

Appendix B

Reinstatement Provisions in Ontario Health Profession Regulation

General Regulation, Professional Engineers Act

51. (1) The following qualifications and requirements are prescribed for the reinstatement of the licence of a Member who resigned:

1. Payment of the fees owing by the applicant for reinstatement to the Association at the time the applicant resigned, if any, and of the fees specified by the by-laws for the current year.
2. Payment of any reinstatement fee specified by the by-laws.
3. Production of evidence of good character. O. Reg. 36/18, s. 8.

(2) Revoked: O. Reg. 36/18, s. 8.

(3) Any term, condition or limitation that applied to a licence when a Member resigns continues to apply to the reinstated licence and, for greater certainty, a Member who at the time that he or she resigned was designated as a fee remission Member continues to be so designated on the reinstatement of his or her licence. O. Reg. 205/09, s. 5 (2).

Licence reinstatement if cancelled for non-payment

51.1 (1) The following qualifications and requirements are prescribed for the reinstatement of a licence or limited licence that was cancelled for non-payment of fees:

1. Payment of the fees owing by the applicant for reinstatement to the Association at the time his or her licence or limited licence was cancelled and of the fees specified by the by-laws for the current year.
2. Payment of any reinstatement fee specified by the by-laws.
3. Production of evidence of good character, if the payments referred to in paragraph 1 are made in full more than one year after the cancellation.
4. Successful completion of an assessment by the Experience Requirements Committee that the applicant has sufficient knowledge and understanding of the current laws and standards governing the practice of professional engineering, if the payments referred to in paragraph 1 are made in full more than two years after the cancellation. O. Reg. 36/18, s. 9.

(2) Revoked: O. Reg. 36/18, s. 9.

(3) Any term, condition or limitation that applied to a licence or limited licence that was cancelled for non-payment of fees continues to apply to the reinstated licence or limited licence and, for greater certainty, a person who at the time that his or her licence or limited licence was cancelled was designated as a fee remission Member or fee remission limited licence holder, as the case may be, continues to be so designated on the reinstatement of his or her licence or limited licence. O. Reg. 205/09, s. 6 (2).

General Regulation, Dentistry Act

30. (1) A former member whose general, specialty or academic certificate of registration was revoked under subsection 27 (2) or was suspended for failure to pay a fee under section 24 of the Health Professions Procedural Code or who resigned as a member may apply for reinstatement of his or her general, specialty or academic certificate of registration by completing an application form supplied by the Registrar. O. Reg. 407/04, s. 1.

(2) The Registrar may reinstate the certificate of registration of a former member who applies under subsection (1) if all of the following conditions have been met:

1. The applicant pays the fees required by subsection (5).

2. The applicant is not a person who is ineligible for reinstatement as a result of subsection (6).
3. The application for reinstatement was made within two years of the date of the suspension or resignation. O. Reg. 407/04, s. 1.

(3) Where the Registrar refuses to reinstate a former member who applies under subsection (1), the application shall be referred by the Registrar to the Registration Committee. O. Reg. 407/04, s. 1.

(4) The Registration Committee may reinstate the certificate of registration of a former member whose application has been referred under subsection (3) if all of the following conditions have been met:

1. The applicant pays the fees required by subsection (5).
2. The applicant is not a person who is ineligible for reinstatement as a result of subsection (6). O. Reg. 407/04, s. 1.

(5) A former member whose certificate of registration is to be reinstated under subsection (2) or subsection (4) shall pay,

- (a) the fees required by the by-laws of the College;
- (b) the annual fee for the year in which the certificate of registration is reinstated, if not previously paid;
- (c) the annual fee for the year in which the certificate of registration was suspended or the year in which the former member resigned, if not already paid, unless the Registration Committee is satisfied that the member did not engage in the practice of dentistry in Ontario during that year; and
- (d) any money owed to the College at the time the applicant ceased to be a member of the College or that became due and owing at any time thereafter including, without being limited to, costs or expenses ordered to be paid by a panel of the discipline committee, costs awarded by a Court, and money owed to the College under a regulation or by-law or an order or decision of a statutory committee or a panel of a statutory committee. O. Reg. 407/04, s. 1.

