



A Mandatory Report Has Been Filed With the College Regarding Me

Why has a mandatory report been filed?

The *Regulated Health Professions Act* (RHPA) requires health professionals to file a mandatory report if they have reasonable grounds to believe that an OT or member of another regulated health care profession has sexually abused a client.

OR

You have been terminated from your position, your contract has not been renewed, your partnership or association has been dissolved, or you have been suspended or restricted in your work due to concerns of professional misconduct, incapacity or incompetence.

OR

A facility operator believed that they had reasonable grounds to believe that a you as a member practising at the facility is incompetent or incapacitated.

OR

You resigned from your position or stopped taking work from a referral source while under duress, going through 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

You were placed on restrictions or sent for treatment or remediation but were not fired or otherwise terminated.

What happens once the College receives the report?

Once the College receives the report, the Investigations & Resolutions Associate will contact you to advise you that a report has been received. The Investigations and Resolutions Associate will discuss the process with you and provide you with the opportunity to ask questions related to the process. You will then be sent a summary of the report and information related to the process. 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).

How do I respond to a report?

The ICRC will not make a final decision on a matter without you having the opportunity to respond to the report in writing or by way of meeting with an investigator. The investigator may be required to meet with other witnesses which may include clients, colleagues, the employer, etc. At the conclusion of the initial interview process, the investigator, if one has been appointed, will generally meet with you to discuss the concerns raised.

Should I obtain the advice of legal counsel?

Some Registrants may choose to obtain the advice of legal counsel. The stage at which they choose to do so may differ and this is a personal decision independent of the College. The College does not require that a Registrant obtain legal counsel in order to participate in the process. If this is an option that you are considering, you may wish to consult the legal support services offered by CAOT or OSOT.

Does my malpractice insurance cover me during the process?

Possibly yes. The College would suggest that you contact your insurance carrier to discuss this matter further if you are interested in having legal counsel represent you.

Can I contact the College during the process?

Yes. You may 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, Associate and ICRC 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.

Generally, only you, the Registrar, the Manager, Associate and the Committee members are aware of the outcome of the process unless there is a referral to the Fitness to Practise Committee or the Discipline Committee. In these cases, other Committee members and agents of the Committees may become aware of the case.

If a case is referred to the Discipline Committee for a hearing, you will receive a copy of the allegations. The hearings process is a public process and information related to the hearing will be made available to the public.

What is my status at the College during an investigation process or after the matter has been resolved?

Unless the matter is referred to the Discipline Committee or the Fitness to Practise Committee and there has been a finding of professional misconduct, incompetence, or incapacity a member is considered to be active.

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

In accordance with the College's professional misconduct regulation, it is considered professional misconduct for a Registrant to not cooperate with a College investigation.

What will the Investigator do?

If an investigator is appointed to investigate a matter

before the College, the investigator may contact you, your employer and/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 his/her 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 may:

- 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 is related to the investigation; or
- remove documents or objects if it is not practical to copy the document or object 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 my Certificate of Registration?

No. A Registrant'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.

How do I know of the decision?

You will receive a copy of the Committee's decision in writing.

Can I appeal the decision?

Decisions regarding mandatory reports are non-appealable within the regulatory system.