



December 1st, 2014

Suzanne McGurn, Assistant Deputy Minister
Health Human Resources Strategy Division
Ministry of Health and Long-Term Care
900 Bay Street
Macdonald Block, 2nd Floor, Room M2-61
Toronto, ON M7A 1R3

Dear Ms. McGurn,

As requested by Minister Hoskins, The College of Dietitians of Ontario (CDO) is pleased to provide this report to you about its current transparency practices and how it intends to enhance those transparency practices over the coming year. CDO supports the idea that all Ontarians should have access to more information to enhance their ability to be informed about the professionals who provide health services. Transparency is a priority objective for CDO and we are committed to continue to increasing transparency in our processes, decision-making as well as with the information we provide about the Registered Dietitians in Ontario.

CURRENT TRANSPARENCY PRACTICES

Transparency has been and continues to be central to all of our activities. We demonstrate transparency in a number of ways. The following description provides a brief overview.

Core Values

Our vision and corporate values anchor our dedication to regulating the profession of dietetics for the benefit of the people in Ontario. The CDO Vision is "People of Ontario can be confident that the College demonstrates regulatory excellence in the public interest." Our corporate values that guide decision making and how we carry out our regulatory work include "Transparency and Accountability". CDO commitment to this vision and values has led us into developing ways to communicate with the public and pull them into the information about the College and the Register of Dietitians.

We invest in public education using both print and on-line advertisements and monitor the inquiries and increasing traffic to our website from the public. We believe that, by exposing the public to the work and resources of the College, the public will have confidence in how we work in their interest.

In the Spring of 2015, CDO will develop a new strategic plan and we fully expect that transparency will remain a core value and that public education will remain an important tactic in realizing our vision.

Council Activities

Council meetings are open to the public and all meetings are advertised on the CDO website. Meeting agendas are posted to inform potential guests and others about the items to be considered by the Council. In October 2014, the CDO Council approved a new transparency policy that will see full council meeting packages posted on the College website. This new policy embodies the core value of transparency and accountability and clearly states that College documents are public documents unless there is a compelling reason to keep them confidential. Criteria have been developed to clarify the limited circumstances when information would be considered confidential, such as personal and health information protected by law. CDO uses its website to make College materials easily accessible by the public and other interested parties. All annual reports, newsletters, by-laws, standards, member policies and all member resources are on-line for all to access. By posting all of its materials and, soon all of its governance and committee policies, on the open website, CDO invites scrutiny from all stakeholders. We strive to earn and maintain public and member trust in all that we do in governing the College and regulating Registered Dietitians in Ontario.

REGISTER OF DIETITIANS IN ONTARIO

A. RHPA requirements

The CDO has had an on-line Register of Dietitians open to the public since 2005. In keeping with section 23 of the *Health Professions Procedural Code*, the Register of Dietitians includes the following information:

- Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.
- The name, business address and business telephone number of every health profession corporation.
- The names of the shareholders of each health profession corporation who are members of the College.
- The terms, conditions and limitations that are in effect on each certificate of registration.

- A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and has not been finally resolved, until the matter has been resolved.
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- The result, including a synopsis of the decision, of every disciplinary and incapacity proceeding, unless a panel of the relevant committee makes no finding with regard to the proceeding.
- A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
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- A notation of every revocation or suspension of a certificate of registration.
- A notation of every revocation or suspension of a certificate of authorization.
- Information that a panel of the Registration, Discipline or Fitness to Practise Committee specifies shall be included.
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- Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
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- Where, during or as a result of a proceeding under section 25, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.

B. Additional By-law Provisions

In addition and in keeping with section 42 of CDO By-Law #1, the Register of Dietitians also includes the following information as applicable:

"42.06 In accordance with the authorization provided by paragraph 14 of subsection 23(2) of the Code and subject to Article 42.07, the following additional information shall be kept in the register of the College:

1. Any change to each member's name which has been made in the register of the College since he or she first became registered with the College.
2. Each member's certificate of registration number.
3. The classes of certificate of registration held by each member and the date on which each was issued.
4. A list of the languages in which each member is capable of practising.

