



## The Complaints Process: A Respiratory Therapist's Perspective

As the governing body responsible for the practice of Respiratory Therapy in Ontario, one of the objects of the College of Respiratory Therapists of Ontario is to handle concerns received from the public or other health care professionals, concerning the conduct or care provided by Members of the College. One of the mechanisms for addressing concerns is through the College's complaints process.

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

*If you would like to discuss the complaints process with a staff person at the College, please contact Melanie Jones-Drost, Deputy Registrar at 1-800-261-0528 ext. 24 or [jones-drost@crto.on.ca](mailto:jones-drost@crto.on.ca)*

### What happens when someone complains about me to the College?

If the College receives a complaint about you, we will notify you and tell you about the nature of the complaint. You will be invited to respond to the complaint, in writing, and we strongly encourage you to do so. If you would like to talk to someone at the College, 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 to the complaint.

### What happens next?

In most cases your response will be shared with the complainant and s/he will be asked to comment on it. College staff will prepare a package of information, which includes the complaint, your response to it, the complainant's comments on your response, any history on file of prior concerns about your conduct, and any other relevant material such as medical records. All of this information will be provided to a Panel of the Inquiries, Complaints and Reports Committee (ICRC) for consideration. A Panel of the ICRC 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, appointed by the Registrar, will investigate the complaint. This may include interviewing witnesses, obtaining medical records and other documents, and speaking with co-workers and employers.

### Who decides?

A Panel of the Inquiries, Complaints and Reports Committee (ICRC) carefully reviews all the documents and makes a decision as to how the complaint 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 action can the Inquiries, Complaints & Reports Committee take?

Under the law there are a number of ways the Committee can proceed, including:

- ❑ Taking no action.
- ❑ Requiring you to appear before a Panel to be cautioned.
- ❑ Referring specified allegations of professional misconduct or incompetence to the Discipline Committee for a formal hearing.
- ❑ Referring the matter to another Panel of the ICRC for an incapacity or health inquiries investigation – to investigate whether a physical or mental condition may be affecting your ability to practise Respiratory Therapy safely.
- ❑ Taking action it considers appropriate (such as negotiating a voluntary acknowledgement and undertaking with you).
- ❑ Requiring you to take specified continuing education or remediation.
- ❑ Taking no action if the Panel considers a complaint to be frivolous, vexatious, made in bad faith or otherwise an abuse of the process, or if there is insufficient evidence.

It is important to note that the ICRC is a **screening** committee and as such does not make findings or guilt or impose penalties. Also, neither the ICRC, nor the College, has the authority to award costs or damages to patients/clients.

### **Alternate Dispute Resolution**

In some cases the Registrar may, with the consent of both parties (you and the complainant) refer the matter for Alternate Dispute Resolution (ADR). This can only occur if the allegations have not been referred to the Discipline Committee and the matter does not involve allegations of sexual abuse. ADR is an alternative to the complaints investigation process which allows you and the complainant to work together through a facilitator to create solutions that satisfy everyone involved. The ADR process is confidential. For more information see the *ADR Fact Sheet*.

### **What does referring allegations to the Discipline Committee mean?**

The Discipline Committee holds hearings concerning allegations of professional misconduct or incompetence. A discipline hearing is like a trial. The College acts as a prosecutor; you would be encouraged to have legal representation.

### **What does referring the Member to a Panel of the ICRC for incapacity proceedings mean?**

Concerns regarding your fitness to practise (capacity) are referred to a separate Panel of the ICRC. The Chair of the ICRC would appoint a Panel to look into allegations that a physical or mental condition may be affecting your ability to practise Respiratory Therapy. Based upon the results of the health inquiry, including the results of any physical or mental specialists' examinations, the Panel may refer the matter to a Fitness to Practise hearing.

### **Letting You Know Our Decision**

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

### **Will the decision be published or revealed to the public (other than the complainant)?**

Everything short of a referral to the Discipline Committee is considered confidential and will **not** be available to the public. The public portion of the register (including the online public register) will include a notation if a matter has been referred to the Discipline Committee for a hearing.

### **What happens if I am not satisfied with the decision of the Inquiries, Complaints and Reports Committee?**

If you are not satisfied with the ICRC's decision, you may take your case to the Health Professions Appeal and Review Board (HPARB) for review. This is an independent public board appointed by the Ontario Government. HPARB reviews decisions made by the College and may:

- ❑ Agree with the College's 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 College, please contact Melanie Jones-Drost, Deputy Registrar, at (416) 591-7800 ext. 24 or toll free 1-800-261-0528 ext. 24, or by email at [jones-drost@crto.on.ca](mailto:jones-drost@crto.on.ca)

### **Other publications regarding concerns about the conduct or care provided by an RT:**

- ❑ *The Complaints Process – Information for the Public of Ontario*
- ❑ *Reporting Obligations Under the RHPA*
- ❑ *ADR Fact Sheet*
- ❑ *Funding for Therapy & Counselling Fact Sheet*

May 2011