

## Overview

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As a regulated healthcare professional, you are required to report a number of things to the College of Respiratory Therapists of Ontario (CRTO) or other legislated bodies in the interest of public safety and transparency. The purpose of this Fact Sheet is to clarify what members of the CRTO need to report, to whom, and under which authority these reports are required. The reporting obligations that apply to employers/facilities where Respiratory Therapists (RTs) practice are outlined in the [Mandatory Reporting by Employers/Facilities Fact Sheet](#). Additional information can be obtained by speaking directly with a CRTO staff member.

## What am I required to report to the CRTO?

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### Mandatory Self-Reporting Obligations

Under the *Regulated Health Professions Act, 1991 (RHPA)*, CRTO Regulations and By-laws, you are required to self-report to the CRTO if you:

- have been charged with or have been found guilty of **any offence** (see below\*).
- have been found guilty of professional negligence or malpractice
- are a member of another regulatory/licensing body that governs a profession in any jurisdiction
- have been found guilty of professional misconduct, incompetence, incapacity or other similar finding by a professional regulatory/licensing body in any jurisdiction
- are the subject of any investigation, inquiry, or proceeding by a professional regulatory/licensing authority in any jurisdiction
- have been disciplined, suspended, required to resign, terminated, subjected to similar action(s), or subject to any professional misconduct proceedings with respect to employment or a contract of service.

\* **Offences** - You are required to report **any** offence for which you have been charged (as well as any bail conditions, restrictions imposed, or restrictions agreed upon as a result of those charges) and/or any findings of guilt. This applies to:

- i) criminal offences;
- ii) offences under the *Health Insurance Act, 1990*;
- iii) offences related to prescribing, compounding, dispensing, selling or administering drugs;



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- iv) offences that occurred while you were practicing, or that are related to your practice (an example of an offence that might occur while you are practising would be a breach of the *Personal Health Information Protection Act, 2004*);
- v) offences involving impairment or intoxication; or,
- vi) any other offence not listed but that could reasonably be seen to be relevant to your suitability to practice the profession.

You are not required to report municipal by-law infractions, such as parking and zoning violations, or minor offences under the *Highway Traffic Act, 1990*, (you must report any highway traffic offences that result in a fine of more than \$1000 or a jail sentence). However, **all** offences involving the consumption of alcohol or drugs must be reported. When in doubt, you should err on the side of caution and submit the self-report to the CRTO.

**NOTE:** You must also notify the CRTO if there is any change in the information you provided as part of your most recent registration renewal or application for registration (e.g., with regard to your employment status, contact information, etc.) or if there is an event, or circumstance (e.g., a health condition or disorder) that may affect your ability to practice safely.

## **When and how do I submit the self-report?**

- The self-report must be submitted to the CRTO as soon as possible and no later than 30 days from the date of the incident and/or change (for example, from the date of charge, finding, initiation of a proceeding). If you miss the reporting timeline, you should still submit the report as quickly as possible after the 30-day deadline.
- You can submit your self-report via email at [professionalconduct@crto.on.ca](mailto:professionalconduct@crto.on.ca).
- In your report, include your contact information, registration number and all relevant information; where applicable, this may include, for example:
  - the nature of, and a description of the finding/charge/proceeding
  - the date of the finding/charge was made/laid
  - the name and location of the court/body that made the finding against you, the name and location of the court in which the charge was laid or in which the bail condition or restriction was imposed on or agreed to by you
  - every bail condition imposed on you as a result of the charge
  - any other restriction imposed on or agreed to by you relating to the finding/charge
  - the status of any appeal initiated respecting the finding made against you; and
  - the status of any proceedings with respect to the charge/allegation of professional misconduct.



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## What happens after I submit the self-report?

The CRTO will review the report and determine if any further investigation is required. The reports are reviewed on a case-by-case basis to determine if the matter is “relevant to a member’s suitability to practice,” the level of risk, if any, that may be posed to the public and the appropriate response. You may be asked to provide additional information (e.g., charging documents, or the contact information of the police officer or Crown attorney who knows most about the matter). In general, the CRTO will only take action, if, after inquiring into the matter, it appears that the conduct impacts your ability to practice respiratory therapy ethically, safely or competently.

