

Index

ALTERNATE DISPUTE RESOLUTION

- Advantages and disadvantages of ADR, **5:8**
- Description of ADR, **5:8**

APPEALS, REINSTATEMENT AND OTHER REMEDIES

- Action for damages, **8:13**
- Action for declaration or injunction, **8:12**
- Appeals
 - generally, **8:3**
 - availability of appeals, **8:4**
 - discipline appeals, **6:77, 6:78**
 - incapacity appeals, **7:15, 7:16**
 - orders by appellate court, **8:7**
 - procedure on appeal, **8:5**
 - scope of appeals, **8:6**
 - sexual abuse cases, **10:14**
- Charter of Rights s. 24, **8:14**
- Human rights complaints, **8:10**
- Judicial review applications, **5:27, 8:8**
 - standing, **8:8**
- Ombudsman, **8:11**
- Reconsideration of decision, **8:2**
- Reinstatement applications, **6:78, 8:9**

BIAS

- See DISCIPLINE

BY-LAWS

- Definition of, **2:11**
- Procedure for making, **2:11**
- Validity of, **2:11, 6:25 to 6:57**

CAPACITY

- See INCAPACITY

COLLEGES

- Confidentiality duty
 - see CONFIDENTIALITY
- Corporate status, **2:1**
- Councils of colleges
 - see COUNCILS OF COLLEGES
- Duties of colleges
 - see objects and duties of colleges
- French language services, **2:4**
- Immunity from lawsuits, **2:12**
- Internal structure, **2:6 to 2:10**
- Jurisdiction over former members and non-members, **2:5**
- Objects and duties of colleges, **2:2 to 2:4**
- Performance measurement, **1:3**

COMPLAINTS AND REGISTRAR'S REPORTS

- Alternative dispute resolution, see ALTERNATE DISPUTE RESOLUTION
- Death of complainant, **5:12**
- Death or incapacity of complainant, **5:12**
- Definition of complaint, **5:3**
- Delay in investigation, **5:10**
- Disclosure of information, **5:9**
- Dispositions by ICRC, **5:23**
 - specified continuing education and remediation program, **9:5**
- Frivolous and vexatious, **5:7**
- Health Professions Appeal and Review Board
 - availability of review, **5:25 to 5:27**
 - delay in investigation by ICRC, **5:10**

**COMPLAINTS AND
REGISTRAR'S REPORTS**

—Cont'd

- Health Professions Appeal and Review Board—Cont'd
 - dispositions by Health Professions Appeal and Review Board, **5:26**
 - procedure on review, **5:25**
- ICRC composition, **5:2**
- Investigative steps, **5:9**
- Judicial review by court, **5:27**
- Notice of complaint to practitioner, **5:4**
- Procedure before ICRC, **5:21**
- Procedure flow charts, **5:3**
- Prosecutorial viability assessment, **5:23**
- Repeated complaints by same complainant, **5:13**
- Time limits for investigation, **5:10**
- Withdrawal of complaint, **5:11**

CONFIDENTIALITY

- Generally, **2:3**
- Access to confidential information, **2:3**
- Exceptions to duty of secrecy, **2:3**
- General duty of secrecy, **2:3**
- Privacy
 - confidentiality, **6:27 to 6:49**
 - disclosure, privacy interests of third parties, **6:5**
 - reasons for decision, **6:76**
- Protection from being summoned, **2:3**
- Protection from producing documents, **2:3**
- Quality assurance program duties of secrecy, **9:7**

**CONTROLLED ACTS AND
PROTECTED TITLES**

- Approach of legislation to unauthorized practice, **11:1**

**CONTROLLED ACTS AND
PROTECTED TITLES**

—Cont'd

- Controlled acts
 - definition of, **11:2**
 - delegation of, **11:4**
 - exceptions to, **11:5**
 - telepractice, location of performance of Controlled Act, **11:3**
- Criminal prosecution, **11:18**
- “Doctor” title protection, **11:10**
- Enforcement options
 - generally, **11:14 to 11:18**
 - discipline proceedings, **11:15**
 - provincial offences prosecution, **11:16**
 - restraining order, **11:17**
- Evidence for enforcement, **11:19**
- Harm clause, **11:7**
- Holding out as a college, **11:11**
- Holding out as qualified to practise, **11:13**
- Miscellaneous prohibitions, **11:6**
- Misrepresentation of title or status, **11:9 to 11:13**
- Offences outside the RHPA, **11:8**
- Telepractice, location of performance of Controlled Act, **11:3**
- Title protections for specific professions, **11:12**

