

PART 9 – HEALTH PROFESSION CORPORATION PERMITS

DIVISION 1 – ELIGIBILITY FOR PERMIT

Eligible licensees

9.01 Only the following licensees are eligible licensees for the purposes of this Part and Division 4 of Part 3 of the Act:

- (a) dental hygienist licensees;
- (b) full dentist licensees;
- (c) limited (restricted-to-specialty) dentist licensees;
- (d) full denturist licensees;
- (e) limited (grandparented) denturist licensees.

Eligibility for permit

9.02 A corporation may be issued a permit to operate as a health profession corporation if, in addition to satisfying the requirements under Division 4 of Part 3 of the Act,

- (a) the licensees with an ownership interest in the corporation under section 59(1)(a) and (b) of the Act are all eligible licensees,
- (b) the corporation submits to the registrar
 - (i) a completed application for a health profession corporation permit in the form and manner ordered by the registrar,
 - (ii) any fee, costs, monetary penalty or other amount owed to the college by.
 - (A) the corporation, or
 - (B) a licensee with an ownership interest in the corporation under section 59(1)(a) and (b) of the Act,
 - (iii) a certificate of solicitor in the form and manner ordered by the registrar,
 - (iv) an acknowledgement in the form and manner ordered by the registrar, executed by each eligible licensee who has an ownership interest in the corporation under section 59(1)(a) and (b) of the Act, acknowledging that the licensee has read Division 4 of Part 3 of the Act and understands that
 - (A) the licensee's liability for professional negligence is not affected by the licensee practising through or on behalf of the corporation,
 - (B) the licensee's relationship with the corporation does not affect, modify or diminish the application of the Act, the regulations, and these bylaws to the licensee, and
 - (C) neither the issuance of a health profession corporation permit by the college nor the licensee's practising through or on behalf of the

corporation in any way relieves or absolves the licensee from complying with a standard, limit or condition imposed under the Act,

- (v) documents confirming that
 - (A) the corporation meets the requirements under Division 4 of Part 3 of the Act, and
 - (B) each eligible licensee who has an ownership interest in the corporation under section 59(1)(a) and (b) of the Act holds insurance that complies with section 8.14(5), and
- (vi) the health profession corporation permit application fee specified in Schedule “X”, and
- (c) the name of the corporation is approved by the registrar under section 9.08.

DIVISION 2 - PERMITS

Term of permit

9.03 A health profession corporation permit expires on the March 31 immediately following the date it was issued or last renewed.

Renewal of permit

9.04 A health profession corporation applying for renewal of its permit must, before the expiry date specified in section 9.03, submit to the registrar

- (a) a completed application for permit renewal in the form and manner ordered by the registrar,
- (b) the health profession corporation permit renewal fee specified in Schedule “X”, and
- (c) documents confirming that
 - (i) the corporation continues to meet the requirements under Division 4 of Part 3 of the Act, and
 - (ii) each licensee who is a director of the corporation or has an ownership interest in the corporation under section 59(1)(a) and (b) of the Act holds insurance that complies with section 8.14(5),

Reinstatement of permit

9.05 (1) Subject to subsection (2), a corporation whose permit expired under section 9.03 may apply for reinstatement of that permit by submitting to the registrar

- (a) a completed application for reinstatement in the form and manner ordered by the registrar,
- (b) the items required under 9.04(b) and (c),

- (c) the health profession corporation permit late renewal fee specified in Schedule “X”.
- (2) A corporation must submit an application for reinstatement under subsection (1) on or before the May 30 following the expiration of the corporation’s permit under section 9.03.

Limits or conditions on permit

- 9.06** (1) When issuing, varying or renewing a health profession corporation permit, the registrar or permit committee may, as a limit or condition on the permit, require the corporation to submit periodic reports to the registrar confirming compliance with one or more of the requirements in this Part or under Division 4 of Part 3 of the Act.
- (2) A corporation applying to vary limits or conditions on the corporation’s health profession corporation permit must submit to the registrar a completed application in the form and manner ordered by the registrar that includes the information or records that the registrar requests or orders the licensee to provide.

