

CONFIDENTIAL DRAFT

ONTARIO REGULATION

made under the

AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY ACT, 1991

Amending O. Reg. 749/93

(PROFESSIONAL MISCONDUCT)

1. (1) Section 1 of Ontario Regulation 749/93 is amended by adding the following paragraphs:

- 4.1 Failing to appropriately supervise a person whom the member is professionally obligated to supervise.
- 4.2 Permitting, counselling or assisting a person who is not a member to represent himself or herself as a member.
- 4.3 Permitting, counselling or assisting a person who is not a member to perform a controlled act if the person is not authorized to perform the controlled act.

(2) Paragraph 5 of section 1 of the Regulation is amended by adding “or his or her authorized representative” after “client”.

(3) Paragraph 6 of section 1 of the Regulation is revoked and the following substituted:

6. Practising the profession while the member’s ability to do so is impaired by any substance, illness or other dysfunction which the member knew or ought to have known would impair the member’s ability to practise.

(4) Paragraph 8 of section 1 is revoked and the following substituted:

8. Discontinuing professional services that are needed unless the discontinuation would reasonably be regarded by members as appropriate having regard to,
 - i. the member’s reasons for discontinuing the services,
 - ii. the condition of the client,
 - iii. the availability of alternate services, and

- iv. the opportunity given to the client to arrange alternate services before the discontinuation.

(5) Paragraph 10 of section 1 of the Regulation is revoked and the following substituted:

10. Failing to advise a patient or client or his or her authorized representative to consult another member of a health profession regulated under the *Regulated Health Professions Act, 1991* when the member knows or ought to know that the patient or client has a condition, or requires a service, that is outside of the scope of members' knowledge, skills or judgment.

(6) Section 1 of the Regulation is amended by adding the following paragraph:

- 11.1 Providing a service or treatment to a patient or client that the member knows or ought to know is or will be ineffective, unnecessary, deleterious or inappropriate to meet the needs of the patient or client.

(7) Paragraph 13 of section 1 of the Regulation is amended by adding “or his or her authorized representative” after “client”.

(8) Paragraph 14 of section 1 of the Regulation is revoked and the following substituted:

14. Failing to reveal the exact nature of a treatment used by the member following a request to do so by a patient or client or his or her authorized representative.

(9) Paragraph 15 of section 1 of the Regulation is revoked and the following substituted:

15. Failing to provide the College's contact information to a patient or client or his or her authorized representative on request.

(10) Paragraph 22 of section 1 of the Regulation is amended by adding “or ought to know” after “knows”.

(11) Section 1 of the Regulation is amended by adding the following paragraphs:

- 22.1 Contravening the *Personal Health Information Protection Act, 2004* or the regulations under that Act.
- 22.2 Failing to take reasonable steps to make arrangements with a patient or client or his or her authorized representative, when requested, to transfer the personal health

information of the patient or client in the possession of the member to another member.

(12) Paragraph 23 of section 1 of the Regulation is revoked and the following substituted:

23. Submitting or permitting the submission of an account or charge for services if the member knows or ought to know that the account or charge for services is false or misleading.

(13) Paragraph 25 of section 1 of the Regulation is revoked and the following substituted:

25. Charging a fee or accepting payment from a patient or client or his or her authorized representative for a service, or for a portion of a service, if that service or portion of a service has been paid for or is payable by another party.

(14) Paragraphs 26 to 28 of section 1 of the Regulation are revoked.

(15) Paragraph 29 of section 1 of the Regulation is amended by adding “or his or her authorized representative” after “client”.

(16) Paragraph 32 of section 1 of the Regulation is amended by adding “or if the purpose of the law, by-law or rule is to protect public health” after “practise” at the end.

(17) Paragraph 35 of section 1 of the Regulation is revoked and the following substituted:

35. Practising audiology or speech-language pathology while the member’s certificate of registration is under suspension.

(18) Paragraph 36 of section 1 of the Regulation is revoked and the following substituted:

36. Benefiting directly or indirectly from a suspended member who engages in the practice of audiology or speech-language pathology while that member is suspended.

(19) Section 1 of the Regulation is amended by adding the following paragraphs:

- 36.1 Failing to comply with an order of a panel or committee of the College.
- 36.2 Failing to fulfil an undertaking given to the College, the Registrar or any Committee of the College or breaching an agreement entered into with the College, the Registrar or any Committee of the College.

36.3 Failing to reply in writing, when requested, to a written inquiry from the College within a reasonable time.

36.4 Failing to take reasonable steps to ensure that any information provided by or on behalf of the member to the College is accurate

2. The Regulation is amended by adding the following French version:

(French)

Commencement

3. This Regulation comes into force on the day it is filed.