

COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO



Title: **Determining Good Character of Applicants**

Number: **RG-Determining Good Character-422**

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POLICY

Determining “Good Character”

The Registration Regulation requires that an applicant for registration satisfies the following requirements:

- 53. (1)** An applicant for a certificate of registration of any class must satisfy the following requirements:
1. The applicant must fully disclose details of any criminal offence of which the applicant has been found guilty, including any offence under the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada).
 2. The applicant must fully disclose details of every professional misconduct, incompetence, incapacity or other similar proceeding that he or she is the subject of and that relates to his or her registration or licensure in Ontario in another profession or in another jurisdiction in respiratory therapy or another profession.
 3. The applicant must fully disclose details of every finding of professional misconduct, incompetence, incapacity or other similar finding that he or she previously has been the subject of while registered or licensed in Ontario in another profession or in another jurisdiction in respiratory therapy or another profession.
 4. The applicant’s past and present conduct afford reasonable grounds for belief that the applicant,
 - i. is mentally competent to practise respiratory therapy,
 - ii. will practise respiratory therapy with decency, integrity and honesty and in accordance with the law, and
 - iii. will display an appropriately professional attitude. (O. Reg 596/94 s. 53)

Collectively, this is known as the “good character” requirement. The purpose of the good character requirement is to protect the public through the maintenance of high ethical standards and ensuring that an applicant for registration meets those standards.

If the Registrar believes that an applicant for registration does not meet the good character requirement, the Registrar will refer the applicant to the Registration Committee for consideration. The good character requirement in the regulation is exemptible, meaning that if the person does not meet the requirement then the CRTO has some discretion in determining if the person should be registered, or registered with restrictions.

This policy outlines the criteria that the Registration Committee may use to determine if information reported by an applicant, related to his/her conduct, appears to be relevant to the individual's suitability to practise.

CONSIDERATIONS

1. Nature of the misconduct.

The applicant:

- a) Has been charged or found guilty of an offence:
 - i. under the *Criminal Code of Canada*;
 - ii. under the *Health Insurance Act*;
 - iii. under the *Controlled Drugs and Substances Act*;
 - iv. relating to prescribing, compounding, dispensing, selling or administering drugs;
 - v. that occurred while the applicant was practising respiratory therapy;
 - vi. in which the applicant was impaired or intoxicated, or;
 - vii. any other charge or offence relevant to the applicant's suitability to practiceⁱ the profession.
- b) Has been found guilty of professional negligence or malpractice (in any health field);
- c) Has been disciplined, suspended, required to resign, terminated or subjected to similar action at their place of employment or in relation to a contract of service;
- d) Is the subject of or has been the subject of a disciplinary, professional misconduct, incompetence, incapacity or similar proceeding, finding or investigation by a professional licensing or registration body.

The Registration Committee may also consider any other event, circumstance, condition or matter not disclosed by the above criteria that is relevant to the applicant's competence, conduct or physical or mental capacity that may affect his or her ability or suitability to practise as a Respiratory Therapist.

2. Does the applicant's conduct reflect on his/her suitability to be a member of the CRTO?

Elements that may be taken into consideration include:

- Degree of dishonesty or breach of trust
- Motivation
- Duration
- Isolated or repeated incident (e.g., prior history)
- Concealment
- Whether the offence was one where the applicant was impaired or intoxicated
- Is the matter an issue of capacity?

3. Has the applicant expressed remorse?

- Applicant's submission or explanation
- External verification (e.g., employer, character witness)

4. What has the applicant done to address the conduct?

- Treatment (e.g., rehabilitation)
- Education or remediation
- Continued to work with no similar incidents reported

5. What has the applicant's subsequent conduct been?

- Absence of subsequent wrongdoing
- Observations and references of those working in direct contact (especially those who are not friends and have a duty to be candid)

INFORMATION REQUIRED

- Detailed information regarding the applicant's conduct. For example,
 - a. Information related to charges
 - i. the fact and content of the charge;
 - ii. where applicable bail conditions, and;
 - iii. where known the date and outcome of the charge(s)
 - b. Information related to findings of guilt:
 - i. the date and a summary of the finding;
 - ii. the date and the sentence imposed, if any; and
 - iii. where the finding is under appeal, a notation to that effect.
 - c. Information related to professional negligence or malpractice;
 - i. the nature of, and a description of the finding including a copy of any written decision or reasons provided for the determination;
 - ii. the date that the finding was made;
 - iii. the name and location of the court that made the finding; and
 - iv. the status of any appeal initiated respecting the finding.
- Explanation of applicant
- Information from other sources:
 - directly from employer(s)
 - directly from regulator(s)
 - current police check
 - investigations
- Details of any actions taken to address the misconduct/incident

REGISTRATION COMMITTEE DECISIONS After considering the application and the factors set out above, a panel of the Registration Committee may:

- Direct the Registrar to register the applicant;
- Direct the Registrar to register the applicant with terms, conditions and limitations (for example, practise under supervision with frequent employer reports; anger management; professional ethics or boundaries course; mentoring)
- Request additional information
- Direct the Registrar to refuse to register the applicant.

ⁱ See CRTC Policy RG-427 (Assessing Suitability to Practise) for additional information.