



Title: **Unauthorized use of Title and Holding out Prior to Registration**

Number: RG-430

Date originally approved:
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Date(s) revision approved:
N/A

Background

Under the *Respiratory Therapy Act* (RTA)ⁱ, only individuals registered with the CROTO are permitted to use the title Respiratory Therapist, Registered Respiratory Therapist, Graduate Respiratory Therapist, or any variation or abbreviation of these titles. In addition, an individual may not in any way hold him/herself out as a person qualified to practice respiratory therapy in the province of Ontario unless registered with the CROTO.

All instances of unauthorized use of title or of persons holding themselves out to be respiratory therapists without being registered with the CROTO are investigated and action is taken where appropriate. The remedies available to the CROTO to enforce the law include education, cease and desist notifications, and prosecution under RTA and the *Regulated Health Professions Act* (RHPA).

Furthermore, an applicant's unauthorized use of title or holding out as a respiratory therapist prior to having been issued a certificate of registration by the CROTO, may provide reasonable grounds for the belief that the applicant will not practise "with decency, integrity and honesty and in accordance with the law" as required under the Registration Regulationⁱⁱ.

POLICY

The purpose of this policy is to set out the criteria and processes used by the Registrar to determine whether or not an application for registration will be referred to the Registration Committee when it appears that the applicant has contravened section 9 of the *Respiratory Therapy Act*, 1991. The policy applies to applicants for General, Graduate or Limited Certificates of Registration.

1. Applicants for registration who appear to have used the restricted title or held themselves out as respiratory therapists prior to registration may be referred to the Registration Committee for a conduct review under section 53 (1) of the Registration Regulation.
2. The following factors may be considered by the Registrar in determining whether the application will be referred to the Registration Committee:
 - any potential risk to the public posed by the applicant's conduct;
 - the nature of the evidence to support that the applicant used the restricted title or held himself/herself out as respiratory therapist without proper authorization;
 - whether the applicant's conduct was a deliberate attempt to practise without authority and/or to contravene the law;
 - the length of time in which the applicant used the restricted title or held himself/herself out as respiratory therapist without proper authorization;
 - the attitude or remorse expressed by the applicant; and
 - the applicant's willingness to sign an undertaking or agreement with the CROTO.

Possible Outcomes:

The Registrar may issue a certificate of registration to an applicant who agrees by undertaking to:

- a) submit a letter of explanation and acknowledgement of the professional error;
- b) be duly registered with the CRTO when practising as a respiratory therapist or using the title respiratory therapist;
- c) successfully complete the Launch RT Jurisprudence Assessment prior to registration; and
- d) review the following relevant information related to the registration, use of title and professional conduct, including:
 - Registration and Use of Title Professional Practice Guideline;
 - A Commitment to Ethical Practice; and
 - Standards of Practice.

and submit evidence of having done so in a 1,200 word reflective essay acceptable to the Registrar.

If the Registrar has doubts about whether the applicant will practice safely and ethically, the application will be referred to the Registration Committee for a conduct review (see Determining Good Conduct Policy).

Individuals who have misused the title while registered with Inactive Certificates of Registration or while under suspension will be referred to Investigations, Complaints and Reports Committee.

ⁱ Section 9 of the Respiratory Therapy Act, 1991 which reads:

(1) no person other than a member shall use the title “respiratory therapist”, a variation or abbreviation or an equivalent in another language.

(2) no person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a respiratory therapist or in a specialty of respiratory therapy.

ⁱⁱ Section 53 (1) of the Registration Regulation states that, an applicant for a certificate of registration must satisfy the following requirements:

(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.