



Canadian Physicians
for Life

Canadian Physicians for Life's on

How the practice of medicine is regulated in Canada

Regulatory Bodies

The federal government's authority over health care is limited to issues concerning spending, criminal law, patent regulation, aboriginal health services, and matters relating to the federal legislative authority of peace, order and good government, as prescribed under section 91 of the *Constitution Act, 1867*.¹ Under spending, the federal government has the power to control the amount of federal health care funding allocated to each province.² Provinces receive federal funding if their insurance plans fulfill certain criteria outlined in the *Canada Health Act*.³ In this capacity, the federal government is only acting to incentivize provinces to meet the criteria.⁴ The provinces are not legally required to comply with the criteria, unless the provinces want to qualify for federal funding.⁵

The provinces have constitutional power over health care, specifically insurance and delivery of care.⁶ Under this power, the provinces are responsible for regulating the practice of medicine within their jurisdiction.⁷ Provincially legislated bodies, known as 'colleges', are assigned the responsibility of regulating physicians.⁸

Colleges: The majority of colleges have the same governance structure: a board/council and committees. The board/council acts as the primary governing body, developing physician standards and college policies and strategic direction and making disciplinary decisions. The board/council of each college usually holds a set number of meetings per year, during which votes are held on various issues. The committees discuss, research and analyze issues and make subsequent recommendations to the board/council. The board/council consists of provincially appointed non-physicians and elected physicians, and some boards/councils are required to include faculty members or the Dean of a provincial medical school. The committees are composed of appointed and/or elected physicians and non-physicians.

To be eligible to be elected for a board/council position, a physician must be registered with their respective college, practice in the province and be a member in good standing. Candidates are usually required to nominate themselves or be nominated in order to run for election.

¹ Halsbury's Laws of Canada (online), *Medicine and Health*, at HMH-1 "Federal authority over health care".

² CED 4th (online), *Hospitals and Health Care* (Ontario), at § 46.

³ CED 4th (online), *Hospitals and Health Care* (Ontario), at § 46.

⁴ Halsbury's Laws of Canada (online), *Medicine and Health*, at HMH-1 "Spending power".

⁵ Sujit Choudhry, "The Enforcement of the Canada Health Act" (1996) 41 McGill LJ 461 at 476 (QL).

⁶ Colleem M Flood, Duncan Sinclair & Joanna Erdman, "Steering and Rowing in Health Care" (2004) 30 Queen's LJ 156 at para 3 (WL Can).

⁷ Halsbury's Laws of Canada (online), *Medicine and Health*, at HMH-19 "Jurisdiction of licensing authority".

⁸ Patricia O'Reilly, "Redrawing the Contracts: The Minister and the Medical Profession in Ontario and Alberta" (2014) 8 JPPL 209 at para 3 (WL Can).



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Colleges generally regulate the following the areas: license physicians, recommend policies that will facilitate better health care delivery, act as a disciplinary body, develop a professional code of conduct. The committees usually conduct research and investigations, while the board/council makes the final decisions.⁹

Advocacy, Assessment and Insurance Bodies

Medical Council of Canada (MCC): The MCC¹⁰ is a national organization responsible for ensuring that all Canadians receive equal and high quality care. The organization achieves its end by assessing medical student graduates to ensure that physicians across the country will meet the same standards of competency.¹¹ MCC accreditation is only a form of assessment required to be eligible to practice in Canada.¹² Successful MCC accreditation does not however qualify a physician to practice in any province or territory as it does not confer licenses to physicians.¹³

Royal College of Physicians and Surgeons of Canada (Royal College): The Royal College is responsible for accrediting residency programs, administering residency exams, promoting physicians' continued learning, allocating funds towards research and scholarships, and analyzing health care and health system issues.¹⁴

Canadian Medical Association: The Canadian Medical Association is an advocacy group which supports the interests of Canadian physicians and provides advice and guidance.¹⁵ The Association lobbies for support for physician and patient interests.¹⁶ The Association's governing body is the General Council,

⁹ Note to Reader: The information under the subheading "Colleges" is a summary of the governance structure features common to each provincial college as outlined on each college's respective website.

