



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

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**NEWFOUNDLAND AND LABRADOR
REGULATION**

NLR 38/15



**NEWFOUNDLAND AND LABRADOR
REGULATION 38/15**

*Medical Regulations
under the
Medical Act, 2011*

(Filed May 28, 2015)

Under the authority of section 16 of the *Medical Act, 2011*, the Council of the College of Physicians and Surgeons of Newfoundland and Labrador, with the approval of the Minister of Health and Community Services, makes the following regulations.

Dated at St. John's, May 28, 2015.

Dr. Arthur Rideout, FRCSC
Chair of the Council of the College of
Physicians and Surgeons of Newfoundland and Labrador

Steve Kent
Minister of Health and Community Services

REGULATIONS

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- Short title **1.** These regulations may be cited as the *Medical Regulations*.
- Interpretation **2.** (1) In these regulations
- (a) "Act" means the *Medical Act, 2011*;
 - (b) "Agreement on Internal Trade" means the Agreement on Internal Trade, signed in 1994 by the governments of Canada, the provinces, Yukon and the Northwest Territories and includes amendments to the agreement;
 - (c) "approved by the council" includes prescribed in by-law or policy or approved by motion passed by the council, and includes as approved by a committee appointed by the council pursuant to section 14 of the Act;
 - (d) "approved degree" means a medical degree from an approved faculty of medicine or a Doctor of Osteopathic Medicine degree from an approved faculty of osteopathic medicine;
 - (e) "approved faculty of medicine" means a medical faculty or school approved by the council;
 - (f) "approved faculty of osteopathic medicine" means a faculty or school granting a Doctor of Osteopathic Medicine degree approved by the council;
 - (g) "certificate of professional conduct" means a certificate or analogous document issued by a medical regulatory authority, that includes information about the person's
 - (i) registration and licensing history, including any conditions or restrictions affecting the person's practice,
 - (ii) any outstanding allegations or previous findings of incapacity or disciplinary matters, and
 - (iii) other matters determined by the medical regulatory authority issuing the certificate;
 - (h) "CFPC" means the College of Family Physicians of Canada;

- (i) "CMQ" means the College des medecins du Quebec;
- (j) "Dean of Medicine" means the Dean of Medicine of Memorial University or any delegate of the Dean of Medicine of Memorial University;
- (k) "education registrant" means a person registered on the education register;
- (l) "FMRAC" means the Federation of Medical Regulatory Authorities of Canada;
- (m) "former regulations" means the *Medical Board Regulations, Consolidated Newfoundland and Labrador Regulations 1113/96*;
- (n) "full licence" means a licence issued under section 24 of the Act;
- (o) "good standing with the college" means evidence that the person
 - (i) is in compliance with the Act, regulations and by-laws of the college,
 - (ii) is in compliance with the scope of practice and any restrictions or conditions attached to his or her licence,
 - (iii) has paid all fees, costs, fines and other monies owed to the college,
 - (iv) is not subject to an outstanding suspension or surrender of licence, and
 - (v) where applicable, is in compliance with
 - (A) a direction, caution or counsel of the complaints authorization committee,
 - (B) an order of an adjudication tribunal or of the quality assurance committee, or

- (C) an agreement entered into with or undertaking given to the college;
- (p) "MCC" means the Medical Council of Canada;
- (q) "Medical Information Number for Canada" or "MINC" means the unique identifying number for medical students and physicians established by FMRAC and MCC;
- (r) "medical school affiliated" means affiliated with a faculty of medicine accredited by the Committee of Accreditation for Canadian Medical Schools, the Liaison Committee on Medical Education of the American Medical Association, or another faculty of medicine as may be approved by the council;
- (s) "Memorial University" means the Memorial University of Newfoundland established under the *Memorial University Act*;
- (t) "physician" means a person who holds or has held a registration or licence to practice medicine in another jurisdiction and who is required to hold a licence under the Act to practice medicine in the province;
- (u) "post-graduate training" means post-graduate training in allopathic medicine;
- (v) "primary care" means medical care provided by a general practitioner or family physician;
- (w) "provisional licence" means a licence issued under section 25 of the Act;
- (x) "RCPSC" means the Royal College of Physicians and Surgeons of Canada;
- (y) "satisfactory to the council" includes satisfactory to a committee appointed by the council under section 14 of the Act;
- (z) "sponsor" means
 - (i) the Department of Health and Community Services,

- (ii) the Faculty of Medicine of Memorial University,
 - (iii) a regional health authority established under the *Regional Health Authorities Act*,
 - (iv) a medical practitioner approved by the council, or
 - (v) in the case of an emergency provisional licence only, another person or body approved by the council or the registrar; and
- (aa) "telemedicine" means the diagnosis or treatment of a patient who is in the province by a physician who is outside the province where there is real time interaction between the physician and the patient by telephone, audiovisual communication or other means or in other circumstances as may be approved by the council.

(2) Where the functions of an organization referred to in the regulations have been assumed, in whole or in part, by another organization recognized and approved by the council, or the name of the organization has changed, the reference to the original organization or name in the regulations shall be considered to be a reference to the successor organization or name from the effective date of the recognition and approval by the council.

(3) Where an examination or evaluation tool referred to in the regulations has been succeeded, replaced or supplemented by another examination or evaluation tool recognized and approved by the council, the reference to the original examination or evaluation tool in the regulations shall be considered to be a reference to the successor examination or evaluation tool from the effective date of recognition and approval by the council.

(4) Where these regulations refer to education, training or experience or to a course, assessment, program, examination or other requirement to be undertaken, completed, satisfied or obtained by a person, the education, training experience, course, assessment, program, examination or other requirement shall be undertaken, completed, satisfied and obtained in a manner approved by and satisfactory to the council and the score or other standard of achievement in that education, training, experience, course, assessment, program, examination or other requirement shall be satisfactory to the council.

(5) To ensure that a person has sufficient professional liability protection or insurance coverage, the council may require the person to provide his or her consent to the Canadian Medical Protective Association or his or her professional liability insurer to provide periodic confirmation to the college of continuing liability protection or insurance coverage during the period of the licence.

**PART I
REGISTRATION AND LICENSING**

Medical register

3. (1) In addition to the requirements in section 18 of the Act, a person applying to be registered on the medical register shall

- (a) complete an application in the form approved by the council;
- (b) satisfy the requirements in subsection 17(1) and subsections 17(3) to (7); and
- (c) provide satisfactory proof that he or she is certified by the CFPC, RCPSC or another Canadian certification body approved by the council.

