



December 1, 2014

Via e-mail and mail

The Honourable Dr. Eric Hoskins
Minister of Health and Long-Term Care
10th Floor
80 Grosvenor Street
Toronto, Ontario
M7A 2C4

**Re: Support from the College of Chiropractors of Ontario (CCO) for the
Ministry of Health and Long Term Care (MOHLTC) Transparency Initiatives**

Dear Minister:

I Introduction

The purpose of our correspondence is to assure you and your Ministry that CCO has and will continue to take steps to enhance the transparency of its processes and responsibilities under the *Regulated Health Professions Act, 1991 (RHPA)* and *Chiropractic Act, 1991* to regulate chiropractic in the public interest. We understand both the spirit and intent of your correspondence received October 4, 2014 and the follow up correspondence dated October 28, 2014 from Ms Suzanne McGurn, Assistant Deputy Minister. While we believe there are many steps we are already taking to ensure transparency, there is room for improvement, and we will continue our efforts to increase transparency in the public interest and in the interests of the members we govern.

At the outset, we advise that we support the transparency principles reviewed and approved by other colleges under the *RHPA*. From our perspective, the challenge is not in supporting the principles, but rather in implementing and operationalizing the principles.



We have set out below in summary form, the ways in which we already comply with the general principles of transparency, the efforts we are taking to enhance transparency, and the steps that could be taken once legislation or bylaws have been amended. CCO is fortunate to have strong public members as well as elected members committed to ensuring public safety and accountability, and we have had a number of discussions at both committee and council about the Ministry's recent communications. For ease of reference, the summary below is categorized by the key functions of the college.

II Current Initiatives and Practices Enhancing Transparency

Currently, CCO takes the following measures to enhance transparency, and does not require any legislative or by-law amendments:

Council

- Providing copies of council information (including committee reports and recommendations) to guests attending council meetings;
- Summarizing the results of Council meetings in CCO's newsletters;
- Posting the dates of council meetings on the website;
- Discussing the principles of transparency at open council meetings (including the recent council meeting on November 28, 2014);

Discipline

- Posting the complete notice of hearing of any discipline matter when it is referred by the Inquiries, Complaints and Reports Committee (ICRC) beside the member's name on the public portion of the register;
- Posting the results of any discipline hearing when received by the college (including terms, conditions and limitations on a member's certificate of registration); in the case of a joint submission, the joint submission is posted until the decision from the discipline panel is received at which point the discipline decision is posted;
- Posting the dates of discipline hearings;



- Speaking to guests at all discipline hearings about the types of cases CCO receives and the discipline process in general; ¹
- Summarizing the results of every discipline hearing in the annual reports;

ICRC

- Communicating with the police with respect to any criminal matter brought to the college's attention to request that the college be kept informed of criminal proceedings and where reasonable and practicable to protect the public interest, to request that the conditions of bail include that the member not continue to practice pending the conclusion of the criminal proceeding;
- Alternatively, requesting the member to agree to not practice pending the results of the criminal matter;
- Forwarding any criminal convictions involving members to the ICRC to determine if there should be an interim suspension and referral of specified allegations of professional misconduct to the Discipline Committee;

Registration

- Requiring applicants to report any offences on their application for registration and requiring members to report any offences on their registration renewal or at any time there is a change to the information filed with CCO;
- Posting the class and status of every member including any terms, conditions or limitations on a member's certificate of registration;
- Posting any undertaking to not practice pending the results of a criminal proceeding beside the member's name;
- Posting CCO's Fair Registration Reports to the Office of the Fairness Commissioner;

¹ Chris Paliare, of Paliare Roland (CCO's prosecutor) and Ms Willson, Registrar and General Counsel, have a standard presentation they provide to all guests at a discipline hearing. Students at the Canadian Chiropractic Memorial College are required to attend a discipline hearing as part of their Jurisprudence course, and every hearing is usually attended by approximately 20 students as well as insurance adjusters and other members of the public or media.



ICRC and Registration

- Including generic information about ICRC and registration statistics in all annual reports; for example, in the case of ICRC, total number of complaints, types of complaints received from the public and disposition of complaints and for registration, the colleges attended by applicants, types of cases reviewed, disposition of HPARB reviews);

Patient Relations

- Distributing to all members for posting in their offices a comprehensive Partnership of Care/Patient Charter of Rights and Responsibilities to inform patients about the important role they play in their health care as well as CCO's role in ensuring the public has access to competent, ethical chiropractic care;
- Posting information about funding for therapy and counselling for victims of sexual abuse;

Unauthorized Practise Cases

- Posting court orders involving CCO's prosecution of named individuals practicing chiropractic without a certificate of registration;

Court Proceedings

- Posting of court decisions involving members from all levels of court (i.e. Divisional Court and Court of Appeal in Ontario).

