

COLLEGE OF KINESIOLOGISTS OF ONTARIO
EMERGENCY CERTIFICATE OF REGISTRATION

Proposed revisions to O. Reg. 401/12: General under Kinesiology Act, 2007

Proposed Provision	Rationale/Explanation																
<p>Classes of certificates</p> <p>Section 1.</p> <p>The following are prescribed as classes of certificates of registration for registered kinesiologists:</p> <ol style="list-style-type: none"> 1. General. 2. Inactive. 3. Emergency. 	<p>An emergency class of registration is being introduced in accordance with the requirements of the <i>Pandemic and Emergency Preparedness Act, 2022</i> and the resulting amendments to the Health Professions Procedural Code of the RHPA.</p>																
<p>Terms, conditions, and limitations of every certificate.</p> <p>Section 4.</p> <p>2. A member who holds a certificate of registration listed in Column 1 of the Table to this section,</p> <ol style="list-style-type: none"> i. Shall only use a title listed in Column 2 opposite the certificate of registration, and ii. Shall only use the designation listed in Column 3 opposite the certificate of registration. <p>TABLE</p> <table border="1"> <thead> <tr> <th>Item</th> <th>Column 1 Certificate of Registration</th> <th>Column 2 Title</th> <th>Column 3 Designation</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>General</td> <td>Kinesiologist registered in the General Class</td> <td>R. Kin</td> </tr> <tr> <td>2.</td> <td>Inactive</td> <td>Kinesiologist registered in the Inactive Class</td> <td>R. Kin (Inactive)</td> </tr> <tr> <td>3.</td> <td>Emergency</td> <td>Kinesiologist registered in the Emergency Class</td> <td>R. Kin (Emerg)</td> </tr> </tbody> </table>	Item	Column 1 Certificate of Registration	Column 2 Title	Column 3 Designation	1.	General	Kinesiologist registered in the General Class	R. Kin	2.	Inactive	Kinesiologist registered in the Inactive Class	R. Kin (Inactive)	3.	Emergency	Kinesiologist registered in the Emergency Class	R. Kin (Emerg)	<p>The title “R. Kin (Emerg.)” is proposed to reflect the limited term of the emergency class, as well as to best characterize instances where the license may be invoked. “Temporary” was also considered, however, we may wish to reserve that title for use in the future, should there be an additional license class.</p>
Item	Column 1 Certificate of Registration	Column 2 Title	Column 3 Designation														
1.	General	Kinesiologist registered in the General Class	R. Kin														
2.	Inactive	Kinesiologist registered in the Inactive Class	R. Kin (Inactive)														
3.	Emergency	Kinesiologist registered in the Emergency Class	R. Kin (Emerg)														
<p>Registration requirements, emergency class</p>																	

<p>Section 9.1</p> <p>(1) The following are non-exemptible registration requirements for an emergency certificate of registration:</p> <ol style="list-style-type: none"> 1. The Government of Ontario or Council deems that an emergency circumstance exists such that it is in the public interest to issue certificates of registration in the emergency class. 2. The applicant must satisfy the registration requirements set out in clauses 5 (1)(a)¹,(c)², and (d)³ of this Regulation. 3. The applicant must either, <ol style="list-style-type: none"> i. have satisfied the program requirements described in clause 5 (1)(a) no more than two years prior to the date of application for the emergency certificate of registration, or ii. have practiced the profession of kinesiology for at least 1500 hours during the three years immediately prior to the date of the application for the emergency certificate of registration. 	<p>The Ministry has also expressed that an ‘emergency circumstance’ should be considered broader than a declared state of emergency made under the <i>Emergency Management and Civil Protection Act, 1990</i>. Therefore, the proposed amendments permit both the Government of Ontario or Council to invoke the emergency class when it is in the public interest. Such language provides Council a level of discretion in determining an emergency circumstance, with or without initiation from the government.</p> <p>The emergency class certificate of registration will include all of the requirements for registration in the general class, with the exception of having to complete the entry-to-practice exam. This is to enable applicants to rapidly enter the workforce in the event of an emergency.</p> <p>Currency requirements, in combination with the supervision requirement below, are intended to provide assurance of an applicant’s competency and ability to practice safely in lieu of an exam. The Registrar would review submissions to determine if the requirements in this section have been sufficiently satisfied.</p>
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¹ 5. (1) An applicant for the issuance of a general certificate of registration must,

