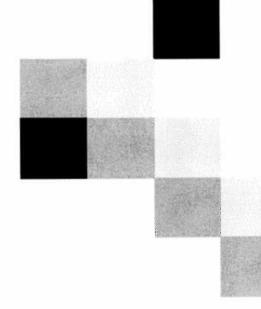
The Osgoode Certificate in Health Law

Osgoode Hall Law School



Before the Colleges and Role of the Role of the Colleges/Processes Health Professions Appeal and Review Board

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HEALTH PROFESSIONS ACT ROLE OF THE COLLEGES UNDER THE REGULATED

- Self-Regulation of Professionals to Serve and Protect the Public
- Establishing the standards of qualification for registration
- □ Setting of standards of practice and ethical standards
- Administering quality assurance programs to ensure the continuing competence of Members
- Enforcing the standards through investigative and adjudicative process

PROCESSES BEFORE THE COLLEGES

- Registration
- Complaints and Discipline
- Incapacity
- **Quality Assurance**
- **Patient Relations Program**

REGISTRATION

- Application to the Registrar (s. 15(1))
- Referral by Registrar to the Registration Committee (s. 15(2))
- Reasonable doubts re fulfillment of requirements
- □ Proposed terms and/or conditions
- □ Refusals
- Registration Committee Paper Review on Submissions (s. 16)
- Order (s. 18)
- Direct the issuance of a Certificate of Registration
- ☐ Subject to examinations
- Additional training
- ☐ Terms, conditions and limitations
- □ Refusal
- Applications for Variation (s. 19)
- Appeals to the Health Professions Appeal and Review Board (s. 21)



COMPLAINTS

- Complaint in Written Form or Recorded
- Investigation of complaints mandatory unless they are deemed to be frivolous, vexatious or without merit
- Parties Complainant and Member
- Alternative Dispute Resolution Process

MANDATORY REPORTS – Investigation is Not Mandatory

- By employer for terminations (or resignations) for professional misconduct, incompetence or incapacity
- By facility operators (including employers) on reasonable and or incapacity probable grounds for sexual abuse of a patient, incompetence
- By regulated health professionals on reasonable grounds, obtained in the course of practice, that a member of a College has sexually abused a patient

MANDATORY REPORTS

- By regulated health professionals on an incident of unsafe practice or unethical conduct by a health care provider if the matter if not reported to the employer
- Self-report by regulated health professionals of findings of and provincial offences that could result in jail time) (s. 85.6.1) guilt of an offence (limited to findings under the Criminal Code, the Food and Drugs Act, the Controlled Substances Act
- Self-report by regulated health professions of findings of Member (s. 85.6.2) professional negligence or malpractice made against the

PROFESSIONAL MISCONDUCT

- Guilty of Offence Relevant to Practice
- Found Guilty of Misconduct in Another Jurisdiction
- Failure to Cooperate with the Quality Assurance Committee
- Sexual Abuse of a Patient
- Professional Misconduct as Defined in the Regulations

INCOMPENTENCE

or that the member's practice should be restricted" demonstrates that the member is unfit to continue to practise "the member's professional care of a patient displayed a lack of knowledge, skill or judgment of a nature or to an extent that

INCAPACITATED

that the member no longer be permitted to practise or that the or disorder that makes it desirable tin the interest of the public The member "is suffering from a physical or mental condition member's practice be restricted

COMMITTEE (ICRC) THE INQUIRES, COMPLAINTS AND REPORTS

- Not required to hold a hearing
- Decisions may include:
- □ Take no action
- Issuance of non-disciplinary caution/concern/remediation
- □ Referral to the Discipline Committee
- Referral to the incapacity process Fitness to Practise Committee
- Appeal to the Health Professions Appeal and Review Board

DISCIPLINE COMMITTEE

- Serious allegations of Professional Misconduct or Incompetence
- Parties to the Proceeding the College and the Member
- Natural Justice Hearing Panel
- □ With notice
- □ Based on sworn evidence
- ☐ Expert testimony
- Open to the Public
- Decision: Dismissal or Finding of Guilt

DISCIPLINE COMMITTEE

- **Penalties**
- □ Oral Reprimand
- □ Imposition of a fine
- ☐ Imposition of conditions

□ Requirement to undertake specific remediation

Suspension of Certificate of Registration

Revocation of Certificate of Registration

- □ Costs
- Appeal to Divisional Court

FITNESS TO PRACTISE COMMITTEE

- "Incapacitated" means a Member "is suffering from a physical or mental condition or disorder that makes it desirable in the interest of the public that the Member no longer be permitted to practice or that the Member's practice be restricted"
- Substance Abuse or Mental Health Issues
- Investigation of Health Issues / Independent Health Examinations
- Interim Suspensions
- Natural Justice Hearing: Not Open to the Public
- **Decision: Dismissal or Finding of Incapacity**
- Orders:
- Revocation or Suspension of Certificate
- □ Imposition of terms and conditions
- Appeal to Divisional Court

QUALITY ASSURANCE

- Establishment of a Program is Mandatory
- Must Have
- Continuing education
- □ Self, peer and practice assessments
- Mechanism to monitor compliance
- Quality Assurance Committee
- □ Participation in education/remediation
- □ Imposition/removal of terms, conditions or limitations on Certificates
- □ Referral to the ICRC
- **Cooperation with Committee and Assessors**
- Confidentiality of Information/Use in Other Proceedings

HEALTH PROFESSIONS APPEAL AND REVIEW BOARD

- A. Appeals from Decisions of the Registration Committee
- Review of the documentary evidence or hearing
- Powers of the Board on Review/Appeal of Registration Decisions
- Review of application and documentary evidence
- Limited re-exemptible registration requirements
- Orders
- Confirmation of decision of Registration Committee
- Referral to Registration Committee for further consideration
- Direction regarding decision to the Registration Committee

HEALTH PROFESSIONS APPEAL AND REVIEW BOARD

- B. Reports of Delay in Investigations from the Registrar
- C. Review of decisions of the ICRC except for
- Referral to Discipline Committee
- □ Referral for incapacity proceedings
- Hearing
- Powers of the Board on review of ICRC decisions
- □ Adequacy of investigation
- □ Reasonableness of result
- Orders
- □ Confirmation of decision
- Referral to ICRC for investigation
- □ Direction regarding decision to the ICRC

THE PUBLIC RECORD

- The Registrar
- College Websites
- Decisions of the ICRC
- □ The Complainant and the Member
- Applications to other jurisdiction
- Referral to Discipline/Fitness to Practise Committee
- □ Notation on the public record
- □ Schedule of discipline hearings

THE PUBLIC RECORD

- **Decisions of the Discipline Committee**
- □ Register
- ☐ Website
- Publication
- **Decisions of the Fitness to Practise Committee**
- Exclusion of personal health information
- Decisions of the Health Professions Appeal and Review Board
- Decisions of the Court