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BYLAW #7

(Adopted by the Councillors of the College of Physicians and Surgeons of Manitoba
15 October 1999 with amendments to 19 June 2003)

BYLAW # 7
GENERAL BYLAWS

A Bylaw, pursuant to *The Medical Act* (the “Act”), to prescribe the regulation of the practise of medicine by medical corporations.

APPLICATION TO PRACTISE AS A CORPORATION

1. Any licensed member or licensed members proposing to practise medicine as a corporation shall submit to the Registrar
 - (a) an Application for Licence to Practise as a Professional Corporation in the prescribed form; (AM. 06/03)
 - (b) a copy of the Articles of Incorporation, Articles of Amendment, Articles of Continuance, Articles of Amalgamation or like Articles of the corporation;
 - (c) a current Certificate of Status for the corporation issued by the Director as defined in *The Corporations Act* of Manitoba (the “Director”);
 - (d) the prescribed fee to be registered as a corporation and the prescribed annual fee to practise as a corporation.

REGISTER OF CORPORATIONS

2. The Registrar shall maintain a Register of medical corporations containing all of the information with respect to each corporation that is required by the *Act*.
3. The Registrar shall prepare such other records with respect to corporations as may be directed by the Executive Committee.
4. When the Registrar has received an application in the prescribed form, is satisfied that the corporation meets all of the requirements to practise as a corporation as provided in the *Act* and this bylaw and has approved such application, the Registrar shall issue a licence in the prescribed form. If the Registrar rejects an application, the corporation shall be notified in writing of the reasons for such rejection. (AM. 06/03)
5. Every corporation shall inform the Registrar of any change in the particulars set forth in the Application referred to in section 1 by providing to the Registrar a Statement of Particulars in the prescribed form within 15 days of such change. (AM. 06/03)
6. A licence issued under section 5 is valid from the issue date shown until the expiration date shown. In no instance shall the expiration date be more than 12 months from the issue date.

RENEWAL OF LICENCE

7. At least 30 days prior to the date of expiration each year, the Registrar shall mail to each corporation holding a current licence a written notice in the prescribed form. (AM. 06/03)
8. In applying for renewal of its licence, a corporation shall, on or before expiry of its current licence, furnish to the Registrar:
 - a) a Statement Of Particulars in the prescribed form; (AM. 06/03)
 - b) a copy of the corporation's annual return filed with the Director;
 - c) the prescribed annual fee to practise as a corporation; and
 - d) information about any conviction of the applicant for a criminal offence since the date the applicant last applied for licensure or renewal of licensure with the College. (EN. 06/03)
9. The Registrar shall issue a licence to a corporation in the prescribed form when the corporation has filed the required material under section 8, has paid the annual fee and the Registrar is satisfied that the corporation continues to meet all of the requirements to practise medicine as a corporation as prescribed in the *Act* and this bylaw. (AM. 06/03)
10. If a corporation does not renew its licence on or before the expiration date each year, the Registrar shall promptly
 - a) enter on the Register a memorandum with respect to the corporation whose licence has expired; and
 - b) notify the corporation and licensed members concerned, and all other parties considered necessary by the Registrar, that the licence of the medical corporation has expired.
11. A corporation whose licence has expired shall cease carrying on the practise of medicine as a professional corporation until such time as the licence is renewed.

NAMES OF CORPORATIONS

12. The Registrar shall not approve a name of a medical corporation pursuant to s. 21 of *The Medical Act*, unless the following requirements are met:
 - a) the proposed name includes the words “medical corporation” in accordance with clause 22(1)(b) of *The Medical Act*;
 - b) where one physician wishes to incorporate, the proposed name includes that physician’s name;