(a) either,

- (i) have graduated from a program in kinesiology that was offered at the bachelor level at an Ontario university and which was at least four years in duration, or
- (ii) have successfully completed a program which a panel of the Registration Committee considers to be substantially equivalent to a program referred to in subclause (i);

² 5. (1) An applicant for the issuance of a general certificate of registration must,

- (c) have successfully completed, no earlier than 12 months prior to the date of his or her application, the jurisprudence course that was set or approved by Council; and

³5. (1) An applicant for the issuance of a general certificate of registration must,

(d) provide either,

- (i) proof of professional liability insurance coverage in the amount and in the form as required under the by-laws, or
- (ii) an undertaking to the College that he or she will provide proof of the coverage referred to in subclause (i) within 30 days of being registered. O. Reg. 401/12, s. 5 (1).

<p>(2) An applicant who has failed the registration examination referred to in clause 10 of this Regulation on their third attempt, is not eligible for an emergency certificate unless the applicant has successfully completed another program which satisfies to requirements in clause 5 (1) a.</p>	<p>This provision is consistent with the requirements in the General Regulation under the <i>Kinesiology Act 2007</i> to complete a new program in after three unsuccessful examination attempts.</p>
<p>(3) Every emergency certificate of registration is subject to the following terms, conditions, and limitations:</p> <ol style="list-style-type: none"> 1. The member shall practise kinesiology only under the supervision of a holder of a general class certificate of registration whose certificate is not subject to additional terms, conditions and limitations and who is in good standing. 2. The member shall, at all times when providing kinesiology services, identify themselves as practising under supervision. 3. The member must satisfy the professional liability insurance requirements set out in paragraph 1 of subsection 7(1)⁴. 4. Unless stated otherwise on the certificate, the certificate expires at the end of the registration year under the College by-laws, unless it is renewed. 5. Unless stated otherwise on the certificate, a renewed certificate of registration in the emergency class expires one year after it is issued, unless it is renewed again. 6. Notwithstanding subsections 4 and 5, a certificate of registration in the emergency class expires on the earlier of the following: 	<p>Operationally, the College will develop supervision guidelines and reporting requirements.</p> <p>In accordance with Ministry requirements, the emergency class certificate of registration must be issued for a period of one-year period and renewable for a one-year period. The College is proposing the expiry date align with the annual registration renewal deadline, which is currently August 31, to avoid additional strain to staff and system resources. In this way, the initial certificate could potentially be issued for a maximum 12-month period, with any subsequent renewals issued for a one-year term.</p>

⁴ 7. (1) Every general certificate of registration is subject to the following terms, conditions and limitations:

1. The member shall maintain professional liability insurance in the amount and in the form as required under the by-laws and, if the member no longer maintains such insurance, the member shall notify the College in writing within two days, including notice of the date on which the insurance was terminated and the reasons why the insurance was terminated.

<ul style="list-style-type: none"> i. 90 days after the Government of Ontario or Council declares that the emergency circumstances have ended, or ii. immediately, if it is in the opinion of the Registrar that it is in the public interest to do so. 	<p>A 90 day transition window would provide the candidate the opportunity to appropriately wind down their practice.</p>
<p>(4) A member who holds, or who held in the previous six months, an emergency certificate of registration may be issued a certificate of registration in the general class despite not having met the requirements set out in clause 5 (1) (b)⁵ and subsection 5 (2)⁶, if the member:</p> <ul style="list-style-type: none"> (a) Applies for the certificate of registration in the general class; (b) Satisfies all other requirements for the certificate of registration in the general class; (c) Satisfies the registration requirement described in subclause (1) 3 (ii)⁷ of the certificate of registration in the emergency class; (d) Provides satisfactory evidence based on their practice for a period of at least one year under the certificate of registration in the emergency class that the member has the knowledge, skill, and judgement to practice kinesiology competently; and (e) Successfully completes a peer and practice assessment designed to assess the practice competencies of a holder of a 	<p>This section provides a path to registration in the general class that would exempt completion of the entry-to-practice examination only for those who have demonstrated at least 1500 hours of practice in the 3 years at the time of registering for the emergency class and satisfactorily completed an additional 1 year of practice in the emergency class under supervision.</p> <p>This is in accordance with the Ministry's mandate to establish circumstances in which a member of the emergency class can become eligible for registration in another class, with the emergency certificate holder exempt from at least some registration requirements that would ordinarily apply to that other class of registration.</p> <p>The College will develop and refine, through policy and guidelines, the criteria for determining the satisfactory evidence of knowledge, skill, and judgment to transition to the general class.</p>

