

Section	Subject	Page
COMPLAINTS & DISCIPLINE	Inquiries, Complaints and Reports Program	1
		Create Date September 7, 2011

Intent/Purpose To provide comprehensive policies governing the Inquiries, Complaints and Reports Program of the College of Naturopaths of Ontario (the College).

Definitions	Inquiries, Complaints and Reports Committee (ICRC)	The statutory committee of the College, which acts through panels, and handles virtually all registrant-specific concerns (e.g., professional misconduct, incompetence, incapacity) from various sources (e.g., formal complaints, mandatory reports, referrals from Quality Assurance Committee (QAC), information coming to the attention of the Chief Executive Officer (CEO)).
	Alternative Dispute Resolution	As defined in ss.1(1) of the <i>Health Professions Procedural Code, Schedule 2 of the Regulated Health Professions Act, 1991 (RHPA)</i> (the Code) means the mediation, conciliation, negotiation, or any other means of facilitating the resolution of issues in dispute.
	CEO	Means the appointed Chief Executive Officer of the College who performs the duties of “Registrar” as set out in section 9(2) of the Health Professions Procedural Code.
	Formal Complaint	To constitute a formal complaint, the following requirements must be met: <ol style="list-style-type: none"> 1. The complaint must be in writing or recorded on a tape, film, disk or other medium. 2. The complainant must be identified. 3. The Registrant must be identifiable. 4. The complaint must identify some conduct or actions that are of concern. 5. The complainant must intend the matter to be a complaint.
	Informal Resolution	The resolution of a matter agreed to by both parties, prior to a formal complaint being submitted to the College.
	Acknowledgement & Undertaking	An agreement by a Registrant to the College to do certain things, or to refrain from doing certain things.
	Incapacity	Incapacity is defined in subsection 1(1) of the <i>Code</i> as follows: <p>“incapacitated” means, in relation to a member, that the member is suffering from a physical or mental condition or disorder that makes it desirable in the interest of the public that the member’s certificate of registration be subject to terms, conditions or limitations, or that the member no longer be permitted to practise;</p>
	Incompetence	Incompetence is defined in ss. 52(1) of the <i>Code</i> as follows:

DATE POLICY APPROVED		DATE LAST REVISED
April 16, 2012		October 5, 2023

A panel shall find a member to be incompetent if the member's professional care of a patient displayed a lack of knowledge, skill or judgment of a nature or to an extent that demonstrates that the member is unfit to continue to practise or that the member's practice should be restricted.

HPARB

The Health Professions Appeal and Review Board, as established under the *Regulated Health Professions Act, 1991*.

General	Legislation	All complaints will be managed in accordance with the <i>Code</i> .
	Confidentiality	<p>Members of the ICRC and ICRC support staff will act in accordance with these policies and the ICRC Procedures Manual.</p> <p>Panel members have a statutory duty of confidentiality, set out in section 36 of the <i>RHPA</i> which provides that members of the ICRC shall preserve secrecy with respect to all information that comes to their knowledge in the course of their duties and shall not communicate any information to any person except to the extent the information is available to the public under the <i>RHPA</i> or in connection with the administration of the <i>Act</i> or as otherwise permitted by the <i>Act</i>.</p>
	Composition of the ICRC and its Panels	The composition of the ICRC is specified in the by-laws of the College and Committee's Term of Reference. A panel must be appointed for each case and must consist of at least three members of the ICRC with at least one of those persons being a public member.
	Quorum	Three members of the panel constitute quorum, regardless of the size of a panel. A referral to discipline without a quorum present is invalid.
	Panel Chair	<p>The Chair of the ICRC (the Chair) acts as a Panel chair and acts as a moderator and ensures that the process is conducted fairly, efficiently and in an orderly fashion in accordance with the law.</p> <p>If the Chair is unavailable or may not participate due to a conflict of interest, the Vice-Chair shall act as a Panel chair. If the Vice Chair is unavailable or may not participate due to a conflict of interest, the Chair appoints either a public or professional member of the ICRC to act as a Panel chair.</p>
	Bias/Conflict of Interest	No member of a panel can have a real or an appearance of bias or conflict of interest. Where an ICRC member has an appearance of or real bias they must declare it to staff and other ICRC members and should excuse themselves from the discussions whenever the matter is tabled.

Panel members must be impartial and disinterested in the outcome of the matter coming before them for decision. Panel members may be disqualified because of actual bias or conflict of interest or because of circumstances that give rise to a reasonable apprehension of bias or conflict of interest, even though actual bias does not exist.