(6) A person is ineligible for reinstatement if, during the period from immediately prior to when he or she ceased to be a member up to and including the date of receipt of the application for reinstatement, he or she,

- (a) was the subject of a proceeding for professional misconduct, incompetence or incapacity, whether in Ontario or in another jurisdiction either in relation to the dental profession or another health profession, other than a proceeding which was completed based upon its merits;
- (b) was the subject of an inquiry or investigation by the Registrar, a committee, a panel of a committee or board of inquiry of the College, which was not completed on its merits or which resulted in the resignation of the member;
- (c) was the subject of an outstanding order of a committee, a panel of a committee or a board of inquiry of the College;
- (d) was in breach of an order of a committee, a panel of a committee or a board of inquiry of the College;
- (e) failed to comply with a decision of a panel of the Inquiries, Complaints and Reports Committee or a predecessor to that committee, including a decision requiring the member to attend to be cautioned;
- (f) failed to comply with a written agreement with the College or any undertaking provided to the College;
- (g) had terms, conditions or limitations on her or his certificate of registration other than those terms, conditions or limitations which are generally applicable to all members of the particular class of certificate of registration which the applicant previously held; or
- (h) was previously refused reinstatement by the Registration Committee either under this Regulation or any predecessor regulation. O. Reg. 407/04, s. 1; O. Reg. 75/12, s. 16.

31. (1) Section 30 shall not be interpreted as prohibiting a former member who resigned or whose certificate of registration was suspended, cancelled or revoked for non-payment of a fee from making application for a certificate of registration under the Health Professions Procedural Code. O. Reg. 407/04, s. 1.

(2) An application referred to in subsection (1) shall be treated as an initial application for registration.

General Regulation, Dietetics Act

- 23.** (1) A former member whose certificate of registration was revoked under section 22 may apply for the reinstatement of his or her certificate within two years after the date on which the certificate was revoked by submitting a completed application to the Registrar in the form provided by the Registrar. O. Reg. 72/12, s. 1.
- (2) The Registrar shall reinstate the former member's certificate of registration,
- (a) if the Registrar is satisfied that the former member has corrected the deficiency or deficiencies that provided the grounds for the revocation of the former member's certificate;
 - (b) if the Registrar is satisfied that the former member will be in compliance with all of the certificate's terms, conditions and limitations as of the date of the anticipated reinstatement; and
 - (c) if the former member has paid any applicable fees required under the by-laws. O. Reg. 72/12, s. 1.

Registration Regulation, Health and Supportive Care Providers Oversight Authority (not yet proclaimed)

Reinstatement

- 10.** (1) A registrant whose registration has been suspended by the Chief Executive Officer for any reason may apply to the Chief Executive Officer to lift the suspension by,
- (a) submitting an application for reinstatement in a form supplied by the Chief Executive Officer;
 - (b) paying the fee the registrant failed to pay, if any; and
 - (c) the required reinstatement fee, if any.
- (2) In the case of an application for reinstatement made more than three years from the date of suspension, the Chief Executive Officer shall evaluate the applicant's qualifications and determine whether the applicant must successfully complete any continuous quality improvement activities prior to being reinstated.

General Regulation, Audiology and Speech Language Pathology Act

- 27.** (1) A former member whose certificate of registration was revoked under section 26 may apply for the reinstatement of his or her certificate by submitting a completed application to the Registrar in the form provided by the Registrar. O. Reg. 21/12, s. 27 (1).
- (2) The Registrar shall reinstate the former member's certificate of registration if the following criteria are met:
- 1. The former member has paid any applicable fees and penalties required by the by-laws.
 - 2. The former member has satisfied the Registrar that he or she has corrected the deficiency or deficiencies that provided the grounds for the revocation of his or her certificate.
 - 3. The Registrar is satisfied that the former member meets all of the requirements for the class of certificate of registration being reinstated, as those requirements read on the day that the applicant submitted the application to the Registrar. O. Reg. 21/12, s. 27 (2).

