

Type of policy: Operations	Approved by: ICRC
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Pre-Registration Conduct Policy

Purpose

To clarify what pre-registration conduct the Inquiries, Complaints and Reports Committee (ICRC) considers as under its jurisdiction.

Relevant Legislation

Regulated Health Professions Act, 1991, Schedule 2

Panel for investigation or consideration

25 (1) A panel shall be selected by the chair of the Inquiries, Complaints and Reports Committee from among the members of the Committee to investigate a complaint filed with the Registrar regarding the conduct or actions of a member or to consider a report that is made by the Registrar under clause 79 (a).

Incompetence

52 (1) A panel shall find a member to be incompetent if the member's professional care of a patient displayed a lack of knowledge, skill or judgment of a nature or to an extent that demonstrates that the member is unfit to continue to practise or that the member's practice should be restricted.

Ontario Regulation 67/15: Registration

3. (2) An applicant shall be deemed not to have satisfied the registration requirements for a certificate of registration if the applicant makes a false or misleading statement or representation on or in connection with his or her application, and any certificate of registration issued to such an applicant may be revoked by the Registrar.

Context

The Ontario Superior Court, Divisional Court, has provided relevant guidance in the case of *Association of Professional Engineers of Ontario v. Leung*, 2018 ONSC 4527 regarding the ability of regulators to take action regarding a registrant's pre-registration conduct.

Scope

This policy applies to the investigation of complaints and reports about registrants by ICRC that include allegations of pre-registration conduct.

Policy

ICRC will assume jurisdiction over a registrant's alleged pre-registration conduct if the alleged conduct:

- Continued after registration;
- Is evidence of present incompetence; or
- Is evidence of false or misleading statements on their application for registration.