expenses whatsoever which such person sustains or incurs in or about any action, suit, or proceeding that is brought, commenced or prosecuted against him/her in or about the execution or intended execution of the duties of his/her office or employment or in respect of any such liabilities, save and except such costs, charges or expenses as are occasioned by his/her own willful neglect or default.

23 COLLEGE FINANCES

23.1 Banking

23.1.1 Definition

In this by-law, a “**bank**” means the bank appointed by the Executive Committee under article 23.1.2.

23.1.2 Executive Committee to appoint bank

The Executive Committee shall appoint a bank chartered under the *Bank Act* (Canada) for the use of the College.

23.1.3 All money deposited with bank

All money belonging to the College shall be deposited in the name of the College with the bank.

23.1.4 Registrar may endorse

The Registrar may endorse any negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank.

23.1.5 Endorsement by stamp

The Registrar may endorse a negotiable instrument by means of the College’s rubber stamp.

23.2 Borrowing and Security

23.2.1 Borrowing powers of Council

Council may

- a. borrow money upon the credit of the College
- b. limit or increase the amounts to be borrowed
- c. issue, sell, or pledge securities of the College for such sums or prices as may be deemed expedient, and
- d. charge, mortgage, hypothecate or pledge all or any of the real or personal property of the College, currently owned or subsequently acquired, and to secure generally any other obligation or liability of the College.

23.2.2 Authorized representative for borrowed monies

Council may authorize any member of Council, an officer or employee of the College, or any other person to perform any one or more of the following functions:

- a. make arrangements in respect of monies borrowed or to be borrowed and the terms and conditions of such related loans or securities;
- b. vary or modify the arrangements, terms and conditions of loans and securities;
- c. give additional securities for any monies borrowed or remaining due by the College; or
- d. generally manage, transact, and settle the borrowing of money by the College.

23.3 Cheques, Drafts, Notes

23.3.1 Authorized signatories on cheques, etc.

All cheques, drafts, or orders for the payment of money and all notes, acceptances, and bills of exchange shall be signed by such officers or other persons and in such manner as authorized by Council by resolution.

23.4 Investment

23.4.1 Investment of funds by officers, other persons

The President or Vice-President, together with the Registrar or Director, Finance and Administration and such other officers or persons authorized by Council, may invest or re-invest funds of the College, not immediately required, in accordance with the Investment Policy of the College, in any one or more of the following investments:

- a. Bonds, debentures, or other evidence of indebtedness guaranteed by
 - i. the Government of Canada,
 - ii. the Government of Ontario,
 - iii. the government of any other province of Canada, which province, at the time of such investment was rated by the Dominion Bond Rating Service as one of the five best rated provinces of Canada; or
- b. Deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by the
 - i. Bank of Montreal,
 - ii. Bank of Nova Scotia,
 - iii. Canadian Imperial Bank of Commerce,
 - iv. Royal Bank of Canada,
 - v. Toronto-Dominion Bank; or

- c. Equity instruments in which a trustee may properly invest money under the *Trustee Act, Ontario* (which include common stock, preferred shares, exchange traded funds, pooled and mutual funds and structured notes).

23.4.2 Investment of funds by Finance, Property and Administration Committee

The Finance, Property and Administration Committee may by resolution invest or reinvest funds of the College not immediately required in any security in which a trustee may properly invest trust money under the *Trustee Act, Ontario*.

23.4.3 Same, delegation to officer

The Finance, Property and Administration Committee may authorize by resolution officers of the College to implement its decisions related to the investment or re-investment of funds of the College.

23.5 Custody of Shares and Securities

23.5.1 Shares and securities to be held in bank, etc.

All shares and securities owned by the College shall be lodged in the name of the College and held

- a. with a chartered bank or a trust company
- b. in accounts with brokerage houses authorized by the Finance, Property and Administration Committee, or
- c. with such other depositories or in such manner as determined by Council.

23.5.2 Bonds, etc. held by nominees

All share certificates, bonds, debentures, notes or obligations belonging to the College shall be held or issued in the name of a nominee or nominees of the College or jointly in the name of more than one nominee of the College with the right of survivorship.

23.5.3 Certificates, etc. endorsed in blank, guaranteed

All share certificates, bonds, debentures, notes or obligations belonging to the College and held or issued in the name of a nominee or nominees of the College shall be maintained in a manner that enables the transfer and registration of such instruments.

