

# COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO



Title: **Terms Conditions and Limitations Policy**

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## BACKGROUND

Members of the CRTO may have terms, conditions, and/or limitations imposed on their certificates of registration. These may be imposed by regulation or by one of the CRTO's statutory committees.

## CONDITIONS IMPOSED BY REGULATION

Under the *Registration Regulation* (s. 54), **every certificate of registration** is subject to the following conditions:

1. The member shall provide to the Registrar at the first reasonable opportunity of the details of any of the following that relate to the member and that occur or arise after the registration of the member,
  - i. a finding of guilt relating to any offence,
  - ii. a finding of professional misconduct, incompetence, incapacity or other similar finding in Ontario in relation to another profession or in another jurisdiction in relation to respiratory therapy or another profession,
  - iii. a proceeding for professional misconduct, incompetence, incapacity or other similar proceeding in Ontario in relation to another profession or in another jurisdiction in relation to respiratory therapy or another profession.
2. The member must maintain professional liability insurance in the amount and in the form as required under the by-laws.
3. The member must provide information about himself or herself in the manner and in the form as required under the by-laws.
4. The member must pay any fees required under the by-laws.

### General Certificate of Registration

Under the *Prescribed Procedures Regulation* (s. 49 (1)) it is a condition of a General Certificate of Registration that a member not perform an advanced procedure unless the member has, within two years before the procedure is performed, successfully completed a certification process or program approved by the Registration Committee of the CRTO.

Under the *Prescribed Substances Regulation* (s. 49 (1)) a member holding a general certificate of registration is authorized, in the course of engaging in the practice of the profession, and subject to the terms, conditions and limitations imposed on his or her certificate of registration, to administer therapeutic oxygen by inhalation.

Under the *Controlled Acts Regulation* (s. 14) a member of the College of Respiratory Therapists of Ontario who holds a General Certificate of Registration may perform:

- a tracheostomy tube change for a stoma that is more than 24 hours old. O. Reg. (87/14, s. 1.); and
- a tracheostomy tube change for a stoma that is less than 24 hours old. O. Reg. (87/14, s. 1).

if the procedure is ordered by:

(a) a member of the College of Physicians and Surgeons of Ontario, the College of Midwives of Ontario or the Royal College of Dental Surgeons of Ontario; or

(b) a member of the College of Nurses of Ontario who holds an extended certificate of registration under the Nursing Act, 1991. O. Reg. 87/14, s. 1.

### **Graduate Certificate of Registration**

Under the *Registration Regulation* (s. 60 (1)) a Member registered with a **Graduate Certificate of Registration** shall,

1. at the first reasonable opportunity, advise every employer of any terms, conditions and limitations that apply to the member's graduate certificate of registration if their employment is in the field of respiratory therapy;
2. only perform a controlled act that is authorized to the profession if it is performed under the general supervision of a member of a College within the meaning of the *Regulated Health Professions Act, 1991* who, the member holding the graduate certificate has reasonable grounds to believe, is authorized to perform the controlled act and is competent to do so and who is available to be personally present at the site where the authorized act is performed on ten minutes notice; and
3. not delegate a controlled act.

Under section 60 (2) of the *Registration Regulation* a Graduate Certificate is deemed to have been revoked 18 months after its (initial) date of issue.

Under the *Prescribed Procedures Regulation* (s. 49 (2)) it is a condition of a Graduate Certificate of Registration that a member not perform an advanced procedure below the dermis.

Under the *Prescribed Substances Regulation* (s. 49 (2)) it is a condition of a Graduate Certificate of Registration that the member not administer a prescribed substance by inhalation in the course of engaging in the practice of the profession.

Under the *Controlled Acts Regulation* (s. 14) a member of the College of Respiratory Therapists of Ontario who holds a Graduate Certificate of Registration may perform a tracheostomy tube change for a stoma that is more than 24 hours old. O. Reg. (87/14, s. 1.) if the procedure is ordered by:

(a) a member of the College of Physicians and Surgeons of Ontario, the College of Midwives of Ontario or the Royal College of Dental Surgeons of Ontario; or

(b) a member of the College of Nurses of Ontario who holds an extended certificate of registration under the Nursing Act, 1991. O. Reg. 87/14, s. 1.

Under the *Controlled Acts Regulation* (s. 14), it is a condition of a Graduate Certificate of Registration that the member not perform a tracheostomy tube change for a stoma that is less than 24 hours old.