5. The date on which each certificate of authorization was issued by the College.
6. Where a certificate of authorization is revised, a notation of the effective date of the revision.
7. Where a member is engaged in the practice of dietetics in Ontario, the address and telephone number of each location at which the member regularly engages in that practice.
8. Where a member is engaged in the practice of dietetics in Ontario, the name and address of the person or business for whom or through which the member primarily engages in the practice of dietetics in Ontario.
9. Where a member resigned, the date upon which the resignation took effect.
10. Where the College is satisfied based upon reliable information that a person ceased to be a member as a result of his or her death, a notation to that effect and the date upon which the person ceased to be a member if that date is known to the College.
11. Where a member has any terms, conditions or limitations in effect on his or her certificate of registration, the effective date of those terms, conditions and limitations and where applicable, the Committee responsible for the imposition of those terms, conditions and limitations.
12. Where a member has terms, conditions or limitations on his or her certificate of registration varied or removed, the effective date of the variance or removal of those terms, conditions and limitations and where applicable, the Committee responsible for the variance or removal of those terms, conditions and limitations.
13. Where a member's certificate of registration is reinstated, the effective date of the reinstatement and where reinstated by a panel of the Discipline or Fitness to Practise Committee, the name of the Committee responsible for the reinstatement.
14. Where a suspension on a member's certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension and where applicable, the Committee responsible for the lifting or removal of the suspension.

15. Where a certificate of authorization is revoked, suspended, cancelled or otherwise terminated, a notation of the effective date of the revocation, suspension, cancellation or other termination.
16. Subject to Article 42.06.1, where a member's certificate of registration is revoked, suspended, cancelled, or otherwise terminated, a notation of that fact and the effective date and the basis of the revocation, suspension, cancellation, or other termination which shall include but not be limited to circumstances where
 - a) a member's certificate of registration is subject to an interim order of the Executive Committee or the Inquiries, Complaints and Reports Committee;
 - b) a member's certificate of registration is suspended for non-payment of the annual fee or any fee required by the College; or
 - c) a member's certificate of registration is suspended for failure to submit to a physical or mental examination as ordered by a Board of Inquiry or the Inquiries, Complaints and Reports Committee.
- 16.1 Where a member's temporary or provisional class certificate of registration expires, the effective date of the expiry of that class of certificate.
17. Where an allegation of professional misconduct or incompetence has been referred to the Discipline Committee in respect of the member and is outstanding,
 - a) the date of the referral;
 - b) a brief summary of each specified allegation;
 - c) the date of the hearing if the hearing date has been set; and
 - d) the next scheduled date for the continuation of the hearing if the hearing was adjourned to a specific date or if the hearing was adjourned without a specific date, a notation to that effect.
18. Where the question of the member's capacity has been referred to the fitness to Practise Committee and not yet decided,
 - a) a notation of that fact; and
 - b) the date of the referral.
19. Where the results of a disciplinary proceeding are contained in the College's register, the date on which the panel of the Discipline Committee made the finding of professional misconduct or incompetence and the date on which the

panel ordered any penalty.

20. Where a decision of the Discipline Committee has been published by the College with the member's name included in any medium,
 - a) a notation of that fact; and
 - b) identification of the specific publication of the College which contains that information.
21. Where the result of an incapacity proceeding is contained in the College's register, the date on which the panel made the finding of incapacity and the effective date of any order made by the panel.
22. Where a finding of professional negligence or malpractice is contained in the College's register, the information provided by the member who was the subject of the finding including
 - a) the notice of and a description of the finding;
 - b) the date the finding was made against the member;
 - c) the name and location of the court that made the finding against the member; and
 - d) the status of any appeal respecting the finding made against the member.
23. Any information the College and the member have agreed should be included in the register.
24. Any information the College and a health profession corporation to which the College has issued a certificate of authorization have agreed should be included in the register."

Enhanced By-law Considerations

The CDO Legislative Issues Committee has been meeting since early Spring 2014 to consider expanding its by-law provisions to include more information about Registered Dietitians on its on-line Register of Dietitians. The work undertaken by Advisory Group for Regulatory Excellence and its adopted principles on transparency have guided the work of this committee. The Legislative Issues Committee is developing recommendations to the CDO Council related to adding the following information to the Register of Dietitians:

1. Registration status from other professions regulatory bodies in Ontario and other jurisdictions;

2. Discipline history from other professions regulatory bodies in Ontario and other jurisdictions;
3. Charges with respect to federal and provincial offences if they are relevant to dietetic practice or members suitability to practice dietetics;
4. Finding or guilt with respect to federal and provincial offences if they are relevant to dietetic practice or member suitability to practice;
5. Bail conditions if relevant to members ability to practice dietetics in an unrestricted way
6. Undertakings signed by members including agreements to resign (This is the current practice);
7. Verbal cautions for serious matters where it would be meaningful for the public to know;
8. Specified Continuing Education and Remediation (SCERP) until the SCERP is complete.

The CDO Legislative Issues Committee has also considered publication of the names of people who are not members of CDO who illegally use the RD title or who do not respond appropriately to the College's advice about unauthorized use of the RD title.

In reviewing its transparency practices, the College is working closely with the Federation of Health Regulatory Colleges of Ontario (FHRCO).