⁵ 5. (1) An applicant for the issuance of a general certificate of registration must,
 (b) have successfully completed the registration examination set by Council pursuant to section 10;

⁶ 5. (2) The requirement in clause (1) (b) shall not be considered to be met unless the applicant successfully completed that requirement no earlier than 12 months immediately before the date on which the applicant met all of the other requirements for the issuance of a general certificate of registration. O. Reg. 401/12, s. 5 (2).

⁷ 3. The applicant must,
 ii. have practiced the profession of kinesiology for at least 1500 hours during the three years immediately prior to the date of the application for the emergency certificate of registration.

certificate of registration in the emergency class.

(f) The requirements in clauses 4 (a), (b), (c), (d) and (e) are non-exemptible.

APPENDIX 1

ONTARIO REGULATION 401/12

GENERAL

REGISTRATION

Classes of certificates

1. The following are prescribed as classes of certificates of registration for registered kinesiologists:

1. General.
2. Inactive.
3. **Emergency.** O. Reg. 401/12, s. 1.

Application for certificate of registration

2. (1) A person may apply for a certificate of registration by submitting a completed application in the form provided by the Registrar together with any applicable fees required under the by-laws and any supporting information required by the Registrar. O. Reg. 401/12, s. 2 (1).

(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. O. Reg. 401/12, s. 2 (2).

Requirements for issuance of certificate of registration, any class

3. An applicant must satisfy the following requirements for the issuance of a certificate of registration of any class:

1. The applicant must, at the time of application, provide details about any of the following that relate to the applicant and, where any of the following change with respect to the applicant after submitting the application but before the issuance of a certificate, the applicant must immediately provide written details with respect to the change:
 - i. A finding of guilt for any of the following:
 - A. A criminal offence.
 - B. An offence resulting in a fine greater than \$1,000 or any type of incarceration.
 - ii. A finding of professional misconduct, incompetence or incapacity, or any similar finding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.
 - iii. A current proceeding for professional misconduct, incompetence or incapacity, or any similar proceeding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.

- iv. A finding of professional negligence or malpractice in any jurisdiction.
 - v. A refusal by any body responsible for the regulation of a health profession in any jurisdiction to register the applicant.
 - vi. Whether the applicant was not in good standing at the time he or she ceased being registered with a body responsible for the regulation of another profession in Ontario or of any regulated profession in another jurisdiction.
 - vii. Where the applicant is a member of another regulated profession in Ontario or any regulated profession in another jurisdiction, any failure by the applicant to comply with any obligation to pay fees or provide information to the body responsible for the regulation of the profession, the initiation of any investigations by such body in respect of the applicant or the imposition of sanctions on the applicant by such body.
 - viii. Any other event that would provide reasonable grounds for the belief that the applicant will not practise kinesiology in a safe and professional manner.
2. The applicant's previous conduct must afford reasonable grounds for the belief that he or she will practise kinesiology in a safe and professional manner.
 3. The applicant must possess sufficient language proficiency, in either English or French, to be able to communicate and comprehend effectively, both orally and in writing.
 4. The applicant must not have a physical or mental condition or disorder that would make it desirable in the interest of the public that he or she not be issued a certificate of registration unless, should the applicant be given a certificate of registration, the imposition of a term, limit or condition on that certificate is sufficient to address such concerns.
 5. If the applicant is registered by any body responsible for the regulation of any other profession in Ontario or of any profession in any other jurisdiction, the applicant's registration must be in good standing and must continue to be in good standing until such time as the applicant is issued a certificate of registration.
 6. If the applicant ceased being registered with any body responsible for the regulation of another profession in Ontario or of any profession in any other jurisdiction, the applicant must have been in good standing at the time he or she ceased being registered. O. Reg. 401/12, s. 3.

