

## PART 7 HEALTH PROFESSION CORPORATIONS

### Application for health profession corporation permit

91. (1) A corporation incorporated under the *Business Corporations Act* may apply to the board for a permit to carry on the business of providing the services of naturopathic medicine to the public by delivering to the board
- (a) a completed permit application in Form 12,
  - (b) a true copy of the certificate of incorporation of the company and any other certificates which reflect a change in name,
  - (c) a permit fee in the amount specified in Schedule “C”, and
  - (d) evidence satisfactory to the board that all the shareholders are resident in British Columbia.
- (2) The president of a corporation incorporated under the *Business Corporations Act* or his or her designate must promptly advise the board in writing of any change to the information contained in the permit application.

### Issuance of health corporation permit

92. (1) The board may, as a condition of the permit, require the health profession corporation to obtain and at all times maintain professional liability insurance with a limit of liability not less than \$1,000,000 per occurrence insuring against liability arising from an error, omission or negligent act of all employees of the health profession corporation.
- (2) A permit is valid from the issue date shown until not later than the following December 31<sup>st</sup>.

### Renewal of health profession corporation permit

93. (1) A health profession corporation which intends to continue to provide the services of naturopathic medicine to the public must, before its permit expires, apply for a renewal of the permit by delivering to the board
- (a) a completed permit renewal application in Form 13, and
  - (b) a permit renewal fee in the amount specified in Schedule “C”.

- (2) A renewal permit is valid until not later than the following December 31<sup>st</sup>.
- (3) The health profession corporation must promptly advise the board in writing of any change to the information contained in the most recent permit renewal application.

**Health profession corporation name**

94. (1) A health profession corporation must use in its name a designation that is approved by the board.
- (2) A health profession corporation must not use a name which
- (a) is identical to that under which another health profession corporation holds a valid permit issued under this Part,
  - (b) so closely resembles the name of another health profession corporation which holds a valid permit issued under this Part that it is likely to confuse or mislead the public,
  - (c) is not approved by the board, or
  - (d) contravenes section 100.

**Change of health profession corporation name**

95. (1) A health profession corporation that intends to change its name must apply to the board in Form 14 for a certificate that the college does not object to the intended name of the health profession corporation.
- (2) Section 94 applies to an application under subsection (1).
- (3) The board must issue a new permit to a health profession corporation which
- (a) has received a certificate that the college does not object to the intended name change, and
  - (b) delivers to the board a true copy of the certificate of the Registrar of Companies showing the change of name and the date it is effective.
- (4) A permit issued under subsection (3) is valid until the date on which the permit it replaces would have expired.

**Health profession corporation advertising**

96. A health profession corporation which carries on the business of providing the services of naturopathic medicine to the public must disclose on all letterhead and business cards, and in all other advertisements, that the services of naturopathic medicine are being provided by a health profession corporation.

**Disposition of shares**

97. The articles of the corporation must provide for the disposition of the shares of a shareholder who dies, ceases to be a registrant or who ceases to be qualified to practise the profession.

**Hearings respecting revocation of permits**

98. (1) The powers and duties of the board set out in section 44 of the Act are delegated to the discipline committee.
- (2) A permit revocation hearing may be consolidated with a hearing conducted under section 38 of the Act if there is a similarity of subject matter between the two hearings.
- (3) The discipline committee may conduct an oral hearing or a hearing by written submission to determine if a health corporation permit should be revoked.
- (4) The discipline committee may conduct a hearing on the receipt of a written complaint or on its own motion.
- (5) The registrar must provide notice of a permit revocation hearing by personal service or by registered mail to the registered office of the health profession corporation not less than thirty (30) days before the date of the hearing.
- (6) The notice of permit revocation hearing must
- (a) name the health profession corporation as respondent,
  - (b) describe the matter that is to be the subject of the hearing, including the particulars of any evidence in support of that subject matter,
  - (c) if the hearing is to be an oral hearing,
    - (i) specify the date, time and place of the hearing,

- (ii) advise the respondent that the discipline committee is entitled to proceed with the hearing in the absence of representatives of the health profession corporation, and
  - (iii) advise the respondent that the respondent and the college may appear as parties and with counsel at a hearing,
- (d) if the hearing will be conducted by written submission
  - (i) specify the date of the hearing, and
  - (ii) advise the respondent that the respondent is entitled to submit a written submission no later than fourteen (14) days prior to the date of the hearing.
- (7) At an oral permit revocation hearing of the discipline committee
  - (a) the testimony of witnesses must be taken on oath, which may be administered by any discipline committee member, and
  - (b) there must be a full right to cross examine witnesses and call evidence in defence and reply.
- (8) If the respondent does not attend, the discipline committee may
  - (a) proceed with the hearing in the respondent's absence on proof of receipt of the citation by the respondent, and
  - (b) without further notice to the respondent, take any action that it is authorized to take under the Act, the regulation or the bylaws.
- (9) The discipline committee may order a person to attend an oral permit revocation hearing to give evidence and to produce records in the possession of or under the control of the person.
- (10) The discipline committee must provide notice in Form 11 by registered mail or by personal service to a person who is required to attend an oral permit revocation hearing under subsection (9).
- (11) The board must provide written reasons for its decision.
- (12) If the board decides to revoke a permit, the board must publish a notice containing
  - (a) the name of the respondent,
  - (b) the reasons for the decision, and
  - (c) the date of the permit revocation.

## PART 8 GENERAL

### Liability insurance

99. (1) Each full or temporary registrant must obtain and at all times maintain professional liability insurance with a limit of liability not less than \$1,000,000 per occurrence insuring against liability arising from an error, omission or negligent act of the registrant.
- (2) Each full or temporary registrant must obtain and at all times maintain professional liability insurance with a limit of liability not less than \$1,000,000 per occurrence insuring against liability arising from an error, omission or negligent act of all employees of the registrant.

### Marketing

100. (1) In this section:
- “**advertisement**” means the use of space or time in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public, or a segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser;
- “**marketing**” includes
- (a) an advertisement,
  - (b) any publication or communication in any medium with any patient, prospective patient or the public generally in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which professional services are promoted, and
  - (c) contact with a prospective patient initiated by or under the direction of a registrant.
- (2) Any marketing undertaken or authorized by a registrant in respect of his or her professional services must not be
- (a) false,
  - (b) inaccurate,
  - (c) reasonably capable of misleading the public,