23.6 Fiscal Year

23.6.1 Fiscal year is calendar year

The fiscal year of the College shall be the calendar year, 01 January to 31 December inclusive.

23.7 Auditors

23.7.1 Council to appoint auditor annually

The Council shall appoint an Auditor for a term of one year to audit the accounts of the College.

23.8 Reserve Funds

23.8.1 Reserve funds established by resolution

Council may establish, in accordance with Council's policy on Reserve Funds, either by a separate motion or as a consequence of a motion to approve a budget, such reserve funds as Council considers prudent.

24 SIGNING AUTHORITIES

24.1 College Seal

24.1.1 Official seal

The seal impressed in the margin of this document is the official seal of the College.

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24.1.2 Use of College seal

The official seal of the College may be affixed to any duly signed contracts, documents, or other written instruments.

24.2 Execution of Contracts, Documents, and Other Instruments

24.2.1 Appointment of additional signing officers

Council may appoint by resolution any person to sign any, or any specified contracts, documents, or other written instruments on behalf of the College.

24.2.2 Signing of contracts, etc.

Contracts, documents, or any other written instruments requiring the signature of the College shall be signed by

- a. the President or Vice-President, together with the Registrar, or
 - a.1 In respect of contracts involving an expenditure that has been included in a Council approved budget where the value of the contract, excluding taxes, is not more than \$30,000 the College's Director of Finance and Administration or the College's comptroller, together with the Registrar, shall have signing authority and report to the Executive Committee on any contract signed.
- b. at least two signing officers appointed by Council for that purpose.

24.2.3 Binding on signature

All contracts, documents, and other written instruments signed in in accordance with article 24.2.2 shall bind the College without any further authorization or formality.

24.2.4 Signing of summonses, notices, etc.

The Registrar may sign summonses, notices, and other similar documents on behalf of the College or any committee, except where proscribed by law.

25 ACCESS TO INFORMATION

25.1 Information Available to Members

25.1.1 Members cannot require disclosure of information

Except as provided by the Act, regulations, by-laws, or as required by law, no member of the College is entitled to or can require disclosure of any information regarding the affairs or business of the College that would, in the opinion of Council, be inexpedient, inadvisable, or otherwise not in the interests of the College to communicate to the public.

25.1.2 Council determines access to College records

Except as otherwise provided by the Act, regulations, by-laws, or as required by law, Council may determine whether, to what extent, and under what conditions, the documents, books, registers, books of account, and accounting records of the College shall be opened to inspection by members of the College.

25.1.3 Access to College records granted by statute, Council

No member of the College may inspect any document, book, register, book of account, or accounting record of the College except as provided by the Act, regulations, by-laws, or as required by law or authorized by Council.

26 PROCEDURE

26.1 Enactment, Amendment and Revocation of By-Laws

26.1.1 Two-thirds vote needed to enact, amend, or revoke a by-law

By-laws may be enacted, amended, or revoked by a two-thirds vote of the members of Council present at a Council meeting called for that purpose.

26.2 Notices

26.2.1 Method of service

Subject to the Act, regulations, and by-laws, any notice or other document to be given by the College to any member of the College, any member of Council, or any other person, shall be served either personally, by post, or by courier.

26.2.2 Electronic service

Except as otherwise provided by the Act or regulations, a notice or other document to be given by the College to any member of the College, any member of Council, any member of a committee, or any other person, may be given by facsimile, electronic mail or similar electronic means.

26.2.3 Address of service

Subject to the Act, regulations, and by-laws, any notice or other document to be given by the College to any member of the College, any member of Council, any member of a committee, or any other person, shall be sent to the recipient's current address as it appears in the books of the College, or where no such address is available, to the recipient's last known address.

26.2.4 Personal service

Subject to the Act, regulations, and by-laws, every notice or other document sent by personal service shall be deemed to have been given when it is delivered.

26.2.5 Service by post

Subject to the Act, regulations, and by-laws, every notice or other document sent by post shall be deemed to have been given five days after the notice or other document was deposited in a post office or public letter box, provided that the notice or other document was addressed in the manner provided for in article 26.2.2 and affixed with sufficient postage.

26.2.6 Service by courier

Subject to the Act, regulations, and by-laws, every notice or other document sent by courier shall be deemed to have been given when the notice or other document was delivered.

26.2.7 Service by other means

Subject to the Act, regulations, and by-laws, every notice or other document delivered by means other than personal delivery, post, or courier shall be deemed to have been given at the time it arrived at the address provided for in article 26.2.3.