Formal Complaints	Informal Resolution of Pre-Complaint Matters	Prior to the filing of a formal complaint, potential complainants may contact the College with questions or seeking clarification.
		At no time will staff encourage or discourage the making of a formal complaint. Staff shall provide information about the complaint process and any potential for an informal resolution (e.g., suggesting communication between the Registrant and the potential complainant) so that the person can decide for themselves. If the person indicates that they wish to make a complaint, staff shall provide all reasonable assistance to the person.
		Where there is a serious risk of significant harm and no complaint is filed, the matter will be brought to the attention of the Chief Executive Officer.
		Staff must be neutral and impartial at all times. This means not saying or doing anything that suggests that the staff person supports or does not support the filing of a complaint.
		Once a formal complaint has been filed, staff shall not take any action that might be construed as trying to facilitate a resolution of the matter.
	Notice of Receipt to the Complainant	Staff will provide the complainant notice of receipt of the complaint on behalf of the CEO as outlined in section 25(5) of the <i>Code</i> .
	Notice of Complaint to Registrant	Staff will provide the Registrant notice of the complaint on behalf of the CEO as outlined in section 25(6) of the <i>Code</i> .
	Written Submissions	As outlined in section 25(2) of the <i>Code</i> , the Registrant will be given notice that they have 30 days to make written submissions about the complaint.
	Prior History of the Registrant	As outlined in section 26(2) of the <i>Code</i> the ICRC shall, when investigating a complaint, consider all of its prior decisions involving the Registrant.
	Investigations	An investigation must be initiated for all complaints, unless the ICRC decides to take no action on the basis that the complaint is frivolous or vexatious. Investigations may be formal (appointment of investigators) or informal (requesting documentation).
	Staff Involvement in Investigations	Staff shall be neutral and objective in trying to obtain all reasonable and available evidence regardless of whether it supports or undermines the complaint.

		The ICRC and staff are to exercise judgment in determining when it is likely that all reasonable and available evidence has been obtained.
	Appointment of a Formal Investigator	The ICRC has the ability to request the appointment of a formal investigator under s. 75(1)(c) of the <i>Code</i> .
	Powers of a Formal Investigator	A formal investigator has the power to do the following: <ol style="list-style-type: none"> 1. Enter the place of practice of the Registrant and examine records or equipment and, if necessary, copy or remove them. 2. Interview the parties, witnesses or anyone with information related to the matter. 3. Summons witnesses or documents. 4. Obtain a search warrant. 5. Any other actions outlined in the legislation.
Complaints in bad faith	Notice of intent to take no action	If the panel considers a complaint to be frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, it shall give the complainant and the Registrant notice that it intends to take no action with respect to the complaint and that the complainant and the Registrant have a right to make written submissions within 30 days after receiving the notice.
	Decision and Reasons	If the panel is satisfied, after considering any written submissions of the complainant and the Registrant, that the complaint was frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, the panel shall issue a Decision and Reasons to take no action with respect to the complaint. A cover letter shall be sent with the Decision and Reasons advising the parties of their right to seek a review before HPARB.
Withdrawal of Complaints	General	A complaint may be requested to be withdrawn by the complainant at any point in the complaints process and prior to any action being taken by a panel of the ICRC.
	Jurisdiction of the ICRC	Where a complainant requests that a complaint be withdrawn, the ICRC will consider the request and make a recommendation to the CEO as to whether to accept the withdrawal of the complaint before the matter is concluded. The ICRC has jurisdiction to continue to deal with a complaint even if the complainant wishes to withdraw it, if the CEO believes that the withdrawal is not in the public interest.
	Notice to parties	Staff shall give the complainant and the Registrant, within 14 days of the CEO having withdrawn the complaint, notice that the complaint has been withdrawn. If the request to withdraw is declined, staff shall notify the parties of the decision.
CEO's Report	Initiating a formal investigation	If a concern arises that the CEO believes warrants investigation, they shall bring it to the ICRC with a request for the ICRC to approve the appointment of an investigator. If approved by the ICRC, an investigator shall be appointed under section 75(1)a of the <i>Code</i> and shall act in accordance

