

# Inquiries, Complaints & Reports Committee

## Terms of Reference



### Authority

The Inquiries, Complaints and Reports Committee is a statutory committee. [HPPC<sup>1</sup>, s. 10(1) para 3]

### Mandate, Duties and Powers

The Inquiries, Complaints and Reports Committee has jurisdiction over all CPSO investigations, of which there are three kinds: complaints investigations, Registrar's investigations and incapacity investigations. The Inquiries, Complaints and Reports Committee carries out its mandate, duties and powers in accordance with the HPPC and other applicable law (including administrative law).

The powers of the Inquiries, Complaints and Reports Committee with respect to investigations of complaints and Registrar's investigations include:

- approving the appointments of investigators [HPPC, s. 75(1)(a)];
- conducting investigations, including through staff to whom it may provide investigative direction;
- making interim orders directing the Registrar to suspend or impose terms, conditions or limitations on a Registrant's certificate of registration pursuant to s. 25.4(1) of the HPPC<sup>2</sup>;
- reviewing and disposing of investigations, including as follows:
  - referring a specified allegation of a Registrant's misconduct or incompetence to the Ontario Physicians and Surgeons Discipline Tribunal if the allegation is related to the complaint or the report [HPPC, s. 26(1)];
  - referring a Registrant to a panel of the Inquiries, Complaints and Reports Committee under s. 58 of the HPPC for incapacity proceedings [HPPC, s. 26(1)];
  - requiring a Registrant to appear before a panel of the Inquiries, Complaints and Reports Committee to be cautioned [HPPC, s. 26(1)];

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<sup>1</sup> *Health Professions Procedural Code* ("HPPC"), Schedule 2 to the *Regulated Health Professions Act, 1991* ("RHPA")

<sup>2</sup> Section 25.4(1) is engaged following the receipt of a complaint or following the appointment of an investigator and the Inquiries, Complaints and Reports Committee is of opinion that the conduct of the Registrant exposes or is likely to expose the Registrant's patients to harm or injury.

- requiring a Registrant to complete a specified continuing education or remediation program [HPPC, s. 26(3)];
- taking action it considers appropriate that is not inconsistent with the RHPA, the HPPC, the regulations or CPSO By-laws (for example, directing the negotiation of undertakings). [HPPC, s. 26(1)];
- taking no further action; and
- providing reasons when required in support of its decisions [HPPC, s. 27].

With respect to incapacity investigations, the powers of the Inquiries, Complaints and Reports Committee include:

- making inquiries it considers appropriate [HPPC, s. 59(1)];
- requiring the Registrant to submit to physical or mental examinations [HPPC, s. 59(2)];
- referring a matter to the Fitness to Practise Committee [HPPC, s. 61]; and
- making interim orders directing the Registrar to suspend or impose terms, conditions or limitations on a Registrant's certificate of registration pursuant to s. 62(1) of the HPPC<sup>3</sup>.

### **Reporting**

The Inquiries, Complaints and Reports Committee reports to the CPSO Board of Directors (the Board).

### **Composition**

The Inquiries, Complaints and Reports Committee shall be composed of Registrants and Public Directors, with the number of members on the Inquiries, Complaints and Reports Committee determined annually to meet the needs of the Committee [CPSO By-laws, s. 8.3.1].

### **Term of Appointment**

The term of office of each Inquiries, Complaints and Reports Committee member is up to three years and automatically expires at the close of the third Annual Organizational Meeting of the Board<sup>4</sup> which occurs after the appointment or at such earlier time as the Board specifies in the appointment. [CPSO By-laws, s. 7.6.2] The maximum number of years that a

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<sup>3</sup> Section 62 authorizes a panel of the Inquiries, Complaints and Reports Committee inquiring into a Registrant's capacity to make such an interim order if it is of the opinion that the physical or mental state of the Registrant exposes or is likely to expose the Registrant's patients to harm or injury.