Terms, conditions and limitations of every certificate

4. Every certificate of registration is subject to the following terms, conditions and limitations:
 1. The member shall provide the College with written details about any of the following that relate to the member no later than 30 days after the member becomes aware of it occurring:
 - i. A finding of professional misconduct, incompetence or incapacity, or any similar finding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.
 - ii. A current proceeding for professional misconduct, incompetence or incapacity, or any similar proceeding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.

- iii. A finding of professional negligence or malpractice in any jurisdiction.
 - iv. A refusal by any body responsible for the regulation of a health profession in any jurisdiction to register the member.
 - v. Whether the member was not in good standing at the time he or she ceased being registered with a body responsible for the regulation of another profession in Ontario or of any regulated profession in another jurisdiction.
 - vi. Any other event that would provide reasonable grounds for the belief that the member will not practise kinesiology in a safe and professional manner.
2. The member shall provide the College with written details about any finding of guilt relating to any offence as soon as possible after receiving notice of the finding, but not later than 30 days after receiving the notice.
 3. A member who holds a certificate of registration listed in Column 1 of the Table to this section,
 - i. shall only use a title listed in Column 2 opposite the certificate of registration, and
 - ii. shall only use the designation listed in Column 3 opposite the certificate of registration.
 4. Immediately prior to the member's resignation, or to the suspension, revocation or expiry of the member's certificate of registration, the member shall return his or her certificate of registration to the Registrar.
 5. The member shall only practise in the areas of kinesiology in which the member has knowledge, skill and judgment. O. Reg. 401/12, s. 4.

TABLE

Item	Column 1 Certificate of Registration	Column 2 Title	Column 3 Designation
1.	General	Kinesiologist registered in the General Class	R. Kin
2.	Inactive	Kinesiologist registered in the Inactive Class	R. Kin (Inactive)
3.	Emergency	Kinesiologist registered in the Emergency Class	R. Kin (Emerg)

O. Reg. 401/12, s. 4, Table.

Registration requirements, general class

5. (1) An applicant for the issuance of a general certificate of registration must,
 - (a) either,
 - (i) have graduated from a program in kinesiology that was offered at the bachelor level at an Ontario university and which was at least four years in duration, or
 - (ii) have successfully completed a program which a panel of the Registration Committee considers to be substantially equivalent to a program referred to in subclause (i);
 - (b) have successfully completed the registration examination set by Council pursuant to section 10;

- (c) have successfully completed, no earlier than 12 months prior to the date of his or her application, the jurisprudence course that was set or approved by Council; and
 - (d) provide either,
 - (i) proof of professional liability insurance coverage in the amount and in the form as required under the by-laws, or
 - (ii) an undertaking to the College that he or she will provide proof of the coverage referred to in subclause (i) within 30 days of being registered. O. Reg. 401/12, s. 5 (1).
- (2) The requirement in clause (1) (b) shall not be considered to be met unless the applicant successfully completed that requirement no earlier than 12 months immediately before the date on which the applicant met all of the other requirements for the issuance of a general certificate of registration. O. Reg. 401/12, s. 5 (2).
- (3) The requirements in clauses (1) (a), (b) and (c) are non-exemptible. O. Reg. 401/12, s. 5 (3).

Transitional

- 6.** (1) For the first 36 months after the day this Regulation comes into force, clause 5 (1) (b) does not apply in respect of an application for a general certificate of registration where the applicant who made the application had been practising the profession before this Regulation came into force. O. Reg. 401/12, s. 6 (1).
- (2) It is an additional requirement for a general certificate of registration that an applicant described in subsection (1),
- (a) have practised the profession in Canada during each of any three years before the coming into force of this Regulation;
 - (b) have practised the profession for at least 2,000 hours during the three years mentioned in clause (a); and
 - (c) have practised the profession for at least 1,500 hours during the three years immediately prior to the date of the applicant's application. O. Reg. 401/12, s. 6 (2).