¹⁰ CED 4th (online), *Medicine* (Western) at §8 (see footnote 18 for the statute that establishes the Medical Council of Canada).

¹¹ "Our story", online: Medical Council of Canada <mcc.ca/about/story/>.

¹² "The MCC and the route to licensure", online: Medical Council of Canada <mcc.ca/about/mcc-and-route-to-licensure/>.

¹³ "The MCC and the route to licensure", online: Medical Council of Canada <mcc.ca/about/mcc-and-route-to-licensure/>.

¹⁴ "What We Do", online: Royal College of Physicians and Surgeons of Canada <www.royalcollege.ca/portal/page/portal/rc/about/whatwedo>.

¹⁵ "Corporate structure", online: Canada Medical Association <<https://www.cma.ca/En/Pages/corporate-structure.aspx>>.

¹⁶ "History, mission, vision and values", online: Canada Medical Association <<https://www.cma.ca/En/Pages/history-mission-vision.aspx>>.



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which consists of members of the Board of Directors, a speaker and deputy speaker, a president representing each province and territory, delegates for each province and territory, committee chairs, past CMA General Council and Board of Directors members, the Surgeon General and representatives from affiliated societies.¹⁷ The Board is composed of a President, President Elect, Past President, Chair of the Board, representatives for the various jurisdictions in Canada, a representative for medical students and a representative for residents.¹⁸

The General Council is responsible for electing the Board of Directors, providing guidance on policies, appointing auditors, and approving membership fees and changes to CMA bylaws.¹⁹ The representatives address the General Council during meetings and discuss the interests of the group they represent.²⁰ Members of the Association are allowed to attend General Council meetings, but are not able to vote on issues.²¹ To become a member of the General Council, individuals must be nominated to the Committee on Nominations, which will select a list of candidates to run for each of the available positions.²²

Provincial and Territorial Medical Associations: Each province has a physician association, which acts as a union.²³

The Ontario Medical Association, for example, represents physicians, and extends membership to physicians, residents and students practicing and studying in Ontario.²⁴ The Association has two

¹⁷ "Annual Meeting and General Council", online: Canada Medical Association <<https://www.cma.ca/En/Pages/gc-annual-meeting.aspx>>.

¹⁸ "Appendix 4 Report on CMA's Balanced Blueprint for the Future: Five-Year Review of the Governance Changes Implemented in 2008", at A4-14, online: Canada Medical Association <www.cma.ca/Assets/assets-library/document/en/about-us/2013-App4_Governance.pdf>.

¹⁹ "Appendix 4 Report on CMA's Balanced Blueprint for the Future: Five-Year Review of the Governance Changes Implemented in 2008", at A4-8, online: Canada Medical Association <www.cma.ca/Assets/assets-library/document/en/about-us/2013-App4_Governance.pdf>.

²⁰ "Guidelines and Procedures for General Council (Includes Developing and Submitting Motions)", online: Canada Medical Association <<https://www.cma.ca/Assets/assets-library/document/en/about-us/gc-procedures-including-motions-e.pdf>>.

²¹ "Annual Meeting and General Council", online: Canada Medical Association <<https://www.cma.ca/En/Pages/gc-annual-meeting.aspx>>.

²² "CMA Nomination and Election Procedures", online: Canada Medical Association <<https://www.cma.ca/Assets/assets-library/document/en/about-us/procedures-for-elections-e.pdf>>.

²³ Patricia O'Reilly, "Redrawing the Contracts: The Minister and the Medical Profession in Ontario and Alberta" (2014) 8 JPPL 209 at para 3 (WL Can).

²⁴ "About the OMA", online: Ontario Medical Association <<https://www.oma.org/About/Pages/default.aspx>>.