Revocation of permit

- 9.07** (1) The registrar may revoke a corporation’s health profession corporation permit on receipt of a request in writing from the corporation to revoke the permit.
- (2) After revoking a permit under subsection (1), the registrar must give notice of the revocation to the Registrar of Companies for the purposes of section 29(5) of the *Business Corporations Act*.

DIVISION 3 –CORPORATION NAMES AND CHANGES IN INFORMATION

Health profession corporation names

- 9.08** (1) Subject to subsection (2), if, immediately before the *Health Professions Act* is repealed, a corporation holds a valid health profession corporation permit issued by the college, the name of that corporation is deemed to comply with the requirements of this section.
- (2) If any change is made to the name of a health profession corporation described in subsection (1), the changed name must
- (a) comply with subsection (3), and
 - (b) be approved by the registrar under subsection (4).
- (3) The name of a health profession corporation
- (a) must contain, together with and immediately preceding one of the words or abbreviations “Corporation”, “Corp.”, “Incorporation” or “Inc.”,
 - (i) the words “Dental Hygienist”, “Dental Hygiene” or “Oral Health”, if the licensees who have an ownership interest in the corporation under section 59(1)(a) and (b) of the Act are all dental hygienist licensees,

- (ii) the word “Dentist” or “Dental” or the words “Oral Health”, if the licensees who have an ownership interest in the corporation under section 59(1)(a) and (b) of the Act are all full dentist licensees or limited (restricted-to-speciality) dentist licensees,
 - (iii) the word “Denturist” or “Denturism” or the words “Oral Health”, if the licensees who have an ownership interest in the corporation under section 59(1)(a) and (b) of the Act are all full denturist licensees or limited (grandparented) denturist licensees, or
 - (iv) the words “Oral Health”, if the licensees who have an ownership interest in the corporation under section 59(1)(a) and (b) of the Act, are a combination of the licensees specified in 9.01(a) to (e).
- (b) must not
 - (i) be identical to the name of another health profession corporation with a valid health profession corporation permit issued by the registrar under the Act or by the board under the *Health Professions Act*, or
 - (ii) so closely resemble the name of another health profession corporation with a valid health profession corporation permit issued by the registrar under the Act or by the board under the *Health Professions Act* that, in the opinion of the registrar, it is likely to confuse or mislead the public, and
- (c) must not contravene the standards in Schedule “X” respecting marketing.
- (4) The registrar may approve the name of a corporation that complies with subsection (3) on receipt of a completed application for health profession corporation name approval in the form and manner ordered by the registrar.

Health profession corporation changes

- 9.09** (1) A health profession corporation must as soon as practicable, submit to the registrar
- (a) a true copy of any certificate of change of name issued to the corporation under the *Business Corporations Act*,
 - (b) a new certificate of solicitor if requested by the registrar.
 - (c) written notice of any vesting of the voting shares in the corporation under section 59(3) of the Act, and
 - (d) written notice of any change to the information provided in the corporation’s most recent permit application or permit renewal application that is not addressed under paragraph (a) or (c) or subsection (2).
- (2) Before any transfer of the legal or beneficial ownership in any voting share of a health profession corporation or a company that legally and beneficially owns a voting share of a health profession corporation, the health profession corporation must submit to the registrar
- (a) a completed application for variation of a health profession corporation permit in the form and manner ordered by the registrar,