		with the procedures outlined in section 5 of the <i>ICRC Procedures Manual</i> .
	Emergency Appointments	In accordance with section 75(2) and (3) of the <i>Code</i> , the CEO may, in an emergency, appoint an investigator without first obtaining approval from the ICRC. When doing so, the CEO must report the appointment of the investigator to the ICRC within five days.
	Report of Investigation	Upon conclusion of the investigation, the investigator shall provide a report to the CEO under section 79 of the <i>Code</i> and the CEO shall make a Report to the ICRC under that section.
	Notice of Report to Registrant	Staff will provide the Registrant notice of, and a copy of the Report on behalf of the CEO as outlined in section 25(6) of the <i>Code</i> .
	Written Submissions	As outlined in section 25(2) of the <i>Code</i> the Registrant will be given notice that they have 30 days to make written submissions about the Report.
	Prior History of the Registrant	As outlined in section 26(2) of the <i>Code</i> the ICRC shall, when considering a Report, consider all of its prior decisions involving the Registrant.
Referrals from the QAC	Types of QAC referrals	<p>The QAC may refer matters to the ICRC where:</p> <ul style="list-style-type: none"> • A Registrant has not cooperated with the quality assurance process. • The assessment process of the Quality Assurance Committee has revealed significant concerns in the nature of professional misconduct, incompetence or incapacity. <p>The <i>Code</i> does not permit the QAC to provide to the ICRC evidence related to the QA program (e.g. assessment results) to support its concerns. Rather, the QAC is only permitted to describe the nature of the concerns.</p>
	Appointment of investigators	<p>A Panel of the ICRC may initiate a formal investigation by requesting that the CEO appoint an investigator under clause 75(1)(b) of the <i>Code</i>.</p> <p>Once investigators are appointed, the ICRC shall follow the process for CEO's investigations outlined above.</p>
Interim Orders	Imposing an Interim Order	Where the ICRC panel is of the opinion that the Registrant's conduct exposes or is likely to expose the Registrant's patients to harm or injury, the ICRC may, as soon as a complaint is received or an investigator is appointed by the CEO under s. 75 of the <i>Code</i> , make an interim order directing the CEO to suspend, or to impose terms, conditions or limitations on, a Registrant's certificate of registration.
	Notice to Registrant	As per s. 25.4 of the <i>Code</i> , before making an interim order, the ICRC must give notice of its intention to make the order,

and it must give the Registrant at least 14 days to make written submissions.

Order without Notice An order may be made under s. 25.4(1) of the *Code* without notice to the Registrant, subject to the right of the Registrant to make submissions while the suspension or the terms, conditions or limitations are in place, if the ICRC is of the opinion, on reasonable and probable grounds, that the conduct of the Registrant exposes or is likely to expose the Registrant's patients to harm or injury and urgent intervention is needed.

Varying Interim Orders Where new information comes to the attention of the College that increases or decreases the level of concern for the welfare of the public, or the Registrant requests a variation because of a change of circumstances, the ICRC has the authority to vary the order. The process for making the variations to the order may be similar to the process for the original order.

Decisions and Reasons	Writing, Approving and Issuing Reasons	Following the investigation of a complaint, a panel of the ICRC will consider the complaint and results of the investigation and will decide to do one or more of the following: <ul style="list-style-type: none">• Take no further action;• Counsel the Registrant in writing;• Caution the Registrant before a panel of the ICRC;• Direct or accept an undertaking by the Registrant;• Require the Registrant to complete a Specified Continuing Education or Remediation Program;• Refer the matter to the Discipline Committee;• Refer the matter to the Fitness to Practise Committee;• Other action consistent with the legislation.
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Unless the matter is referred to the Discipline or Fitness to Practise committee, a formal written Decision and Reasons for the decision will be drafted with the assistance of staff and approved by the panel of the ICRC.

Notice of Decision and Reasons After disposing of a complaint or a CEO's report, the panel must give the complainant (if there is one) and the Registrant:
(a) a copy of its decision and reasons; and
(b) if the matter was a complaint, a notice advising the Registrant and the complainant of any rights to request a review before the Health Professions Appeal and Review Board.

Where a matter is to be referred to the Discipline Committee, or for incapacity proceedings, a letter outlining the panel's decision will be provided to both the complainant and the Registrant. Reasons for the referral for these decisions will not be included as the matter is still considered to be "in process".

Although staff may assist in the drafting of notification letters, the decisions and reasons for the decisions are those of the panel of the ICRC and not of staff.

