



College of Respiratory
Therapists of Ontario

Ordre des thérapeutes
respiratoires de l'Ontario

DISCLOSURE OF INFORMATION

Practice FAQs

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QUESTION

An adult patient was brought into our emergency department by police and subsequently required intubation. During the intubation, the police officers overheard me say to one of the nurses that the patient smelled of alcohol. The officer approached me later to ask if I thought the patient had been drinking. What information am I able to disclose about a patient to a police officer?

ANSWER

The CRTO *Professional Misconduct regulation* states that it may be considered to be an act of professional misconduct for a Member to be:

Giving information about a patient or client to a person other than the patient or client or his or her authorized representative except with the consent of the patient or client or his or her authorized representative or as required by law.

“Required by law” refers to situations that fall under relevant statutes, such as the *Child and Family Services Act* (CFSA), which outlines the requirement to report if any person has reasonable grounds to suspect that a child has suffered, or is likely to suffer, physical, sexual or emotional harm [s. 71(1)]. The CFSA goes on to state that a person must report directly to the Children’s Aid Society and “*shall not rely on any other person to report on his or her behalf*” [s. 22 (1)].

“Required by law” also refers to situations where an RRT is served with a summons or subpoena, however, it does not apply to speaking with a police officer who is doing an investigation. In this situation, the CRTO would advise the RRT to politely tell the police officer that confidentiality precludes him or her from speaking about the patient. The RRT may suggest that if the officer were to issue a subpoena for the RRT to attend in court that would be enough to allow the RT to disclose what they observed. That way, the police officer will understand that the RRT wishes to assist with any necessary investigation, but that they must balance that with their obligation to the patient.