



## **By-Law 4: Licensing and Registration**

**The information required of applicants for registration and licensing and the verification of that information, made pursuant to paragraph 15(1)(l) of the *Medical Act, 2011* and to assist in the administration of s. 17(1) of the *Medical Regulations*.**

### **1. Definitions**

For the purposes of this By-law:

- (1) “Applicant” means an applicant making initial application for registration or licence and a medical practitioner making application for renewal of licence.
- (2) “Applicant Information” means all information referred to in this By-Law, and shall include such documentation and explanation of information provided by or in respect of an applicant as required by the College to satisfy the College of the truth, accuracy and completeness of that information.
- (3) “Application” means the application form, and any form, declaration, authorization or other document supplementary to the application, as required by the College to be submitted by or on behalf of an applicant.
- (4) “Registration” means registration on the medical register, specialist register, educational register, or corporate register of the College.
- (5) “Licence” means any class of licensure permitted under the *Medical Act, 2011* (the “Act”) and the regulations in force thereunder, as may be amended from time to time, and “licensing” shall have the according meaning.

### **2. Information to be provided for Registration or Licensing**

- (1) Upon any application for registration, licence, or renewal of licence with the College, an applicant shall provide any and all of the following information upon request of the College:
  - (a) a current photograph of the applicant meeting the same requirements as those for a Canadian passport;
  - (b) any changes in the applicant’s name since the applicant’s undergraduate medical training;

- (c) the applicant's date and place of birth;
- (d) the applicant's citizenship or immigration status;
- (e) any unique identifier assigned to the applicant by a medical or health authority in Canada (e.g. Medical Identification Number for Canada) or in any other jurisdiction;
- (f) information regarding the applicant's existing or anticipated professional liability coverage;
- (g) information regarding the applicant's undergraduate medical degree;
- (h) information regarding the applicant's postgraduate training;
- (i) information regarding any specialist certifications held by the applicant;
- (j) information regarding the applicant's practice experience and history, including information in relation to breaks in practice;
- (k) information regarding participation in continuing professional development;
- (l) information regarding proficiency in the English language;
- (m) the applicant's preferred telephone number, mailing address and e-mail address for the purposes of receipt of correspondence and notice from the College;
- (n) the address and telephone number applicable to the applicant's principal place of practice or intended principal place of practice;
- (o) a certificate of conduct and vulnerable sector check from all jurisdictions where the applicant has resided;
- (p) information that relates to the applicant's professional conduct and fitness to practice, including but not limited to:
  - (i) the applicant's health, as it may affect the applicant's fitness to practice;
  - (ii) information about complaints made to, proceedings before, or actions taken by other regulatory authorities and hospitals in respect of the applicant;
  - (iii) the applicant's history in respect of any restriction on practice in other jurisdictions, whether voluntary or involuntary;

(iv) the applicant's history in respect of any revocation, withdrawal, surrender, suspension, restriction, limitation, alteration, non-renewal, or resignation of registration or licence to practice or of hospital privileges; and

(q) such other information as an applicant is required to provide under the *Act* and the regulations in force thereunder, as may be amended from time to time.

### **Failure to Provide Requested Information**

- (2) For the purposes of this By-Law, a question to be answered, or an information field to be completed, in an application or by some other form of document to be provided by an applicant to the College, shall be considered a request by the College for the information necessary to provide a truthful, accurate, and complete response to that question or a truthful, accurate, and complete answer to the information field.
- (3) The failure to provide any information requested of an applicant pursuant to this By-Law shall be grounds for denial of an application.

### **Disclosure of Information**

- (4) Only the applicant information recorded in the College Register, as defined by the applicable By-Law, is designated as available to the public.
- (5) Applicant information not designated as available to the public will normally be considered by the College as confidential. The Registrar of the College may authorize the disclosure to a third party of applicant information not designated as public where the Registrar is of the opinion that there is an urgent or compelling public interest in making such disclosure which outweighs the desirability of protecting the applicant against disclosure of any personal information that would thereby be disclosed, or where such disclosure is otherwise permitted or required by law.

