

Ontario Regulation 233/05  
Under the *Chiropractic Act, 1991*  
Filed: May 19, 2005

*Note to Readers: In the event of any inconsistency between this document and the legislation that affects chiropractic practice, the legislation governs.*

1. Ontario Regulation 204/94 is amended by adding the following Part:

### **Part III: Quality Assurance**

#### **General**

9. In this Part,

- “assessor” means an assessor appointed under section 81 of the Health Professions Procedural Code;
- “Committee” means the Quality Assurance Committee of the College;
- “deficient clinical ability” means, in relation to a member, a level of knowledge, skill or judgment that makes the member’s clinical performance unsatisfactory;
- “Program” means the Quality Assurance Program of the College;

10. The purposes of the Program are,

- (a) to encourage continuous improvement in the quality of care provided by members; and
- (b) to improve results in patient treatment.

11. Every member shall participate in the Program.

#### **Program Components**

12. The Committee shall administer the Program, which shall include the following components:

1. Random peer assessments.
2. Individual member remediation.
3. X-ray peer reviews.

### Random Peer Assessment

13. (1) Each year, the College shall select at random the names of members required to undergo a peer assessment.
  - (2) A member shall undergo a peer assessment if selected at random under subsection (1).
  - (3) The purpose of a peer assessment is to evaluate a member's knowledge, skills or judgment to ensure his or her continuing competence and adherence to the standards of practice of the profession.
14. (1) In appointing an assessor to conduct a peer assessment, the Committee shall,
  - (a) appoint an assessor who is familiar with the methods used by the member who is to be assessed; and
  - (b) if the member being assessed is certified in a specialty recognized by the College, appoint an assessor who is certified in the same specialty.
  - (2) No member of the College who sat on a panel of the Discipline Committee that heard allegations against another member shall be appointed as an assessor in respect of that member.
  - (3) No member who demonstrated antagonism towards another member or towards a form of treatment offered by that member shall be appointed as an assessor in respect of the member.
15. (1) The Registrar shall notify a member who is required to undergo a peer assessment of the name of the assessor.
  - (2) The member who is required to undergo a peer assessment may make one request that another assessor be appointed by the Committee upon being notified under subsection (1) and before the assessor commences the assessment.
  - (3) The Committee, on receiving a request under subsection (2), may replace the assessor with another assessor.
16. (1) After having completed an assessment, the assessor shall give the Committee and the member who was assessed a written report of the assessment.

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- (2) The member may submit to the Committee comments or responses that he or she wishes to have noted with respect to the assessment.
  - (3) The Committee may decide, after considering the assessor's report and the member's comments, if any,
    - (a) that no further action is necessary;
    - (b) to give the member an opportunity to correct a deficient clinical ability identified by the Committee as a result of the peer assessment; or
    - (c) to require the member to participate in a member remediation program and follow-up assessment under section 17.
  - (4) If the Committee gives the member an opportunity to correct a deficient clinical ability under clause (3) (b), it may require the member to undergo a peer reassessment.
  - (5) A member shall not be required to undergo more than two peer reassessments under subsection (4).
  - (6) Subsections (1), (2) and (3) apply with necessary modifications to a reassessment under subsection (4).

### Individual Member Remediation

17. (1) The Committee may require a member to participate in a remediation program if,
  - (a) the member has been referred to the Committee from the Executive Committee or the Complaints Committee in relation to alleged behaviour or remarks of a sexual nature by the member towards a patient that are not of a clinical nature appropriate to the service provided and the member has undergone a psychological or other assessment relating to the alleged behaviour or remarks; or
  - (b) the Committee is, after the member has undergone a peer assessment under section 16, of the opinion that the member has a deficient clinical ability that may be remediable.

- (2) The remediation program shall be an educational program designed specifically to reduce or eliminate the member's deficient clinical ability or propensity to engage in behaviour or remarks of a sexual nature towards patients that are not of a clinical nature appropriate to the service provided.
- (3) In the case of a member who is required to participate in a remediation program under clause (1) (b), the Committee may, after a member has completed a remediation program under this section, require the member to undergo another peer assessment.
- (4) A member shall not be required to undergo more than two reassessments under subsection (3).
- (5) Subsections 16 (1), (2) and (3) apply with necessary modifications to a peer reassessment under subsection (3).

### X-ray Peer Review

18. (1) Every member shall participate in the College's x-ray peer review program.
- (2) The x-ray peer review program is an assessment and remediation program designed to reduce or eliminate the member's deficient clinical ability with respect to taking or interpreting x-rays.
- (3) During an x-ray peer review, one or more assessors shall,
  - (a) review another member's reports written by the member in which he or she interprets x-rays; and
  - (b) in the case of a member who takes his or her own x-rays, review x-rays taken by the member.
- (4) After having completed the x-ray peer review, the assessors who conducted the review shall submit a written report to the Committee and give the member a copy.
- (5) The member may submit to the Committee comments or responses that he or she wishes to have noted with respect to the review.

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- (6) If, after having reviewed the report and the comments submitted by the member under subsection (5), if any, the Committee believes that the member is deficient in taking or interpreting x-rays, it may require that the member participate in a remediation program designed to correct the deficiency.
  - (7) The Committee may, after a member has completed a remediation program under this section, require the member to undergo another x-ray peer review.
  - (8) Subsections (1) to (6) apply with necessary modifications to an x-ray peer review under subsection (7).