The timelines for decision making and implementation of decisions related to increasing information on the Register of Dietitians is anticipated as follows:

- Council consideration of new draft by-law provisions expected to result in approval in principle of new provisions: February 13, 2015
- Circulation of draft by-law provisions for consultation March – May 2015
- Council approval of new by-law provisions and related policies: June 26, 2015
- Design of new Register of Dietitians and corresponding data base development with partial implementation as feasible: Summer 2015 – Fall 2016
- Full implementation by November 2016 corresponding with the membership renewal cycle

PROGRAM INFORMATION

Through its website, CDO provides full transparency about its programs and any rights and requirements related to them. CDO has developed and maintains a full parallel website to provide information and resources in French. With few exceptions, all CDO website materials are published in both English and French and all information and resources are equally accessible to the public and members of the College. I especially note the following information to highlight our commitment to transparency.

A Registration

The College reports to the Fairness Commissioner of Ontario at least annually about its registration practices. All CDO fair registration practices reports to OFC are placed on the College's website.

The CDO website is the central source for registration information for potential applicants. Information, resources and forms are available worldwide to all potential applicants. The websites of many other organizations include information about CDO and provide a link to our website. Some examples include:

- The Alliance of Canadian Dietetic Regulatory Bodies;
- Dietitians of Canada;
- The Federation of Health Regulatory Colleges;
- The Internationally Educated Dietitians Pre-Registration Program (IDPP);
- HealthForceOntario;
- The Office of the Fairness Commissioner;

B. Complaints and Investigations Process

For concerns about the services of a dietitian, information about the complaints process are available on the public page of the CDO website. Other available information includes: Protection from Retaliation; Reporting Sexual Abuse, The Formal Investigation and how to write a report or complaint. Aggregate information about results of complaints and reports is published annually in the College annual reports.

Discretionary Disclosure Provisions

The College has the discretion to make information available to appropriate authorities under section 36 of the *Regulated Health Professions Act* (the "Act"). The circumstances where disclosure can be made under these provisions include the following:

- “(a) to the extent that the information is available to the public under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*;
- (b) in connection with the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*, including, without limiting the generality of this, in connection with anything relating to the registration of members, complaints about members, allegations of members' incapacity, incompetence or acts of professional misconduct or the governing of the profession;
- (c) to a body that governs a profession inside or outside of Ontario;

- (d) as may be required for the administration of the *Drug Interchangeability and Dispensing Fee Act*, the *Healing Arts Radiation Protection Act*, the *Health Insurance Act*, the *Independent Health Facilities Act*, the *Laboratory and Specimen Collection Centre Licensing Act*, the *Ontario Drug Benefit Act*, the *Coroners Act*, the *Controlled Drugs and Substances Act* (Canada) and the *Food and Drugs Act* (Canada);
- (e) to a police officer to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- (f) to the counsel of the person who is required to keep the information confidential under this section;
- (g) to confirm whether the College is investigating a member, if there is a compelling public interest in the disclosure of that information;
- (h) where disclosure of the information is required by an Act of the Legislature or an Act of Parliament; and
- (i) if there are reasonable grounds to believe that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons."

In exercising the discretion to disclose information, the College considers the risk of harm that could result if the information is or is not disclosed, any harm to the College's own processes by making disclosure and the fairness to the practitioner. For example, if a practitioner is applying for registration with another regulator (either in Ontario or elsewhere) the College will, where possible, advise the other regulator of any concerns about the practitioner's conduct, competence or capacity.

CDO Inspections

The College does not operate an inspection program.

Accessibility

The College is prepared to use alternative formats and methods to provide employment, products and services to people who have communication challenges and disabilities. Upon request, we will communicate by email or in person if telephone communication is not suitable for the person's communication needs. The College will also provide publications in alternative formats, dependent upon document specifications. The College is committed to meeting the needs of people who use support persons, service animals and assistive devices to access its services and products.

The College is looking forward to working with the Ministry and FHRCO as it pursues these and other transparency initiatives. The CDO is confident that its previous and current transparency activities, as well as the steps currently contemplated by the AGRE to improve information available to the public, demonstrate both a significant commitment to, and significant progress

regarding transparency.

The College of Dietitians of Ontario is committed to using our governing legislation, the Regulated Health Professions Act (RHPA), to protect the public and the public's interest. Indeed CDO continues to take action above and beyond the basic legislative requirements to ensure that it is doing everything reasonably possible to protect the public and earn the public's trust. The College will place this report, along with the letter of October 4, 2014 from Minister Eric Hoskins and your letter of October 28, 2014, on our website as soon as possible.

Sincerely,



Mary Lou Gignac
Registrar & Executive Director

cc John Amodeo, Director
CDO Councillors