



Mandatory Reporting: When is it Required?

(Non-Sexual Abuse Matters - Employers/Registrants who are Employers)

The Regulated Health Professions Act (RHPA) requires an employer to file a mandatory report if :

They have terminated an OT, not renewed an OT's contract, dissolved a partnership or association, or suspended an OT or restricted the OT's work due to concerns of professional misconduct, incapacity or incompetence.

OR

If you are a facility operator, report to the appropriate College Registrar, any reasonable grounds to believe that a Registrant practising at the facility is incompetent or incapacitated.

OR

The OT resigned from his or her position or stopped taking work from a referral source while under duress, undergoing a progressive discipline process or being faced with the prospect of being terminated or no longer eligible to receive referrals due to concerns of professional misconduct, incompetence or incapacity.

OR

When a registered health practitioner is put on restrictions or sent for treatment or remediation but is not fired or otherwise terminated.

What information should the report contain?

The report must include the name and contact information for the person filing the report, the name of the OT who is the subject of the report, the dates of employment (if available), reason(s) for termination or resignation (if known), and the name of the employer. As the Registrar must determine if an investigation is warranted, it is helpful to provide as much information as possible.

How long do i have to submit the report after the occurrence?

30 days.

What happens if I as the employer fail to submit the report?

Section 93 of the Code suggests that one is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 if they do not file a report in accordance with the reporting obligations on the first offence and not more than \$50,000 on the second.

What happens once the College receives the report?

The Office of the Registrar advises the Inquires, Complaints and Reports Committee (ICRC) of the report and provides them with the information received. Based on a review of that information, the ICRC may approve the appointment of an investigator to gather information related to the case. The Committee may also determine that the required information could be obtained without using the services of an investigator and will advise the Office of the Registrar accordingly.

In rare cases, some investigation might take place before you are notified of the report (e.g. to preserve evidence).

Can I contact the College during the process?

Yes and No. As the OT and the College are the only parties involved in the process, the case can only be discussed with the OT. That being said, if you have questions of an administrative nature, please feel free to contact the Manager, Investigations & Resolutions at any time during the process.

How long does the investigation process take?

There are no timelines associated with these types of investigations as some investigations are quite detailed and extensive while others are relatively short.

The Committee is thoughtful of the need to ensure that the investigation is balanced, fair, objective and complete. The Committee will not make a decision without the benefit of having full information.

Is the process confidential?

Only the Registrar, the Manager and the Committee members reviewing the case file are aware of the particulars of a case. During the investigation, other individuals may become aware of some aspects of the case if they are required to provide information to the College.

If a case is referred to the Discipline Committee for a hearing, information related to the hearing will be made available to the public.

If an Investigator is appointed, do I have to cooperate?

If you are an OT, in accordance with the College's professional misconduct regulation, it is considered professional misconduct for a Registrant to not cooperate with a College investigation. If you are not an OT and the College requires information from you to assist with the investigation, a summons can be issued compelling you to provide the required information.

What will the Investigator do?

If an investigator is appointed to investigate a matter before the College, the investigator may contact you or any other individuals who may assist the Committee in understanding the nature of the concerns that led to the filing of the report.

If an investigator wants to meet with you, they will contact you and advise you that they have been asked to discuss a certain matter with you. They will provide you with her/his name, identification upon request and copy of a Notice of Appointment. The investigator works within the provisions of the *Public Inquiries Act*. It may be appropriate that the investigator discuss the matter with you over the phone or she/he may need to meet with you in person. The investigator will also be able to provide you with an idea as to the type of information that she/he is seeking and any information that she/he will require you to provide during the meeting.

The investigator can:

- enter at any reasonable time, the business premises of the Registrant and examine anything relevant to the investigation;
- copy any documents that she/he feels are related to the investigation; or

- remove documents or objects if it is not practical to copy the documents or objects in the place that it was reviewed, or if a copy is not sufficient for the purpose of the investigation.

The documents/objects will be returned within a reasonable timeframe.

The information obtained by the investigator may be used as evidence in proceedings before the College. At the conclusion of the investigation the Registrar will report the results to the Committee.

Can the ICRC revoke an OT's Certificate of Registration?

No. An OT's certificate of registration may only be revoked as a result of a finding made by either the Discipline Committee or the Fitness to Practise Committee.

In rare circumstances, the ICRC may direct the Registrar to suspend or impose terms, conditions or limitations on a Registrant's certificate of registration through an Interim Order. This will only be considered in cases where the matter has been referred to the Discipline Committee or the Fitness to Practise Committee for a hearing and it is the opinion of the ICRC that immediate action is required to protect the public interest.

What decisions can the ICRC make?

The ICRC may:

1. Refer specified allegations to the Discipline Committee for a hearing;
2. Investigate the member's capacity;
3. Require the member to appear before a panel of the ICRC to be cautioned;
4. Take other appropriate action such as requiring the member to undergo continuing education or remediation; or
5. Take no further action.

Will I be advised of the Committee's decision?

No, the process is as between the College and the Registrant, thus you will not receive a copy of the Committee's decision.