

Health Professions are regulated to protect the public

Most health professions in Ontario are governed by Colleges – such as the College of Nurses of Ontario, the College of Physicians & Surgeons of Ontario, and the College of Massage Therapists of Ontario. Everyone who practises a regulated profession must be a member of the related professional College. (A full list of regulated health professions is at the end of this brochure.)

It is the role of the Colleges to see that,

- health professions are regulated in the public interest,
- health professionals meet appropriate standards of practice, and
- people are treated with sensitivity and respect.

Most of the health professions are governed by a law known as the *Regulated Health Professions Act, 1991*.

College Complaints Committees

The Colleges of regulated health professions have Complaints Committees. If people have a complaint about a health professional, they can ask the College's Complaints Committee to look into it.

Why make a Complaint?

A complaint to a College is different from taking court action against a health professional. The purpose of making a complaint is to let the College know that the conduct of or care provided by a health professional might not meet professional standards. Sometimes public complaints can also help lead to positive system changes.

What can the Complaints Committee do?

The Complaints Committee must investigate

written complaints. After investigating, the Committee can, for example:

- remind the health professional about appropriate practice,
- caution the health professional in writing,
- ask the health professional to personally meet with the Complaints Committee,
- advise educational upgrading, or
- require the health professional to be assessed by the College's Quality Assurance Committee.

If the Complaints Committee thinks that something more is needed to address a health professional's practice, it could refer its concerns to a Discipline Committee Hearing.

The Committee cannot, for example, provide treatment advice, neither can it require that the health professional pay financial compensation or require a health professional to apologize.

What if you think that the Complaints Committee made the wrong decision?

People can appeal most decisions of College Complaints Committees to the Health Professions Appeal and Review Board. Exceptions would include referrals to the Executive Committee for incapacity or to the Discipline Committee.

What is the Health Professions Appeal and Review Board?

The Board is an independent forum for the public and for health professionals. Members of the Board are appointed by the Government of Ontario. Board members cannot belong to any of the regulated health professions.

How to appeal a decision of a College Complaints Committee – Complaint Reviews by the Board

In most cases, either you (if you are the

complainant) or the health professional can ask the Board to review a Complaints Committee decision. The request for a Complaint Review must be made within 30 days of receiving the decision from the Complaints Committee of the College.

After you have requested a Complaint Review, both you and the health professional will receive a copy of the documents the College collected during its investigation of the complaint. Some documents may not be released if there are privacy or other concerns.

Before the Complaint Review is held, there will usually be a Pre-Review Conference to deal with questions that you or the health professional may have about the Board's process.

What happens at a Complaint Review?

Complaint Reviews are formal proceedings usually conducted by three Board members. At the Board's Complaint Review:

- both the complainant and the health professional can attend in person,
- a College representative may be there to answer questions for the Board.

The complainant and the health professional may comment on

- the *adequacy* of the College Complaints Committee's investigation of the complaint, and
- the *reasonableness* of the Complaints Committee's decision

A Complaint Review is somewhat like a court appeal. The Review is open to the public. Both the complainant and the health professional can comment on the adequacy of the investigation and the reasonableness of a decision. However they cannot question each other or cross-examine witnesses.

What can the Board do?

The Board can ask questions of the parties and of the College representative. After

listening to the comments from the complainant and health professional, the Board considers all of the information and makes its decision.

The Board can require the College Complaints Committee to further investigate the complaint or change its decision if the Board thinks that:

- the Complaints Committee's investigation into the Complaint was not adequate, or
- the decision of the Committee was not reasonable.

The Board will mail its written decision to both the complainant and the health professional. The Board's decisions are public documents.

The Regulated Health Professions

- Audiological and Speech-Language Pathology
- Chiropody
- Chiropractic
- Dentistry
- Dental Technology
- Denturism
- Dietetics
- Massage Therapy
- Medical Laboratory Technology
- Medical Radiation Technology
- Medicine
- Midwifery
- Nursing
- Occupational Therapy
- Opticianry
- Optometry
- Pharmacy
- Physiotherapy
- Psychology
- Registered Practical Nursing
- Respiratory Therapy
- Veterinary Medicine

Veterinarians

Veterinarians are governed by the College of Veterinarians of Ontario. The work of the College of Veterinarians is covered by a law known as the *Veterinarians Act*. Like the other regulated health professions, the College of Veterinarians has a Complaints Committee whose decisions may be appealed to the Health Professions Appeal and Review Board.

To Find Out More

More information about the Board and the health professions complaints process is available through the Board's website at www.hparb.on.ca. It includes links to the full text of the *Regulated Health Professions Act* and the *Health Professions Procedural Code*. (College complaints procedures as well as reviews before the Board can be found in sections 25 to 35 of the *Code*.)

The HPARB website also links to College professional misconduct regulations, governing legislation for each health profession (i.e., the *Nursing Act*, *Pharmacy Act*, etc.), and the website of each health regulatory College.

This brochure is intended as general information only.

For more information contact:

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*About the
Health Professions Appeal and
Review Board*

**Complaints about
Health Professionals
in Ontario**