Registration Regulation, Chiropody Act

- 15.1** (1) A person who, at the time of resigning as a member, held a general certificate of registration may be reinstated if he or she,
- (a) submits a completed application for reinstatement in the form provided by the Registrar and the required application fee;
 - (b) pays the annual fee for the year in which he or she wishes to be reinstated and any other outstanding fees owing to the College; and
 - (c) meets the requirements set out in section 3 and paragraphs 3 and 5 of subsection 4 (1). O. Reg. 187/99, s. 2.

(2) The application fee is non-refundable but the amount of the fee is deductible from the amount of the annual fee payable under clause (1) (b). O. Reg. 187/99, s. 2.

15.2 (1) A person who, at the time of resigning as a member, held an academic certificate of registration may be reinstated if he or she,

- (a) submits a completed application for reinstatement in the form provided by the Registrar and the required application fee;
- (b) pays the annual fee for the year in which he or she wishes to be reinstated and any other outstanding fees owing to the College; and
- (c) meets the requirements set out in section 3 and paragraphs 2 and 4 of subsection 5 (1). O. Reg. 187/99, s. 2.

(2) The application fee is non-refundable but the amount of the fee is deductible from the amount of the annual fee payable under clause (1) (b). O. Reg. 187/99, s. 2.

15.3 A person who, at the time of resigning as a member, was a member of the podiatrist class may be reinstated in the podiatrist class if he or she,

- (a) meets the requirements set out in sections 15.1 and 15.2; and
- (b) was registered in the podiatrist class on December 30, 1993. O. Reg. 187/99, s. 2.

15.4 Sections 15.1, 15.2 and 15.3 do not apply to a member whose certificate of registration was suspended or revoked. O. Reg. 187/99, s. 2.

General Regulation, Nursing Act

10.5 (1) A former member who held a General certificate of registration as a registered nurse or registered practical nurse or an extended certificate of registration as a registered nurse, and who resigned pursuant to section 10 or whose certificate was revoked pursuant to section 10.4 or a predecessor to one of those provisions may apply for the reinstatement of his or her certificate of registration by submitting a completed application to the Executive Director in the form provided by the Executive Director. O. Reg. 175/12, s. 1.

(2) A former member who applies for reinstatement of a certificate of registration as a registered nurse in the extended class under subsection (1) shall also apply for reinstatement of one or more specialty certificates that he or she previously held. O. Reg. 175/12, s. 1.

(3) Subject to subsection (4), the Executive Director may reinstate the former member's certificate of registration if,

- (a) the Executive Director is satisfied that the former member has corrected the deficiency or deficiencies that provided the grounds for the revocation of the former member's certificate pursuant to section 10.4, if applicable;
- (b) the application for reinstatement was submitted to the Executive Director within three years of the date on which the former member's certificate of registration was revoked;
- (c) the former member has paid,
 - (i) the reinstatement fees required under the by-laws,
 - (ii) any other applicable fees required under the by-laws,
 - (iii) any other money otherwise owed by the former member to the College at the date the application for reinstatement is submitted, including, without limitation, any costs or expenses ordered to be paid under section 53.1 of the Health Professions Procedural Code, any costs awarded to the College by a court and any amount owing to the College under a by-law or former regulation made under the Act; and
- (d) the former member,

(i) satisfies the Executive Director that he or she completed all education, experience and training requirements for the issuance of the certificate of registration that is the subject of the application for reinstatement within the

three years immediately preceding the date on which the applicant satisfied all other requirements for reinstatement, or

(ii) demonstrates evidence of practice within the three years immediately preceding the date on which the applicant satisfied all other requirements for reinstatement,

(A) as a registered nurse, if he or she is applying for reinstatement of a General certificate of registration as a registered nurse,

(B) as a registered practical nurse, if he or she is applying for reinstatement of a General certificate of registration as a registered practical nurse, or

(C) as a registered nurse in the extended class, if he or she is applying for reinstatement of an extended certificate of registration as a registered nurse and in such a case the practice must include,

(1) clinical practice within each specialty in the extended class for which the former member is seeking reinstatement, and

(2) a nursing role within that specialty that required him or her to use, in the treatment of patients, advanced knowledge and decision-making skill in assessment, diagnosis and therapeutics. O. Reg. 175/12, s. 1.