Terms, conditions and limitations, general class

- 7.** (1) Every general certificate of registration is subject to the following terms, conditions and limitations:
- 1. The member shall maintain professional liability insurance in the amount and in the form as required under the by-laws and, if the member no longer maintains such insurance, the member shall notify the College in writing within two days, including notice of the date on which the insurance was terminated and the reasons why the insurance was terminated.
 - 2. The member must practise the profession for at least 1,500 hours during every three-year period where the first three-year period begins on the first September 1 following the day that the member is issued a general certificate of registration and each subsequent three-year period

begins on the first anniversary of the commencement of the previous period. O. Reg. 401/12, s. 7 (1).

(2) If a member fails to meet the term, condition and limitation described in paragraph 2 of subsection (1), the Registrar shall refer the member to the Quality Assurance Committee for a peer and practice review. O. Reg. 401/12, s. 7 (2).

Labour mobility, general class

8. (1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for a general certificate of registration, the applicant is deemed to have met the requirements set out in clauses 5 (1) (a) and (b) and subsection 5 (2) of this Regulation. O. Reg. 401/12, s. 8 (1).

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee confirming that the applicant is in good standing as a kinesiologist in every jurisdiction where the applicant holds an out-of-province certificate. O. Reg. 401/12, s. 8 (2).

(3) If an applicant to whom subsection (1) applies is unable to satisfy the Registrar or a panel of the Registration Committee that the applicant practised the profession of kinesiology to the extent that would be permitted by a general certificate of registration at any time in the three years immediately before the date of that applicant's application, it is a non-exemptible requirement that the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by a panel of the Registration Committee. O. Reg. 401/12, s. 8 (3).

(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 3 of section 3 if the requirements for the issuance of the out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph. O. Reg. 401/12, s. 8 (4).

(5) Despite subsection (1), an applicant is not deemed to have met a requirement if that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code. O. Reg. 401/12, s. 8 (5).

Registration requirements, inactive class

9. (1) The following are non-exemptible registration requirements for an inactive certificate of registration:

1. The applicant,
 - i. must be a member holding a general certificate of registration, and
 - ii. must provide an undertaking to the College in a form satisfactory to the Registrar in which the applicant undertakes to comply with the conditions set out in subsection (2).
2. The applicant must not be in default of any fee, penalty or other amount owing to the College.
3. The applicant must have provided the College with any information that it has required of the applicant.
4. The applicant must be in compliance with any outstanding requirements of the College's Quality Assurance Committee or any outstanding orders or requirements of the Council, Executive

Committee, Inquiries, Complaints and Reports Committee, Discipline Committee and Fitness to Practise Committee. O. Reg. 401/12, s. 9 (1).

(2) It is a condition of an inactive certificate of registration that the member shall not,

(a) engage in providing direct patient care;

(b) use any title or designation other than what is specified for an inactive certificate of registration in the Table to section 4;

(c) supervise the practice of the profession; or

(d) make any claim or representation to having any competence in the profession. O. Reg. 401/12, s. 9 (2).

(3) A member who holds an inactive certificate of registration may be reissued a general certificate of registration if the member,

(a) applies in writing to the Registrar for reinstatement;

(b) pays any fee, penalty or other amount owed to the College;

(c) provides the College with any information that it has required of the member; and

(d) satisfies a panel of the Registration Committee that he or she possesses the current knowledge, skill and judgment relating to the practice of the profession that would be expected of a member holding a general certificate of registration. O. Reg. 401/12, s. 9 (3).

Registration requirements, emergency class

9.1 (1) The following are non-exemptible registration requirements for an emergency certificate of registration:

1. The Government of Ontario or Council deems that an emergency circumstance exists such that it is in the public interest to issue certificates of registration in the emergency class.

2. The applicant must satisfy the registration requirements set out in clauses 5 (1)(a), (c), and (d) of Section 5 of this Regulation.

3. The applicant must either,

i. have satisfied the program requirements described in clause 5(1)(a) no more than two years prior to the date of application for the emergency certificate of registration, or

ii. have practiced the profession of kinesiology for at least 1500 hours during the three years immediately prior to the date of the application for the emergency certificate of registration.