<sup>4</sup> The Annual Organizational Meeting is the Board meeting that takes place between November 1st and December 14th of each year. [CPSO By-laws, s. 6.1.1(a)]

member may serve on the Inquiries, Complaints and Reports Committee is nine years. [CPSO By-laws, s. 7.6.6]

### **Chair and Vice-Chair**

The Chair and Vice-Chair of the Inquiries, Complaints and Reports Committee are members of the Committee appointed by the Board. The term of the Chair is up to two years.

### **Meetings**

The Inquiries, Complaints and Reports Committee will meet as a whole at least twice per year on business and policy matters.

Panels are selected by the Chair of the Inquiries, Complaints and Reports Committee, or their designate, from among its members to investigate complaints filed with the Registrar regarding the conduct or actions of a Registrant or to consider a report that is made by the Registrar. The panels meet as required to consider and determine the disposition of these investigations. [HPPC, s. 25(1)]

Panels are selected by the Chair of the Inquiries, Complaints and Reports Committee, or their designate, from among its members to inquire into whether a Registrant is incapacitated if the Inquiries, Complaints and Reports Committee receives a report from the Registrar, or if a referral is made by a different panel of the Inquiries, Complaints and Reports Committee. [HPPC, s. 58(1)]

Meetings of the Inquiries, Complaints and Reports Committee (including panel meetings) may, at the discretion of the Chair, be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously. [CPSO By-laws, s. 7.7.8]

Members of the Inquiries, Complaints and Reports Committee are expected to regularly attend and actively participate in meetings (including panels to which they are assigned).

The Chair, or their appointee for this purpose ("the presiding officer"), will preside over meetings of the Inquiries, Complaints and Reports Committee (including panel meetings). [CPSO By-laws, s. 7.7.6]

The presiding officer is responsible for recording the meeting deliberations in writing (i.e. minutes). The minutes of a business meeting will be brought to a subsequent Inquiries, Complaints and Reports Committee meeting for acceptance (and corrections, if any), and

once accepted, the minutes are conclusive proof that they accurately reflect the proceedings and deliberations at the prior Inquiries, Complaints and Reports Committee meeting. The minutes of a panel meeting will be reviewed and signed by the presiding and recording officers. Once signed by the presiding and recording officers, the minutes are conclusive proof that the written record accurately reflects the proceedings and deliberations of the panel of the committee. [CPSO By-laws, s. 7.7.9-7.7.11]

### **Quorum**

#### ***Policy/Business Meeting***

A majority of the members of the Inquiries, Complaints and Reports Committee constitutes a quorum. [CPSO By-laws, s. 7.7.5]

#### ***Panel Meeting***

Three members of the Inquiries, Complaints and Reports Committee constitutes a quorum for a panel. Each panel shall be composed of at least three persons, at least one of whom shall be a Public Director. [HPPC, s. 25(2-3)]

### **Decision-Making**

Questions or motions before the Inquiries, Complaints and Reports Committee may be decided by a majority of the votes cast at the meeting (including the presiding officer at the meeting). If there is an equality of votes, the question is deemed to have been defeated. [CPSO By-laws, s. 7.7.7]<sup>5</sup>

### **Compensation**

Committee members who are Registrants are compensated for conducting College business, including committee work and travel time, and are reimbursed for eligible expenses incurred in the conduct of College business, in accordance with and subject to section 12.1 of the CPSO By-laws, and the Board Director and Committee Member Remuneration and Expense Reimbursement Guidelines. [CPSO By-laws, s. 12.1].

Committee members who are Public Directors are compensated by the Minister of Health for expenses and remuneration as determined by the Lieutenant Governor in Council. [HPPC, s. 8]

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<sup>5</sup> For example, where there are only 3 Committee members present, a majority of the votes is 2.

### **Committee Staff Support**

The Inquiries, Complaints and Reports Committee will receive administrative support from the staff within the Investigations and Resolutions Division of CPSO. Administrative support includes scheduling meetings, preparing and distributing meeting materials and assistance with organization and notice of each meeting.

### **Declaration of Adherence**

Each member of the Inquiries, Complaints and Reports Committee must sign a Declaration of Adherence in the form provided by CPSO, which requires committee members to comply with, among other things, fiduciary duty, conflict of interest, confidentiality obligations and CPSO policies.