(4) A former member is ineligible for reinstatement under subsection (3) if he or she,

(a) was, after he or she ceased to be a member, found guilty of any criminal offence in any jurisdiction or of any offence involving the use, possession or sale of drugs in any jurisdiction;

(b) was, after he or she ceased to be a member, found guilty of any offence in any jurisdiction relating to the practice of nursing or any other profession;

(c) has been the subject of an inquiry or investigation by the Executive Director that was not completed on its merits prior to the time that the applicant ceased being a member or that resulted in the member's resignation;

(d) was, at the time he or she ceased to be a member, the subject of an outstanding order of a Committee or of a panel of a Committee or a Board of Inquiry of the College;

(e) was, at the time he or she ceased to be a member, in breach of an order of a Committee or of a panel of a Committee or a Board of Inquiry of the College;

(f) was, prior to the time he or she ceased to be a member, selected or directed to undergo an assessment or reassessment under the College's Quality Assurance Program unless the assessment or reassessment was completed and any continuing education or remedial program required by a panel of the Quality Assurance Committee was completed before the time he or she ceased to be a member;

(g) was, at the time he or she ceased to be a member, in breach of any written agreement with or undertaking provided to the College;

(h) was, after he or she ceased to be a member, refused registration in any jurisdiction either in nursing or any other profession; or

(i) was, after he or she ceased to be a member, the subject of a finding of professional negligence or malpractice in any jurisdiction in relation to nursing or any other profession. O. Reg. 175/12, s. 1.

Reinstatement, Non-Practising

10.6 (1) A member holding a Non-Practising certificate of registration may apply for reinstatement of the General certificate of registration as a registered nurse or registered practical nurse or the extended certificate of registration as a registered nurse that he or she previously held by submitting a completed application to the Executive Director in the form provided by the Executive Director. O. Reg. 175/12, s. 1.

(2) A member who applies for reinstatement of a certificate of registration as a registered nurse in the extended class under subsection (1) shall also apply for reinstatement of one or more specialty certificates that he or she previously held. O. Reg. 175/12, s. 1.

(3) Subject to subsection (4), the Executive Director may reinstate the member's certificate of registration if,

(a) the member has paid,

(i) the reinstatement fees required under the by-laws, and

(ii) any other applicable fees required under the by-laws;

- (b) the member demonstrates evidence of practice within the three years immediately preceding the date on which the applicant satisfies all other requirements for reinstatement,
- (i) as a registered nurse, if he or she is applying for reinstatement of a General certificate of registration as a registered nurse,
 - (ii) as a registered practical nurse, if he or she is applying for reinstatement of a General certificate of registration as a registered practical nurse, or
 - (iii) as a registered nurse in the extended class if he or she is applying for reinstatement of an extended certificate of registration as a registered nurse, and in such a case the practice must have included,
- (A) clinical practice within each specialty in the extended class for which the member is seeking reinstatement, and
- (B) a nursing role within that specialty that required him or her to use, in the treatment of patients, advanced knowledge and decision-making skill in assessment, diagnosis and therapeutics;
- (c) the member demonstrates language proficiency and the ability to communicate and comprehend effectively, both orally and in writing, in either English or French, unless the member held a certificate of registration, other than an Emergency, retired or Non-Practising certificate of registration, less than two years before applying for reinstatement or within such longer period as specified by the Executive Director; and
- (d) the member successfully completed the examination in nursing jurisprudence approved by Council for applicants for the issuance of the class of certificate for which he or she is seeking reinstatement within five years before the date on which the member met all of the other requirements for reinstatement, unless the member held a certificate of registration, other than an Emergency, retired or Non-Practising certificate of registration, less than five years before applying for reinstatement. O. Reg. 175/12, s. 1; O. Reg. 291/23, s. 11.
- (4) A member is ineligible for reinstatement under subsection (3) if any of the provisions set out in clauses 10.5 (4) (a) to (i), with necessary modifications, apply to the member. O. Reg. 175/12, s. 1.