(2) Notwithstanding subsection (1), a person registered on the medical register before the coming into force of these regulations shall continue to be registered on the medical register.

(3) Notwithstanding subsection (1), a person applying to be registered on the medical register may be registered where he or she

- (a) satisfies the requirements in paragraphs 18(a) and (b) of the Act and paragraphs 3(1)(a) and (b) of these regulations;
- (b) held a provisional licence within 12 months before the coming into force of these regulations and would have been eligible under the former regulations for registration on the medical register on the date of his or her application; and
- (c) submits his or her application for registration on the medical register within 12 months of the date of his or her earliest eligibility under the former regulations or within 5 years of the coming into force of these regulations, whichever is earlier.

(4) A person registered on the medical register shall only practice medicine in the province if he or she holds a valid licence under the Act.

Specialist register

4. (1) In addition to the requirements in section 19 of the Act, a person applying to be registered on the specialist register shall

(a) complete an application in the form approved by the council; and

(b) satisfy the requirements in subsection 17(1) and subsections 17(3) to (7);

(2) Notwithstanding subsection (1), a person registered on the specialist register before the coming into force of these regulations shall continue to be registered on the specialist register.

(3) Registration on the specialist register does not entitle a person to registration on the medical register or to a full licence under the Act.

(4) A person registered on the specialist register shall only practice medicine in the province if he or she holds a valid licence under the Act.

Full licence - primary care practice

5. A person is eligible for a full licence for a primary care practice where he or she

(a) completes an application in the form approved by the council;

(b) satisfies the requirements in section 17;

(c) either

(i) satisfies the requirement in paragraph 24(1)(a) of the Act and

(A) is certified by the CFPC or by the CMQ for primary care practice, or

(B) held a full licence for primary care practice issued under the former regulations, or

- (ii) currently holds an unrestricted licence issued by a medical regulatory authority in a Canadian jurisdiction that is a party to the Agreement on Internal Trade and the council is satisfied that the licence held is equivalent to a full licence for primary care practice issued by the college; and

(d) has not had a significant interruption in practice.

Full licence - specialty practice

6. A person is eligible for a full licence for practice in a specialty of medicine where he or she

(a) completes an application in the form approved by the council;

(b) satisfies the requirements in section 17;

(c) either

(i) satisfies the requirements in paragraph 24(1)(a) of the Act and

(A) is registered on the specialist register in that specialty of medicine, or

(B) holds the qualifications in the specialty of medicine for which he or she is requesting to practice, which qualifications are recognized and approved by the council, or

(ii) currently holds an unrestricted full licence for practice in a specialty of medicine issued by a medical regulatory authority in a Canadian jurisdiction that is a party to the Agreement on Internal Trade and the council is satisfied that the licence held is equivalent to a full licence for practice in a specialty of medicine issued by the college; and

(d) has not had a significant interruption in practice.

Provisional licence - primary care practice

7. (1) A person is eligible for a provisional licence for practice in a primary care practice where he or she

- (a) submits an application in the form approved by the council;
- (b) has an approved degree;
- (c) has obtained a score satisfactory to the council in the MCC examination approved by the council or another examination approved by the council;
- (d) has the following post-graduate training and experience:
 - (i) completion of a post-graduate training program recognized by the CFPC, and satisfactory to the council,
 - (ii) completion of a post-graduate training program approved by the council that is discipline appropriate to primary care practice with certification of satisfactory completion of training and registration or recognition as a general practitioner or family physician satisfactory to the council, provided that the post-graduate training program
 - (A) is 2 years in duration, or another minimum duration as may be approved by the council, and
 - (B) is undertaken and completed without a significant interruption in training, or
 - (iii) completion of post-graduate training and experience in the practice of medicine provided that
 - (A) the training program is 12 months in duration, or of another minimum duration as may be approved by the council,
 - (B) the practice experience is 3 years in duration or of another duration as may be approved by the council,
 - (C) the training and experience is undertaken and completed without a significant interruption in training and practice, and

- (D) the training and experience is discipline appropriate to primary care practice and satisfactory to the council;
- (e) has not had a significant interruption in practice since satisfying the requirements in paragraph (d);
- (f) if required by the council, completes to the satisfaction of the council a pre-licensure assessment approved by the council;
- (g) has a sponsor approved by the council;
- (h) undertakes to the college to participate and cooperate in the requirements of quality assurance and sponsor's undertakings; and
- (i) satisfies the requirements in section 17.

(2) Notwithstanding subsection (1), a person who does not satisfy one or both of the requirements in paragraphs (1)(c) or (d) but who, within 2 years before the coming into force of these regulations, held a provisional licence for primary care practice and who has not had a significant interruption in practice may be issued a provisional licence for primary care if he or she

- (a) satisfies the other requirements in subsection (1); and
- (b) submits the application within 3 years of last holding a provisional licence under the former regulations or within 2 years of the coming into force of these regulations, whichever is earlier.

(3) A person who is issued a provisional licence under this section or under the former regulations shall obtain the licentiate of the MCC within 3 years of the original issuance of a provisional licence.

(4) The council shall revoke the provisional licence of a person who does not comply with subsection (3).

Provisional licence-
specialty practice

8. (1) A person is eligible for a provisional licence for practice in a specialty practice where he or she

- (a) submits an application in the form approved by the council;
- (b) has an approved degree;
- (c) has obtained a score satisfactory to the council in an examination required and approved by the council;
- (d) has completed 4 years of post-graduate training, or other minimum period of post-graduate training as may be approved by the council in a training program that is
 - (i) accepted by a post-graduate training authority approved by the council or accepted by another authority approved by the council, and
 - (ii) discipline-appropriate to that specialty of medicine;
- (e) has documentation of completion of specialist training and recognition as a specialist, as approved by the council;
- (f) has not had a significant interruption in practice since satisfying the requirements in paragraph (d);
- (g) has a sponsor approved by the council;
- (h) undertakes to the college to participate and cooperate in the requirements of quality assurance and sponsor's undertakings;
- (i) satisfies the requirements in section 17; and
- (j) if required by the council, completes to the satisfaction of the council a pre-licensure assessment approved by the council.