- (b) any fee, costs, monetary penalty or other amount owed to the college by.
 - (i) the corporation, or
 - (ii) a licensee who has or, if the transfer proceeds, will have an ownership interest in the corporation under section 59(1)(a) and (b) of the Act,
 - (c) an acknowledgement specified in section 9.02(b)(iv) executed by each eligible licensee to whom a voting share is to be transferred, and
 - (d) documents confirming that, if the transfer proceeds,
 - (i) the corporation will meet the requirements under Division 4 of Part 3 of the Act, and
 - (ii) each licensee who will have an ownership interest in the corporation under section 59(1)(a) and (b) of the Act will hold insurance that complies with section 8.14(5), and
 - (e) the health profession corporation permit application fee specified in Schedule “X”.
- (3) A corporation must submit to the registrar a completed application for health profession corporation name approval under section 9.08(4),
- (a) with a certificate of change of name submitted to the registrar under subsection (1)(a), or
 - (b) if, following a transfer of shares under subsection (2), the name of a health profession corporation
 - (i) no longer complies with section 9.08(3), or
 - (ii) includes the name of a licensee who is no longer a voting shareholder of the corporation or a company that legally and beneficially owns the voting shares of the corporation.

DIVISION 4 – PROVISION OF SERVICES AND MARKETING

Provision of services through a health profession corporation

9.10 For the purposes of section 66(2)(b)(ii) of the Act, employees of a health profession corporation may provide health services under the supervision of an eligible licensee, subject to the requirements of Part 10.

Marketing by health profession corporations

9.11 A health profession corporation carrying on the business of providing health services to the public must

- (a) disclose on all letterhead and business cards, and in all marketing, that those services are being provided through a health profession corporation, and
- (b) comply with the standards in Schedule “X” respecting marketing.

DIVISION 5 – DISCIPLINE OF HEALTH PROFESSION CORPORATIONS

Notice of proposed disciplinary action

- 9.12** (1) In addition to the requirements under section 114(1)(a) of the Act, a written notice that action may be taken against a health profession corporation must
- (a) name the corporation as a respondent, and
 - (b) notify the corporation of its opportunity to request a hearing.
- (2) If, following receipt of a written notice under section 114(1) of the Act, the health profession corporation requests a hearing, the permit committee must direct the registrar to deliver a notice of hearing to the corporation that
- (a) specifies
 - (i) whether the hearing will be conducted in-person, by electronic means or by written submissions,
 - (ii) the date, time, and, as applicable, the location for an in-person hearing, or the technical arrangements for a hearing by electronic means, and
 - (iii) the timelines for providing submissions in writing for a written hearing or, as part of hearing conducted in-person or by electronic means, and
 - (b) informs the corporation of the permit committee's authority under section 9.13(6).
- (3) The registrar must deliver a notice of hearing under subsection (2) at least 14 days before
- (a) the date of a hearing to be conducted in-person or by electronic means, or
 - (b) in the case of a hearing to be conducted by written submissions, the date set for delivery of the first submissions.

Hearing process

- 9.13** (1) If the permit committee conducts a hearing under section 114 of the Act in person or by electronic means
- (a) the health profession corporation and the college may appear as parties with legal counsel,
 - (b) the corporation and the college may call evidence,
 - (c) the testimony of witnesses must be taken on oath, or using a form of affirmation that confirms a witness's commitment to speak the truth and is culturally appropriate, and
 - (d) subject to subsection (2), the corporation and the college have the right to cross-examine witnesses.
- (2) Except as otherwise required by these bylaws or the Act, the permit committee

- (a) has the power to control its own process for a hearing under section 114 of the Act, and
 - (b) without limiting paragraph (a), may do one or more of the following:
 - (i) adjourn the hearing;
 - (ii) admit or refuse to admit evidence;
 - (iii) make orders to facilitate the timely, just and orderly conduct of the hearing.
- (3) The permit committee may act under subsection (2) on its own initiative or on the request of a party to a hearing.
- (4) Unless otherwise directed by the permit committee, any portion of a hearing under section 114 of the Act that is conducted in person or by electronic means must be open to the public.
- (5) The permit committee may be assisted by independent legal counsel in the conduct of a hearing under section 114 of the Act.
- (6) If a health profession corporation does not attend a hearing under section 114 of the Act that is conducted in-person or by electronic means, or fails to deliver written submissions by a specified deadline, the permit committee may
 - (a) proceed with the hearing in the absence of the corporation on proof the registrar delivered a notice of hearing to the corporation in accordance with section 9.12, and
 - (b) without further notice to that person, take any action that it is authorized to take under the Act.