(2) An applicant who has failed the registration examination referred to in clause 10 of this Regulation on their third attempt, is not eligible for an emergency certificate unless the applicant has successfully completed another program which satisfies to requirements in clause 5 (1) a.

(3) Every emergency certificate of registration is subject to the following terms, conditions, and limitations:

1. The member shall practise kinesiology only under the supervision of a holder of a general class certificate of registration whose certificate is not subject to additional terms, conditions and limitations and who is in good standing.
 2. The member shall, at all times when providing kinesiology services, identify themselves as practising under supervision.
 3. The member must satisfy the professional liability insurance requirements set out in paragraph 1 of subsection 7(1).
 4. Unless stated otherwise on the certificate, the certificate expires at the end of the registration year under the College by-laws, unless it is renewed.
 5. Unless stated otherwise on the certificate, a renewed certificate of registration in the emergency class expires six months after it is issued, unless it is renewed again.
 6. Notwithstanding subsections 4 and 5, a certificate of registration in the emergency class is expires on the earlier of the following:
 - i. 90 days after the Government of Ontario or Council declares that the emergency circumstances have ended, or
 - ii. immediately, if it is in the opinion of the Registrar that it is in the public interest to do so.
- (4) A member who holds, or who held in the previous six months, an emergency certificate of registration may be issued a certificate of registration in the general class despite not having met the requirement set out in clause 5 (1)(b) and subsection 5(2), if the member:
- (a) Applies for the certificate of registration in the general class;
 - (b) Satisfies all other requirements for the certificate of registration in the general class;
 - (c) Satisfies the registration requirement described in subclause (1) 3 (ii) of the certificate of registration in the emergency class;
 - (d) Provides satisfactory evidence based on their practice for a period of at least one year under the certificate of registration in the emergency class that the member has the knowledge, skills and judgement to practice kinesiology competently; and
 - (e) Successfully completes a peer and practice assessment designed to assess the practice competencies of a holder of a certificate of registration in the emergency class.
 - (f) The requirements in clauses (4) (b), (c), (d) and (e) are non-exemptible.

EXAMINATION

Requirement in setting examination

10. In setting the registration examinations to be taken by applicants for a general certificate of registration, Council shall specify the general areas of competency to be examined and shall ensure that the examinations provide a reliable and valid measure of a candidate's knowledge, skill and judgment in the practice of kinesiology in Ontario. O. Reg. 401/12, s. 10.

Frequency

11. The registration examination shall be offered at least once each year. O. Reg. 401/12, s. 11.

Eligibility

12. (1) An applicant is not eligible to take the registration examination on the applicant's first attempt if that examination is to be taken on a date that is later than the date that is one year from the date on which the applicant submitted his or her application, unless a panel of the Registration Committee is satisfied that exceptional circumstances prevented the applicant from taking the registration examination within this period. O. Reg. 401/12, s. 12 (1).

(2) An applicant is not eligible to take the registration examination, regardless as to whether it is on the applicant's first, second or third attempt, if the examination is to be taken on a date that is later than the date that is four years from the date on which the applicant submitted his or her application, unless a panel of the Registration Committee is satisfied that exceptional circumstances prevented the applicant from taking the registration examination within this period. O. Reg. 401/12, s. 12 (2).

(3) Where, pursuant to subsections (1) and (2), a panel of the Registration Committee permits an applicant to take the registration examination despite not having complied with the timelines set out in those subsections, the applicant is required to comply with any additional requirements that may be specified by the panel. O. Reg. 401/12, s. 12 (3).

Same

13. An applicant is not eligible to take the registration examination unless he or she has satisfied the requirements set out in clauses 5 (1) (a) and (c) and is in compliance with the requirements set out in section 3. O. Reg. 401/12, s. 13.

Re-examination

14. (1) Subject to subsections (2) and (3), an applicant who fails the examination may apply for re-examination. O. Reg. 401/12, s. 14 (1).

(2) In every instance where an applicant has failed the examination twice, the applicant is not eligible to apply to take the examination again without first having satisfied a panel of the Registration Committee that they have successfully completed any remediation that may have been required by the panel. O. Reg. 401/12, s. 14 (2).

(3) In every instance where an applicant has failed the examination on their third attempt, the applicant is not eligible to apply to take the examination again until the applicant successfully completes another program which satisfies the requirements in clause 5 (1) (a). O. Reg. 401/12, s. 14 (3).