(2) Notwithstanding subsection (1), a person who does not satisfy one or both of the requirements in paragraphs (1)(c) or (d) but, who within 2 years before the coming into force of these regulations held a provisional licence for specialty practice and who has not had a significant interruption in practice may be issued a provisional licence for specialty practice if he or she

- (a) satisfies the other requirements in subsection (1); and

- (b) submits the application within 3 years of last holding a provisional licence under the former regulations or within 2 years of the coming into force of these regulations, whichever is earlier.

Pre-practice examination or assessment

9. (1) A licence issued under section 7 or 8 may be issued conditional upon satisfactory completion of a pre-practice examination or assessment.

(2) Where a person is issued a provisional licence conditional on the completion of a pre-practice examination or assessment, the council shall revoke the licence where the person does not complete the pre-practice examination or assessment in a manner satisfactory to the council or his or her performance in the pre-practice examination or assessment is not satisfactory to the council.

Clinical assessment

10. The council may issue a provisional licence for practice in a primary care practice to a person who does not satisfy one or more of the requirements in paragraphs 7(1)(c) to (f) or a provisional licence for practice in a specialty practice to a person who does not satisfy one or more of the requirements in paragraphs 8(1)(c) to (f) where

- (a) the person has satisfied the other requirements in section 7 or 8;
- (b) the council is of the opinion that the failure to satisfy one or more of the requirements may be addressed by a clinical assessment and, where necessary, training;
- (c) the person completes the clinical assessment in a medical school affiliated assessment program, which has been approved by the council as an appropriate means to address the deficiency; and
- (d) either
 - (i) the council is of the opinion that the person's performance in the clinical assessment demonstrates the person's knowledge, skills and competence to practice, or
 - (ii) the council is of the opinion that the person's performance in the clinical assessment demonstrated a deficiency in clinical competence which has been remedied

by the completion of a medical school affiliated training course or program approved by the council.

Significant interruption in practice

11. (1) In determining whether a person has had a significant interruption in practice, the registrar, or a committee or employee appointed by the council, shall consider

- (a) any period or cumulative periods out of practice;
- (b) any period between completion of training and commencement or resumption of practice;
- (c) any period or cumulative periods with a limited or restricted scope of practice, as determined by licence terms and conditions under which the person has practised and by the actual practice experience of the person;
- (d) any period or cumulative periods in a non-clinical scope of practice, if the person intends to re-enter a clinical scope of practice; and
- (e) any policy approved by the council in relation to significant interruption in practice.

(2) The college may issue a full or provisional licence to a person who has had a significant interruption in practice, where

- (a) he or she satisfies the other requirements for a full or provisional licence;
- (b) the council is of the opinion that notwithstanding the length of the interruption it is reasonable to attempt to assess or re-train him or her for re-entry into practice;
- (c) he or she completes to the satisfaction of the council a clinical assessment in a medical school affiliated program which has been approved by the council as an appropriate means to assess his or her knowledge, skills and competence; and
- (d) either
 - (i) the council is of the opinion that the person's performance in the clinical assessment demonstrates his or her

knowledge, skills and competence to return to practice,
or

- (ii) the council is of the opinion that the person's performance in the clinical assessment demonstrated a deficiency in his or her knowledge, skills and competence which has been remedied by the completion of a medical school affiliated training course or program approved by the council.

Locum licence

12. (1) A person is eligible for a locum full licence where he or she

- (a) completes an application in the form approved by the council; and
- (b) is eligible for a full licence under section 5 or 6.

(2) A person is eligible for a locum provisional licence where he or she

- (a) completes an application in the form approved by the council;
- (b) is eligible for a provisional licence under section 7 or 8; and
- (c) has a sponsor approved by the council.

(3) A licence issued under subsection (1) or (2) shall not be issued for an aggregate period that is greater than 4 months in a year.

(4) A person who is issued a locum provisional licence for primary care practice under subsection (2) shall obtain the licentiate of the MCC within 3 years.

(5) Where a person does not comply with subsection (4) the council shall not renew his or her licence on or after the date on which he or she was required to obtain the licentiate of the MCC under subsection (4).

Telemedicine
licence

13. (1) A person is eligible for a telemedicine full licence where he or she

- (a) completes an application in the form approved by the council;
- (b) has an approved degree;
- (c) is certified by the CFPC or the RCPSC, or holds another specialist certification or qualification satisfactory to the council for the purposes of the telemedicine service to be provided;
- (d) holds a current licence issued by another medical regulatory authority satisfactory to the council for the purposes of a telemedicine full licence;
- (e) provides evidence satisfactory to the council that he or she will be providing a specialist service which otherwise would not be available to a patient in the province in a timely or practicable manner; and
- (f) satisfies the requirements in section 17.

(2) A person is eligible for a telemedicine provisional licence where he or she

- (a) satisfies the requirements in paragraphs (1)(a), (b), (c), (e) and (f);
- (b) holds a current licence issued by another medical regulatory authority satisfactory to the council for the purposes of a telemedicine provisional licence; and
- (c) has a sponsor approved by the council.

(3) A licence issued under subsection (1) or (2) shall not be issued for a period exceeding 12 months.

(4) A medical practitioner providing telemedicine services within the province who holds a current valid licence issued under section 5, 6, 7, or 8 is not required to hold a telemedicine licence.

Emergency licence

14. (1) Where the registrar or the council determines that there is an immediate need for medical services due to an actual or potential threat to public safety, health or welfare or where the minister or the federal

Minister of Health makes a request, the registrar may issue an emergency full licence or emergency provisional licence.

(2) A person may be issued an emergency full licence where he or she

- (a) provides proof satisfactory to the registrar or the council that he or she is licensed to practice medicine in another jurisdiction in Canada, or in another jurisdiction outside Canada satisfactory to the registrar or the council;
- (b) provides proof satisfactory to the registrar or the council that his or her licence has not been revoked, suspended or restricted by reasons of disciplinary or other regulatory measures;
- (c) provides proof of identification as required by the registrar or the council; and
- (d) satisfies the other requirements of a full licence as the registrar or the council may determine are necessary and practicable in the circumstances.

(3) A person may be issued an emergency provisional licence where he or she

- (a) satisfies the requirements in paragraphs (2)(a), (b) and (c); and
- (b) satisfies the other requirements of a provisional licence as the registrar or the council may determine are necessary and practicable in the circumstances.

(4) The registrar or the council may accept the declaration of the person as proof that he or she satisfies one or more of the requirements in subsection (2).