### **Verification of Information**

- (6) The College may require an applicant to authorize the submission of applicant information to College-recognized Canadian and international verification services, such as [www.physiciansapply.ca](http://www.physiciansapply.ca)
- (7) Where applicant information submitted by or on behalf of the applicant is in a language other than English, the College will require such information to be translated by a translation service satisfactory to the College, at the applicant's expense.
- (8) Where the College deems it necessary to verify periods in medical training and practice, and breaks in practice, the College may require the applicant to authorize

disclosure by Canadian government departments and agencies to the College of information relating to periods spent inside and outside of Canada, and with respect to employment within Canada.

- (9) Where the College deems it advisable to make follow up inquiries in respect of letters of reference or other applicant information received from third parties, the College will require the applicant to authorize such inquiries by the College to such third parties.
- (10) The College may require that applicant information be verified, in accordance with this By-Law, as a condition for acceptance of an application. An applicant's failure or refusal to provide written consents or authorizations to facilitate such verification, or failure or refusal to otherwise cooperate with such verification, shall be grounds for denial of an application.

#### **Obligation to update the College**

- (11) If an applicant becomes aware that there is or will be a change in applicant information previously provided by or on behalf of the applicant to the College, the applicant shall notify the College in writing of the change as soon as practicable and in any event no later than thirty (30) days from the effective date of the change. By such notice, the applicant shall provide such information, including documentation, as is necessary to explain the change, and such changed or supplementary applicant information shall be subject to all the provisions of this By-Law.
- (12) The College may, by written inquiry, at any time after an application, require an applicant to provide supplementary or updated applicant information.

#### **4. Professional liability coverage**

- (1) All applications for licence or registration with the College of Physicians and Surgeons shall include proof satisfactory to Council that the applicant has sufficient professional liability coverage.
- (2) For the purposes of 4(1), Council shall be satisfied that the applicant has sufficient professional liability coverage when the applicant provides:
  - (a) proof of membership in the Canadian Medical Protective Association including written authorization from the applicant in which they authorize the Canadian Medical Protective Association to release to the College any information respecting the status of that physician's membership that may be required by the College; or
  - (b) a certificate of insurance which provides the applicant with a contract of professional liability insurance which is satisfactory to Council from an

insurer registered to do business in Newfoundland and Labrador that provides a minimum coverage of ten million dollars for each occurrence.

- (3) All physicians licensed or registered with the College of Physicians and Surgeons shall continue to meet the criteria listed in either 4(2)(a) or (b) while they remain licensed or registered and shall supply satisfactory evidence of same at the request of the Registrar.

### **Exemptions**

- (4) A physician who:
  - (a) is not providing medical care to patients in Newfoundland and Labrador; or
  - (b) provides information to the Registrar that satisfies the Registrar that the Newfoundland and Labrador public would not be placed unduly at risk if the physician were not required to maintain insurance coverage or membership in the Canadian Medical Protective Association;

may apply to the College of Physicians and Surgeons for exemption from the requirements outlined in 4(1). The application for an exemption shall be accompanied by an undertaking that the physician will immediately obtain membership with the Canadian Medical Protective Association or obtain professional liability insurance with an insurance company registered to do business in Newfoundland and Labrador that provides a minimum coverage of ten million dollars for each occurrence if the physician should cease to meet the conditions of paragraph (i) or if any of the information provided in an application under paragraph (ii) should cease to be accurate.

### **5. Practice Address**

- (1) All physicians who hold a licence issued by the College shall designate a principal place of practice, including mailing address and telephone number, for publication on the applicable College Register.
- (2) A physician must notify the College in advance of changing a designated principal place of practice by submitting the form approved by the College in advance of the intended change.

### **7. Consequences of providing untruthful, inaccurate or incomplete information**

- (1) The College reserves the right to deny or withdraw acceptance of an application for registration or licence, if the College has reason to believe that the medical practitioner provided information that is untruthful, inaccurate, or incomplete.

- (2) The Registrar may lay an allegation of conduct deserving of sanction against a medical practitioner where there is reason to believe that the medical practitioner has not complied with this By-Law.

## Document History

Approved by Council	January 15, 2009
Reviewed & Updated	December 12, 2020 December 7, 2019 March 15, 2015
Expected Review Date	December 12, 2025
Publication Date	December 17, 2020