**CORPORATE STATUS OF
COLLEGES**

- See COLLEGES

COSTS

- See DISCIPLINE, decisions and orders, costs orders

**COUNCIL, HEALTH
PROFESSIONS
REGULATORY ADVISORY**

- See HEALTH PROFESSIONS REGULATORY ADVISORY COUNCIL

COUNCILS OF COLLEGES

- Composition of councils, **2:6**
- Immunity from lawsuits, **2:12**
- Meetings of, **2:6**
- Powers of Minister over councils, **1:2**
- Public access to meetings of, **2:6**
- Quorum, **2:6**
- Role and functions of, **2:6, 2:8**

DISCIPLINE

- Alternate dispute resolution, **5:8**
- Appeals
 - see APPEALS, REINSTATEMENT AND OTHER REMEDIES
- Bias
 - generally, **6:7**
 - conduct of discipline committee, **6:7**
 - inconsistency in addressing similar issues, **6:7**
 - monetary or other interest in outcome of hearing, **6:7**
 - panel members, **6:7**
 - prejudgment by discipline committee, **6:7**
 - relationship of panel member to a participant, **6:7**
- Composition and quorum of discipline committee, **6:6**
- Decisions and orders
 - generally, **6:59 to 6:76**
 - costs orders, **6:71 to 6:74, 10:13**
 - costs payable by college, **6:71 to 6:74**
 - costs payable by practitioner, **6:71 to 6:74**
 - procedure for ordering payment of costs, **6:71 to 6:74**
 - deciding which order to make
 - generally, **6:62 to 6:70**
 - character of practitioner, **6:62 to 6:70**

DISCIPLINE—Cont'd

- Decisions and orders—Cont'd
 - deciding which order to make
 - Cont'd
 - conduct of practitioner's defence, **6:62 to 6:70**
 - effect of order on practitioner, **6:62 to 6:70**
 - general approach and procedure, **6:62 to 6:70**
 - nature of misconduct or incompetence, **6:62 to 6:70**
 - prior conduct by practitioner, **6:62 to 6:70**
 - prior decisions, **6:62 to 6:70**
 - public safety, **6:62 to 6:70**
 - showing remorse, **6:62 to 6:70**
 - subsequent conduct of practitioner, **6:62 to 6:70**
 - decisions and reasons, **6:75**
 - interim orders, **6:2, 10:7**
 - publication and public access to decisions, **6:76, 10:13**
 - types of orders
 - finances, **6:60**
 - incompetence cases, **6:61**
 - misconduct cases, **6:60**
 - reimbursement for funding in sexual abuse cases, **6:60, 10:13**
 - reprimands, **6:60**
 - revocation, **6:60, 6:61**
 - sexual abuse cases minimum orders, **6:60, 10:12**
 - suspending effect of order, **6:60**
 - suspension, **6:60, 6:61**
 - Defences to proceedings for misconduct
 - see PROFESSIONAL MISCONDUCT
 - Definition of professional misconduct
 - see PROFESSIONAL MISCONDUCT