(5) A licence issued under subsection (2) or (3) shall not be issued for a period exceeding 12 months.

(6) A person issued an emergency provisional licence under this section is not required to obtain the licentiate of the MCC.

(7) The registrar or the council may terminate a licence issued under subsection (2) or (3) at any time.

Scope of practice

15. (1) It is a condition of every licence that a medical practitioner shall only engage in the scope of practice specified in his or her licence.

(2) The council may attach a defined scope of practice upon issuance or renewal of a full or provisional licence or in accordance with subsection (6).

(3) The council may consider the following factors in determining the scope of practice to attach to a licence:

- (a) the post-graduate training of the person, including education and training in a particular procedure or treatment and including the length of time since the training was completed;
- (b) the qualifying examinations completed and any other appropriate evaluations of knowledge, skill and competence, recognized by and satisfactory to the council;
- (c) the practice experience of the person, including the patients cared for, the procedures performed, the treatments provided by the person, the practice environment, including whether the practice experience, generally and in specific procedures, has been without significant interruption in practice;
- (d) whether the person's education, training, examinations and practice experience is consistent with the requirements of the CFPC respecting primary care practice or of the RCPSC respecting another specialty practice, for the scope of practice sought by the person;
- (e) the hospital privileges held by the person;
- (f) whether the person holds a position or appointment with the Crown, an agency of the Crown, a health care authority, the Faculty of Medicine of Memorial University, or other body approved by the council and whether that position or appointment involves direct patient care or requires that the person hold a licence;

- (g) the person's performance in an evaluation, examination or assessment approved by the council for the purpose of determining scope of practice;
- (h) the continuing education completed by the person;
- (i) the scope of practice attached to a registration or licence issued to the person by another medical regulatory authority; and
- (j) other factors approved by the council.

(4) The council may prescribe a defined scope of practice that restricts a medical practitioner from providing direct patient care.

(5) Where the council prescribes a defined scope of practice that restricts a medical practitioner from providing direct patient care, the council may exempt the medical practitioner from medical post-graduate education, training, certification, evaluation, examination, assessments, practice experience and continuing medical education requirements and other requirements relating to licensure.

(6) Where a medical practitioner wishes to change his or her scope of practice before a renewal of his or her licence he or she shall seek the approval of the council and if the council is satisfied with the proposed change the council shall attach a revised scope of practice to the medical practitioner's licence.

(7) A medical practitioner may only change his or her scope of practice in accordance with the regulations and as approved by the council.

Conditions on a
licence

16. (1) The council may attach conditions to a full or provisional licence upon issuance or renewal of the licence.

(2) The council may consider the following factors in determining the conditions to attach to a licence:

- (a) conditions or limitations attached to a registration or licence issued to the person by another medical regulatory authority;
- (b) an illness or condition of the person which may affect his or her fitness to practice;

(c) the practice environment in which the person intends to practice; and

(d) other matters approved by the council.

Application re-
quirements

17. (1) In addition to the other requirements in the Act and the regulations, an application for registration or licensure shall include the following:

(a) payment of the fees approved by the council;

(b) proof satisfactory to the council of the person's reasonable fluency in the English language, which may include a requirement to complete an examination, approved by the council, to test fluency in the English language;

(c) proof satisfactory to the council that the person has not had a significant interruption in practice or that his or her competence to return to practice has been confirmed by an assessment and where necessary enhanced to the satisfaction of the council;

(d) proof satisfactory to the council that the person is in good standing with the college;

(e) certificates of professional conduct from any other medical regulatory authority with which the person has been or is currently registered or licensed, certifying that he or she is in good standing with the medical regulatory authority equivalent to good standing with the college;

(f) letters of reference from persons who the registrar, a committee or an employee of the college appointed by the council, is satisfied are sufficiently familiar with the person's professional practice and conduct;

(g) proof satisfactory to the council of the person's good character and fitness and competency to practice;

(h) proof satisfactory to the council that the person has the right to work as a medical practitioner, or the right to engage in medical education and training, in Canada consistent with the registration or licensure for which he or she is applying;

- (i) the person's MINC and his or her written consent to allow the college to confirm his or her MINC;
- (j) proof satisfactory to the council that the person has completed an examination or assessment appropriate for entry into practice or medical training, as approved by the council; and
- (k) proof satisfactory to the council that the person has completed the courses on the laws, regulations, by-laws, standards, policies, guidelines and code of ethics applicable to the practice of medicine in the province as approved by the council as a requirement for registration or licensure.

(2) In addition to the requirements in subsection (1), the Act and the regulations an application for licensure shall include proof satisfactory to the council that the person has sufficient liability protection or insurance coverage.

(3) All documents submitted to the college shall be

- (a) legible and in English or translated into English by a person satisfactory to the council; and
- (b) where required by the council, verified by a third party agency approved by the council.

(4) The person shall respond to any questions forming part of the application with completeness and candour and consent to any follow up enquiries of the registrar, a committee or an employee of the college appointed by the council to confirm or obtain further information regarding the questionnaire responses.

(5) The college is not liable for the person's costs for complying with the requirements of registration or licensure under the Act or regulations.

(6) In addition to the requirements for registration and licensure in the Act and regulations, the person may be required to attend a personal interview with the registrar, a committee or an employee of the college appointed by the council.

(7) The college's fees for applications shall reflect the costs of the college to review the application and where the costs of the college

materially increase due to the person providing incorrect or incomplete information, the council may require the person to pay an additional fee as a condition of a further review of the application.

Sponsor's undertaking

18. (1) Upon the issuance or renewal of a provisional licence the council may require the undertaking of the sponsor to provide one or more of the following:

- (a) orientation of the sponsored person into the practice environment and practice expectation, both before and after entry or re-entry into practice under the sponsor;
- (b) supervision, monitoring and oversight of the sponsored person during the period of the provisional licence and renewal of the provisional licence;
- (c) mentoring of the sponsored person during the period of the provisional licence and renewal of the provisional licence;
- (d) assessment of the clinical competence of the sponsored person, both before and after entry or re-entry into practice under the sponsor;
- (e) opportunities for the sponsored person to fulfill continuing medical education requirements approved by the council;
- (f) other supports and conditions of practice consistent with the scope of practice and conditions in the licence, and with the level of supervision, monitoring, oversight, mentoring, assessment and clinical competence of the sponsored person; and
- (g) reports to the college, periodically and at the request of the council in relation to matters set out in paragraphs (a) to (f).

