

Health Profession Corporation

Policy Section: Administration of the Act	Policy Number: AA-1	Approved By: CEO/Registrar
Regular Policy Review Frequency: Every two years	Date Approved: May 31, 2018	Date Reviewed/Revised: June 18, 2021

Purpose:

The *Regulated Health Professions Act* (Manitoba) (the “RHPA”) gives registrants of the College the ability to carry on the practice of the profession of registered nursing, as a Health Profession Corporation [58]. This policy serves to outline the establishment and management of the Health Profession Corporations Permit Registry for the College.

Policy:

Registry

1. The Health Profession Corporations Permit Registry shall contain the following information for each Health Profession Corporation [RHPA 73(3); *College of Registered Nurses of Manitoba General Regulation 5.4*]:
 - a. Name of the Health Profession Corporation;
 - b. Name of each regulated registrant who is a shareholder or director of the Health Profession Corporation;
 - c. The name of each regulated member through whom the Health Profession Corporation will be carrying on the practice of the regulated health profession;
 - d. The conditions, if any, imposed on the permit;
 - e. The date the permit was issued;
 - f. The Health Profession Corporation’s address, fax number, telephone number, and e-mail address;
 - g. The time period during which the Health Profession Corporation’s permit is valid;
 - h. Information about any suspension or cancellation of the Health Profession Corporation’s permit or alternative action taken under s. 66 of the RHPA, including conditions placed on the permit.
2. The information contained in 1(a)-(h) must be made available to the general public during normal business hours.
3. The Registrar ensures all Health Profession Corporations listed on the Health Profession Corporations Permit Registry are in compliance with all applicable legislation, bylaws, and policy related to Health Profession Corporations through implementation of initial application, renewal application, censure of permits, change of particulars, and appeals policies as established in this document.

Initial Applications

1. Initial applications may be submitted from registrants registered in good standing* upon receipt of:
 - a. A Health Profession Corporation Permit Application;
 - b. A Name Reservation Form from the Companies Office with a Health Profession Corporation name that meets the requirements outlined in section 60(1) of *The Regulated Health Profession Act* and;
 - c. The non- refundable application fee and permit fee.

2. Upon review of the initial application, a consent to incorporate letter may be sent to the applicant provided that:
 - a. The application is completed in full, including signature;
 - b. The details within the application demonstrate compliance with section 60(1) of *The Regulated Health Profession Act*;
 - c. The intended services provided by the Health Profession Corporation fall within the scope of practice of the profession and;
 - d. Any director, officer or shareholder of the corporation that is or has been a director, officer or shareholder of another Health Profession Corporation has not had their Health Profession Corporation permit cancelled or surrendered.
3. Should a director, officer or shareholder be found to have a cancelled or suspended Health Profession Corporation permit the College may consult with legal counsel to determine if a permit may be issued before granting the consent to incorporate. This is a discretionary decision.
4. If any requirements outlined in 2(a-d) are not satisfied the College may refuse to issue a consent to incorporate letter.
5. The consent to incorporate letter is valid for 6 months from the date of issue and shall not be considered to be approval of the Health Profession Corporation. A Health Profession Corporation application is not eligible to receive final approval until 5.2 of the *College of Registered Nurses of Manitoba General Regulation* has been met:
 - a. A copy of all Articles of Incorporation, Articles of Amendment, Articles of Continuance, Articles of Amalgamation or like Articles have been reviewed to confirm compliance with section 60(1) of *The Regulated Health Profession Act*; and
 - b. A Certificate of Status issued under *The Corporations Act* is received.
6. Once all documents are received the application may be approved with or without conditions.
7. Should evidence indicate requirements outlined in *The Regulated Health Profession Act* have not been met, the Registrar may refuse to issue the Permit.
8. Upon issuance of the permit, the Health Profession Corporation must be added to the Health Profession Corporations Permit Registry. The Permit is valid for one year.
9. If the permit is issued with conditions, the corporation must be notified promptly of the conditions, the conditions must be included on the written permit as well as the right of the registrant to have the decision reviewed by the College.

**In good standing means the applicant(s) certificate to practice is not suspended, cancelled or voluntarily surrendered and there are no unfulfilled requirements as a result of a decision of the Complaints Investigation Committee.*

Renewal

1. Applications and fees for renewals of Health Profession Corporation permits must be received at least 30 days prior to the permit expiration date per Bylaw XIII. Failure to submit 30 days in advance may result in permit expiry.
2. The previous permit will continue in force until a decision has been made in regard to the renewal as long as the application for renewal and fees were received 30 days in advance.
3. A completed application for renewal of permit consists of:
 - a. A completed application form;
 - b. A copy of the most recent Annual Report filed with the Companies Office per *College of Registered Nurses of Manitoba General Regulation 5.3*;
 - c. A copy of a current Certificate of Status; and
 - d. Permit fee.

