

PART 15 – HEALTH MONITORING

Definitions

15.01 In this Part,

“health condition” includes a physical, cognitive or mental health condition or ailment or an emotional disturbance;

“health monitoring” means the accommodations, limits or conditions to which a licensee consents in a health monitoring agreement under section 15.06, including, as applicable, a limit restricting the licensee’s practice of a designated health profession, in whole or in part;

“health monitoring program” means the program established and administered by the registrar under section 15.02;

“health monitoring program officer” means an employee whom the registrar designates as a health monitoring program officer for the purposes of the health monitoring program.

Health monitoring program

15.02 (1) The registrar may establish and administer a health monitoring program to

- (a) encourage voluntary disclosure of information or records, or both, respecting a health condition that may adversely impact a licensee’s capacity to practise a designated health profession,
- (b) facilitate medical evaluations and health monitoring, on a voluntary basis, of licensees who have a health condition that may adversely impact their capacity to practise a designated health profession, and
- (c) facilitate the continued safe practice of the designated health professions.

(2) The registrar may establish guidelines, policies and procedures for the health monitoring program.

Eligibility for health monitoring

15.03 A licensee is eligible for health monitoring under the health monitoring program if the licensee

- (a) has a health condition that may adversely impact the licensee’s capacity to practise a designated health profession, and
- (b) consents to participate in the health monitoring program.

Sources of information

15.04 A health monitoring program officer may contact a licensee about participating in the health monitoring program based on information from any source, including, without limitation, any of the following:

- (a) information self-reported by the licensee;
- (b) information, opinions and reports from a healthcare provider or independent medical assessor;
- (c) information from a third party, including information obtained from a person or organization that employs or contracts with the licensee;
- (d) information obtained from a person exercising a power or performing a duty under the Act.

Participation in health monitoring program

15.05 A health monitoring program officer may make the following requests of a licensee who is eligible for health monitoring under section 15.03:

- (a) a request to participate in the health monitoring program;
- (b) a request to disclose information or records, or both, respecting the licensee's health condition;
- (c) a request to undergo a medical evaluation;
- (d) a request to consent to health monitoring.

Health monitoring agreement

- 15.06** (1) If a licensee consents to a request under section 15.05(d), the terms for the health monitoring to which the licensee consents must be set out in a written health monitoring agreement that must be signed by the licensee and a health monitoring program officer.
- (2) A health monitoring agreement under subsection (1) may be amended with the consent of the licensee and a health monitoring program officer.
- (3) Any amendment to a health monitoring agreement under subsection (2) must be in writing and must be signed by the licensee and a health monitoring program officer.

Referral

- 15.07** (1) If a licensee does not consent to a request under section 15.05, a health monitoring program officer may submit information respecting the request and the reasons for the request to the registrar under section 119(a) of the Act.
- (2) If a licensee signs a health monitoring agreement or an amendment of an agreement under section 15.06, but does not comply with the terms of the agreement, a health monitoring program officer may submit information respecting the agreement and the licensee's non-compliance to the registrar under section 119(a) of the Act.

Confidentiality

15.08 (1) Subject to subsection (2),

- (a) licensee health information collected for the purposes of the health monitoring program must be kept confidential,
 - (b) files containing licensee health information collected for the purposes of the health monitoring program must be segregated from other college files, and
 - (c) health monitoring program files may only be accessed by the following:
 - (i) a health monitoring program officer;
 - (ii) an employee who is authorized by a health monitoring program officer to obtain or disclose information with respect to the health monitoring program.
- (2) A health monitoring program officer may disclose information collected for the purposes of the health monitoring program
 - (a) when submitting information to the registrar under section 15.07, or
 - (b) with the consent of the licensee, as part of any process or proceeding under the Act or these bylaws.