

Legal Update

Regulatory changes to the incorporation and corporate renewal process:

rules simplified, definition of “parent” and “child” expanded

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Effective December 18, 2014, the process for obtaining and renewing a Certificate of Authorization from the College of Physicians and Surgeons of Ontario (CPSO) has been simplified. A Certificate of Status and Statutory Declaration will no longer be required, and will be replaced by the requirement to submit a Corporation Profile Report. As well, the scope of the definition of “parent” and “child” has been expanded.

1. Statutory Declaration And Certificate Of Status No Longer Required

Regulation 264/14 under the Regulated Health Professions Act, introduced in December, has simplified the processes for the initial Certificate of Authorization and renewal applications as follows:

- The applications replace the previous Statutory Declaration that required the form to be sworn by a Notary Public, Commissioner of Oaths, or Lawyer, with a Declaration to be completed solely by the Director of the Corporation.
- The applications no longer require the submission of a Status Certificate. The requirement is replaced with a less costly, and easier to obtain, Corporation Profile Report.
- Certifying documents endorsed under the Business Corporations Act is no longer required.
- Corporations are no longer required to list the names of non-physician, non-voting shareholders.

The OMA will continue to prepare and deliver to physicians the CPSO's new Certificate of Authorization Renewal application form, and will continue to process new incorporation applications for physicians according to the new requirements.

To reflect the updated requirement, the cost has been adjusted accordingly. The OMA's fee for renewal has been reduced to \$133.34, which includes the \$20.34 cost to obtain a Corporation Profile Report, and \$13 for HST. The OMA's fee for incorporation is \$515.64, which includes all disbursements (including the Corporation Profile Report), as well as the OMA fee and HST.

2. Definition Of Family Members Expanded

Regulation 264/14 also expands the definitions of “parent” and “child” with respect to non-voting shareholders of a medicine professional corporation. The new definitions are as follows:

“child”, in relation to a shareholder, includes a person whom the shareholder has demonstrated a settled

intention to treat as a child of his or her family, except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody;

“parent”, in relation to a shareholder, includes a person who has demonstrated a settled intention to treat the shareholder as a child of his or her family, except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody.

The new definitions thus formally expand the scope of “child” and “parent” to include step-children and step-parents or those in similar common-law type relationships.

For more information on incorporating or renewing through the OMA, please visit the OMA website at <https://www.oma.org/Benefits/Pages/MedicalIncorporation.aspx>. The OMA Legal Services Department is also available to answer member queries regarding incorporation. Please call 416.599.2580, ext. 3810, or email omaincorp@oma.org. ■