November 28, 2014

Suzanne McGurn  
Assistant Deputy Minister  
Health Human Resources Strategy Division  
Ministry of Health and Long-Term Care  
900 Bay Street  
Macdonald Block, 2nd Floor, Room M2-61  
Toronto, ON M7A 1R3  

Dear Ms. McGurn:

We are pleased to respond to both your October 28, 2014 letter and the October 4, 2014 letter from The Honourable Dr. Eric Hoskins.

We are pleased to provide a response that outlines our current practices and future plans as transparency and accountability are key components of the vision, mission and operations of the College of Occupational Therapists of Ontario.

The College is heavily influenced by the principles and values that guide the profession of occupational therapy. As you are aware, occupational therapists often work with other health professionals to provide quality and timely health care for Ontarians. Central to that collaboration are the principles of transparency and accountability, which are two of the eight principles that underpin occupational therapy practice as reflected in our Code of Ethics.

This College is fully committed to openness and transparency in the public interest. Our 2014-2017 Strategic Framework, which was adopted by Council in March 2014, addresses the need to meet changing stakeholder needs and prioritizes accountability and dedication to “fostering an environment of open and transparent communication with all College stakeholders”. As a guiding document, the Framework reflects the College’s commitment to transparency and accountability and provides the context for our operational mandates.

Transparency is a priority at the College. Recently, the College carefully considered the eight transparency principles articulated by the members of the Advisory Group on Regulatory Excellence (AGRE). At the College’s Council meeting on October 22, 2014, those principles were adopted.
Council Activities

Council meetings are open to the public and upcoming Council meeting dates are posted on our website and published in our newsletter *On the Record*. Council reports to the Minister on its regulatory activities and operations on an annual basis. The College’s annual report is available on the website, and a summary of Council’s activities is routinely published in *On the Record*.

Regulations, Bylaws and Standards

The College has a robust consultation process to engage stakeholders regarding proposed changes to our Regulations, Bylaws and Standards. When a Standard is developed, the College circulates the draft document to stakeholders for input. At the conclusion of a consultation, feedback is reviewed and discussed by Council before a decision is made. Documents that are approved by Council are posted on our website to ensure public access.

The same consultation process applies to changes to all Regulations and Bylaws as stipulated in the *Regulated Health Professions Act, 1991 (RHPA)*.

Public Register, Notice of Hearings and Discipline Summaries

In operational matters, the College already provides detailed information to the public about topics and issues of importance. For instance, the College’s public register contains detailed descriptions of all referrals, including the date of referral from the Inquiries, Complaints and Reports Committee to the Discipline Committee. In addition, the College places the entire text of a Notice of Hearing, which contains the complete list of referred allegations, rather than a summary, on the College’s website home page (to ensure patient confidentiality, initials are used for patient names). This practice has been in effect for more than two years. The College has detailed summaries of all discipline hearings located under the “Discipline” tab of the College’s website. Those summaries describe the date, finding and penalty of any decision or hearing. Further, our entire complaints management process is clearly described under the “Complaints” tab on the College’s website.

Although this College has not yet had a Fitness to Practice hearing, our Bylaws stipulate that in the event of a referral from the Inquiries, Complaints and Reports Committee to the Fitness to Practice Committee, the date and the fact of the allegation will be posted on the
College’s website. Similarly, any resulting terms, conditions or limitations to a registrant’s practice would be made publicly available.

**Committee Decision-Making**

Committee members of the College undergo extensive and comprehensive training upon appointment to the College Committees. They also receive ongoing training related to decision-making. Central to this training is the requirement that all decisions be as transparent, objective, impartial and fair as possible. In addition, all Committee members sign conflict of interest declarations by which they undertake to avoid conflicts of interest when engaged in the functions of the College. Whenever a Committee member declares a conflict of interest, the fact of this conflict is documented in the minutes of the relevant Committee, which are available to the public upon request. As a result of their thorough training, Committee members are better able to avoid conflicts of interest and bias and are well-versed in matters of procedural fairness.

