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**A COMPLETE GUIDE TO THE
REGULATED HEALTH PROFESSIONS ACT**

Richard Steinecke

Release No. 36, March 2019

This publication provides a systematic explanation of how the law of self-regulation works, with particular focus on health practitioners in Ontario, and includes: examples, illustrations, flow charts, forms, checklists and precedents; an explanation of every aspect of the *Regulated Health Professions Act* (RHPA); complete text of the RHPA, procedural Code and statutes such as the *Statutory Powers Procedure Act*, as well as everything needed for a hearing or meeting, and extensive case citations.

What's New in this Update:

This release features updates to Chapter 2 (Role and Structure of the Colleges), Chapter 3 (Registration), Chapter 5 (Investigations and Complaints), Chapter 6 (Discipline Proceedings), Chapter 8 (Appeals, Reinstatement and Other Remedies), Chapter 10 (Sexual Abuse Provi-

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sions) and Chapter 11 (Controlled Acts and Protected Titles). In addition, Chapter 7 (Incapacity of Practitioners) has been rewritten.

Highlights:

- **Civil practice and procedure — Norwich orders** — Value of shares in corporation plummeted on certain occasions within two year period, resulting in loss in market capitalization. Two related investors believed corporation had been victimized by cabal of short-sellers that conspired to manipulate market to profit at expense of corporation's investors. Investors failed to satisfy four of five criteria for Norwich order. Investors had potential claim for conspiracy, and IIROC was sole practical source of information sought, but investors did not require further information to proceed with claim and discovery process. Further, IIROC was not connected to alleged wrongdoing or wrongdoers in way that would justify extraordinary and intrusive order. Interests of IIROC outweighed interests of investors, given IIROC's regulatory role, and it was not role of Norwich order to serve as form of judicial review of IIROC's investigation: *Harrington Global Opportunities Fund S.A.R.L. v. Investment Industry Regulatory Organization of Canada*, 2018 ONSC 7739 (Ont. S.C.J.).
- **Health law — Regulation of health professionals — Dentists Organization** — Petitioner obtained degree in dentistry in Iran, and he practiced as dentist in Iran before immigrating to Canada where petitioner applied to complete respondent's equivalency process so he could practice dentistry in British Columbia. Petitioner participated in assessment of clinical skills but failed. Respondent's appeals committee dismissed petitioner's appeal and confirmed his failing grade. As that was his third failed attempt, petitioner was precluded from challenging assessment of clinical skills again, and he could not be registered as dentist in Canada through equivalency program. Petitioner brought petition seeking judicial review of appeals committee's decision but petition was dismissed. The question of what evaluative measures and tools should be used in evaluating qualifications of those admitted to practice of dentistry in British Columbia and throughout Canada had been left to discretion of respondent, and courts generally showed deference to expertise in body of health professionals and professional examining bodies... Decision of appeals committee was reasonable as it fell within range of acceptable outcomes, and it provided sufficient reasons to allow petitioner to understand decision: *Kabiri v. The National Dental Examining Board of Canada*, 2018 BCSC 1938 (B.C. S.C.).