DISCIPLINE—Cont'd

Disclosure requirements, **6:5, 10:10**

Evidence at hearing

decisions to be based exclusively on evidence, **6:22**

exhibits, **6:23**

onus and standard of proof, **6:24**

record of hearing, **6:23**

rules of evidence, **6:21**

Hearing

amending notice of hearing, **6:15**

checklist for starting discipline hearing, **6:12**

committee's questioning of witnesses, **6:19**

exhibits, **6:23**

independent legal advice, **6:18**

objections and motions, **6:17**

order of proceeding, **6:13**

pre-hearing conferences, **6:10**

public access, **6:14**

record of discipline hearing, **6:23**

scheduling and adjourning discipline hearing, **6:9**

severing multiple allegations, **6:16**

transcripts of discipline hearing, **6:20**

Incompetence

see **INCOMPETENCE**

Interim orders, **6:2, 10:7**

Intervenors and non-party participants, **6:8, 10:9**

Investigations

see **INVESTIGATIONS**

Misconduct

see **PROFESSIONAL MISCONDUCT**

Notice of hearing and allegations

generally, **6:4**

amending notice of hearing, **6:15**

severing multiple allegations, **6:16**

Onus and standard of proof, **6:24**

DISCIPLINE—Cont'd

Parties and other participants in discipline hearing, **6:8**

Penalties

see decisions and orders

Pre-hearing conferences, **6:10**

Procedure before hearing starts, **6:3 to 6:10**

Professional misconduct

see **PROFESSIONAL MISCONDUCT**

Referral to discipline, **6:1**

specified allegations requirement, **6:1**

Reinstatement applications, see **APPEALS, REINSTATEMENT AND OTHER REMEDIES**

Sentences, see decisions and orders

EXECUTIVE COMMITTEE

Composition of, **2:7**

Quorum, **2:7**

Relationship to internal structure of college, **2:6**

Role and duties, **2:6**

FEES

Suspension of member for non-payment of fees, **3:20**

FITNESS TO PRACTISE

See **INCAPACITY**

FRENCH LANGUAGE SERVICES

See **COLLEGES**

HEALTH PROFESSIONS APPEAL AND REVIEW BOARD (FORMERLY HEALTH PROFESSIONS BOARD)

Adequacy of investigation, **5:27**

Complaints matters before board

availability of review, **5:25**

deference, **5:9**

delay by ICRC, **5:10**

disposition by board, **5:27**

procedure on review, **5:26**

**HEALTH PROFESSIONS APPEAL
AND REVIEW BOARD
(FORMERLY HEALTH
PROFESSIONS BOARD)**

—Cont'd

- Powers of Minister over board, **1:2**
- Registration matters before board
 - availability of review or hearing, **3:12 to 3:16**
 - dispositions by board, **3:12 to 3:16**
 - procedure for both reviews and hearings, **3:12 to 3:16**
 - procedure specific to hearing, **3:12 to 3:16**
 - procedure specific to review, **3:12 to 3:16**

**HEALTH PROFESSIONS
REGULATORY ADVISORY
COUNCIL**

- Composition of council, **1:1**
- Notice of issues referred to council, **1:3**
- Referral of issues to council, **1:3**
- Role of council, **1:3**

HOLDING OUT

- See **CONTROLLED ACTS AND PROTECTED TITLES**

HPRAC

- See **HEALTH PROFESSIONS APPEAL AND REVIEW BOARD, HEALTH PROFESSIONS REGULATORY ADVISORY COUNCIL**

**HUMAN HEALTH RESOURCE
DATA**

- Collection for the Minister, **2:3**

INCAPACITY

- Agreements with members, **7:2, 7:3**
- Appeals from order of committee, **7:15**
- Definition of incapacity, **7:1**

INCAPACITY—Cont'd

- Fitness hearings
 - generally, **7:9 to 7:14**
 - closed hearings, **7:11**
 - composition of panel, **7:11**
 - decisions and orders, **7:13**
 - disclosure of evidence, **7:11**
 - disposition of allegation, **7:13**
 - expert evidence, **7:12**
 - onus and burden of proof, **7:12**
 - order of hearing, **7:11**
 - parties to fitness hearing, **7:10**
 - public access, **7:11**
 - rules of evidence, **7:12**
 - specific rules of proceeding, **7:11**
 - varying order, **7:14**

Inquiries

- generally, **7:3**
- appointment of ICRC panel, **7:2**
- inquiries by ICRC panel, **7:3**
- interview with member, **7:3**
- purpose of ICRC panel, **7:3**
- report of ICRC panel, **7:3**
- specialist examinations
 - generally, **7:3**
 - failing to submit to specialist examination, **7:3**
 - requiring a specialist examination, **7:3**
 - specialist examination itself, **7:3**

Interim orders, 7:3, 7:8

Nature and purpose of incapacity process, 7:1

Referral to fitness hearing, 7:7

Reinstatement applications, 7:16

Varying order of fitness to practise committee, 7:14

INCOMPETENCE

- Availability and application of incompetence proceedings, **6:58**

Definition of incompetence, 6:58

INDEPENDENT LEGAL ADVICE

See DISCIPLINE, hearing

INJUNCTIONS

See RESTRAINING ORDERS

**INQUIRIES, COMPLAINTS AND
INQUIRIES COMMITTEE**

See COMPLAINTS AND REGI-
STRAR'S REPORTS

INTERVENORS

See DISCIPLINE, hearing, inde-
pendent legal advice; DISCI-
PLINE, intervenors and non-
party participants