**Registration Process**

The College provides information about its registration requirements and processes on the website. In addition, the College reports to the Office of the Fairness Commissioner (OFC) at least annually about its registration practices. The College’s Fair Registration Practices reports are placed on the College’s website. The College not only complies with the requirements of the OFC, it exceeds them. For instance, to keep the public informed about policies and procedures, the College publishes its Registration policies on the website, which the OFC describes as an exemplary practice. The “Registration” tab of the College website also includes a hyperlink directly to the OFC web page that provides reports and further information about the practices of this College.

**Patient Relations**

The College’s Patient Relations Committee has been proactively engaged in generating the College’s *Code of Ethics, Guide to the Code of Ethics*, and rigorous professional liability insurance Bylaws. This Committee also guides the College’s sexual abuse prevention program. The Patient Relations Committee actively seeks to represent the interests of the public by setting the expectations and standards for professional conduct that require College registrants to practice in a manner that is transparent, accountable and ethical in all aspects.
Communication and Outreach

Our 2014-2017 Strategic Framework has elevated stakeholder relationships and communication to key priorities. To this end, the College has retained a Director of Strategic Communications and Information Technology whose role is to assist the College in communicating more effectively with the public and other stakeholders. In that same vein, the College will be hiring a Stakeholder Engagement staff person by early 2015 to act as a front line provider of information to the public.

The College website is one of the main communication tools with the public. The College is in the process of modifying and upgrading the site to deliver content that is easily accessible to Ontarians of all abilities. The upgraded website will provide clear explanations about how the College protects the public and information about the Council and Committees and their decision-making processes.

The College is a contributing member of the Federation of Health Regulatory Colleges of Ontario (FHRCO) and welcomes the opportunity for dialogue and debate among regulated health College members. The College continues to engage in the ongoing discussions related to transparency, and looks forward to further collaboration with the other Colleges to ensure the public is better informed.

Transparency of College Processes, Decision-making and Disclosure of Information

The members of AGRE have shared information about proposals to amend their bylaws and the phased approach they are adopting to improve the transparency of their processes.

The College acknowledges the significant work undertaken by the AGRE members over the past two years. This work is a helpful guide to transparency. This College looks forward to engaging its own stakeholders in reviewing the additional transparency proposals tendered by AGRE, and evaluating their applicability to this College. In addition, the College will conduct an environmental scan of the transparency approaches of health regulatory Colleges beyond the AGRE group. With this additional information, the Council of the College of Occupational Therapists of Ontario will engage in a careful review and discussion of the additional proposals to determine the best approach to achieve greater transparency of this College’s processes and decisions.
Inspection Program

The College does not operate an inspection program.

New and Enhanced Measures

As part of its website upgrade, this College will undertake a review of the means of disclosing the status of all discipline hearings, including hearing date, status of the discipline panel’s decision, and any adjournments. The upgrade will also review the completeness of the content of the College’s website while addressing accessibility and presentation of information.

The College will further enhance the consultation process for Regulations, Bylaws and policies to expand our public outreach and ensure input from the public is taken into consideration before any changes are approved by Council. The College will consider increasing the breadth of the consultations by seeking feedback via the College’s website.

As noted above, the College is already posting its Registration policies on the website. The Quality Assurance polices are being revised and will be similarly posted once approved. While the College website provides extensive information about the complaints and reports processes, and complete information about referrals to discipline, we will commit to reviewing all material for clear, accessible language.

The College will consider amending its Bylaws to allow disciplinary history of a registrant with other regulators (inside or outside the province) and any other significant information to be posted on the public register. Similarly, the College will consider posting the registration status of members with other regulators (inside or outside the province) on the public register.

The College will also consider placing any confirmation made under s. 36(1)(g) of the RHPA when the College is investigating a member, where there is compelling public interest in the disclosure of that information, on the public register through an amendment of the Bylaws.

As part of its future deliberations on transparency, the College will review the merits of publishing on its public register information that comes to the Registrar’s attention related to criminal convictions and bail conditions involving registrants.
Similarly, the College’s Council will evaluate how the Inquiries, Complaints and Reports Committee uses its decision-making powers and its dispositions, available under the Health Professions Procedural Code. In particular, the Council will evaluate the benefits and consequences of publishing on its register significant and relevant complaints outcomes.