(2) The sponsored person shall cooperate and comply with the sponsor's undertakings in subsection (1).

(3) Where the sponsored person or the sponsor does not or is not able to comply with the undertakings in subsection (1) in a manner satisfactory to the council, the council may

(a) require the temporary withdrawal of the sponsored person from active practice or restrict his or her practice until he or she or the sponsor complies with the undertakings in a manner satisfactory to the council; or

(b) suspend or revoke the provisional licence.

(4) Where a sponsor terminates his, her or its sponsorship after a provisional licence has been issued, the provisional licence shall be considered revoked.

(5) The college is not liable for any costs relating to compliance with the undertakings referred to in subsection (1).

(6) The college is not responsible for providing the orientation, supervision, monitoring, oversight, supports or conditions of practice required by the undertakings referred to in subsection (1).

(7) The college's fees for a provisional licence and a renewal of a provisional licence shall reflect the costs of the college of ensuring compliance with the undertakings referred to in subsection (1).

Conditions on approval as a sponsor

19. (1) The council may approve a medical practitioner as a sponsor for a person applying for a provisional licence where

(a) the person applying for the provisional licence

(i) has obtained either the Licentiate of the MCC or the equivalent in education, training and certification for the purpose of sponsorship satisfactory to the council, and

(ii) has practised medicine in one or more Canadian jurisdictions for a continuous period of at least 12 months immediately before making the application for a provisional licence;

(b) the medical practitioner

(i) holds a full licence issued by the college,

(ii) is in good standing with the college,

(iii) gives his or her undertaking referred to in section 18, and

(iv) has not breached an obligation as a sponsor under these regulations, former regulations or an undertaking given as a sponsor to the college; and

(c) the regional health authority for the locality where the person applying for the provisional licence will primarily practice, acting upon the advice of or after consultation with the Medical Advisory Committee, advises the college that the proposed sponsorship will satisfy a community need.

(2) The council may revoke its approval of a medical practitioner as a sponsor and may revoke the provisional licence where one or more of the requirements of paragraphs (1)(a) to (c) are not continuing to be met.

Licence renewal

20. (1) The council may renew a full licence where the medical practitioner

(a) submits an application for renewal in the form approved by the council within 12 months of the expiry of his or her licence;

(b) satisfies those requirements in section 17 approved by the council as being applicable to persons applying for a renewal of a licence issued under section 5 or 6; and

(c) provides proof satisfactory to the council that he or she has complied with the continuing education requirements.

(2) The council may renew a provisional licence where

(a) the medical practitioner continues to have a sponsor approved by the council;

(b) the medical practitioner submits an application for a renewal in the form approved by the council within 12 months of the expiry of his or her licence;

(c) the medical practitioner satisfies those requirements in section 17 approved by the council as being applicable to per-

sons applying for a renewal of a licence issued under section 7 or 8;

- (d) the medical practitioner provides proof satisfactory to the council that he or she
 - (i) complied with the continuing education requirements,
 - (ii) participated, cooperated and performed satisfactorily in the requirements of the undertakings under section 18, and
 - (iii) complied with all terms, conditions and limitations set out in the licence and in the regulations; and
- (e) the council is satisfied that the sponsor met the requirements of the undertakings in section 18.

(3) Upon renewal of a licence the council may attach or amend the conditions and the defined scope of practice of a licence.

(4) Upon renewal of a provisional licence the council may amend the requirements of the undertakings and require the undertaking of the sponsor and the medical practitioner that he or she will comply with the amended requirements.

(5) A medical practitioner who applies for a renewal of a licence more than 12 months after the expiry of his or her licence is not eligible for a renewal and is required to make an application for a licence in accordance with the Act and these regulations.

(6) At any time after the date of expiry of a licence, the registrar may notify any person, entity or organization that the registrar considers appropriate, that a medical practitioner's licence is expired and that the medical practitioner is not entitled to engage in the practice of medicine.

PART II EDUCATION REGISTER

Undergraduate
students

21. A person applying to be registered on the education register under paragraph 20(1)(a) of the Act for the purpose of engaging in un-

dergraduate education and training at the Faculty of Medicine of Memorial University shall

- (a) submit a completed application in the form satisfactory to the council;
- (b) provide written confirmation that he or she is either enrolled
 - (i) as an undergraduate student in the Faculty of Medicine of Memorial University, or
 - (ii) in the visiting student elective placement program in the Faculty of Medicine of Memorial University;
- (c) provide written documentation from the Dean of Medicine recommending that he or she be registered on the education register; and
- (d) satisfy those requirements in section 17 approved by the council as being applicable to persons applying under this section.

Post-graduate
training program

22. A person applying to be registered on the education register under paragraph 20(1)(b) of the Act for the purpose of engaging in a post-graduate training program at the Faculty of Medicine of Memorial University shall

- (a) submit a completed application in the form satisfactory to the council;
- (b) provide written documentation from the Dean of Medicine confirming that he or she has been accepted into a post-graduate training program at the Faculty of Medicine of Memorial University;
- (c) provide written documentation satisfactory to the council that he or she
 - (i) is a graduate of the Faculty of Medicine of Memorial University or of a faculty of medicine accredited by the Committee for Accreditation of Canadian Medical Schools or the Liaison Committee on Medical Education of the American Medical Association, or

- (ii) is a graduate of an approved faculty of medicine other than one referred to in subparagraph (i) or an approved faculty of osteopathic medicine and he or she has
 - (A) completed the evaluating examination of the MCC not more than 5 years immediately preceding his or her application for registration,
 - (B) completed Part I of the qualifying examination of the MCC, or
 - (C) held immediately preceding his or her application for registration a provisional licence from the college, has not had a significant interruption in practice, and has completed the evaluating examination of the MCC; and
- (d) satisfies those requirements in section 17 approved by the council as being applicable to persons applying under this section.

Visiting post-graduate elective placement

23. A person applying to be registered on the education register under paragraph 20(1)(b) of the Act for the purpose of a visiting post-graduate elective placement in a post-graduate training program at the Faculty of Medicine of Memorial University shall

- (a) submit a completed application in the form satisfactory to the council;
- (b) provide a copy or other proof satisfactory to the council of an approved degree;
- (c) provide written documentation that he or she is enrolled in a post-graduate training program at an approved faculty of medicine other than the Faculty of Medicine of Memorial University, or an approved faculty of osteopathic medicine, and has been accepted for a visiting post-graduate elective placement in a post-graduate training program at the Faculty of Medicine of Memorial University; and
- (d) satisfies those requirements in section 17 approved by the council as being applicable to persons applying under this section.

