

COMPLAINTS/REPORTS PROCESSES

Information for Respiratory Therapists

As the governing body responsible for the practice of Respiratory Therapy in Ontario, one of the responsibilities of the College of Respiratory Therapists of Ontario (CRTO) is to address concerns received from the public, employers or other health care professionals, about the conduct or care of CRTO Members. One of the mechanisms for addressing concerns is through the CRTO's complaints and reports processes.

What happens when the CRTO receives a complaint or report about me?

The Regulated Health Professions Act (RHPA) requires that the CRTO look into every complaint received. If a complaint is lodged against you, we will make every effort to ensure that it is handled with sensitivity.

If the CRTO receives a complaint/report about you, we will send you a letter outlining the nature of the concerns. We will invite you to tell us what you recall about the incident or issue. If you would like to talk to someone at the CRTO, please see “*Who do I contact for more information?*” at the end of this document. In addition, you may wish to seek legal advice before responding.

What happens next?

CRTO staff will prepare a package of information, which includes the complaint/report, your response to it, any history on file of prior concerns about your conduct, and any other relevant material submitted as part of the complaint/report. All of this information will be provided to a Panel of the Inquiries, Complaints and Reports Committee (ICRC) for consideration. (A Panel is a small sub-group of the Committee that includes Respiratory Therapists and at least one member of the public.)

At this point, the information provided by you and the complainant may be sufficient to resolve any misunderstanding that may have occurred. However, it is not uncommon for the Panel to request a more formal and detailed investigation in order to obtain additional information.

In this case an investigator will be appointed. The investigator may interview witnesses, obtain medical records and other documents, or speak with your co-workers or manager. (All regulated health care professionals are obligated under the *Regulated Health Professions*

Over →

Act (Section 76(3.1)) to cooperate with an investigator appointed by a College.)

Once the investigation is complete a report is filed with the Panel and you are given a copy of the report and the supporting documentation gathered, and invited to provide another response. If there is a complainant, s/he is also provided with copies and given an opportunity to respond.

Who decides?

A Panel of the ICRC carefully reviews all the documents, including any responses by you or a complainant, and makes a decision as to how the concerns should be resolved. Neither you nor the person who lodged the complaint attends the ICRC meeting. The Panel will endeavour to make a decision within 150 days of receiving the complaint. You will be notified by letter if the Panel is unable to meet this deadline.

What will the Inquiries, Complaints and Reports Committee decide?

Under the law there are a number of options the Panel has, including:

- ❑ Taking no action;
- ❑ Requiring you to take specified continuing education or remediation program (SCERP);
- ❑ Requiring you to appear before a Panel to be cautioned;
- ❑ Referring allegations of professional misconduct or incompetence to the Discipline Committee for a formal hearing;
- ❑ Making an interim order directing the Registrar to suspend, or to impose terms, conditions or limitations on your certificate of registration, if it is of the opinion that the conduct is likely to expose patients to harm or injury;
- ❑ Taking another action in the public interest;
- ❑ Referring the matter to another Panel to investigate whether a physical or mental condition may be affecting your ability to practise Respiratory Therapy safely (e.g., substance abuse).

Letting you know the decision.

Once the ICRC has made its decision, we will inform you in writing.

Over →

*The Inquiries, Complaints and Reports Committee (ICRC) is a **screening** committee. It does not make findings of guilt or impose penalties. Neither the ICRC, nor the CRTO, has the authority to award costs or damages to patients/clients.*

The Discipline Committee holds hearings for allegations of professional misconduct or incompetence. A discipline hearing is like a trial. The CRTO acts as a prosecutor; the Member is usually represented by his/her own lawyer.

Will the decision be made public?

Certain decisions will be noted on your file the Register of Members on the CRTO website, including:

- ❑ Referrals to the Discipline Committee;
- ❑ Referral to the Fitness to Practise Committee;
- ❑ Requirements to:
 - Appear before the Panel to be cautioned,
 - Complete a SCERP, or
 - Abide by an Agreement & Undertaking.

To find out more about the Register of Members visit:
<http://www.crto.on.ca/public/about-us/transparency/>

What if you're not satisfied with the decision?

If you are not satisfied with the ICRC's decision about a **complaint** (i.e., when there is a complainant), you may appeal your case with the Health Professions Appeal and Review Board (HPARB) within 30 days of receiving it. HPARB is an independent public board appointed by the Ontario Government. HPARB reviews decisions made by the CRTO and may:

- ❑ Agree with the decision, or
- ❑ Direct the ICRC to re-examine the case, or
- ❑ Direct the ICRC to take specified action, such as referring the Respiratory Therapist to the Discipline Committee for a formal hearing.

Who do I contact for more information?

If you would like to discuss your concern with a staff person at the CRTO, please contact one of our Manager of Professional Conduct at 1-800-261-0528, or by email at questions@crto.on.ca.