

## COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO



Title: **Reporting to Police**

Number: **CD-Police Reporting -140**

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### BACKGROUND

The *Regulated Health Professions Act*, the Professional Misconduct Regulation (O.Reg 793/53) made under the *Respiratory Therapy Act*, and the CRTO's Standards of Practice outline specific situations that require Members and employers/facilities to make reports to the CRTO. This includes where there are:

- Reasonable grounds to believe that a Respiratory Therapist,
  - has sexually abused a patient,
  - is incompetent,
  - is incapacitated, or
  - has committed act(s) of professional misconduct;
- Disciplinary action has been taken against a Respiratory Therapist (up to and including termination);
- Findings of professional negligence or malpractice have been made;
- Fines have been levied or charges have been made under the authority of other municipal, provincial or federal legislation (e.g., *Highway Traffic Act*, *Health Insurance Act*, etc.).

In addition, there may be instances whereby information comes to the attention of the Registrar that provides reasonable and probable grounds that a Member is incompetent, incapacitated or has committed act(s) of professional misconduct. In cases where the Registrar is of the opinion that the conduct of the Member may be criminal in nature, this policy will help to guide the process for disclosing information to the police.

### POLICY

Some allegations against Members may be serious enough to warrant criminal charges, such as fraud or abuse. Under the *RHPA*<sup>i</sup>, health regulatory colleges are permitted to disclose otherwise confidential information when it is reasonable to believe that doing so may reduce or eliminate a risk of harm to person(s), or for the purposes of aiding the police when charges are likely to be imposed.

As the CRTO is not expected to have expert knowledge of the *Criminal Code of Canada*, if the alleged conduct of a Member appears to be criminal in nature, it is the policy of the CRTO to advise the reporter or complainant that s/he may wish to report the matter to police. The CRTO generally believes that the victim or witness to the alleged conduct is the more suitable reporter as s/he is likely to have first-hand knowledge of the incident(s).

However, the CRTO recognizes that there are many reasons why individuals may not report the matter to the police<sup>ii</sup>, for example:

- feeling powerless,
- shame,
- self-blame,
- desire to move on,

- belief that reporting won't do any good, and
- fear of legal system.

If the complainant or reporter advises the CRTO that s/he will not contact the police, or if the Registrar reasonably believes that the complainant or reporter will not contact the police, or in cases where the information came to the attention of the CRTO from other than a specific complainant or reporter, the Registrar may report the Member's conduct to the police if s/he believes:

- the alleged conduct appears to be criminal in nature,
- there may a significant risk to public safety by not reporting, or
- the CRTO is in possession of additional information (such as the Member's prior history), that reasonably suggests the alleged conduct may be indicative of a pattern of behaviour that is escalating in severity.

Where possible, the Registrar will inform the complainant or reporter that s/he is submitting a police report. In fairness to the Member, the Registrar will also inform him/her when a police report has been submitted unless the Registrar believes it may jeopardize the police investigation.

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<sup>i</sup> S.36 *Regulated Health Professions Act* (1991)

<sup>ii</sup> Global/Ipsos Reid Poll (2015, Feb 27), StatCan "Criminal Victimization in Canada" (2009)