26.2.8 Signatures

The signatures to any notice or other document given by the College may be written, stamped, typewritten, or printed, in whole or in part.

26.2.9 Counting of notice period

Except as otherwise provided by the Act, regulations, or by-laws, when counting a period of time required for the giving of notice, each and every day, including holidays, non-judicial days, and the day of service or posting of the notice, shall be counted in such period of time, but the day on which the notice is given shall not be counted.

27 DECLARED EMERGENCY

27.1 General

27.1.1 Definition of “emergency”

In this by-law, "**emergency**" has a meaning ascribed to by the Emergency Management and Civil Protection Act, Ontario.

27.1.2 Declared emergency

A declared emergency shall occur where

- a. the executive committee has, by majority resolution, declared there to be an emergency; or
- b. the registrar has declared there to be an emergency provided that the registrar may only do so if there has been a declared emergency under the Emergency Management and Civil Protection Act anywhere in the province of Ontario and the executive committee is unable to meet within twenty-four hours of such declaration.

27.1.3 Effective during emergency

The provisions of by-law 27 (DECLARED EMERGENCY) shall only take effect during a declared emergency.

27.1.4 By-law takes priority

In the event of a conflict between this by-law and any other by-law of the College, the provisions of this by-law shall prevail.

27.2 Procedures During a Declared Emergency

27.2.1 Emergency Procedures

In the event of a declared emergency the following provisions shall apply to the governance of Council:

- a. the Registrar, or if the Registrar is unable to do so the President, or if the President is unable to do so the Vice-President, shall immediately give notice to every member of Council that a declared emergency exists;
- b. the quorum for a meeting of the executive committee shall be two, at least one of whom shall be the President or the Vice-President;

- c. all members of Council shall be members of the Registration Committee;
- d. in the event that the Registrar determines that an election of members of Council is not able to be held, the term of office of each elected and selected member of Council shall continue until the first regular meeting of Council held after the next election; and
- e. a special Council meeting either held in person or by teleconference may be called by the President or the Registrar at any time on such notice as is sufficient for a quorum to be present in person or by teleconference and at such meeting Council may consider and deal with any matter that Council agrees to consider by a majority vote of those in attendance and voting.

27.2.2 End of “declared emergency”

A declared emergency shall cease when

- a. the Registrar notifies members of Council that the emergency is over; or
- b. the Executive Committee or Council declares by a majority resolution that the emergency is over.

27.2.3 Reversion of Registration Committee

Upon cessation of a declared emergency, the members of the Registration Committee that were added as a result of the operation of article 27.2.1 (Emergency Procedures) shall be automatically removed and the Registration Committee shall be comprised of only those members who were members of that committee immediately prior to the emergency being declared.

27.2.4 Delayed elections

Upon cessation of declared emergency, the Registrar shall immediately take steps to conduct any election that was affected as a result of the operation of article 27.2.1 (Emergency Procedures).

28 APPENDICES

28.1 Appendix – Register Information required by subsection 23(2) of the Code

For ease of reference only, the following information is required to be kept in the Register pursuant to subsection 23(2) of the Code:

1. 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.
2. The name, business address and business telephone number of every health profession corporation.
3. The names of the shareholders of each health profession corporation who are members of the College.
4. Each member's class of registration and specialist status.
5. The terms, conditions and limitations that are in effect on each certificate of registration.
6. 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.
7. 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.
8. 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.
9. A notation of every revocation or suspension of a certificate of registration.
10. A notation of every revocation or suspension of a certificate of authorization.
11. Information that a panel of the Registration, Discipline or Fitness to Practise Committee specifies shall be included.
12. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.

13. 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.
14. Information that is required to be kept in the register in accordance with the by-laws.

28.2 Appendix – Additional Register Information under Article 16.2.2

28.2.1 *Information in respect of members*

The following additional information shall be kept in the Register in respect of each member of the College:

1. Any changes in the member's name that have been made since he or she obtained a degree in dentistry, if known to the College.
2. The member's registration number.
3. The date when the member's certificate of registration was first issued or, if the member was licensed under Part II of the *Health Disciplines Act*, the date when the member was first licensed by the College.
4. Where the member resigned or died, the last year during which the person was a member.
5. The university from which the member received his or her degree in dentistry and the year in which the degree was obtained.
6. The classes of certificates of registration held by the member, the date on which each was issued and, if applicable, the termination or expiration date of each.
7. Where the member holds a certificate of registration in a specialty class, the member's specialty and the name of the university and the year in which the member completed his or her specialty training.
8. The address and telephone number of
 - a. the member's principal place of practice in Ontario, and
 - b. all other locations where the member practises.
9. Where the member is authorized to prescribe, order and take dental CT scans, whether that authority relates to Dentoalveolar CT scans or both Dentoalveolar CT and Craniofacial CT scans.
10. Where the member is the holder of a facility permit issued by the College permitting the member to install and operate a dental CT scanner
 - a. a notation of that fact,
 - b. the type of dental CT scanner for which the facility permit was issued by the College,

- c. the practice location named in the facility permit,
 - d. a summary of each deficiency found during any inspection of the facility carried out by the College, until the Registrar or the Dental CT Scanner Committee is satisfied that the deficiency has been rectified, and
 - e. the name of each member authorized to prescribe, order and take dental CT scans at that practice location and the type of dental CT scans that each member is authorized to prescribe, order and take at that location.
11. Where the member uses or is associated with a member or members who use a practice name, the practice name and the locations for which the name is used.
 12. Any information in respect of the member that the member and the College agreed should be included in the register.
 13. Where the member's certificate of registration is subject to any terms, conditions or limitations, other than those applicable to all members holding that class of certificate, the date upon which the terms, conditions or limitations were effective and whether the terms, conditions or limitations were imposed or voluntary.
 14. Where the member's certificate of registration was suspended or revoked, the date upon which the suspension or revocation was effective, and where the suspension or revocation was lifted, the date upon which the suspension or revocation was lifted.
 15. Where the member's certificate of registration is subject to an interim order of the Executive Committee or the Inquiries, Complaints and Reports Committee, a notation of that fact, the nature of that order and its effective date, until the interim order expires.
 16. Where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after October 1, 2015 includes a requirement that the member attend before a panel of that committee to be cautioned as authorized by paragraph 3 of subsection 26(1) of the Code,
 - a. a notation of that fact, including a summary of the caution,
 - b. the date of the panel's decision, and
 - c. if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.

17. Where a decision of a panel of the Inquiries, Complaints and Reports Committee made on or after October 1, 2015 includes a requirement that the member complete a specified continuing education or remediation program as authorized by paragraph 4 of subsection 26(1) and subsection 26(3) of the Code,
 - a. a notation of that fact, including a summary of the continuing education or remediation program,
 - b. the date of the panel's decision, and
 - c. if applicable, a notation that the panel's decision is subject to a review or appeal and therefore not yet final.
18. Where a member's certificate of registration is suspended for non-payment of a fee, a notation of that fact and the date upon which the suspension took effect.
19. Where a member's certificate of registration is suspended for failure to submit to a physical or mental examination as required by a board of inquiry or the Inquiries, Complaints and Reports Committee, a notation of that fact and the date upon which the suspension took effect and, if applicable, the date upon which the suspension was lifted.
20. Where an allegation of professional misconduct or incompetence in respect of the member has been referred to the discipline committee on or after October 1, 2015 and not yet disposed of,
 - a. a brief summary of each specified allegation that has been referred,
 - b. the date of the referral,
 - c. the status of the discipline hearing and, if the hearing date has been set, the date set for the hearing, and
 - d. the Notice of Hearing.
21. Where a question of the member's capacity has been referred to the Fitness to Practise Committee and not yet disposed of, a notation of that fact.
22. Where a member agreed to resign to avoid a proceeding before the Discipline or Fitness to Practise Committee or resigned while a discipline or fitness to practise proceeding was outstanding, a notation of that fact.

23. 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.
24. A summary of any finding of guilt of which the College is aware made by a court on or after January 1, 2015 against a member, in respect of any criminal offence, in any jurisdiction, that the Registrar has reviewed and determined is relevant to the member's suitability to practise.
25. 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.
26. Where a decision of the Discipline Committee has been published by the College after March 30, 2000, with the member's name included,
 - a. a notation of that fact, and
 - b. identification of the specific publication containing that information.
27. Where the result of a disciplinary proceeding in respect of the member is contained in the Register, the date on which the panel of the Discipline Committee made the finding of professional misconduct or incompetence.
28. Where the result of an incapacity proceeding in respect of the member is contained in the Register, the date on which the panel of the Fitness to Practise Committee made the finding of incapacity.
29. Where the member is authorized by the College to administer moderate sedation, deep sedation, and/or general anaesthesia,
 - a. a notation of the highest modality of sedation and/or general anaesthesia that the member is authorized to administer;
 - b. where the member is a Visiting Member as defined under article 20.1.1, a notation of that fact and the date of the last inspection carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) related to that member; and
 - c. a summary of each deficiency found during any inspection carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA)

related to the member until the Registrar or the Sedation and General Anaesthesia Committee is satisfied that the deficiency has been rectified.