Assessment or training program

24. A person may be registered on the education register under paragraph 20(1)(c) of the Act for the purposes of participating in an assessment or training program at the Faculty of Medicine of Memorial University or affiliated with that faculty where

- (a) the registrar has determined that the person is eligible to participate in the applicable assessment or training program, in accordance with policy approved by the council;
- (b) he or she has been accepted into the applicable assessment or training program; and
- (c) he or she satisfies those requirements in section 17 approved by the council as being applicable to persons applying under this section and any other requirements that the council determines are applicable to persons applying under this section.

Restrictions on education registrants

25. An education registrant shall

- (a) only carry out those duties and perform those procedures that are assigned to him or her by and under the supervision of a medical practitioner licensed by the college and only in relation to the training or assessment program in which he or she is enrolled and of which the college has been notified;
- (b) not issue or sign prescriptions, certificates, statements or other documents which the Act or another Act authorizes a medical practitioner or physician to issue or sign, unless he or she
 - (i) holds a licence issued under this Part that expressly authorizes him or her to issue or sign prescriptions, certificates, statements or other documents and only to the extent of the authorization under the licence, or
 - (ii) concurrently holds a licence under another part of these regulations which permits the issuing or signing of prescriptions, certificates, statements or other documents; and
- (c) only be entered on the education register for the duration of his or her enrolment in the undergraduate training program,

post-graduate training program, clinical training program or other training or assessment program of which the college has been notified under the applicable section.

Provisional licence -
prescribing in a
post-graduate
training program

26. (1) The council may issue a provisional licence for prescribing in a post-graduate training program to an education registrant where

- (a) the education registrant is enrolled in a post-graduate training program at the Faculty of Medicine of Memorial University and has completed the educational and training courses required and approved by the council as a requirement for the issuance of the licence;
- (b) the education registrant has completed a period of post-graduate training satisfactory to the council;
- (c) the education registrant is sponsored by the Faculty of Medicine of Memorial University;
- (d) the education registrant provides proof satisfactory to the council that he or she has sufficient liability protection or insurance coverage;
- (e) the Dean of Medicine of Memorial University submitted a written request that the education registrant be issued a provisional licence; and
- (f) the education registrant satisfies the other requirements as may be approved by the council.

(2) A licence issued under subsection (1) is restricted to

- (a) the issuing, without counter signature, prescriptions which may be dispensed in retail pharmacies for patients seen in the course of the education registrant's post-graduate training program; and
- (b) other purposes related to the education registrant's post-graduate training as may be approved by the council and stated in the licence.

Provisional licence -
family practice
training program

27. (1) The council may issue a provisional licence for a family practice training program to an education registrant where

- (a) the education registrant is enrolled in the family practice training program at the Faculty of Medicine of Memorial University and has completed the educational or training courses approved by the council as a requirement for issuance of the licence; and
 - (b) the education registrant satisfies the requirements in paragraphs 26(1)(c) to (f).
- (2) A licence issued under subsection (1) is restricted to
- (a) only carrying out duties and only performing procedures in relation to the applicable year of the family practice training program in accordance with conditions as stated on the licence;
 - (b) issuing, without a counter signature, prescriptions, certificate, statements or other documents in relation to the duties of the applicable year of the family practice training program; and
 - (c) other purposes related to the family practice training program as may be approved by the council and stated on the licence.

Provisional licence -
on-call duties

28. (1) The council may issue a provisional licence for on-call duties to an education registrant where

- (a) the education registrant is enrolled in a post-graduate training program in family medicine or in another speciality of medicine at the Faculty of Medicine of Memorial University;
- (b) the Dean of Medicine of Memorial University submitted a written request that the education registrant be issued a provisional licence and confirming that the education registrant
 - (i) has satisfactorily completed a period of post-graduate training satisfactory to the council and is in good standing in his or her post-graduate training program,
 - (ii) has satisfactorily completed a period of post-graduate training satisfactory to the council, including satisfacto-

ry completion of the rotation in respect of which he or she intends to perform the specified on-call duties, and

- (iii) has the knowledge, skill and judgment to perform the specified on-call duties;
- (c) the education registrant is sponsored by a regional health authority;
- (d) the education registrant provides proof satisfactory to the council that he or she has sufficient liability protection or insurance coverage; and
- (e) the education registrant satisfies the other requirements as may be approved by the council.

(2) A licence issued under subsection (1) is restricted to those specified on-call duties and related procedures which the education registrant has the training and experience to perform, provided those duties are assigned to the education registrant by and under the supervision of a medical practitioner licensed by the college and are in accordance with any conditions attached to the licence.

(3) Notwithstanding subsection (2), the specified on-call duties authorized by a licence issued under this section shall not include

- (a) the issuing or signing of prescriptions unless
 - (i) the education registrant concurrently holds a licence for prescribing issued under section 26,
 - (ii) the council is satisfied that the liability protection or insurance coverage referred to in paragraph (1)(d) extends to prescribing in respect of the specified on-call duties, and
 - (iii) the prescription is for a patient seen in the course of the specified on-call duties; or
- (b) the issuing or signing of certificates, statements or other documents referred to in paragraph 25(b).

Provisional licence -
general practice
locum

29. (1) The council may issue a provisional licence for a general practice locum to an education registrant where

- (a) the education registrant is enrolled in a post-graduate specialty training program at the Faculty of Medicine of Memorial University;
- (b) the education registrant has satisfactorily completed at least 2 years of post-graduate training in that post-graduate specialty training program and the content of the training program has been approved by the council as appropriate for the purpose of a general practice locum;
- (c) the Dean of Medicine of Memorial University submitted a written request that the education registrant be issued a provisional licence and confirming that the education registrant
 - (i) is in good standing in his or her post-graduate specialty training program,
 - (ii) has satisfactorily completed, as part of the post-graduate training program, all rotations required and approved by the council for the purposes of this section,
 - (iii) has completed Part I of the MCC Qualifying Examination, and
 - (iv) has the knowledge, skill and judgment to perform a general practice locum;
- (d) the education registrant is sponsored by a regional health authority;
- (e) the education registrant's clinical experience since being registered on the education register is approved by the council as appropriate for the purpose of entry or re-entry into a general practice locum;
- (f) the education registrant's proposed general practice locum has been approved by the council;

(g) the education registrant provides proof satisfactory to the council that he or she has sufficient liability protection or insurance coverage; and

(h) the education registrant satisfies the other requirements as may be approved by the council.