We appreciate the opportunity to inform you about the College’s existing measures to enhance transparency and the approach that the College will take to develop and implement increased transparency in the interest of public protection.

We look forward to the ongoing exchange of information with your office and the Ministry.

Yours sincerely,

Elinor Larney, MHSc., OT Reg. (Ont.)
Registrar

Jane Cox, BSc.(OT), MSc., OT Reg. (Ont.)
President

Encls: Appendix A: Existing Transparency Measures and Intended Enhancements
        Appendix B: Transparency Principles

cc: Posted on the COTO website www.coto.org
    The Honourable Dr. Eric Hoskins, Minister of Health and Long-Term Care
    Dr. Bob Bell, Deputy Minister, MOHLTC
    Helen Angus, Associate Deputy Minister, MOHLTC, Policy and Transformation
    John Amodeo, Director, MOHLTC, Health System Labour Relations and Regulatory Policy Branch
    Allison Henry, Manager, MOHLTC, Regulatory Programs Unit
    COTO Council Members

Response of the College of Occupational Therapists of Ontario to Ms. Suzanne McGurn, ADM, MOHLTC, November 28, 2014
## Appendix A: College of Occupational Therapists of Ontario

### Existing Transparency Measures and Intended Enhancements

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Current Status</th>
<th>Intended Action</th>
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<tbody>
<tr>
<td>Date of referral from ICRC to Discipline Committee.</td>
<td>Listed on the public register.</td>
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<tr>
<td>Disclosure of full Notice of Hearing.</td>
<td>Posted on the College website.</td>
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<tr>
<td>Disclosure of criminal findings of guilt.</td>
<td>Not currently posted on the College website.</td>
<td>College will review the merits of publishing on its public register information that comes to the Registrar’s attention related to criminal convictions and bail conditions.</td>
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<tr>
<td>Disclosure of bail conditions.</td>
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<tr>
<td>Non-members practicing illegally.</td>
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<tr>
<td>Enhanced website description of what member information is/is not available.</td>
<td>A description of what is not posted on the College website is not currently available.</td>
<td>Completeness of website content to be reviewed as part of 2015 website upgrade while addressing accessibility and presentation of information.</td>
</tr>
<tr>
<td>Public register information available promptly on the website.</td>
<td>Information on the public register about Discipline and any terms, conditions and limitations is updated once received and confirmed as accurate.</td>
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<tr>
<td>Recommendation</td>
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<tr>
<td>Consistent approach to number and names of ICRC outcomes, definitions and criteria.</td>
<td>ICRC outcomes, definitions and criteria are specific to the College, not to other health regulatory colleges.</td>
<td>To be considered in collaboration with other member Colleges of the Federation of Health Regulatory Colleges of Ontario (FHRCO).</td>
</tr>
<tr>
<td>Review of public register using best practice guidelines and recommendations to evaluate navigation, search, information access, clarity and relevance.</td>
<td>The currency of public register data has been improved over the last two years by online application and renewal by registrants. These enhancements allow for the transfer of timely registrant data to be displayed on the public register.</td>
<td>Best practice guidelines and recommendations to be considered in 2015 in collaboration with other member Colleges of FHRCO.</td>
</tr>
<tr>
<td>Known licences in other jurisdictions.</td>
<td>Not currently posted on the College website.</td>
<td>The College will consider posting the registration status of members with other regulators (inside or outside the province) on the public register.</td>
</tr>
<tr>
<td>Known discipline findings in other jurisdictions.</td>
<td>Not currently posted on the College website.</td>
<td>The College will consider amending its Bylaws to allow disciplinary history of a registrant with other regulators (inside or outside the province) and any other significant information to be posted on the public register.</td>
</tr>
<tr>
<td>Means of disclosing the status of all discipline hearings, including hearing date, status of the discipline panel’s decision, and any adjournments.</td>
<td>The date of all discipline hearings are currently disclosed on the register.</td>
<td>Completeness of website content to be reviewed as part of 2015 website upgrade.</td>
</tr>
<tr>
<td>Recommendation</td>
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</tr>
<tr>
<td>Enhance the consultation process for Regulations, Bylaws and Practice Standards to expand our public outreach and ensure input from the public is taken into consideration before any changes are approved by Council.</td>