30. Where the member is the holder of a facility permit issued by the College permitting the administration of moderate sedation, deep sedation, and/or general anaesthesia,
- a. a notation of that fact;
 - b. the dental practice location named in the facility permit;
 - c. a notation of the type of facility permit;
 - d. the date of the last inspection of the facility carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA);
 - e. a summary of each deficiency found during any inspection of the facility carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA), until the Registrar or Sedation and Anaesthesia Committee is satisfied that the deficiency has been rectified.

28.2.2 Information in respect of sedation/anaesthesia facilities

The following information shall be kept in the Register:

1. A listing of each dental practice location for which a facility permit authorizing the administration of moderate sedation, deep sedation, and/or general anaesthesia has been issued by the College, including
 - a. the name of the member who is the holder of the facility permit;
 - b. the type(s) of facility permit(s) issued by the College in relation to that dental practice location;
 - c. in the case of a dental practice location for which a Type A Facility Permit has been issued, a notation of the highest modality of sedation and/or general anaesthesia that is authorized to be administered at the location;
 - d. the name of the dental practice location; and
 - e. a summary of each deficiency found during any inspection of the facility carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) until the Registrar or the Sedation and General Anaesthesia Committee is satisfied that the deficiency has been rectified.

28.2.3 Information in respect of sedation/anaesthesia providers

The following information shall be kept in the Register:

1. A listing of each member who has been authorized by the College to administer moderate sedation, deep sedation, and/or general anaesthesia at a dental practice location, including
 - a. the name and registration number of the member;
 - b. a notation of the highest modality of sedation and/or general anaesthesia that the member is authorized to administer;
 - c. if the member is a Visiting Member as defined under article 20.1.1, a notation of that fact and the date of the last inspection carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) related to the member; and
 - d. a summary of each deficiency found during any inspection carried out under By-Law 21 (SEDATION AND GENERAL ANAESTHESIA) related to the member until the Registrar or the Sedation and General Anaesthesia Committee is satisfied that the deficiency has been rectified.

28.2.4 Information in respect of health professional corporations

The following information shall be kept in the Register in respect of each health profession corporation for which the College has issued a certificate of authorization:

1. The date of issuance of each certificate of authorization of a health profession corporation and whether it is current, suspended, cancelled or revoked.
2. Where the certificate of authorization of a health profession corporation has been suspended or revoked, the date of the suspension or revocation and the reason for the suspension or revocation.
3. Where the certificate of authorization of a health profession corporation has been cancelled, the date of cancellation and a notation that the certificate was cancelled at the request of the corporation which no longer practises dentistry.

28.3 Appendix – Electoral Districts

The following are the electoral districts for the purpose of article 6.1.1:

- **District 1**, composed of the counties of Frontenac, Renfrew and Lanark, the united counties of Lennox and Addington, Stormont, Dundas and Glengarry, Prescott and Russell, Leeds and Grenville, and The Regional Municipality of Ottawa Carleton.
- **District 2**, composed of the counties of Hastings, Northumberland, Peterborough, Prince Edward, Victoria and Haliburton, and the regional municipalities of Durham and York.
- **District 3**, composed of the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Rainy River, Thunder Bay and Timiskaming and The Regional Municipality of Sudbury.
- **District 4**, composed of the regional municipalities of Halton and Peel.
- **District 5**, composed of the counties of Bruce, Dufferin, Grey, Huron and Simcoe, the Territorial District of Parry Sound and The District Municipality of Muskoka.
- **District 6**, composed of the counties of Elgin, Essex, Kent, Lambton and Middlesex.
- **District 7**, composed of the counties of Brant, Oxford, Perth and Wellington and the regional municipalities of Haldimand Norfolk and Waterloo.
- **District 8**, composed of the regional municipalities of Hamilton Wentworth and Niagara.
- **District 9**, composed of those portions of The Municipality of Metropolitan Toronto bounded on the north side by Steeles Avenue, on the east by the centre of Bayview Avenue and the centre of the Bayview Extension, on the south by the centre of St. Clair Avenue and easterly projection of St. Clair Avenue to the Bayview Extension, and on the west by the centre of Dufferin Street from St. Clair Avenue to Wilson Avenue, its northerly projection to the recommencement of Dufferin Street at Sheppard Avenue and the centre of Dufferin Street to the centre of Steeles Avenue.
- **District 10**, composed of those portions of The Municipality of Metropolitan Toronto bounded on the north by Steeles Avenue, on the west by the westerly boundary of the City of Etobicoke, on the south by the shore of Lake Ontario and on the east by the centre of Dufferin Street from Steeles Avenue to Sheppard Avenue, its southerly projection to the recommencement of Dufferin Street at Wilson Avenue, the centre of Dufferin Street to its southerly terminus and the southerly projection of Dufferin Street to the shore of Lake Ontario.
- **District 11**, composed of those portions of The Municipality of Metropolitan Toronto bounded on the north by the centre of St. Clair Avenue and the easterly projection of St. Clair Avenue to the Bayview Extension, on the east by the centre of the Bayview Extension to Pottery Road, the centre of Pottery Road to the Don River and the Don River to the shore of Lake Ontario, on the south by the shore of Lake Ontario and on the west by the centre of Dufferin Street from St. Clair