- c) the proposed name must not contain any reference repugnant to scientific principles, human rights or the ethics of the profession;
 - d) the proposed name must not refer to any individual who is not a member of the College. (Repealed and Replaced 06/02)
13. When considering a request for approval to carry on the practice of medicine under a name other than the name registered with the College, the Registrar shall take into account the following:
- 1. The proposed facility name must not imply expertise inconsistent with the qualifications of the physicians practising at the facility.
 - 2. The proposed facility name must not mislead persons as to the name of the facility by using terms intended to impress rather than inform.
 - 3. The proposed facility name must not so closely resemble the name of an existing approved facility name so as to be, in the opinion of the Registrar, likely to create confusion. (Repealed and Replace 06/02)
14. A corporation may carry on the practise of medicine under any name which is in accordance with the bylaws of The College of Physicians & Surgeons of Manitoba provided that, if the name of the medical practise is different from the name of each licensed member or medical corporation belonging to that practise, the full name of each licensed member or medical corporation shall be shown at the location of the practise and on the letterhead.

SUSPENSION OR CANCELLATION OF LICENCES

15. The Executive Committee may cancel or suspend a corporation's licence in accordance with the *Act*.
16. Prior to suspending or canceling a corporation's licence, the Executive Committee shall hold a hearing and shall serve a notice of the date of such hearing upon the corporation at least 14 days before the date of hearing. Such notice may be served in accordance with the provisions for service in the *Act*.
17. The corporation may appear and be represented by counsel, at its expense, at a hearing before the Executive Committee. The corporation may make such submissions or call such evidence as it sees fit as to the reasons why the licence should not be suspended or cancelled.
18. Instead of suspending or canceling the licence, the Executive Committee may impose such other penalty as provided in the *Act*.
19. If the Executive Committee decides to suspend or cancel the licence of the corporation, the Executive Committee may determine whether the corporation shall be entitled to apply for a new licence and under what conditions, if any.

20. If a corporation's licence is suspended or cancelled, the Registrar shall promptly
- a) enter on the Register a memorandum with respect to the corporation whose licence has been suspended or cancelled; and
 - b) notify the corporation and licensed members concerned, the Director and all other parties considered necessary by the Registrar, that the licence of the corporation has been suspended or revoked.

**APPLICATION FOR NEW LICENCE AFTER EXPIRATION, SUSPENSION OR
CANCELLATION**

21. A corporation whose licence has expired may apply to the Registrar for a new licence in accordance with the requirements to apply to practise as a corporation.
22. A corporation whose licence has been suspended or cancelled may apply for a new licence in accordance with requirements for application to practise as a corporation. The Registrar shall not issue a new licence to the corporation until the corporation has complied with, or satisfies the Registrar that it is able to and will comply with, any conditions that may have been set by the Executive Committee at the time of suspension or cancellation of the previous licence.

**SCHEDULE "A"
to Bylaw # 7 of the
THE COLLEGE OF PHYSICIANS & SURGEONS OF MANITOBA
(Repealed 06/03)**

**SCHEDULE "B"
to Bylaw # 7 of the
THE COLLEGE OF PHYSICIANS & SURGEONS OF MANITOBA
(Repealed 06/03)**

**SCHEDULE "C"
to Bylaw # 7 of the
THE COLLEGE OF PHYSICIANS & SURGEONS OF MANITOBA
(Repealed 06/03)**

**SCHEDULE "D"
to Bylaw # 7 of the
THE COLLEGE OF PHYSICIANS & SURGEONS OF MANITOBA
(Repealed 06/03)**

CERTIFICATE OF MEMBER

I, _____, a currently licensed member of The College of Physicians & Surgeons of Manitoba in good standing and a voting shareholder and a director of the corporation, hereby certify to The College of Physicians & Surgeons of Manitoba:

- (a) That the information and particulars contained in the Statement of Particulars are true and complete;
- (b) That I have read the sections in *The Medical Act* pertaining to professional corporations and the incorporation bylaw of The College of Physicians & Surgeons of Manitoba and am familiar with all of the rules pertaining to the practise of medicine by a corporation;
- (c) That my relationship to the professional corporation, whether as a shareholder, director, officer or employee, does not affect, modify or diminish the application to me personally of the provisions of *The Medical Act*, the Regulations and the bylaws of The College of Physicians & Surgeons of Manitoba.

DATE

SIGNATURE OF MEMBER