(2) Notwithstanding subsection (1), the council may issue a general practice locum provisional licence to an education registrant who does not satisfy the requirements in paragraph (1)(b) and subparagraph (1)(c)(ii) where the education registrant

(a) held, within 12 months before being entered on the education register, a licence for primary care practice issued by the college and who is in good standing with the college in respect of that licensure; and

(b) completed at least 2 continuous years of active primary care practice under the licence referred to in paragraph (a), within 12 months before being entered on the education register.

(3) A licence issued under subsection (1) or (2) is restricted to the performance of the duties and procedures in relation to the general practice locum approved by the council and in accordance with any conditions attached to the licence.

(4) For the purpose of this section, "general practice locum" means a general practice in a facility operated by a regional health authority and approved by the council.

Provisional licence -
specialty locum

30. (1) The council may issue a provisional licence for a specialty locum to an education registrant where

(a) the education registrant is enrolled in the final year of his or her post-graduate specialty training program at the Faculty of Medicine of Memorial University;

(b) the Dean of Medicine of Memorial University submitted a written request that the education registrant be issued a provisional licence for a specialty practice locum and confirming that the education registrant

- (i) is in his or her final year of and in good standing in his or her post-graduate specialty training program, and
- (ii) has the knowledge, skill and judgment to perform a locum in his or her specialty of training;
- (c) the education registrant is sponsored by a regional health authority;
- (d) the education registrant's speciality practice locum has been approved by the council;
- (e) the education registrant provides proof satisfactory to the council that he or she has sufficient liability protection or insurance coverage; and
- (f) the education registrant satisfies the other requirements as may be approved by the council.

(2) A licence issued under subsection (1) is restricted to performing only those duties and procedures relating to the specialty practice locum approved by the council and in accordance with any conditions attached to the licence.

Expiry and renewal
of provisional
licence

31. A provisional licence issued under this Part shall expire in accordance with its terms and may be renewed on application to the college only for the purpose for which it was originally issued and only for the period in which the education registrant is enrolled and in good standing in the post-graduate training program.

Restrictions on
medical practition-
ers

32. (1) A medical practitioner shall not allow an undergraduate medical student, post-graduate medical student or physician to shadow or observe him or her in practice unless

- (a) the student or physician is currently registered on the education register; and
- (b) the shadowing or observing is approved by the program in which the student or physician is enrolled or engaged pursuant to sections 21, 22, 23 or 24.

(2) Notwithstanding subsection (1), the council may allow a student or physician who does not meet the requirements of subsection (1) to shadow or observe a medical practitioner where

- (a) the Dean of Medicine of Memorial University makes a written request to the council seeking a waiver of the requirements of subsection (1) for the purpose of an educational opportunity sponsored by the Faculty of Medicine;
- (b) the council is satisfied that the educational opportunity will not involve the student or physician providing or advising on patient care; and
- (c) the council is satisfied that the waiver of the requirements of subsection (1) is otherwise justified.

**PART III
CONTINUING MEDICAL EDUCATION
REQUIREMENTS**

Continuing medical education requirements

33. A medical practitioner shall participate in a program of continuing medical education established or prescribed by the college under section 29 of the Act.

Record of participation

34. (1) A medical practitioner shall maintain a record of his or her participation in a program of continuing medical education in the form and manner approved by the council and shall retain the record for a minimum of 10 years from the date of his or her participation in the program.

(2) A medical practitioner shall submit his or her record of participation in a program of continuing medical education to the college where requested by

- (a) the council;
- (b) a committee appointed by the council or person appointed by that committee; or
- (c) an officer, assessor or employee of the college.

(3) The record of participation shall be submitted to the college within the time period specified in the request or within 30 days of the request, where no time period is specified.

(4) A medical practitioner who fails to comply with the continuing medical education requirements of the college shall

(a) provide to the registrar a list and proof of attendance at continuing medical education and professional development activities for the immediately previous licence year; and

(b) where required by the quality assurance committee, or another committee appointed by the council undergo a review and assessment of skill, knowledge and competency at the medical practitioner's expense.

Deferral from continuing medical education requirements

35. (1) A medical practitioner may be granted a deferral from the continuing medical education requirements in whole or in part where he or she applies to the quality assurance committee or a committee appointed by the council to authorize deferrals.

(2) The quality assurance committee, or the other committee appointed by the council, may require a medical practitioner applying for a deferral under subsection (1) to provide further information and documentation and may refuse to consider the application until the information is provided.

PART IV PROFESSIONAL MEDICAL CORPORATIONS

Corporate licence

36. Registration and a corporate licence to provide the services of one or more medical practitioners shall be granted to a corporation that

(a) satisfies the requirements in subsection 33(1) of the Act;

(b) submits a completed application in the form approved by the council, and complies with the undertakings and authorizations contained in it;

(c) provides a certified copy of the articles of incorporation of the corporation; and

- (d) satisfies the council that the corporation complies with the requirements of the Act and these regulations relating to professional medical corporations.

Expiry and renewal

37. A corporate licence shall be renewed by the registrar where the professional medical corporation

- (a) is in good standing with the college;
- (b) submits a completed application for renewal in the form approved by the council, and complies with the undertakings and authorizations contained in it;
- (c) satisfies the council that the corporation continues to comply with the requirements of the Act and these regulations relating to professional medical corporations; and
- (d) pays the prescribed fees.

Notice of change

38. A professional medical corporation shall advise the registrar of a change in the information provided in an application for corporate licence or an application for renewal of a licence, in the form of notice approved by the council, within 15 days of the change, and shall pay the prescribed fee.

Certification of documents

39. All applications, notices and other documents submitted to the registrar on behalf of a professional medical corporation shall be certified by all of the licensed medical practitioners who are directors or shareholders of the corporation.