Appeal

15. (1) An applicant who fails a registration examination may appeal the results of the examination to a person or body set or approved by the Council that has no involvement in the administration of the registration examination. O. Reg. 401/12, s. 15 (1).

(2) On an appeal under subsection (1), the person or body may only consider the following questions:

1. Whether the process followed in administering the registration examination was appropriate.
2. Whether the applicant had an illness or personal emergency that is sufficient to warrant nullifying the results. O. Reg. 401/12, s. 15 (2).

(3) If the person or body hearing the appeal decides that the results of the examination should be nullified, the examination does not count against the applicant for any purpose, including the application of section 14. O. Reg. 401/12, s. 15 (3).

(4) In an appeal under subsection (1), the applicant shall not be given access to any information that would undermine the integrity of the examination process. O. Reg. 401/12, s. 15 (4).

SUSPENSIONS, ETC.

Suspensions, revocations and reinstatements

16. (1) If a member fails to provide the College with information about the member as required under the by-laws or a completed annual renewal form within the time period set by the College,

- (a) the Registrar may give the member notice of intention to suspend the member's certificate of registration; and
- (b) the Registrar may suspend the member's certificate of registration if the member fails to provide the information within 30 days after the notice is given. O. Reg. 401/12, s. 16 (1).

(2) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that,

- (a) the former member has given the required information to the College;
- (b) the former member has paid any fees required under the by-laws for lifting the suspension;
- (c) the former member has paid any other outstanding fees required under the by-laws; and
- (d) the former member will be in compliance with any outstanding orders or requirements of the College's Quality Assurance Committee and Inquiries, Complaints and Reports Committee or any outstanding orders or requirements of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee as of the anticipated date on which the suspension is to be lifted. O. Reg. 401/12, s. 16 (2).

Suspension, lack of insurance

17. (1) If the Registrar becomes aware that a member no longer maintains professional liability insurance in the amount and in the form as required under the by-laws, the Registrar may immediately suspend the member's certificate of registration. O. Reg. 401/12, s. 17 (1).

(2) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that the former member,

- (a) has professional liability insurance coverage in the amount and in the form as required under the by-laws;
- (b) has provided any information requested by the College;
- (c) has paid any fees required under the by-laws for lifting the suspension;
- (d) has paid any other outstanding fees required under the by-laws; and
- (e) will be in compliance with any outstanding orders or requirements of the College's Quality Assurance Committee and Inquiries, Complaints and Reports Committee or any outstanding orders or requirements of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee as of the anticipated date on which the suspension is to be lifted. O. Reg. 401/12, s. 17 (2).

Lifting of suspension for failure to pay fees, etc.

18. If the Registrar suspends the member's certificate of registration under section 24 of the Health Professions Procedural Code for failing to pay a fee or penalty, the Registrar shall lift the suspension upon being satisfied that the former member,

- (a) has paid the fee or penalty in question;
- (b) has provided any information requested by the College;
- (c) has paid any fees required under the by-laws for lifting the suspension; and
- (d) will be in compliance with any outstanding orders or requirements of the College's Quality Assurance Committee and Inquiries, Complaints and Reports Committee or any outstanding orders or requirements of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee as of the anticipated date on which the suspension is to be lifted. O. Reg. 401/12, s. 18.

Automatic revocation

19. If the Registrar suspends a member's certificate of registration under section 16, 17 or 18 and the suspension has not been lifted, the certificate is revoked on the day that is three years after the day it was suspended. O. Reg. 401/12, s. 19.

Reinstatement

20. A former member whose certificate of registration was revoked under section 19 shall be reinstated by the Registrar if the former member,

- (a) has satisfied a panel of the Registration Committee that he or she has the knowledge, skill and judgment to practise the profession in a safe and professional manner;
- (b) has paid any fees required under the by-laws for lifting the reinstatement of the certificate of registration which he or she previously held; and
- (c) meets the requirements of subsection 16 (2) or 17 (2) or section 18, as appropriate, with all necessary modification. O. Reg. 401/12, s. 20.

21. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 401/12, s. 21.