

COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO



Title: **Registrar's Reasonable or Probable Grounds**

Number: **CD-Registrar's RPGs-150**

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BACKGROUND

There are several circumstances that warrant employers, Members and other health care professionals to submit reports to the CRTO. For instance, employers are mandated to report to the CRTO when they have disciplined a Respiratory Therapist, or if the facility has reason to believe that a Respiratory Therapist is incompetent or incapacitatedⁱ. Similarly, a Member is required to self-report offences, findings of professional negligence or malpractice, and information regarding professional registration and conductⁱⁱ.

Mandatory reports are not considered "complaints" under the legislation. Rather, they are categorized as information coming to the attention of the Registrar. Under the *Regulated Health Professions Act*, the onus is on the Registrar to determine whether s/he has reasonable and probable grounds to believe that the reported Member has committed an act of professional misconduct, is incompetent or incapacitatedⁱⁱⁱ.

POLICY

The Registrar may direct staff to make informal inquiries to obtain additional information about a Member when a report suggest that the Respiratory Therapist may be incompetent, incapacitated or have committed an act of professional misconduct. To determine whether any of these concerns may be present, the Registrar may consider:

- Action(s) taken by the employer or facility to address the issue;
- Prior history of the Member;
- Action(s) taken by the Member to prevent recurrence;
- Mitigating or contributing factors (e.g., work environment, colleagues' conduct, etc.);
- Seriousness of, or risk(s) associated with, reported conduct or behaviour; or
- Precedents from cases of a similar nature.

Should the Registrar determine, based on the above factors that s/he does NOT have reasonable and probable grounds to believe that the reported Member has committed an act of professional misconduct, is incompetent or incapacitated, s/he will direct staff to communicate this conclusion to the Member. The CRTO will retain the report indefinitely. Should any further incidents regarding the Member be reported, the Registrar may reconsider the information.

When the Registrar has reasonable and probable grounds to believe that a Member has committed an act of professional misconduct, is incompetent or is incapacitated, s/he will report to the Inquiries, Complaints and Reports Committee and request that a panel appoint an investigator to gather additional information about the matter. The panel is then responsible for the investigation and decision as outlined under S.75.(1)(a) of the *RHPA*.

ⁱ *Regulated Health Professions Act*, (1991), Ss.85.2(1)

ⁱⁱ CRTO Policy REG-Members' Duty to Self-Report Info-413 (2009)