INVESTIGATIONS

Charter issues, **5:14**

Formal appointment of investigators
making formal appointment, **5:17**
types of formal appointments,
5:16

Investigations after report made,
5:18

Obstruction of investigator, **5:19**

Powers of investigator
copying and removing documents
and objects, **5:18**

entry and inspection of place of
practice, **5:18**

other investigative techniques,
5:18

other statutory powers, **5:18**

search warrant, **5:18**

summoning witnesses and docu-
ments, **5:18**

Report of investigation, **5:18**

Without formal appointment, **5:15**

**JURISDICTION OVER FORMER
MEMBERS AND
NON-MEMBERS**

See COLLEGES

MANDATORY REPORTS

Distinction from complaint, **5:3**

Facility reports, **4:1 to 4:5**

MANDATORY REPORTS—Cont'd

General requirement to report
sexual abuse, **4:1 to 4:5**

Handling of mandatory reports by
college, **4:11**

Misconduct for failure to make
report, **4:1 to 4:5, 6:27 to 6:49**

Offence findings, **4:6 to 4:10**

Overview, **10:4**

Professional liability/malpractice
findings, **4:6 to 4:10**

Professional negligence, **4:6 to 4:10**

Psychotherapy reports, **4:1 to 4:5**

Self-reports of offences and profes-
sional liability/malpractice, **4:6
to 4:10**

Termination reports, **4:1 to 4:5**

MEMBERS

Definition of, **2:10**

Meetings of, **2:10**

Notice to, **2:10**

Resignation by members, **2:10**

Suspension for non-payment of
fees, **3:20**

Voting by, **2:10**

**MINISTER OF HEALTH AND
LONG-TERM CARE**

Collection of human health resource
data, **1:2**

Duties of, **1:1**

Powers of, **1:2**

MISCONDUCT

See PROFESSIONAL
MISCONDUCT

MOBILITY

Canadian, **3:5**

PENALTIES

See DISCIPLINE, decisions and
orders; INCAPACITY, fitness
hearings, decisions and orders;
SEXUAL ABUSE, discipline
for sexual abuse, penalties

PRIVACY

See CONFIDENTIALITY

PROFESSIONAL CORPORATIONS

Generally, **3:21**

PROFESSIONAL MISCONDUCT

Constitutional challenges to definition of misconduct, **6:26**

Defences to misconduct prosecutions

generally, **6:51 to 6:57**

abuse of process and delay, **6:51 to 6:57**

hearing held while person not a member, **6:51 to 6:57**

legal immunity applies, **6:51 to 6:57**

other proceedings for same conduct, **6:51 to 6:57**

previous determination of issues, **6:51 to 6:57**

trivial breach, **6:51 to 6:57**

Definition of misconduct

generally, **6:27 to 6:49**

breaking the law, **6:27 to 6:49**

catch-all definition, **6:27 to 6:49**
certificates, reports, copies of records, refusal to provide or delay in providing, **6:27 to 6:49**

