

College of Audiologists and Speech Language Pathologists of Ontario



CASLPO e-Forum: Discipline Issues

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Presenters:

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- The e-Forum recording and slides will be posted on the Events section of the website



The screenshot displays the CASLPO website's navigation and content. At the top left is the CASLPO logo, a stylized blue and white head profile with sound waves, and the text "College of Audiologists and Speech-Language Pathologists of Ontario" and "Ordre des audiologistes et des orthophonistes de l'Ontario". To the right are links for "Member Portal" (with a green lock icon) and "Find an Audiologist or Speech-Language Pathologist" (with a green magnifying glass icon). A search bar is also present. Below these are navigation links: "Home", "Employers", "Contact Us", "Search Site", "Online SAT", "Français", and "Accessibility". A green horizontal bar contains the main navigation menu: "WHO WE ARE", "PUBLIC PROTECTION", "EVENTS" (circled in red), "RESOURCES", and "TRANSPARENCY". Below this is a blue banner with the text "CASLPO Members Help You Hear & Communicate" and an image of a young girl speaking into a microphone. The main content area features a sidebar on the left with a "Events" section containing links for "UPCOMING EVENTS", "COUNCIL MEETINGS", "CASLPO FORUMS (IN-PERSON)", and "E-FORUMS (WEB-BASED)" (circled in red). The main content area has the heading "CASLPO EVENTS" and two paragraphs of text: "CASLPO regularly puts on educational events, CASLPO forums and other events for our members. These help support the College's mandate to protect the public's right to quality audiology and speech-language pathology services by providing leadership and education." and "These events are typically provided in-person, via teleconference, webinar or as plenary sessions as part of a larger event hosted elsewhere." A final paragraph states "This section of the website will be updated frequently."

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- The following presentation is intended for **information purposes** only.
 - The information presented is **not** intended to be **legal advice**.
 - This presentation will not review ongoing cases.
 - Should you have questions about your ongoing case, please contact me directly:

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Agenda

- What is the difference between the Discipline Committee and the Inquiries, Complaints and Reports Committee?
- Do all complaints go to discipline?
- What is a panel of the Discipline Committee?
- Who are the parties?
- What does a panel of the Discipline Committee do?
- Should I get a lawyer?
- Do all discipline decisions result in revocation?
- Are there CASLPO discipline decisions?

What is the difference between the Discipline Committee and the Inquiries, Complaints and Reports Committee?

	ICRC	Discipline Committee
Type of Body	Screening/ Investigative	Quasi-Judicial
Public Decisions	Limited*	Yes
Meetings	Private	Public
Attendance by member	No	Yes
Submissions	Written	Oral

*effective January 1, 2016, details respecting cautions delivered in person and Specified Continuing Education or Remediation Programs (SCERPs) directed by the ICRC are posted on the public register

Complaints & Discipline

Do all complaints go to discipline?

Yes

No

Not sure



Complaints & Discipline

Do all complaints go to discipline?

Short Answer: **No**

Year	Number of complaints received	Number of referrals to Discipline Committee*
2013	17	1
2014	8	0
2015	23	0

Complaints & Discipline

Long Answer:

- Everyone has the **right to make a complaint**.
- Under section 25(1) of the Health Professions Procedural Code (schedule 2 of the *Regulated Health Professions Act 1991*) the ICRC has **an obligation to investigate all complaints** received by the College.
- The majority of complaints do not present a significant **risk** of harm to the public and are best addressed through **education and additional training**

However, there are cases that warrant a referral to the **Discipline Committee (DC)** and the **two prong test** is met.

If a referral to DC is made, the appropriate allegations are usually taken from the **Professional Misconduct Regulation** (Ontario Regulation 749/93)

The member (or member's legal representative) will be provided with **notice** of the referral to discipline.

What is a panel of the Discipline Committee?

