

BY-LAW NO. 7

THE REGISTER AND RELATED MATTERS

1. In this by-law,

"associated member" means a member 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;

"Code" means the Health Professions Procedural Code of the Regulated Health Professions Act, 1991;

"designated election address" is the address for the purpose of election to council and means

- (a) the address in Ontario where the member practises; or
- (b) if the member does not practise, the address in Ontario where the member resides; or
- (c) if the member practises at more than one address in Ontario, the address designated by the member as his or her election address;

"practice name" means a name other than the name of a member who practises at the location to which the name applies but does not include the name of a health profession corporation; and

"principal member" means

- (a) a member with whom an associated member practises as an employee or independent contractor, or

- (b) a member with whom the member engages in the practice of dentistry as a partner.
- 2. (1) A member's name in the register shall be the member's name as provided in the documentary evidence used to support the member's initial registration and shall be consistent with the name used by the member on his or her degree in dentistry.
 - (2) The registrar shall direct that a name other than as provided in subsection (1) be entered in the register if such a request is made by the member and the registrar is satisfied that the member has validly changed his or her name and that the use of the name is not for an improper purpose.
- 3. (1) A member's business address in the register shall be the address of each location in which the member practises in Ontario or, if the member does not practise in Ontario, the member's address, as designated by the member.
 - (2) A member's business telephone number in the register shall be the telephone number of each location in which the member practises in Ontario or if the member does not practise in Ontario, the telephone number of the location designated in subsection (1).
- 4. Under subsection 23(2) of the Code and subject to certain exceptions contained in the Code, certain information must be contained in the College's register. As of June 4, 2009, the register must contain the following:
 - 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.

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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.

5. (1) In accordance with the authorization provided by paragraph 14 of subsection 23(2) of the Code, the following additional information shall be kept in the register:

1. Any changes in the member's name which have been made in the register since he or she obtained a degree in dentistry, if known to the College.
2. Each member's registration number.
3. The date when each 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. If the person ceased to be a member as a result of his or her resignation or death, the last year during which the person was a member.
5. The name of the university from which each 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 each member, the date on which each was issued and, if applicable, the termination or expiration date of each.
7. When 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) each member's principal place of practice in Ontario, and
 - (b) all other locations where the member practises.

9. If 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.
10. Any information in respect of a member that the member and the College agreed should be included in the register.
 - 10.1 If 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.
 - 10.2 If 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.
11. If 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.
12. 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.
13. 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.
14. Where an allegation of professional misconduct or incompetence has been referred to the discipline committee and not yet disposed of,

- (a) a brief summary of each specified allegation; and
 - (b) the anticipated date of the hearing, if the hearing date has been set.
15. Where the 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.
- 15.1 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.
- 15.2 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.
- 15.3 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.
16. 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.
- 16.1 Where the result of a disciplinary proceeding is contained in the register, the date on which the panel of the Discipline Committee made the finding of professional misconduct or incompetence.

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- 16.2 Where the result of an incapacity proceeding is contained in the register, the date on which the panel of the Fitness to Practise Committee made the finding of incapacity.
 17. The names and addresses of all members' practice locations which have current facility permits permitting sedation and general anaesthesia to be performed at those locations.
 18. The date of issuance of each certificate of authorization of a health profession corporation and whether it is current, suspended, cancelled or revoked.
 19. If 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.
 20. If 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.
- (2) Unless otherwise required by the Code, information required to be kept in the register with regard to a former member who is deceased may be removed from the register six years after the date of the former member's death.
 - (3) Unless otherwise required by the Code and subject to subsection 5(4), information required to be kept in the register with regard to a former member who resigned may be removed from the register six years after the effective date of the former member's resignation.
 - (4) Subsection 5(3) does not apply in the case of a former member who
 - (a) resigned and agreed never to practise again in Ontario during or as a result of a proceeding under section 25 of the Code;
 - (b) agreed to resign to avoid a proceeding before the Discipline or

Fitness to Practise Committee; or

- (c) resigned while a proceeding before the Discipline or Fitness to Practise Committee was outstanding.

5.1 All of the information referred to in section 4 and subsection 5(1) is information designated to be withheld from the public pursuant to subsection 23(6) of the Code such that the registrar may refuse to disclose to an individual or to post on the College's website any or all of that information if the registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

6. (1) A member shall notify the registrar, in writing, of the following:

1. His or her home address and home telephone number.

1.1 If the member has one, his or her e-mail address.

2. If the member is practising, 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 practises including any hospital or health facility where the member has professional privileges.

3. If the member is not practising in Ontario.

4. The member's preferred address for communication by the College.

5. Where the member does not practise in Ontario, the member's business address as designated by the member and the telephone number of that address.

6. Where the member practises in more than one location in Ontario, the member's designated election address for the purpose of election to council.

7. Where the member uses a practice name, the locations at which the practice name is used and the name of every member who engages in the practice under the practice name and whether as a principal member or as an associated member.
 8. Where a member is associated with a member who uses a practice name, the practice name and locations in which the associated member practises under that practice name.
- (2) If there has been any change in the information which is required to be provided under subsection (1), the member shall notify the registrar in writing of the change within thirty days of the effective date of the change.
7. A member shall immediately provide to the College, when requested to do so by the registrar the following:
 1. Any information required to be given by the member to the College under the *Regulated Health Professions Act, 1991* including the *Code*, the *Dentistry Act, 1991* the Regulations passed under either of those Acts or the by-laws of the College.
 2. The member's date of birth.
 3. If the member has a certificate of the National Dental Examining Board of Canada, a notation of its number and date of issuance.
 4. If the member is a voting shareholder, officer or director of a health profession corporation which holds a certificate of authorization issued by the College, the name of the health profession corporation and what position or title, if any, the member holds with that corporation.

5. If the member is a voting shareholder, officer or director of a health profession corporation, the head office and mailing address of that health profession corporation.
6. If the member is a voting shareholder, officer or director of a health profession corporation, the practice name(s) or business name(s), if any, used by that health profession corporation.
7. If the member is a voting shareholder, officer or director of a health profession corporation, the address and telephone number of each location at which that health profession corporation carries on business.
8. The identity of each hospital and health facility in Ontario where the member has professional privileges.
9. A description of the services which the member provides in each of his or her practice locations.
10. The names and telephone numbers of the member's employees.
11. Details of the legal and financial arrangements between members engaging in practice at the same location or under the same practice name.