conduct towards colleague, **6:27 to 6:49**

conduct towards college, **6:27 to 6:49**

conduct unbecoming, **6:27 to 6:49**

confidential information disclosure, **6:27 to 6:49**

conflict of interest, **6:27 to 6:49**

finding of misconduct outside Ontario, **6:27 to 6:49**

general application of definition, **6:27 to 6:49**

general catch-all definition, **6:27 to 6:49**

PROFESSIONAL MISCONDUCT**—Cont'd**

Definition of misconduct—Cont'd guilty of an offence, **6:27 to 6:49**

mandatory reporting breaches, **6:27 to 6:49**

misrepresentation, **6:27 to 6:49**

names, titles and descriptions, improper use of, **6:27 to 6:49**

opinion evidence, **6:27 to 6:49**

scope of practice or restrictions being exceeded, **6:27 to 6:49**

sexual misconduct, **6:27 to 6:49**

supervision failures, **6:27 to 6:49, 11:15**

theft and taking financial advantage, **6:27 to 6:49**

third parties, **6:27 to 6:49**

Intention to engage in misconduct, **6:50**

Interpretation of definition of misconduct, **6:26**

Validity of definition of misconduct, **6:26**

PUBLIC MEMBERS

Appointment of, **1:2, 2:6**

Expenses and remuneration of, **2:6**

Representation on councils, **2:6**

Term of appointment, **2:6**

QUALITY ASSURANCE

Confidentiality requirements, **9:7**

Nature of quality assurance, **9:1**

Powers of quality assurance committee

generally, **9:3**

investigation, **9:4**

require practitioner to take action, **9:5**

Procedure before quality assurance committee, **9:6**

Types of quality assurance programs, **9:2**

REGISTRAR

- Deputy registrar, **2:8**
- Discipline investigations, **5:14 to 5:19**
- Incapacity inquiries, **7:2**
- Registrar's certificate of information, **2:14**
- Registrar's reports, see **COMPLAINTS AND REGISTRAR'S REPORTS**
- Registration duties, **3:2**
- Relationship to internal structure of college, **2:6**
- Role and duties, **2:8**

REGISTRATION

- Appeals and judicial reviews before courts, **3:17**
- False statement on application for registration, **3:18**
- Health Professions Appeal and Review Board
 - availability of review or hearing, **3:12 to 3:16**
 - dispositions by board, **3:12 to 3:16**
 - procedure for both review and hearings, **3:12 to 3:16**
 - procedure specific to hearings, **3:12 to 3:16**
 - procedure specific to reviews, **3:12 to 3:16**
- Procedure flow chart, **3:1 to 3:17**
- Registrar's consideration of application, **3:2**
- Registration committee
 - applications to vary terms, conditions or limitations, **3:3 to 3:11**
 - functions of registration committee, **3:3 to 3:11**
 - issues to be determined on new applications, **3:3 to 3:11**
 - orders possible by registration committee on new applications, **3:3 to 3:11**

REGISTRATION—Cont'd

- Registration committee—Cont'd
 - procedure on new applications, **3:3 to 3:11**

REGULATIONS

- Definition of regulations, **2:11**
- Procedure for making regulations, **2:11**
- Validity of regulations, **2:11, 6:26**

REPORTS

- See **COMPLAINTS AND REGISTRAR'S REPORTS, MANDATORY REPORTS**

RESTRAINING ORDERS

- College's authority to apply for, **2:13, 11:17**
- Enforcement of legislation, **11:17**

SECRECY

- See **CONFIDENTIALITY**

SENTENCES

- See **DISCIPLINE, decisions and orders; INCAPACITY, fitness hearings decisions and orders; SEXUAL ABUSE, discipline for sexual abuse penalties**

SERVICE OF DOCUMENTS

- By mail, **2:15**
- Service of notice of hearing, **6:4**

SEXUAL ABUSE

- Definition of sexual abuse, **10:2**
- Discipline for sexual abuse
 - generally, **10:5**
 - appeals, **10:14**
 - cost recovery, **10:13**
 - disclosure of evidence, **10:10**
 - impact statements by patients, **10:11**
 - informal resolution, **10:6**
 - interim orders, **10:7**
 - intervenors, **10:9**
 - penalties, **10:12**
 - public access to decisions, **10:15**

SEXUAL ABUSE—Cont'd

- Discipline for sexual abuse—Cont'd
 - public hearings and privacy for witnesses, **10:8**
- Funding program, **10:16**
- Mandatory reports
 - generally, **10:4**
 - general requirements to report sexual abuse, **10:4**
 - handling of reports by college, **10:4**
 - overview, **10:4**
 - psychotherapy reports, **10:4**

SEXUAL ABUSE—Cont'd

- Mandatory reports—Cont'd
 - termination reports, **10:4**
- Nature and purpose of provisions, **10:1**
- Prevention measures, **10:3**
- SUPERVISORS OF COLLEGE**
 - Generally, **2:2**
- TITLE PROTECTION**
 - See CONTROLLED ACTS ANDPROTECTED TITLES
- UNAUTHORIZED PRACTICE**
 - See CONTROLLED ACTS ANDPROTECTED TITLES