Avenue to its southerly terminus and its southerly projection to the shore of Lake Ontario, and including the Toronto Islands.

- **District 12**, composed of those portions of The Municipality of Metropolitan Toronto bounded on the north by Steeles Avenue, on the east by the easterly boundary of the City of Scarborough, on the south by the shore of Lake Ontario and on the west by the centre of Bayview Avenue, the centre of the Bayview Extension to Pottery Road, the centre of Pottery Road to the Don River and the Don River to the shore of Lake Ontario.

28.4 Code of Ethics

For ease of reference, the following Code of Ethics was adopted by Council under article 11.1.1 (Council to adopt Code of Ethics)

PREAMBLE

The dental profession holds a special place of trust within society. As a result, society extends opportunities and privileges to the profession that are not available to the public at large. In return, the profession makes a commitment that its members will adhere to high standards of clinical expertise and ethical conduct.

The ethical behaviour of dentists is one of the most important factors in the promotion of quality dental care and recognition of dentists as professionals.

Continued public trust in the dental profession and in the principle of profession-led self-regulation is dependent on the commitment of individual dentists to high standards of ethical conduct.

Ethical behaviour is the foundation of the public's continuing trust in the effectiveness of self-regulation.

PRINCIPLES

The following are the primary ethical principles for the practice of dentistry; they are based on the core ethical values of integrity, fairness, beneficence, compassion and respect for patient autonomy.

- The paramount responsibility of a dentist is to the health and well-being of patients.
- Be truthful, obey the law, and provide care with respect for human rights and dignity and without discrimination.
- Commit to the highest level of professionalism by maintaining current competency.
- Respect the right of patients to be cared for by the dentist of their choice.
- Provide timely and competent care that is consistent with the standards of the profession.
- Provide unbiased explanation of options with associated risks and costs, and obtain consent before proceeding with investigations or treatment.
- Recognize limitations and refer patients to others more qualified when appropriate.
- Make the well-being of patients the primary consideration when making referrals to other health-care workers.
- Never overstate or embellish qualifications, including advertising or speech, that could mislead a reasonable person.

- Maintain a safe and healthy office environment for both patients and staff.
- Accept responsibility for the care provided by authorized dental personnel.
- Only provide compromised or unconventional treatment with full disclosure and consent of patients.
- Only make evaluative remarks about the work of others after making reasonable efforts to understand the prior treatment history of patients.
- Maintain appropriate and dignified boundaries in the patient/dentist relationship.
- Protect the confidentiality of the personal and health information of patients.

CORE VALUES

The following core values represent a guide for ethical behaviour for members of the College and are the foundation from which the ethical principles for the practice of dentistry are derived.

- **AUTONOMY**
 - Understanding and respecting patients' rights to make informed decisions based on personal values and beliefs.
- **BENEFICENCE**
 - Maximizing benefits and minimizing harm for the welfare of the patient.
- **COMPASSION**
 - Acting with sympathy and kindness to all patients in alleviating their concerns and pain.
- **FAIRNESS**
 - Treating all individuals, patients, colleagues and third parties in a just and equitable manner.
- **INTEGRITY**
 - Being truthful, behaving with honour and decency and upholding professional standards.