
COLLEGE VOCATIONAL REHABILITATION PROFESSIONALS
FITNESS TO PRACTICE PROCEDURE

1. In this Procedure,

“Board” means the Board of Directors, current or past, of the College of Vocational Rehabilitation Professionals of Ontario

“By-Laws” means the By-Laws of the College of Vocational Rehabilitation Professionals of Ontario

“College” means the College of Vocational Rehabilitation Professionals of Ontario

“Incapacitated or incapacity” means, that the Member is suffering from a physical or mental condition or disorder that makes it desirable in the interests of the public that the Member’s certificate of registration be subject to terms, conditions or limitations or that the Member no longer be permitted to be a member of the College

“Incompetence” means, a Member of the College has displayed in his or her professional responsibilities a lack of knowledge, skill or judgment, or disregard for the welfare of a person or persons of a nature or extent that demonstrates that the Member is unfit to continue to carry out his or her professional responsibilities or that the Member’s certificate of registration should be subject to terms, conditions or limitations or should be revoked

“Member” means a member of the College

“Procedures” means the Procedures developed by the College pursuant to the By-Laws in relation to Registration, Complaints, Discipline, Professional Practice, Fitness to Practice or any other Procedures developed by the College from time to time

“Profession” means the profession of vocational rehabilitation

“Professional misconduct” means conduct that contravenes the By-Laws, an order of a College Committee, or conduct that is defined as being professional misconduct in the By-Laws or by College Policy, Guideline or Procedure

Referrals to Committee

2. Where the Registrar or another committee of the College receives information to suggest that a Member may be incapacitated, the matter shall be referred to the Fitness to Practice Committee.

Panel for Consideration of Fitness Matters

3. A panel shall be selected by the Chair of the Fitness to Practice Committee from among the members of that Committee to consider information regarding a Member's fitness to practice referred to the Committee under paragraph 2. The panel may seek additional information from the Member or any third party.
4. A panel shall be composed of at least three (3) members of the Fitness to Practice Committee.
5. Three (3) Members of a panel constitute a quorum.
6. If the panel determines, after considering information regarding a Member's fitness to practice, that there are not reasonable and probable grounds to believe that the Member may be incapacitated, the Committee will take no further action in relation to the matter.

Process for Investigation of Incapacity

7. If the panel determines, after considering information regarding a Member's fitness to practice, that there are reasonable and probable grounds to believe that the Member may be incapacitated, the panel shall investigate whether the Member is incapacitated.
8. The panel shall give the Member notice that it intends to investigate whether the Member is incapacitated and may:
 - a. request that the Member provide the panel with consent to review his or her personal health information and provide a signed consent and direction in respect of the release of personal health information;
 - b. require the Member to provide information relating to treating health professionals, health status or healthcare services undertaken or received by the Member;
 - c. request the names of any third parties who may have information relating to whether the Member may be incapacitated; and

- d. request or require any other information or documentation consistent with this Procedure and the By-Laws
9. If the Member does not co-operate with any requests by the panel, the panel may refer the matter to the Discipline Committee.
10. The Member shall be given at least 30 days to provide the panel with written submissions and/or documentation.
11. The Fitness to Practice Committee may, at any time in the process, request further information from the Member or from third parties or seek further submissions from the Member.

Powers of the Fitness to Practice Committee

12. A panel, after considering the written submissions of the Member and considering or making reasonable efforts to consider all records and documents it considers relevant to the matter, may do any one or more of the following:
 - a. refer the matter to the Discipline Committee if the Member has not co-operated with the panel or if the panel has grounds to believe that the Member may have committed an act of professional misconduct or is incompetent;
 - b. take no action with request to the matter;
 - c. request further specified information or documentation from the Member or require the Member, at his or her expense, to submit to physical and mental examinations by such qualified persons as the panel designates, but not to more than one examination in any area of medical specialty;
 - d. make a finding that the Member is incapacitated and impose terms, conditions or limitations on the Member's certificate or direct that the Member no longer be permitted to be a member of the College; or
 - e. take any action it considers appropriate that is not inconsistent with the By-Laws or the Procedures.

Decision and Reasons

13. The panel shall, after taking any action under section 12, give its decision to the Registrar.

14. The panel shall give the Member:
 - a. a written copy of its decision; and
 - b. a written copy of its reasons, if the panel decides to anything under subsections 12 (d) or (e) .

Review

15. If the decision of the Fitness to Practice Committee is to do anything under Sections 12 (d) or (e), the Member may request that the decision be reviewed by a differently constituted panel of the Fitness to Practice Committee made of up three persons who have had no prior involvement with the matter (the “Review Panel”).
16. A request for a review must be received by the Registrar within 10 business days of the date the decision was sent to the Member.
17. Where the Member requests a review of the panel’s decision, the Registrar shall provide the Review Panel with all documents and things received or considered by the Fitness to Practice Committee panel.
18. In conducting a review, the Review Panel shall only consider written submissions.
19. Following the request for the review, the Registrar shall write to the Member and the Member shall have 30 days to provide his or her written submissions. If no response is received from the requesting party, the review shall not proceed.
20. The Review Panel may, in its sole discretion, elect to accept new evidence from the Member.
21. After reviewing the materials, the Review Panel may:
 - a. confirm all or part of the decision made by the Fitness to Practice Committee panel;
or
 - b. take any action that the Fitness to Practice Committee panel is authorized to take under this Procedure.
22. The decision of the Review Panel is final and shall not be the subject of any further review or appeal.

No Hearings

23. Neither the Fitness to Practice Committee panel nor a Review Panel is required hold a hearing or afford to any person an opportunity for a hearing or an opportunity to make an oral or written submissions before making a decision or giving a direction under this Procedure.

Confidentiality

24. Every person employed in the administration of this Procedure shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties, employment, inquiry or investigation and shall not communicate any such matters to any other person except,
- a. as may be required in connection with the administration of this Procedure and the By-Laws or any proceedings under these Procedures or By-Laws;
 - b. to his or her counsel; or
 - c. with the express written consent of the person to whom the information relates.

Application to Court

25. Upon proclamation of *the Not-for-Profit Corporations Act, 2010*, a Member who claims to be aggrieved because his or her membership was terminated or revoked may apply to the court pursuant to section 191 of that Act.