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governing bodies: the Council and the Board of Directors.²⁵ The Council consists of up to 290 delegates representing 77 territorial divisions and 62 sections in Ontario.²⁶ The Board of Directors is composed of representatives from 11 districts, a representative for Ontario medical school faculties and five Council-elected Directors.²⁷ The Council and Board develop policies, which are implemented by staff members.²⁸

Canadian Medical Protective Association: The CMPA consults with general counsel and legal firms to provide legal support and advice to the Association's members.²⁹ The Association researches various medical legal issues, and uses the information to create professional development programs, education materials and policies for its members.³⁰ The CMPA provides members with advice on their legal situation, legal representation and legal costs.³¹ The governing body is the Elected Council, which consists of 30 physicians who represent various geographical areas and clinical practices.³²

²⁵ "About the OMA", online: Ontario Medical Association <<https://www.oma.org/About/Pages/default.aspx>>.

²⁶ "About the OMA", online: Ontario Medical Association <<https://www.oma.org/About/Pages/default.aspx>>.

²⁷ "About the OMA", online: Ontario Medical Association <<https://www.oma.org/About/Pages/default.aspx>>.

²⁸ "About the OMA", online: Ontario Medical Association <<https://www.oma.org/About/Pages/default.aspx>>.

²⁹ "Who we are", online: The Canadian Medical Protective Association <<https://www.cmpa-acpm.ca/en/who-we-are>>.

³⁰ "Who we are", online: The Canadian Medical Protective Association <<https://www.cmpa-acpm.ca/en/who-we-are>>.

³¹ "Medico-legal difficulties", online: The Canadian Medical Protective Association <<https://www.cmpa-acpm.ca/web/guest/medico-legal-difficulties>>.

³² "Who we are", online: The Canadian Medical Protective Association <<https://www.cmpa-acpm.ca/en/who-we-are>>.



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Table 1: Regulatory Bodies

Province/Territory	Regulatory Body	Statutory Authority
British Columbia	College of Physicians and Surgeons of British Columbia	<i>Health Professions Act</i> , RSBC 1996, c 183.
Alberta	College of Physicians and Surgeons of Alberta	<i>Health Professions Act</i> , RSA 2000, c H-7.
Saskatchewan	College of Physicians and Surgeons of Saskatchewan	<i>The Medical Profession Act, 1981</i> , SS 1980-81, c M-10.1.
Manitoba	College of Physicians and Surgeons of Manitoba	<i>The Medical Act</i> , CCSM c R138.
Ontario	College of Physicians and Surgeons of Ontario	Umbrella legislation: <i>Regulated Health Professions Act, 1991</i> , SO 1991, c 18. Defines college powers: <i>Medicine Act, 1991</i> , SO 1991, c 30.
Québec	Collège des médecins du Québec	<i>Medical Act</i> , CQLR c M-9.
Newfoundland & Labrador	College of Physicians and Surgeons of Newfoundland & Labrador	<i>Medical Act, 2011</i> , SNL 2011, c M-4.02.
Nova Scotia	College of Physicians and Surgeons of Nova Scotia	<i>Medical Act</i> , SNS 2011, c 38.
Prince Edward Island	College of Physicians and Surgeons of Prince Edward Island	<i>Medical Act</i> , RSPEI 1988, c M-5.
New Brunswick	College of Physicians and Surgeons of New Brunswick	<i>Medical Act</i> , SNB 1981, c 87.
Yukon	Yukon Medical Council	<i>Medical Profession Act</i> , RSY 2002, c 149.
Northwest Territories	Health and Social Services	<i>Medical Profession Act</i> , SNWT 2010, c 6.
Nunavut	Department of Health and Social Services	<i>Medical Profession Act</i> , RSNWT 1988, c M-9, as enacted for Nunavut, pursuant to the <i>Nunavut Act</i> , SC 1993, c 28.



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Table 2: Medical Associations

Jurisdiction	Association
Canada	Canadian Medical Association
British Columbia	Doctors of BC
Alberta	Alberta Medical Association
Saskatchewan	Saskatchewan Medical Association
Manitoba	Doctors Manitoba
Ontario	Ontario Medical Association
Quebec	Quebec Medical Association
Newfoundland & Labrador	Newfoundland and Labrador Medical Association
Nova Scotia	Doctors Nova Scotia
Prince Edward Island	Medical Society of Prince Edward Island
New Brunswick	New Brunswick Medical Society
Yukon	Yukon Medical Association
Northwest Territories	Northwest Territories Medical Association
Nunavut	N/A