

COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO

TITLE: **Reinstatement of Former Members
Found Guilty of Sexual Abuse**

NUMBER:CP-Reinstatement-153

APPROVAL: President's Signature on Original Copy
Keith Olimb, President

DATE APPROVED BY COUNCIL: 03/06/13

In this policy, the term “sexual abuse” means sexual abuse as defined in the *Health Professions Procedural Code*, with “sexually abused” having a corresponding meaning.

POLICY

1. The College of Respiratory Therapists of Ontario (CRTO) has a policy of zero tolerance for sexual abuse of patients/clients.
2. The *Health Professions Procedural Code* provides for former members found guilty of sexual abuse to apply in writing to have a new certificate of registration issued. [Section 72(1)].
3. The *Health Professions Procedural Code* specifies that applications for reinstatement in relation to a revocation for sexual abuse of a patient, shall not be made less than five years from the date of the revocation. Applications submitted after an application for reinstatement is denied must be at least six months after the previous application for reinstatement. [Section 72(3)].
4. The College recognizes that some persons whose certificates were revoked for sexual abuse may be rehabilitated and therefore an opportunity should be made available to consider individual former members for re-entry into the profession.
5. This policy and procedure provides guidance to Council and non-Council members, members, non-members and staff as the panel hearing the application for reinstatement is independent of Council.

PROCEDURE

1. A person seeking reinstatement must forward a written request to the Registrar.
2. A person seeking reinstatement should provide evidence of rehabilitation.
3. The applicant, at his or her expense, must provide sufficient copies of the record (e.g., exhibits, transcript) before the Discipline Committee at the previous proceeding(s), for the College and the panel members hearing the reinstatement application.
4. The College is a party appearing before the Discipline Committee and is entitled to take a position on the application in accordance with its view of the public interest. The College

could, for example, oppose the application, support the application, or support it only if certain terms, conditions and limitations are placed on the applicant's certificate of registration.

5. In determining its position on the application before the Discipline Committee, the College's primary concern is whether the public would be adequately protected if the applicant were reinstated to the profession. The College will consider the following:
 - a) the nature of the conduct that resulted in the finding against the member and the surrounding circumstances (e.g., apparent motivation, candidness, honesty, degree of exploitation);
 - b) the past conduct of the applicant in other matter;
 - c) current evidence of good character and rehabilitation;
 - d) restitution, or lack of it, made by the applicant to those harmed by his or her past conduct;
 - e) if health conditions contributed to the past misconduct, evidence of treatment and future prognosis for the applicant;
 - f) any practice plan or safeguards the applicant proposes to his or her reintegration into the profession; and
 - g) the current competence and skills of the practitioner.
6. No representative of the College will communicate with the members of the Discipline Committee hearing the application on the merits of the reinstatement application except at the hearing in the presence of all parties participating in the application.