Reinstatement, Extended Class

10.7 (1) A member who holds a General certificate of registration as a registered nurse and who formerly held an extended certificate of registration as a registered nurse may apply for the reinstatement of his or her extended certificate of registration by submitting a completed application to the Executive Director in the form provided by the Executive Director. O. Reg. 175/12, s. 1.

(2) A member who applies for reinstatement of a certificate of registration as a registered nurse in the extended class under subsection (1) shall also apply for reinstatement of one or more specialty certificates that he or she previously held. O. Reg. 175/12, s. 1.

(3) The Executive Director may reinstate the member's extended certificate of registration and one or more specialty certificates previously held by the member if,

- (a) the member has paid,
- (i) the reinstatement fees required under the by-laws, and
 - (ii) any other applicable fees required under the by-laws;
- (b) the member demonstrates evidence of practice as a registered nurse in the extended class within the three years immediately preceding the date on which the applicant satisfied all other requirements for reinstatement, and in such a case the practice must have included,
- (i) clinical practice within each specialty in the extended class for which the member is seeking reinstatement, and
 - (ii) a nursing role within that specialty that required him or her to use, in the treatment of patients, advanced knowledge and decision-making skill in assessment, diagnosis and therapeutics; and
- (c) the member successfully completed the examination in nursing jurisprudence approved by Council for applicants for the issuance of an extended certificate of registration within five years before the date on which the member met all of the other requirements for reinstatement, unless the member held an extended class certificate of registration as a registered nurse less than five years before applying for reinstatement. O. Reg. 175/12, s. 1; O. Reg. 462/16, s. 14.

Extensions

10.7.1 The Executive Director may extend the three-year period referred to in clause 10.5 (3) (b), subclause 10.5 (3) (d) (ii), clause 10.6 (3) (b) or clause 10.7 (3) (b) if the member or former member satisfies the Executive Director that the member or former member is safe and competent to engage in the practice of nursing. O. Reg. 509/22, s. 3.

Registration Regulation, Optometry Act

15 (4) A member whose certificate of registration was revoked under subsection (3) and who applies to be reinstated must satisfy the requirements for the class of certificate for which reinstatement is sought and pay the application fee and the annual fee payable for the year in which the member wishes to be reinstated.

General Regulation, Pharmacy Act

38. (1) Subject to subsections (2) and (3), a former member who resigned or was deemed to have resigned may apply to have their certificate of registration reinstated by,

(a) submitting a completed application to the Registrar in the form provided by the Registrar;

(b) paying,

(i) the required reinstatement fee,

(ii) the annual fee for the year in which the certificate of registration is to be reinstated, if not previously paid,

(iii) the annual fee for the year in which the former member resigned, if not previously paid, unless the Registrar is satisfied that the former member did not engage in the practice of the profession in Ontario during that year, and

(iv) any other amount owed by the former member to the College, including but not limited to, any penalty or late fees that were due at the time that they ceased to be a member, any costs or expenses ordered to be paid under section 53.1 of the Health Professions Procedural Code, any costs awarded to the College by a court and any amount owing to the College under a by-law or former regulation made under the Act; and

(c) providing evidence satisfactory to the Registrar that the applicant will have professional liability insurance in the amount and in the form specified by the by-laws as of the anticipated date of reinstatement of the certificate of registration.

(2) It is a condition of reinstatement that the Registrar be satisfied that,

(a) the applicant is not ineligible for any reason set out in section 39; and

(b) the applicant meets the requirements of section 8.

(3) An application for reinstatement under subsection (1) may not be submitted more than three years after,

(a) the date on which the former member resigned; or

(b) in the case of a former member who was deemed to have resigned under section 36, the date on which the former member was suspended and that suspension resulted in the deemed resignation.

