



College of Respiratory  
Therapists of Ontario

Ordre des thérapeutes  
respiratoires de l'Ontario

# MANDATORY REPORTING BY MEMBERS Fact Sheet

## Background

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As a regulated healthcare professional you are required to report a number of things to the CRTO or other legislated bodies in the interest of public safety and transparency. The purpose of this Fact Sheet is to clarify what needs to be reported, to whom, and under which jurisdiction these reports are required. Additional information can be obtained by speaking directly with a CRTO staff member.

## Under what authority am I required to make a report?

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Your reporting obligations come from a number of different legal sources including the [Regulated Health Professions Act, 1991](#), the [Child and Family Services Act, 1990](#), the [Retirement Homes Act, 2010](#), and the CRTO's *Regulations, Standards of Practice, By-Laws and Commitment to Ethical Practice*.

## What am I required to report to the CRTO?

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Your reporting obligations fall into 3 categories:

1. Offences;
2. Findings/proceedings of professional negligence or malpractice; or
3. Information regarding professional registration and conduct

### 1. Offences

You are required to report **any** offence for which you have been charged (including bail conditions, restrictions imposed, or restrictions agreed upon) and/or any finding of guilty, including those:

- i) under the [Criminal Code of Canada, 1985](#);
- ii) under the [Health Insurance Act, 1990](#)
- iii) related to prescribing, compounding, dispensing, selling or administering drugs;

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*For more information about mandatory reporting by Members, please contact:*

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### **Reporting Sexual Abuse of a Patient**

You must file a report if you have reasonable grounds, obtained in the course of practising the profession, to believe that another member of the same or a different College has sexually abused a patient. You must make the report within 30 days, unless you have reasonable grounds to believe the member will continue to sexually abuse patients, in which case, you must report the information immediately.

#### **Notes:**

- 1) The name of a patient who may have been sexually abused must not be included in a report unless the patient, or if the patient is incapable, the patient's representative, consents in writing to the inclusion of the patient's name.
- 2) You are not required to file a report if you don't know the name of the member who would be the subject of the report.
- 3) For additional requirements, see Section 85.1 of [Health Professions Procedural Code](#).

- iv) that occurred while you were practicing, or that was related to your practice;
- v) in which you were impaired or intoxicated; or,
- vi) not listed but relevant to your suitability to practice the profession.

An example of an offence that might occur while you are practising would be a breach of the [Personal Health Information Protection Act, 2004](#).

You are not required to report municipal by-law infractions such as parking and zoning violations, or offences under the *Highway Traffic Act, 1990* such as speeding or rule of the road violations. However, **all** offences involving the consumption of alcohol or drugs must be reported.

Any offence that involves dishonesty, breach of trust or disregard for the welfare of individuals are examples of offences relevant to your suitability to practice and must be reported (e.g., a failure to report a child in need of protection under the *Child and Family Services Act, 1990*).

When in doubt, you should err on the side of caution and report an offence to the CRTC. The CRTC staff and the relevant committee will review the report to determine if the offence is "relevant to a member's suitability to practice".

#### **2. Professional Negligence or Malpractice**

Professional negligence generally involves making a mistake that harms a patient. These findings occur in civil court proceedings or law suits. The CRTC must post court findings of professional negligence or malpractice on the public register.

#### **3. Information regarding Registration and Conduct**

You must also notify the CRTC if:

- a) you are a member of another body that governs a profession inside or outside of Ontario; and/or
- b) you have a finding of professional misconduct, incompetence, incapacity, or similar proceedings made against you by another body that governs a profession inside or outside of Ontario; and/or



- c) You have been disciplined, suspended, required to resign, terminated or subjected to similar action at our place of employment or in a relation to a contract of service; and/or
- d) you have been the subject of any professional misconduct in relation to a contract of service.

### ***What does a report regarding an offence or negligence/malpractice have to contain?***

Reports should be submitted to the CRTO at your first reasonable opportunity and should include:

<b>(a)</b>	Your name;
<b>(b)</b>	The nature of, and a description of, the offence or finding including a copy of any written decision;
<b>(c)</b>	The date you were charged or found guilty of the offence or negligence/malpractice;
<b>(d)</b>	The name and location of the court in which the charge was laid or in which the bail condition or restriction was imposed on or agreed to by you, or the name and location of the court that issued the guilty finding
<b>(f)</b>	The status of any proceedings with respect to the charge/finding;
<b>(g)</b>	The status of any appeal initiated respecting the guilty finding*.

\* If the status changes as a result of an appeal you should file an additional report with the CRTO.

### **Reporting requirements under the CRTO Standards of Practice**

In addition to the reporting obligations listed above, under Standard 13: Professional Responsibilities to the Profession and the Public, of the *CRTO Standards of Practice*, states:

“A Respiratory Therapist must report to relevant authorities any unsafe practice, unprofessional conduct, or incapacity by other healthcare team members.”

### **What happens after I report an offence or other finding?**

The CRTO will review the report and determine if any further investigation is required. You may be asked to provide additional information (e.g., the contact information of the police officer or Crown attorney who knows most about the matter).

In general the CRTO will only take action, if, after inquiring into the matter, it appears that the conduct impacts your ability to practice respiratory therapy ethically, safely or competently.

### **If I work in a long-term care facility what do I have to report?**

Under the *Retirement Homes Act, 2010*, a person (including retirement home operators, managers, staff, health professionals, social workers and social service providers) who suspects or is aware of any harm or risk of harm to a retirement home resident must immediately report the suspicion and the information on which it is based to the Registrar of the [Retirement Homes Regulatory Authority](http://www.rhra.on.ca).

Harm or risk of harm to a resident may include:

1. improper or incompetent treatment or care; and/or



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2. abuse or neglect; and/or
3. unlawful conduct; and/or
4. misuse or misappropriation of a resident's money.

If the harm or risk of harm occurs as a result of a regulated health professional's actions or inactions, you are also required to file a report with the appropriate College.

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### ***What happens if I do not submit a mandatory report?***

Failure to make a mandatory report may result in a referral of professional misconduct allegations to the Discipline Committee.

There are additional requirements for reporting other health care professionals if you operate a facility. For additional information please see:

- 1.) [Mandatory Reporting by Employers/Facilities – Fact Sheet](#)
- &
- 2.) [Sections 85.1-85.6 of the Health Professions Procedural Code.](#)

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### **What do I have to report if I have concerns about the welfare of a child?**

If you have reasonable grounds to suspect that a child may have been or is at risk of being physically, emotionally or sexually abused, neglected or exploited you have a duty to report to one of the 53 [Children's Aid Societies](#) in Ontario. The requirement to file a report is outlined in the *Child and Family Services Act, 1990* as well as the *Regulated Health Professions Act, 1991*.

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### **How do I deal with confidentiality?**

If the report includes patient/client information then you should make your best effort to inform the patient/client prior to filing your report. If patient/client consent cannot be readily obtained, or is refused, your report should make this clear. Alternatively, you may choose to include the information with identifiers removed.

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### **Failure to Submit a Report:**

Failure to submit a mandatory report of sexual abuse may result in a fine of up to \$50,000 for an individual.

In instances where a mandatory report is not submitted, the failure to report may be viewed as an act of professional misconduct.