## Other Mandatory Reporting Obligations

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### Reporting Sexual Abuse of a Patient

Under the *Health Professions Procedural Code* (the Code), you must file a report if you believe that a patient has been **sexually abused** by a Respiratory Therapist or another regulated healthcare professional. The Code defines “sexual abuse” as:

- a. sexual intercourse or other forms of physical sexual relations between the member and the patient;
- b. touching, of a sexual nature, of the patient by the member; or
- c. behaviour or remarks of a sexual nature<sup>1</sup> by the member towards the patient.

For more information about what constitutes sexual abuse, please see the [Abuse Awareness & Prevention Professional Practice Guideline](#).

### When and how do I submit the report?

- You must make the report within **30 days** of receiving the information, unless you have reasonable grounds to believe the professional will continue to sexually abuse the patient or other patients, in which case, you must report the information immediately.
- The report must be submitted in writing to the Registrar of the [appropriate health regulatory College](#) and include:
  - Your name, registration number and contact information
  - The name of the alleged abuser (regulated healthcare professional)
  - A brief explanation of the alleged abuse

**NOTE:** The name of a patient who may have been sexually abused **must not** be included in a report **unless** the patient, or if the patient is incapable, the patient’s representative, **consents in writing** to the inclusion of the patient’s name.

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<sup>1</sup> “sexual nature” does not include touching, behaviour or remarks of a clinical nature appropriate to the service provided.



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You are not required to file a report if you don't know the name of the member who would be the subject of the report.

If you are required to file a report because of reasonable grounds obtained from one of your patients, you shall use your best efforts to advise the patient of the requirement to file the report before doing so.

## Mandatory Report of Child Abuse

If you have reasonable grounds to suspect that a child may have been or is at risk of being physically, emotionally or sexually abused, neglected or exploited, you have a duty to report the information to the local [Children's Aid Society](#). The requirement to file a report is outlined in the *Child, Youth and Family Services Act, 2017*.

## Other Reporting Requirements

You may be required to file additional reports under other legislation and depending on your practice setting, such as the [Fixing Long-Term Care Act](#), the [Retirement Homes Act](#), and the [Personal Health Information Protection Act](#).

## Other Considerations

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- **Confidentiality** - If the report includes patient/client information, then you should make your best effort to inform the patient/client prior to filing your report. If patient/client consent cannot be readily obtained, or is refused, your report should make this clear. Alternatively, you may choose to include the information with identifiers removed.
- **Immunity** - the law provides immunity (legal protection) to individuals who make a mandatory report in good faith.

## Failure to Submit a Report

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Failure to submit a mandatory report may result in fines and/or a referral of professional misconduct allegations to the CRTC's Discipline Committee. For example, under the Code, a person who fails to make a report relating to sexual abuse may be fined up to \$50,000.

## Resources

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- [Regulated Health Professions Act, 1991](#)
- [Health Professions Procedural Code](#)



# Mandatory Reporting by Members **Fact Sheet**

- [Child, Youth and Family Services Act, 2017](#)
- [Retirement Homes Act, 2010](#)
- [Criminal Code of Canada, 1985](#)
- [Health Insurance Act, 1990](#)
- [Personal Health Information Protection Act, 2004](#)
- [Retirement Homes Regulatory Authority](#)
- [Children's Aid Societies](#)
- [CRTO By-Law 3: Membership](#)
- [Mandatory Reporting by Employers/Facilities Fact Sheet](#)
- [Abuse Awareness & Prevention Professional Practice Guideline](#)

## Contact Information

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**College of Respiratory Therapists of Ontario**

[www.crto.on.ca](http://www.crto.on.ca)

**Telephone:** 416-591-7800

**Toll-Free (in Ontario):** 1-800-261-0528

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College of Respiratory  
Therapists of Ontario

Ordre des thérapeutes  
respiratoires de l'Ontario

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