

Capacity, Competence and Character to Safely Practise Medicine

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| SECTION | Registration | | |
| APPLICABLE LEGISLATION | Sections 14 (1)(a), 19 (3)(h), 25 (1)(g), and 39 (1)(i) of Medical Practitioners Regulations made under Section 11 of the <i>Medical Act</i> | | |
| Approved by : Registration Committee Executive Committee | Approval Date June 24, 2016 June 27, 2016 | Reviewer Manager, Registration | Review Date June 2018 |

PREAMBLE

The *Medical Practitioners Regulations* require that all applicants for registration or licensure have the capacity, competence and character to safely and ethically practise medicine.

Applicants are required to complete the application form for registration or licensure accurately and completely, in utmost good faith.

Applications and renewals in which a potential concern is identified regarding capacity, competence or character may be referred to the Registration Committee for adjudication.

POLICY

Capacity, competence and character will be assessed based on the past conduct and present circumstances of an applicant for registration or licensure. The burden is on the applicant to establish his or her capacity, competence and character.

In determining capacity, competence and character, the College will always bear the following in mind:

1. The need to serve and protect the public interest by ensuring physicians possess the qualities of good character, including honesty, integrity, civility, trustworthiness and reliability;
2. The need to maintain public confidence in the profession;
3. The need to maintain high professional and ethical standards;
4. The need to preserve the integrity and reputation of the medical profession.

In the event issues of capacity, competence or character are identified by College staff, the matter shall be referred for consideration to the Registrar. The Registrar will review the application and all information.

Where the Registrar is not satisfied with the evidence of capacity, competence or character presented by the applicant or acquired in the registration process, the application will be referred to the Registration Committee for review.

PROCEDURE

All information received by the College as part of the application and annual renewal process is subject to confirmation by College staff. College staff will review all applications and take appropriate steps to confirm the accuracy of the information provided by the applicant.

In determining whether any issues of capacity, competence or character are raised in the application process, College staff will consider the following:

1. Self-disclosure through the application process;
2. Analysis of gaps in training or practice;
3. Results of reference checks;
4. Direct contact with referees where necessary;
5. Follow-up on information provided during the application process;
6. Direct contact with the applicant through the interview process;
7. The results of criminal record checks;
8. Certificates of Professional Conduct from other medical regulatory authorities;
9. Any other information identified by the College during the application process.

GENERAL GUIDANCE

The following are examples of circumstances that would give rise to concerns regarding an applicant's capacity, competence or character:

- The applicant provides false, incomplete, ambiguous or misleading information during the application process or interview;
- The applicant is convicted of, or plead guilty to, an offence inconsistent with the proper professional behavior of a medical practitioner (unless pardoned);
Consideration would be given to:
 - Nature and frequency of the offence(s)
 - Relevance of the offence to position held
 - Age at which the offence was committed
 - Recency of the offence
 - Evidence of rehabilitation
 - General character since the offence
- The applicant obtains or attempts to obtain registration by fraudulent means;
- The applicant committed an act or acts inconsistent with ethical requirements that has not been sufficiently remedied;
- The applicant has been found at fault in a civil action which may bring into question their ability to practise medicine competently, ethically or professionally;
- The applicant has been denied any licence or permit which required proof of character, or had such permit or licence subject to conditions; or

- The applicant has had privileges varied, suspended or revoked, or agreed to resign on the basis of issues of competence, honesty, civility, professionalism, integrity or other elements of good character.

Privacy Considerations

An application is treated as confidential, but confidentiality is limited by the consent provided by the applicant to allow the College to make appropriate inquiries and to disclose information related to the application.