

COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO



Registrar's Reasonable and Probable Grounds

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1.0 POLICY STATEMENT

It is the policy of the College of Respiratory Therapists of Ontario (Certo) that when information comes to the attention of the Registrar regarding a member (that is not received by the Certo through a formal complaint), such as reports by members of the same or a different College, facilities, or employers, the Registrar has a responsibility and obligation to take the steps necessary to address the alleged conduct or actions of a member.

2.0 PURPOSE

The purpose of this policy is to provide clarity that when information about a member's conduct or actions is received by the Certo, the Registrar considers possible outcomes set out in this policy, in order to address and if required, take further action regarding the member's conduct or actions.

3.0 SCOPE OF POLICY

Members of the Certo have an obligation to perform their duties under the following: the *Regulated Health Professions Act, 1991 (RHPA)*, the *Health Professions Procedural Code* being Schedule 2 (the *Code*), Certo By-laws, and the Regulations under the *Respiratory Therapy Act, 1991*.

It is important to note that the Certo only has jurisdiction over individuals who were, or are, members of the Certo at the time of the alleged conduct or actions.

4.0 APPLICABILITY

This policy applies to all individuals who held or hold a certificate of registration with the Certo at the time of the alleged conduct or actions. Based on the information received, the Registrar considers the following factors:

- Action(s) taken by the employer or facility regarding the matter,
- Prior history of the member,



- Action(s) taken by the member,
- Mitigating or aggravating factors,
- Seriousness of, or risk(s) associated with, the reported conduct or behaviour,
- Outcomes from past matters of a similar nature, and
- Any additional information the Registrar believes to be relevant regarding the matter.

5.0 AUTHORITY

The Registrar receives information pursuant to the *Health Professions Procedural Code*¹ (*the Code*) being Schedule 2 to the *Regulated Health Professions Act, 1991, (RHPA)*. Sections 85.1 to section 85.6.4 of the *Code* set out the requirements of reporting by members of the same or a different College, facilities, and employers.

6.0 RESPONSIBILITIES

It is the responsibility of the Registrar, upon review of the member's conduct or actions, to:

- a. Take no further action and notify the member, should the Registrar determine, based on the above factors, that they do not have reasonable and probable grounds to believe that the member may have committed an act of professional misconduct, is incompetent, or incapacitated.
- b. Request and obtain additional information from the parties involved in order to determine if the member may have committed an act of professional misconduct, is incompetent, or incapacitated.
- c. Not refer the matter to a Panel of the Inquiries, Complaints and Reports Committee (ICRC) in exchange for the member engaging in remedial practice reflection that is not inconsistent with the *RHPA*, the *Code*, or By-law 25.
- d. Refer the matter to a Panel of the Inquiries, Complaints and Reports Committee (ICRC) and request that the ICRC approve an appointment of an investigator to investigate the conduct or actions of the member. This is outlined under S.75.(1)(a) of the *RHPA*.

7.0 MONITORING

It is the responsibility of CRTO staff to carry out and fulfill the directions as given by the Registrar.

8.0 RELATED DOCUMENTS

- [Regulated Health Professions Act, 1991, being Schedule 2, of the Health Professions Procedural Code](#)
- [Respiratory Therapy Act, 1991, Ontario Regulation 753/93, Professional Misconduct](#)
- CRTO By-Law 25

¹ [Regulated Health Professions Act, 1991, Schedule 2, Health Professions Procedural Code](#)



9.0 ABBREVIATIONS

CRTO – College of Respiratory Therapists of Ontario
ICRC – Inquiries, Complaints and Reports Committee
RHPA – Regulated Health Professions Act
The Code – Health Professions Procedural Code

10.0 CONTACT INFORMATION

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