4. A renewal application may be approved with or without conditions provided that:
 - a. The application is completed in full including signature.
 - b. The details within the application demonstrate compliance with *The Regulated Health Profession Act*.
 - c. The Annual Report is consistent with the corporation as listed on the Health Profession Corporation Registry.
 - d. Any director, officer or shareholder of the corporation that is or has been a director, officer or shareholder of another Health Profession Corporation is confirmed to have not had that Health Profession Corporation permit cancelled or surrendered.
5. Should evidence indicate requirements outlined in 4 above have not been met the College may refuse to issue renewal of the permit.
6. Upon approval of the application for renewal the College shall issue a permit with or without conditions for one year and update the Health Profession Corporations Permit Registry accordingly.
 - a. If the permit is renewed with conditions, the corporation must be notified promptly of the conditions, the conditions must be included on the written permit as well as the right of the registrant to have the decision reviewed by the Council.
 - b. Directors of a Health Profession Corporation that does not renew their permit must ensure they fulfill closing, leaving or moving a self-employed practice requirements as outlined in the *College of Registered Nurses of Manitoba General Regulation 4.13*.

Change of Particulars

1. The Health Profession Corporation has an obligation to notify the College of any changes in Voting shares; Shareholders; Directors and Officers of the Corporation within 30 days of the change per Bylaw XIII.
2. Such notice must be reported in writing.
3. Upon receiving the notification, a review of the particulars shall occur to determine if the Health Profession Corporation is still eligible for a permit:
 - a. If it is still eligible, the information on the Registry shall be updated;
 - b. If no longer eligible, and no remedy is available, the matter shall be referred to the Council by the CEO/Registrar which may result in the permit being cancelled.

Censure of Permits

1. If the College receives information that the Health Profession Corporation ceases to meet eligibility requirements, contravenes the RHPA, Regulations or Bylaws of the College, contravened any conditions on the permit, or a regulated registrant, in the course of providing health care on behalf of the Health Profession Corporation, acts or results in the registrant's certificate being suspended or cancelled, the CEO/ Registrar may:
 - a. Cancel the permit;
 - b. Suspend the permit;
 - c. Reprimand the Health Profession Corporation or one or more directors or voting shareholders;
 - d. Impose conditions on the permit; or
 - e. Impose a fine not exceeding \$25,000.00 on the Health Profession Corporation, payable to the College.

2. The permit cannot be cancelled or suspended if the only reason is that:
 - a. one or more shares in the Health Profession Corporation have vested in an executor or administrator of an estate of an individual as a consequence of death of the said individual; or a trustee in bankruptcy on the bankruptcy of the owner of the shares, unless the Health Profession Corporation is not carrying on the practice of the regulated health profession through any other regulated member or the shares continue to be vested in the executor, administrator or trustee for more than 180 days, or for any longer period allowed by the CEO/Registrar;
 - b. the former spouse or common-law partner of a voting shareholder continues to own a share of the Health Profession Corporation after the end of their marriage or common-law relationship;
 - c. the registration or certificate of practice of a regulated member has been suspended, unless:
 - i. the member remains a director or officer of the Health Profession Corporation for more than 14 days after the commencement of the suspension, or
 - ii. the Health Profession Corporation is not providing health care through any other regulated member;
 - d. the registration or certificate of practice of a regulated member has been surrendered or cancelled, unless:
 - i. the member remains a director or officer of the Health Profession Corporation for more than 14 days after the surrender or cancellation,
 - ii. the member remains a voting shareholder of the Health Profession Corporation for more than 90 days after the surrender or cancellation, or for any longer period allowed by the CEO/Registrar, or
 - iii. the Health Profession Corporation is not practising the profession or providing health care directly associated with the practice of the profession through any other regulated member unless an exemption under *The Regulated Health Professions General Regulation* under *The Regulated Health Professions Act* has been granted.

3. The CEO/Registrar must give written notice of decisions as well as reasons to suspend or cancel the permit, and must give notice of right to appeal the decision to the Court of Queen's Bench.

4. Upon cancellation of a permit, the CEO/Registrar must remove the permit from the record of Health Profession Corporations per *College of Registered Nurses of Manitoba General Regulation 5.8*.

Appeals

1. A Health Profession Corporation refused a permit, or granted a permit with conditions, may appeal the decision per *RHPA section 60*. The right to appeal also applies to suspensions or cancellations of permits.
2. The appeal must be submitted as a written request no later than 30 days following the Health Profession Corporation receiving notice of the decision.
3. Upon receiving the appeal, the CEO/Registrar must immediately refer the application to the Council. The EO/Registrar must also forward a copy of the file to the Council members. The Council must convene as soon as practicable.
4. The Council shall review the decision and written request for appeal and will decide to either dismiss the appeal, or reverse the decision and issue the permit either with or without conditions.
5. The Council shall notify the Health Profession Corporation in writing of the action taken with respect to the appeal and provide reasons for the decisions.
6. A Health Profession Corporation may apply to the Court of Queen's Bench by filing a notice of appeal within 30 days after receiving notice of the council's decision to further appeal the decision of the Council.
7. If an appeal is filed with the Court of Queen's Bench, the Council shall instruct the Registrar to retain legal counsel.

References:

The Regulated Health Professions Act (Manitoba)

College of registered Nurses of Manitoba General Regulation

College of Registered Nurses of Manitoba Bylaws