Maintenance of records

40. The registrar shall maintain a record of the following information with respect to each professional medical corporation:

- (a) the name, registered office, medical offices and corporate number of the professional medical corporation;
- (b) the names and residential addresses of all medical practitioners holding voting shares in the corporation, the number and class of voting shares held by each medical practitioner and the terms, conditions and restrictions applicable to the voting shares;

- (c) the name and residential address of all persons holding non-voting shares in the corporation, the number and class of non-voting shares held by each person, and the terms and conditions applicable to the non-voting shares;
- (d) the names and residential addresses of the directors of the professional medical corporation;
- (e) the names and residential addresses of all licensed medical practitioners practising medicine as employees or on behalf of the corporation;
- (f) the date of issuance of the original licence to the professional medical corporation;
- (g) each date of renewal of the licence of the professional medical corporation; and
- (h) the other particulars that may be directed by the council or that the registrar considers appropriate.

Corporate records

41. A professional medical corporation shall

- (a) maintain current financial records in accordance with generally accepted accounting principles;
- (b) prepare a financial statement at the end of each fiscal year;
- (c) maintain current patient records; and
- (d) maintain, in accordance with generally accepted business standards, records with respect to its employees.

Corporate name

42. (1) The name of a professional medical corporation shall contain

- (a) the surnames, or the surnames and a combination of the given names or initials and professional designation, of one or more licensed medical practitioners who hold voting shares in the corporation or who are practising medicine as employees or on behalf of the corporation;
- (b) the words "Medical Clinic" or words with a similar meaning together with the names referenced in paragraph (a) or to-

gether with words establishing a geographic location or area of practice; or

- (c) other words that indicate in a manner acceptable to the council that the corporation is engaged in the practice of medicine,

followed by the words "Professional Medical Corporation" or "Prof. Med. Corp." or the initials "P.M.C."

(2) The council may refuse to accept articles of incorporation or continuation for a corporation or to register articles amending the name of a professional medical corporation where, in the opinion of the council,

- (a) the name is inaccurate or may be misleading;
- (b) the name expresses or implies superiority of qualifications, experience or education over that of other medical practitioners; or
- (c) the name would tend to bring the medical profession into disrepute or otherwise is objectionable in light of professional standards of practice and ethics.

Expiry or revocation of licence

43. (1) Where a corporate licence expires without renewal or is revoked under section 34 of the Act, the registrar shall promptly

- (a) enter on the corporate registry a memorandum with respect to the expiry or revocation of the licence; and
- (b) notify the professional medical corporation, all licensed medical practitioners practising medicine as employees or on behalf of the professional medical corporation, and the other parties that the registrar considers appropriate that the licence of the professional medical corporation has expired or has been revoked.

(2) Upon expiry of a corporate licence without renewal, or the revocation of a licence, under section 34 of the Act, the council shall determine whether the professional medical corporation is entitled to apply for a new licence and may prescribe conditions under which the licence shall be issued.

(3) A new licence shall not be issued unless an application for a corporate licence is made in accordance with the Act and these regulations and the council is satisfied that the corporation has complied with all the conditions applicable to the licence.

Liability for payment of fees

44. (1) A professional medical corporation is jointly liable for the payment of the annual licensing fee in respect of each medical practitioner holding voting shares in the professional medical corporation and each medical practitioner practising medicine as an employee or on behalf of the corporation.

(2) Where a professional medical corporation has paid an annual licensing fee in respect of a medical practitioner, the medical practitioner is not liable to pay an annual licensing fee for the year for which the professional medical corporation has paid his or her annual licensing fee.

(3) Where a medical practitioner has paid an annual licensing fee before acquiring voting shares in the professional medical corporation, or before practising medicine as an employee or on behalf of the corporation, the professional medical corporation is not liable to pay the medical practitioner's annual licensing fee for the year for which he or she has paid the fee.

Notice to medical corporation

45. A notice required to be given to a professional medical corporation, or to a director, shareholder or employee of a medical corporation, under the Act or these regulations shall be by personal service or by registered mail to the last address filed with the registrar in relation to an application for corporate licence, an application for renewal of a licence or a notice of change.

PART V GENERAL

Alternative dispute resolution

46. (1) Where the complaints authorization committee refers an allegation to the registrar for alternative dispute resolution, the alternative dispute resolution shall be conducted in accordance with the policy established by the council.

(2) Alternative dispute resolution shall not be conducted unless the complainant and respondent consent to it in writing.

(3) The registrar may appoint those other persons he or she considers necessary to assist in the alternative dispute resolution process.

(4) Where the allegation is not resolved through alternative dispute resolution or where, in the opinion of the registrar, the allegation is unsuitable for alternative dispute resolution, the registrar shall refer the allegation back to the complaints authorization committee.

Notice

47. (1) Where notice is to be provided to a medical practitioner under the Act or these regulations it shall be

- (a) personally served on the medical practitioner;
- (b) delivered to the legal counsel designated as the medical practitioner's attorney for service; or
- (c) sent by registered mail to the last practice address or other mailing address in Canada provided to the college.

(2) Where the medical practitioner is absent from the address referred to in paragraph (1)(c), the medical practitioner shall be responsible to ensure that there is a reliable mechanism to accept receipt of registered mail to that address and to promptly forward to him or her the college's correspondence mailed to that address, or to notify the college of the street address and mailing address of legal counsel designated as his or her attorney for service.

(3) Notice sent by registered mail shall be considered to be delivered to the medical practitioner on the earlier of

- (a) the date of actual receipt at that address as reported by Canada Post; or
- (b) on the fifth day after the college mailed the notice.

(4) Paragraph (3)(b) applies notwithstanding that Canada Post reports the mail to be undeliverable or not accepted for receipt at the address.

Not obligated to provide programs

48. Nothing in these regulations shall be considered to have placed an obligation on the college or the council to establish or make available an undergraduate training program, post-graduate training program,

clinical training program or other medical school affiliated assessment or medical school affiliated training program.

Transitional

49. (1) Where a medical practitioner who held a provisional licence under the *Medical Board Regulations* in the year immediately before the coming into force of these regulations, does not comply with subsection 7(3) the council may issue him or her an extraordinary provisional licence where

- (a) he or she satisfies the other requirements in section 7;
- (b) a sponsor makes a written request that an extraordinary provisional licence be issued to him or her; and
- (c) the request is approved by the minister.

(2) An extraordinary provisional licence issued under these regulations or the former regulations may be issued for not more than 2 consecutive years.

Repeal

50. The *Medical Board Regulations, Consolidated Newfoundland and Labrador Regulation 1113/96*, are repealed.

Commencement

51. These regulations come into force on July 1, 2015.

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