

The ICRC's Power to Order an Independent Medical Examination: The Ontario Divisional Court's Decision in *Iacovelli v. College of Nurses of Ontario*

January 26, 2015

The recent Divisional Court decision of *Iacovelli v. College of Nurses of Ontario*¹ discusses the significant power of the Inquiries, Complaints and Reports Committee ("ICRC") of a health regulatory College to order an independent medical examination. The decision confirms that whether the ICRC can order an independent medical examination will depend on the "reasonable and probable grounds" before it, and does not require the ICRC to perform a separate *Charter*-based rights analysis. This is consistent with a health regulatory College's overriding duty to protect the public interest the requirement of "reasonable and probable grounds" takes the member's interest into consideration and provides the proper balancing of these interests against those of the public.

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