

Background

Under section 72(1) of the *Regulated Health Professions Act, 1991, (RHPA)* being Schedule 2 of the *Health Professions Procedural Code (the Code)*, a person whose certificate of registration has been revoked or suspended as a result of disciplinary or incapacity proceedings may apply in writing to the Registrar to have a new certificate issued or the suspension removed.

Overview

A former Member of the CRTO whose license was revoked or suspended as a result of a decision rendered by the Discipline Committee or Fitness to Practice Committee of the CRTO seeking reinstatement to practice Respiratory Therapy in the Province of Ontario must apply to the College of Respiratory Therapists of Ontario (CRTO) in order to have their license reinstated.

Applying for Reinstatement

Under subsection 72(5) of the *RHPA* the person making the application under subsection 72(1) of the *RHPA* shall provide reasons why the certificate should be issued or the suspension be removed.

These submissions can include whatever the person believes to be relevant in order for the Registrar to review the information before them and consider the persons application for reinstatement.

Timelines

Time of Application

Under section 72(2) of the *RHPA* an application made under subsection 72(1) of the *RHPA* shall not be made earlier than,

- (a) One year after the date on which the certificate of registration was revoked or suspended; or
- (b) Six months after a decision has been made in a previous application under subsection 72(1).

Time of application, sexual abuse cases

Under section 72(3) of the *RHPA* an application under subsection 72(1) of the *RHPA*, in relation to a revocation for sexual abuse of a patient, shall not be made earlier than,

- (a) Five years after the date on which the certificate of registration was revoked; or
- (b) Six months after a decision has been made in a previous application under subsection 72(1).



Reinstatement of Former Members Revoked or Suspended by the Discipline or Fitness to Practice Committee **Fact Sheet**

Notice where complainant

Under section 72(4) of the *RHPA* the Registrar shall give the complainant in the original proceeding notice of an application under subsection 72(1).

Referral to Committee

Under section 73(1) of the *RHPA*, The Registrar shall refer the application, if the revocation or suspension was on the grounds of,

- (a) Professional misconduct or incompetence, to the Discipline Committee; or
- (b) Incapacity, to the Fitness to Practise Committee.

Hearings

Under section 73(2) of the *RHPA* the chair of the committee to which an application is referred shall select a panel from among the members of the committee to hold a hearing of the application.

Procedural Provisions

Under section 73(3) of the *RHPA* the following provisions apply with necessary modifications to a hearing of an application by a panel of the Discipline Committee: findings of fact, composition, quorum, no communication by panel members, legal advice, hearings open, sexual misconduct witnesses, transcript of hearings, members of panel who participate, release of evidence.

Idem

Under section 73(4) of the *RHPA* the following provisions apply with necessary modifications to a hearing of an application by a panel of the Fitness to Practise Committee: findings of fact, no communication by panel members, legal advice, sexual misconduct witnesses, transcript of hearings, members of panel who participate, release of evidence, composition, quorum, hearings closed.

Order

Under section 73(5) of the *RHPA* a panel may, after a hearing, make an order doing any one or more of the following:

1. Directing the Registrar to issue a certificate of registration to the applicant.
2. Directing the Registrar to remove the suspension of the applicant's certificate of registration.
3. Directing the Registrar to impose specified terms, conditions and limitations on the applicant's certificate of registration.



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Limitation for sexual abuse cases

Under section 73(5.1) of the *RHPA* a panel may not make an order directing that the Registrar issue a new certificate of registration to an applicant whose certificate had been revoked for sexual abuse of a patient unless the prescribed conditions are met.

Decision

(6) A panel that held a hearing of an application shall give its decision and reasons in writing to the applicant and the Registrar.

Orders without hearing

Under section 74(1) of the *RHPA*, the Council or Executive Committee may, without a hearing, with respect to a person whose certificate of registration has been revoked or suspended as a result of disciplinary or incapacity proceedings, make an order doing any one or more of the following:

1. Directing the Registrar to issue a new certificate of registration to the applicant.
2. Directing the Registrar to remove the suspension of the applicant's certificate of registration.
3. Directing the Registrar to impose specified terms, conditions and limitations on the applicant's certificate of registration if an order is made under paragraph 1 or 2.

Limitation

- (2) This section does not apply with respect to a revocation for sexual abuse of a patient.

Contact Information

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College of Respiratory
Therapists of Ontario

Ordre des thérapeutes
respiratoires de l'Ontario

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