

COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO



Title: **Assessing Suitability to Practice Policy**

Number: **RG-Assessing Suitability to Practice-427**

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BACKGROUND

Through the registration renewal process, (or at other points during the year when change(s) necessitate), Members are required to provide information that is similar in nature to the “good character” requirements for all applicants under the Registration Regulationⁱ. For example, Members must declare to the CRTO annually, if their employers have taken any disciplinary action against them. In essence, these declarations act as a continuation of the good character provisions for applicants.

This policy outlines the criteria that the CRTO may use to determine if information reported by a Member related to his/her conduct appears to be relevant to the Member’s suitability to practice.

POLICY

In accordance with S.23 of the *Health Professions Procedural Code*, S.54 of the Registration Regulationⁱⁱ, CRTO By-Lawsⁱⁱⁱ and Policies, a Member is required to report within 30 days or as soon as reasonably practicable,

- i. when charged or found guilty of an offence,
 - a. under the *Criminal Code of Canada*,
 - b. under the *Health Insurance Act*,
 - c. under the *Controlled Drugs and Substances Act*,
 - d. relating to prescribing, compounding, dispensing, selling or administering drugs,
 - e. that occurred while practising health care, or
 - f. in which s/he was impaired or intoxicated;
- ii. findings of professional negligence or malpractice;
- iii. information regarding professional registration or conduct, including:
 - a. if the Member has been disciplined, suspended, required to resign or terminated by his/her place of employment,
 - b. if the Member has been the subject of any professional misconduct, incompetence or incapacity investigation or proceeding in Ontario or another jurisdiction, whether relating to Respiratory Therapy or not, and;
- iv. any event, circumstance, condition or matter not disclosed by the above criteria that is relevant to his/her competence, conduct or physical or mental capacity that may affect his/her ability or suitability to function as a Respiratory Therapist.

When the CRTO receives such a report, the Registrar will review the information provided by a Member and determine if any further investigation is required. The Member may be asked to provide additional information (e.g., for the contact information of the police officer or Crown attorney who knows most about the matter).

To determine whether an offence charge or finding is relevant to the Member's suitability to practise, the Registrar will utilize the following assessment method:

1. Does the conduct that led to the charge or finding put the public at risk?

Elements that may be taken into consideration include:

- degree of dishonesty or breach of trust,
- motivation,
- duration,
- isolated or repeated incident,
- concealment,
- whether the offence was one in which the Member was impaired or intoxicated,
- is the matter an issue of capacity?

2. Does the Member appear remorseful?

- member submission or explanation,
- external verification (e.g., employer, character witness(es)).

3. What has the Member done to address the conduct?

- treatment (e.g., rehabilitation),
- education or remediation,
- continued to work with no similar incidents reported.

4. What has the Member's subsequent conduct been?

- Absence of subsequent wrongdoing,
- Observations and references of those working in direct contact (especially those who are not friends, or have a duty to be candid),

If the Registrar believes, based on the above criteria, that the Member:

- i. is mentally competent to practise Respiratory Therapy,
- ii. will practise Respiratory Therapy with decency, integrity and honesty and in accordance with the law, and
- iii. will display an appropriately professional attitude,

then no further action is required. Should the Registrar believe on reasonable and probable grounds^{iv} that the Member has committed an act of professional misconduct, or is incompetent or incapacitated, s/he will request that the Inquiries, Complaints and Reports Committee appoint an investigator. In general, the Registrar will only refer the matter to the Inquiries, Complaints and Reports Committee if it appears that the conduct appears relevant to a Member's ability to practice Respiratory Therapy ethically, safely and competently. Refer to Article 31 of the CRTO By-Laws for specific information regarding decisions of the Inquiries, Complaints and Reports Committee that will be included on the Register.

ⁱ O.Reg 596/94 Part VIII, Ss.53(1)

ⁱⁱ Ibid.

ⁱⁱⁱ CRTO By-Law 22-2015, Article 31

^{iv} CRTO Policy CD-150 (Registrar's Reasonable and Probable Grounds)