

Guidelines for PMC Applications

Standard Forms

1. The College will not accept applications for licence or for renewal of licence that are completed in any format other than the standard application forms produced by the College, current to the date of application, which can be found on the College's web site at www.cpsnl.ca.

Restriction on Business

2. The College will be strictly requiring that all Articles of Incorporation submitted with applications for professional medical corporations state the restriction on business of the corporation as **“the corporation is restricted to providing the services of a medical practitioner and related matters”**, in accordance with the wording of paragraph 32(1)(e) of the *Medical Act, 2011*.
3. The College interprets “related matters” in paragraph 32(1)(e) of the *Medical Act, 2005* to mean matters related to the provision of the services of the medical practitioner, or of the medical practitioners, who will be providing services through the professional medical corporation.

Use of “professional medical corporation” designation

4. Subsection 31(4) of the *Medical Act, 2011* provides that **“A corporation shall not use the words ‘professional medical corporation’ or an abbreviation of those words as part of its corporate name unless it is registered and licensed as a professional medical corporation under this Act.”** The College has learned of what appear to be isolated instances of corporations being incorporated with a corporate name which includes the words “professional medical corporation” or an abbreviation of those words, several months before any application for registration and licence is made to the College. In the view of the College, this practice is contrary to section 31(4) of the Act and has the potential to mislead the public given that incorporation under that corporate name is made in a public registry. The College's application process will not countenance this practice.

Therefore, the College will be rejecting applications for licensure of professional medical corporations which

- (a) have been incorporated more than ninety (90) days prior to the date the application is received by the College, if the corporation was incorporated with a corporate name which includes the words “professional medical corporation” or an abbreviation of those words,

or
- (b) have amended the corporate name more than ninety (90) days prior to the date the application is received by the College, if amended to include the

words “professional medical corporation” or an abbreviation of those words,

on the grounds of breach of section 31 (4) of the Act. Solicitors, accountants and other professional agents submitting applications on behalf of medical practitioners, as well as medical practitioners themselves, should be aware that the College reserves the right, in egregious circumstances, to consider a breach of section 31 (4) of the Act as an allegation of conduct deserving of sanction by the medical practitioner under section 39 of the Act.

Where an existing corporation, not duly registered and licensed with the College, has a corporate name which is in breach of section 31(4) of the Act, the medical practitioner or medical practitioners who are responsible for the corporation should discontinue the corporation, or amend its corporate name to remove the words “professional medical corporation” or any abbreviation thereof. Solicitors, accountants and other professional agents submitting applications on behalf of medical practitioners, as well as medical practitioners themselves, should be aware that failure to do so may cause the College to consider the medical practitioner as having engaged in conduct deserving of sanction under section 39 of the Act.

Where an application has been rejected based on breach of section 31 (4) of the Act, an applicant who wishes to proceed with professional medical corporation shall be required to

- (a) provide an explanation for the breach, in writing, satisfactory to the Registrar;
- (b) provide evidence satisfactory to the Registrar that the corporation in breach has been discontinued or has amended its corporate name to remove the words “professional medical corporation” or any abbreviation thereof; and
- (c) make a new application for a new corporation or for the existing corporation, using a corporate name in compliance with the Act and Regulations and which is different from the previous corporate name.

Incomplete or incorrect application submissions

5. Where an application for licence or for renewal of licence, or a notice of change, is submitted with missing, incomplete or incorrect information or documentation, or where an enquiry of the College regarding the application or any documents submitted with the application is not substantively responded to within sixty (60) days of the enquiry, **the College will require the submission of a further processing fee of \$150.00 before proceeding with any further consideration of the application or notice of change.**

6. Where an application for licence or for renewal of licence has been submitted with missing, incomplete or incorrect information or documentation and these problems have not been addressed to the satisfaction of the College within one hundred and twenty (120) days of notification, or where an enquiry of the College has not been responded to, to the satisfaction of the College within one hundred and twenty (120) days of the first notice of that enquiry, the application will be considered to have lapsed, and **a new application will be required to be filed. In such cases, registration and licensure of the professional medical corporation will require submission of a further re-application fee of \$200.00 and may only be effective from the new application date.**

Notice

7. In the circumstances outlined in paragraphs 4, 5 or 6 above, the College, in addition to notifying any solicitor, accountant or other professional agent submitting the application, will also notify the medical practitioner(s) involved in the Corporation.
8. Any notice given by the College will be by ordinary mail to the last address for a medical practitioner and/or his or her solicitor, accountant or other professional advisor, and will be deemed to have been received by the addressee by no later than the third business day after the date of mailing.

The foregoing measures are being taken by the College to ensure compliance with the Act, for greater administrative efficiency, and in an attempt to prevent the recurrence of certain problems experienced with past applications. All medical practitioners should ensure that their solicitors, accountants and other professional advisors are made aware of these new application guidelines.

The College has learned of isolated instances where medical practitioners have initiated practice through what they believe is a professional medical corporation, before their corporation has been registered and licensed as a professional medical corporation by the College. This is contrary to the *Medical Act, 2011* and could in egregious circumstances lead to an allegation of conduct deserving of sanction. Medical practitioners are advised that if they have a professional medical corporation which has been registered and licensed by the College, they will be issued a license certificate for the professional medical corporation stating the date of registration and the valid date of the license.

If a medical practitioner is practicing through a corporation and has not received a license certificate from the College confirming that the corporation is a professional medical corporation, the medical practitioner is advised to inquire of the College regarding the status of their corporation to ensure that the corporation has been registered and licensed by the College as a professional medical corporation and is active.