Short answer: A panel is a subsection of the DC

Long answer:

- Panels are made up of 3 or 5 panelists
- Each panel must have at least 2 public members
- The remainder is made up of members of the profession
- Independent Legal Counsel (support)

Who are the parties?

Prosecution	Defense
Counsel for the College	Counsel for the member OR The member

- The **complainant** is not usually a party to the proceedings.

What does a panel of the DC do?

Short Answer: Consider allegations of professional misconduct and/or incompetence.



What does a panel of the DC do?

Long answer:

- considers **evidence** and **witness testimony**
- obligation to be **unbiased**
- decides whether **the College** has proven its case on a **balance of probabilities**
- *Code* identifies when **misconduct** has occurred

What does a panel of the DC do?

Long answer (Con'd):

Section 51(1) of the *Code* requires that a DC panel find a member guilty of professional conduct if:

(a) the member has been found guilty of an offence that is **relevant to the member's suitability to practise**;

(b) the governing body of a health profession in a jurisdiction other than Ontario has found that the member **committed an act of professional misconduct** that would, in the opinion of the panel, be an act of professional misconduct as defined in the regulations;

What does a panel of the DC do?

Long answer (Con'd):

(b.0.1) the member has failed to co-operate with the Quality Assurance Committee or any assessor appointed by that committee;

(b.1) the member has sexually abused a patient; or

(c) the member has committed an act of professional misconduct as defined in the regulations.

What does a panel of the DC do?

Long answer (Con'd):

The Discipline Committee must issue **written reasons** for its decision (and penalty, if applicable).



What does a panel of the DC do?

Long answer (Con'd):

If the Discipline Panel finds a member guilty of professional misconduct, the penalty is guided by **four (4) principles**:

- 1) Public Protection
- 2) Specific Deterrence
- 3) General Deterrence
- 4) Remediation

Should I get a lawyer?

Short Answer: **maybe**

Long Answer:

- Members have the right to **legal counsel**.
- Members have the right to be **self represented**.
- Counsel can assist with navigating the **rules and procedures** of the adjudicative process.
- Counsel may also be able to assist in reaching an **Agreed Statement of Facts (ASF)** and **Joint Submission on penalty (JSP)**.
- Legal counsel may be **costly** (depending on the complexity of the case).

Do all discipline decisions result in revocation?

- Do all discipline decisions result in revocation?
 - Yes
 - No
 - Not Sure



Do all discipline decisions result in revocation?

Short Answer: No



PHEW!

Do all discipline decisions result in revocation?

Long answer:

If a member is found guilty of professional conduct, a discipline panel can impose the following penalties (see section 51(2) of the *Code*):

1. Direct the Registrar to **revoke** a member's certificate of registration
2. Direct the Registrar to **suspend** a member's certificate of registration
3. Direct the Registrar to impose **terms, conditions and limitations** (TCLs)
4. Require the member to appear before it to be **reprimanded**
5. Require the member to pay a **fine** (not more than \$35,000)
6. If relating to sexual abuse, require the member to **reimburse the College** for funding

*Costs

Are there CASLPO discipline decisions?

Short answer: **Yes**

Long answer:

- Members have been found guilty of:
 - Failing to maintain a **standard of the profession**
 - Failing to keep **records** as required
 - Inappropriately using a **term, title or designation** in respect of the member's practice
 - Inappropriate **advertising**
 - **Disgraceful, dishonorable** or **unprofessional** conduct

Are there CASLPO discipline decisions?

Long answer (Con'd):

- Penalties ordered by panels have included:
 - Reprimands
 - Suspensions
 - TCLs (including remediation and practice monitoring)
 - Fine
 - Costs*

- [Regulated Health Professions Act \(with Schedule 2 "Health Professions Procedural Code"\)](#)
- [Professional Misconduct Regulation \(Ontario Regulation 749/93\)](#)
- [Discipline Committee Rules of Procedure](#)
- [CanLii](#)

Thank you for attending.

Follow up questions?

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