III Short Term Initiatives and Time Lines

In the short term (within the next 3 to 6 months), we anticipate being able to implement the following initiatives to enhance transparency:

Council

- Posting the public information packages on CCO's website under a council meetings tab;



- Posting a summary of the minutes of council meetings shortly after the meeting is concluded;

Discipline

- Posting a statement of a pending discipline decision if the hearing is concluded and a decision is not yet received;

ICRC

- Formalizing our communication with provincial police forces to advise them when a member has been found guilty of professional misconduct involving sexual abuse of a patient;²
- Posting the flow chart developed internally which tracks the process of a complaint from the time it is received at CCO to a referral to the Discipline Committee including expected time lines;
- Posting the generic template letters used for all inquiries, complaints and reports (i.e., if you file a report, you will receive a letter that looks like the following requesting that the college authorize the release of your correspondence to the member, etc.);

Registration

- Reinforcing with members the requirement to report any offences on an ongoing basis through the newsletter and other communication strategies;
- Posting the generic template letters used for all registration matters (including forms used, letters advising of successful completion of examinations and eligibility for registration etc.);

² In CCO's experience with simultaneous proceedings, the criminal matter ordinarily takes precedence over any misconduct proceedings. It would be helpful if the police as a routine matter advised the college if a member was to be charged with a criminal offence particularly those involving sexual abuse of patients.



Quality Assurance

- Posting the generic letters members receive relating to peer assessments, and the types of matters members may be requested to review (for example, deficiencies in record keeping, consent etc.);

Unauthorized Practise

- Posting the fact of a prosecution for unauthorized practice (including the individual's name) and the anticipated dates when a court will dispose of the matter.

IV Longer Term Initiatives to Enhance Transparency (some requiring legislative or by-law amendments)

As you are aware, there are currently some legislative provisions which hamper the colleges, including CCO, in the release of information to the public, including the confidentiality provisions of the *RHPA*, privacy legislation and the college's by-laws, including the public register by-law which increases information on the public register beyond that required by the *RHPA*, but does not currently include information that may be useful to the public in making fully informed decisions concerning their health care provider.

CCO is considering the following longer term measures to enhance transparency:

Discipline

- Posting information concerning any applications for reinstatement following a discipline finding, including the anticipated date the application will be heard;

ICRC

- Requesting members to sign an undertaking to advise CCO of any changes to criminal proceedings;
- Communicating with the police immediately when a member is charged with professional misconduct involving sexual abuse of a patient (this would require a review of the confidentiality provisions of the *RHPA*);



- Linking CCO's website to appropriate police websites which provide up to date information about the status of current criminal charges or convictions involving members (including whether they were under appeal);³

By-law Amendments

- Considering the enhancement of information on the public register and carefully monitoring other colleges' efforts in this respect; we are aware of a number of efforts to include ICRC cautions and SCERPS as well as other information, and we look forward to reviewing any best practices that emerge as a result of the current initiatives; CCO's view is there is utility in having consistent information from all colleges about members and processes and will work with other regulators to improve consistency;

Comprehensive Website Review

- Reviewing and updating the website to reflect more user friendly language and context rather than simply the actual wording from the forms, template letters and regulations, standards and policies;
- Conducting a technology review and upgrade to ensure CCO has the capability and infrastructure to have a more robust data base and website.⁴

V Conclusion

We will be reviewing on a go forward basis how we can ensure transparency is at the forefront of CCO's strategic plan and objectives. In the interim, we have taken the liberty of posting your correspondence received October 4, 2014, Ms Suzanne McGurn's correspondence dated October 28, 2014, and CCO's response dated December 1, 2014 on CCO's website at: www.cco.on.ca under a tab entitled "Transparency."

³ CCO's initial view is that it would be preferable to have a direct link to criminal charges and convictions involving members since the college's primary duty is to ensure the public register as it relates to college processes is up to date and accurate. We are not always advised of the status of criminal proceedings or convictions, and would be hesitate to include the information unless we were assured of the absolute accuracy of any information posted on the CCO website. CCO is carefully reviewing the options to ensure an appropriate mechanism for the public to have access to up to date information relating to criminal charges and convictions involving members (we are aware there are different considerations for each).

⁴ This was the focus of CCO's strategic planning retreat in September 2014.



We appreciate having members of the MOHLTC staff, namely Mr. John Amodeo, Ms Gwen Gignac and Mr. Stephen Cheng, attend a recent Executive Committee meeting to provide further clarification about the Ministry's direction on transparency. We look forward to a continuing dialogue about these and other initiatives with you and your Ministry and our regulatory colleagues to assure the public of Ontario has access to safe, effective and informed health care. I would be pleased to answer any questions arising from our correspondence.

Yours truly,

Dr. Dennis Mizel,
President

- c. Ms Suzanne McGurn,
Mr. Marshall Moleschi, President,
Federation of Health Regulatory Colleges of Ontario
Ms Beth Ann Kenny, Executive Coordinator,
Federation of Health Regulatory Colleges of Ontario