### **Limited Certificate of Registration:**

Under the *Prescribed Procedures Regulation*, section 49 (3), the following are conditions of a limited certificate of registration:

1. A member shall not perform an advanced procedure.
2. A member shall not perform a basic procedure unless the member is permitted to perform the procedure by the terms and conditions of his or her certificate of registration.

Under the *Prescribed Substances Regulation* (s.14.1(2)), a member who holds a Limited Certificate of Registration shall not administer a prescribed substance by inhalation in the course of engaging in the practice of the profession.

Under the *Controlled Acts Regulation* (s.14) a member who holds a Limited Certificate of Registration may perform a tracheostomy tube change for a stoma that is more than 24 hours old, as long as the performance of the procedure is permitted by the terms and conditions of his or her certificate of registration, and if the procedure is ordered by:

- (a) a member of the College of Physicians and Surgeons of Ontario, the College of Midwives of Ontario or the Royal College of Dental Surgeons of Ontario; or
- (b) a member of the College of Nurses of Ontario who holds an extended certificate of registration under the Nursing Act, 1991. O. Reg. 87/14, s. 1.

Under the *Controlled Acts Regulation* (s. 14), it is a condition of a Limited Certificate of Registration that the member not perform a tracheostomy tube change for a stoma that is less than 24 hours old.

### **Inactive Certificate of Registration**

Under the *Registration Regulation* (s.63) it is a condition of an **Inactive Certificate** or Registration that the member shall not,

- (a) engage in providing direct patient care;
- (b) use any title or designation listed in the Table to section 67;
- (c) supervise the practice of the profession; or
- (d) make any claim or representation to having any competence in the profession.

Terms, conditions and limitations imposed by regulation cannot be varied.

## **CONDITIONS IMPOSED BY THE REGISTRATION COMMITTEE**

An application for a Certificate of Registration may be referred to a Panel of the Registration Committee if the Registrar is of the view that the applicant does not meet the CRTO's registration requirements or is of the opinion that terms conditions and limitations should be imposed on the certificate of registration. In general terms, such restrictions are imposed by a Panel of the Registration Committee in order to protect the public. Reasons for placing terms, conditions and limitations on a Member's certificate of registration include the following.

To ensure that, prior to practising without restrictions:

- the Member completes refresher/re-training;
- the Member's competence is demonstrated;
- the Member's competence is assessed;
- the Member practises under supervision.

## **Applications to Change Terms, Conditions and Limitations Imposed by an Order of the Registration Committee**

Sections 19 (7) and (8) of the *Regulated Health Professions Act, 1991* (effective June 4, 2009) state that a Member whose certificate of registration has terms, conditions and limitations imposed by the Registration Committee, cannot ask for them to be removed or modified within six (6) months of the original order without the prior permission of the Registrar.

## **POLICY**

A Member may apply that the terms conditions and limitations imposed on his or her certificate of registration be removed or revised by a Panel of the Registration Committee. However, the Member cannot submit his or her application within six months of the original order's date without permission of the Registrar.

Applications made within six months of the original order's date will be reviewed by the Registrar. If the Registrar believes that there is substantial evidence to support the Member's application (e.g., the Member has undergone appropriate re-training and that his or her competence has been assessed), the Registrar may refer the Member's application to a Panel of the Registration Committee.

To request the removal or revision of the terms conditions and limitations imposed on a Member's certificate of registration by a Panel of the Registration Committee, a Member of the CRTO must submit an application to vary terms conditions and limitations to the Registrar.

The Member should provide evidence of competence in performing of a particular activity. This may include:

- A letter from a supervisor;
- Detailed list of activities performed under supervision, signed by the supervising health care professional(s);
- Evidence that the Member took upgrading/refresher courses.

The Registrar will notify the Member of the Registration Committee Panel review date. The Panel of the Registration Committee will review the documents provided and may:

- Remove the terms, conditions and/or limitations imposed on the Certificate of Registration
- Revise the terms, conditions and/or limitations imposed on the Certificate of Registration;
- Request more information from the Member;
- Refuse to remove or revise any of the terms, conditions and/or limitations imposed on the Certificate of Registration.

**Notes:** This policy does not apply to the standard conditions imposed by regulation on Graduate Certificates of Registration.

This policy also applies to individuals who had terms, conditions and limitations imposed prior to June 4, 2009.