

Protecting Patients Act, 2017

How the Act Impacts the College and RDs

The Ontario government passed the *Protecting Patients Act, 2017* (the Act) in May 2017. This legislation affects the *Regulated Health Professions Act, 1991* (RHPA), which sets out the framework for the regulation of the entire health profession sector. The changes to the RHPA listed below have an impact on how we operate as a College, on RDs and the public. [Click here for a full understanding of the Act.](#)

1. DISCIPLINE COMMITTEE & INQUIRIES, COMPLAINTS, AND REPORTS COMMITTEE (ICRC)

- The ICRC can now order an interim suspension of a member's certificate of registration at any time following receipt of a complaint or appointment of an investigator, instead of only when a matter is referred for discipline or incapacity proceedings.
- Touching of a sexual nature of a client's genitals, anus, breast or buttocks will now result in mandatory revocation of an RD's registration for at least five years. This includes:
 - Genital to genital, genital to anal, oral to genital or oral to anal contact.
 - Masturbation of the member by, or in the presence of, the client.
 - Masturbation of the client by the member.
 - Encouraging the client to masturbate in the presence of the member.
 - Touching of a sexual nature of the client's genitals, anus, breasts or buttocks.
- The Minister of Health and Long-Term Care can create regulations to advise a College about how they should investigate and prosecute sexual abuse cases.
- The Discipline Committee and the Inquiries, Complaints

and Reports Committee are prohibited from imposing gender-based restrictions on a member (e.g. a female member can only practise dietetics with female clients) in any case.

2. MANDATORY REPORTING OBLIGATIONS

- The Act has increased the fines for failing to report sexual abuse have increased to \$50,000 for individuals and to \$200,000 for corporations. RDs are required to file a report of sexual abuse if they have reasonable grounds to believe that another RD or health provider has sexually abused a client. The information must be obtained while practicing dietetics and come directly from the client or from another reliable third party. If you obtain the information in a social setting, not in your work setting, you are not required to report it. However, although you are not required by law to report what you have learned in a social setting (unless the abuse was of a child), in the interest of public protection, you may still wish to report it.
- Members must report to the College if they have been charged with an offence, if a court has imposed any bail conditions or other restrictions. The College changed its by-laws to require members to report this information two years ago.
- Members must report if they are registered to practise another regulated profession inside or outside Ontario. They must report any findings of professional misconduct or incompetence by those regulators. The College by-laws already require members to report this information.

3. REGISTER OF DIETITIANS

College by-laws related to the public register will be reviewed and amended to remove any inconsistency with the revised Code provisions listed below:

- More information will remain permanently on the Register of Dietitians, which appears online. All *Specified Continuing Education or Remediation Program(s)* required by the ICRC in decisions released as of May 30, 2017, will be posted permanently to the Register of Dietitians.
- All oral cautions issued by the ICRC in decisions released as of May 30, 2017, will be posted online permanently on the Register of Dietitians.
- A copy of the allegations of every matter referred to the Discipline Committee that has not been fully resolved must be posted, along with the date and status of the referral.
- Discipline findings posted publicly on the Register of Dietitians must contain a synopsis of the finding and of the content of the reprimand (if applicable).
- All Acknowledgment & Undertakings must be posted on the Register of Dietitians until they are fulfilled.
- The date of death of current or former members must be posted, if known.
- The Registrar now has an explicit duty to post all information on the Register of Dietitians promptly.
- The Registrar has a duty to correct information about professional negligence or malpractice findings where the member demonstrates to the Registrar that the information is incomplete or inaccurate.
- After 90 days have passed, information about a finding that the allegations were not proved as a result of a discipline proceeding will be promptly removed from the public register (unless the member requests it stay on longer).
- The Minister is also able to make a regulation requiring additional information be placed on the Public Register.
- Colleges are required to post the dates, agendas and materials for upcoming Council meetings on their websites. If the Registrar anticipates that any of the materials relate to a portion of the hearing that is likely to be closed to the public, that portion of the materials can be withheld, but the Registrar must provide the grounds for withholding it in the package posted.

Although many of our current by-laws, standards, guidelines and policies are already consistent with the changes set out in the *Act*, there is still some work to be done. We will keep members and the public informed as changes are made.