

**ONTARIO REGULATION 852/93: PROFESSIONAL MISCONDUCT
UNDER THE *CHIROPRACTIC ACT, 1991*
Effective Date: December 31, 1993**

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

The following are acts of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code:

THE PRACTICE OF THE PROFESSION AND THE CARE OF AND RELATIONSHIP WITH PATIENTS

1. Contravening a term, condition or limitation imposed on the member's certificate of registration.
2. Contravening a standard of practice of the profession or failing to maintain the standard of practice expected of members of the profession.
3. Doing anything to a patient for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health-related purpose in a situation in which a consent is required by law, without such a consent.
4. Delegating a controlled act contrary to the Act or the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts.
5. Abusing a patient verbally, physically, psychologically or emotionally.
6. Practising the profession while the member's ability to do so is impaired by any substance.
7. Discontinuing professional services that are needed unless,
 - i. the patient requests the discontinuation,
 - ii. alternative services are arranged, or
 - iii. the patient is given a reasonable opportunity to arrange alternative services.
8. Discontinuing professional services contrary to the terms of an agreement between the member and a hospital, nursing home or other facility or agency that provides health services to the public unless,
 - i. the discontinuation is requested by the hospital, nursing home or other facility or agency,
 - ii. alternative services are arranged, or
 - iii. a reasonable opportunity to arrange alternative services is provided.

9. Practising the profession while the member is in a conflict of interest.
10. Giving information about a patient to a person other than the patient, his or her authorized representative, or the member's legal counsel or insurer, except with the consent of the patient or his or her authorized representative or as required or allowed by law.
11. Breaching an agreement with a patient relating to professional services for the patient or fees for such services.
12. Failing to reveal the nature of a remedy or treatment used by the member following a patient's request to do so.
13. Failing to advise a patient to consult with another health professional when the member knows or ought to know that,
 - i. the patient's condition is beyond the scope of practice and competence of the member,
 - ii. the patient requires the care of another health professional, or
 - iii. the patient would be most appropriately treated by another health professional.
14. Providing a diagnostic or therapeutic service that is not necessary.
15. Failing to maintain the member's practice premises in a safe and sanitary manner.

REPRESENTATIONS ABOUT MEMBERS AND THEIR QUALIFICATIONS

16. Using a term, title or designation in respect of a member's practice contrary to the policies of the College.
17. Using a term, title or designation indicating a specialization in the profession contrary to the policies of the College.
18. Using a name, other than the member's name as set out in the register, in the course of providing or offering to provide services within the scope of practice of the profession.

RECORD KEEPING AND REPORTS

19. Failing to keep records as required by the regulations.
20. Falsifying a record relating to the member's practice.
21. Failing, without reasonable cause, to provide a report or certificate relating to an examination or treatment performed by the member within a reasonable time after a patient has requested such a report or certificate.

22. Signing or issuing, in the member's professional capacity, a document that the member knows contains a false or misleading statement.

BUSINESS PRACTICES

23. Submitting an account or charge for services that the member knows is false or misleading.
24. Failing to disclose to a patient the fee for a service before the service is provided, including a fee not payable by the patient.
25. Charging a block fee unless,
 - i. the patient is given the option of paying for each service as it is provided,
 - ii. a unit cost per service is specified,
 - iii. the member agrees to refund to the patient the unspent portion of the block fee, calculated by reference to the number of services provided multiplied by the unit cost per service.
26. Failing to itemize an account for professional services,
 - i. if requested to do so by the patient or the person or agency who is to pay, in whole or in part, for the services, or
 - ii. if the account includes a fee for a product or device or a service other than a treatment.
27. Selling any debt owed to the member for professional services. This does not include the use of credit cards to pay for professional services.

MISCELLANEOUS MATTERS

28. Contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts.
29. Contravening a federal, provincial or territorial law, a municipal by-law or a by-law or rule of a hospital within the meaning of the *Public Hospitals Act*, if the contravention is relevant to the member's suitability to practise.
30. Influencing a patient to change his or her will or other testamentary instrument for the benefit of the member or anyone not at arm's length from the member.
31. Failing to comply with an order of, or breaching an undertaking given to, the Complaints, Discipline or Fitness to Practise Committees or to the Registrar of the College.
32. Failing to carry out an agreement entered into with the College.

Regulation 852/93: Professional Misconduct

33. Engaging in conduct or performing an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.