Ineligibility for reinstatement

39. (1) A former member is ineligible for reinstatement if the former member,

(a) held a certificate of registration as an intern or intern technician at the time they ceased to be a member;

(b) was, at the time they ceased to be a member, or at any time since then, the subject of,

(i) a proceeding for professional misconduct, incompetence or incapacity in Ontario or any similar proceeding in any other jurisdiction in relation to the practice the profession or another profession, other than a proceeding that was completed on its merits in which the allegations were found not to have been proven,

(ii) an inquiry or investigation by the Registrar, a committee or a panel of a committee of the College, which resulted in the member's resignation or an inquiry or investigation that was not completed on its merits, other than an inquiry or investigation the result of which was a determination that no further action should be taken against the member, or

(iii) a proceeding in respect of,

(A) any criminal offence in any jurisdiction,

(B) any offence relating to the use, possession or sale of drugs in any jurisdiction,

(C) any offence arising in any jurisdiction relating to the practice of the profession or any other profession or occupation, or

(D) any offence under the *Controlled Drugs and Substances Act* (Canada);

(c) was, at the time they ceased to be a member,

- (i) the subject of, or in breach of, an outstanding order or requirement of a committee or a panel of a committee of the College,
- (ii) in violation of a decision of a panel of the Inquiries, Complaints and Reports Committee or of any predecessor committee, including a decision requiring the member to attend to be cautioned, or
- (iii) in breach of any written agreement with or undertaking provided to the College; or
- (d) had, at the time they ceased to be a member, terms, conditions or limitations on their certificate of registration, other than those applicable to all members of the class of certificate of registration they previously held and those applicable to all members of the part of the register of members in which they were previously listed.

(2) Nothing in this Part prevents a former member who resigned or was deemed to have resigned from making any number of applications for reinstatement or from making an application for a new certificate of registration.

Reinstatement to Part A or B

40. (1) Subject to subsections (2) and (3), a former member who satisfies the conditions for reinstatement in section 38 may be reinstated in Part A if the former member,

- (a) was previously listed in Part A at the time of their resignation;
- (b) asks to be listed in Part A in their application for reinstatement; and
- (c) provides to the Registrar a declaration of competence to provide patient care in the form approved by the Council.

(2) A former member shall not be reinstated in Part A if, at the time of their resignation, the former member had been selected for but had not yet taken part in an assessment under the College's Quality Assurance Program or had failed to successfully complete such an assessment.

(3) A former member who meets the conditions for reinstatement in section 38,

- (a) may be reinstated in Part B if former member asks to be listed in Part B in their application for reinstatement; or
- (b) shall be reinstated in Part B if the Registrar determines that the former member does not qualify for reinstatement in Part A pursuant to subsection (1) or (2).

Reinstatement pursuant to order

41. If a former member's certificate of registration is ordered to be reinstated by a panel of the Discipline Committee or of the Fitness to Practise Committee, the Registrar shall reinstate the certificate of registration upon payment of,

- (a) the required reinstatement fee; and
- (b) the annual fee for the year in which the certificate of registration is to be reinstated, if not previously paid.

Registration Regulation, Psychotherapy Act

27. The Registrar shall reinstate the certificate of registration of a former member whose certificate of registration has been revoked under section 26 because the member has failed to pay a fee that he or she is required to pay in accordance with the by-laws if,

- (a) the former member,
 - (i) satisfies a panel of the Registration Committee that he or she possesses the current knowledge, skill and judgment relating to the practice of psychotherapy that would be expected of a member holding the type of certificate of registration that is being applied for, or
 - (ii) successfully completes such additional upgrading activities as are determined to be necessary by a panel of the Registration Committee;
- (b) the former member has paid any fees required under the by-laws for reinstatement of a certificate of registration;
- (c) the former member has paid all other outstanding fees required under the by-laws;
- (d) the former member has professional liability insurance coverage in the amount and in the form required under the by-laws; and
- (e) the former member will be in compliance, as of the anticipated date on which the suspension is to be lifted, with,
 - (i) any outstanding requirements or orders issued by a panel of the Inquiries, Complaints and Reports Committee,
 - (ii) any outstanding orders issued by a panel of the Discipline Committee or Fitness to Practise Committee,
 - (iii) any outstanding orders of Council or the Executive Committee,
 - (iv) any requirement to participate in specified continuing education or remediation programs that was issued by the Quality Assurance Committee, and

(v) any terms, conditions or limitations that were placed on the applicant's certificate of registration as a result of a direction of the Quality Assurance Committee.