<td>Consultations about proposed changes to Regulations and Bylaws are conducted as directed by the Health Professions Procedural Code. In addition, stakeholders are consulted about all proposed changes to Practice Standards.</td>
<td>Consider expanding the College’s public outreach and increasing the breadth of the consultations by seeking feedback via the College’s website.</td>
</tr>
<tr>
<td>Provide clarity and ease of access to notice of Council meetings and Council meeting materials.</td>
<td>Upcoming Council meeting dates are posted on our website and published in our newsletter On the Record. A summary of Council’s activities is routinely published in On the Record.</td>
<td>Completeness of website content to be reviewed as part of 2015 website upgrade while addressing accessibility and presentation of information.</td>
</tr>
<tr>
<td>Transparency of policies and processes.</td>
<td>Registration policies and processes currently posted.</td>
<td>Quality Assurance policies are being revised and will be posted once approved. While the College website provides extensive information about the complaints and reports processes, and complete information about referrals to discipline, we will commit to reviewing all material for clear, accessible language.</td>
</tr>
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<td>Recommendation</td>
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| Provide clarity and ease of access to information about the process to submit a complaint. | Information regarding the complaints process is currently posted on the website, including the following materials:  
- I Want to File a Complaint about an Occupational Therapist  
- Frequently Asked Questions about the Complaints Process (Members of the Public)  
- I Have Been Sexually Abused by an Occupational Therapist  
- Sexual Abuse: What the Public Needs to Know | Completeness of website content to be reviewed as part of 2015 website upgrade while addressing accessibility and presentation of information. |
| Help patients to better understand the role of the College. | Information regarding the College’s role is currently posted on the website, including the following materials:  
How the College protects the public: [http://www.coto.org/public/default.asp](http://www.coto.org/public/default.asp) | Enhancements to website content to be considered as part of 2015 website upgrade while addressing accessibility and presentation of information. |
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<tr>
<td>Disclosure to public about ongoing investigations</td>
<td>It is the College’s policy to disclose the fact of an investigation where there is compelling public interest to do so.</td>
<td>The College will consider placing any confirmation made under s. 36(1)(g) of the <em>Regulated Health Professions Act, 1991</em> when the College is investigating a member, where there is compelling public interest in the disclosure of that information, on the public register through an amendment of the Bylaws.</td>
</tr>
</tbody>
</table>
| Publish complaints outcomes.                       | If there is a referral by the Inquiries, Complaints and Reports Committee to the Discipline Committee, the College immediately publishes the fact of the referral as well as the allegations against the member. | For all matters that are not referred to the Discipline Committee, the College's Council will evaluate how the Inquiries, Complaints and Reports Committee uses its decision-making powers and its dispositions available under the *Health Professions Procedural Code*. In particular, the Council will evaluate the benefits and consequences of publishing on its register significant and relevant complaints outcomes, including:  
  - Undertakings  
  - Cautions  
  - Specified Continuing Education and Remediation Programs (SCERPs)  
  - Remedial Action |
Appendix B:

Transparency Principles

**Principle 1:** The mandate of regulators is public protection and safety. The public needs access to appropriate information in order to trust that this system of self-regulation works effectively.

**Principle 2:** Providing more information to the public has benefits, including improved patient choice and increased accountability for regulators.

**Principle 3:** Any information provided should enhance the public’s ability to make decisions or hold the regulator accountable. This information needs to be relevant, credible and accurate.

**Principle 4:** In order for information to be helpful to the public, it must:

- be timely, easy to find and understand.
- include context and explanation.

**Principle 5:** Certain regulatory processes intended to improve competence may lead to better outcomes for the public if they happen confidentially.

**Principle 6:** Transparency discussions should balance the principles of public protection and accountability, with fairness and privacy.

**Principle 7:** The greater the potential risk to the public, the more important transparency becomes.

**Principle 8:** Information available from Colleges about members and processes should be similar.