Alternate Dispute Resolution (ADR)	General	<p>In accordance with section 25 of the Code, a Formal Complaint may be referred to an ADR process by the CEO if the matter is eligible and with consent of both the Complainant and the Registrant.</p> <p>All Formal Complaints will be managed in accordance with the Code and the ADR program policy.</p>
Disposition by Acknowledgement and Undertaking	General	<p>The College is of the view that an undertaking in a complaints matter or CEO's Report is not ADR as defined in the <i>Code</i>. An undertaking is an agreement that helps the ICRC to determine that disciplinary or other formal action is not needed.</p>
	Procedures for obtaining an Acknowledgement and Undertaking	<p>The Acknowledgement and Undertaking may be prepared by staff or legal counsel as per the ICRC's directions.</p> <p>The Registrant shall be provided an opportunity to respond to the proposed undertaking. If there is a substantive change proposed by the Registrant, staff shall bring it to the ICRC for consideration.</p> <p>Where the Registrant declines to agree to an undertaking, the ICRC shall proceed with its deliberations regarding the matter.</p>
Referral to Discipline	General	<p>A matter warrants referral to discipline if both of the following criteria are met:</p> <ol style="list-style-type: none"> 1. The concerns are serious enough to warrant a referral to discipline; and 2. The evidence is sufficiently strong to provide a reasonable prospect of a finding of professional misconduct or incompetence by the Discipline Committee.
	Specified Allegations	<p>Where the ICRC concludes that a matter should be referred to discipline, it must specify the allegations to be referred to the Discipline Committee.</p>
Reviews before HPARB	General	<p>In complaint matters either party can seek a review of the ICRC's decision unless the decision was to refer the matter to discipline or for an incapacity inquiry.</p>
	Record of Investigation Attendance of case conferences and reviews	<p>At the request of HPARB, a complete Record of Investigation, including any and all correspondence, documents and things upon which the decision was based shall be prepared by staff and provided to the Board.</p> <p>Staff and, where necessary, legal counsel shall attend case conferences and reviews, as required by HPARB.</p>
	Decision of HPARB	<p>After conducting a review of a decision, HPARB may do any one or more of the following:</p> <ol style="list-style-type: none"> 1. Confirm all or part of the decision. 2. Make recommendations HPARB considers appropriate to the ICRC. 3. Require the ICRC to do anything the Committee or a panel may do under the health profession Act and this Code except to request the CEO to conduct an investigation.

Incapacity	Initiating capacity inquiries	<p>An incapacity concern may be brought to the ICRC by one of two routes:</p> <ul style="list-style-type: none"> • The CEO Where the CEO believes that a Registrant may be incapacitated, the CEO is obliged to make appropriate inquiries and then make a report of the results of those inquiries to the ICRC as per s. 57 of the <i>Code</i>. • A panel of the ICRC One of the dispositions available to the ICRC when considering a complaint or a CEO's Report is to refer the Registrant to a panel of the ICRC under paragraph 26(1).2 of the <i>Code</i> for incapacity proceedings. The file of the first ICRC panel (or at least those portions relevant to the incapacity concern) shall included with the referral.
	Inquiries by the ICRC	<p>The ICRC is given a broad mandate to conduct inquiries, and may:</p> <ul style="list-style-type: none"> • request information from or interview the Registrant; • review information about the Registrant in other College files; • review any information publicly available; • interview witnesses of the Registrant's conduct; • obtain medical charts with respect to the Registrant and reports from practitioners treating the Registrant, usually after obtaining a signed consent from the Registrant; and • obtain copies of documents from public sources (e.g., court files), and law enforcement agencies. <p>The ICRC has the authority to compel an incapacity examination and shall do so in accordance with section 58 and 59 of the <i>Code</i>.</p> <p>The Registrant may make a submission objecting to the examination or the person selected to conduct the examination.</p> <p>Once the decision has been made to compel an incapacity examination a notice of the decision and reasons will be provided to the Registrant. In accordance with section 59. (2) of the <i>Code</i>, if the Registrant does not cooperate with the incapacity examination, the ICRC may suspend their certificate of registration until the Registrant complies.</p>
	Report of Inquiries	<p>Once its inquiry is completed, staff for the ICRC shall prepare a report of the results of the inquiry for ICRC approval. The report shall contain copies of all of the information gathered and must include a copy of any incapacity examination report obtained. A copy of the report containing the results of the inquiry is provided to the Registrant for comments.</p>
	Disposition by the ICRC	<p>A matter warrants a referral to the Fitness to Practise Committee if the following criteria is met:</p>

1. The Registrant has taken no steps with regard to their capacity to safeguard the patients;
2. The incapacity concern serious enough to warrant a hearing;
3. There a reasonable prospect of proving that the Registrant is incapacitated.

Transparency and
Public Access

General

As part of its transparency initiative, staff ensures that the public has access to appropriate information about complaints and discipline proceedings. The following information related to the program is posted on the website and regularly reviewed and updated:

- Complaints process;
- Fillable PDF and online complaint form;
- Anonymized summary of complaints and reports. Summaries remain available on the website for 24 months after the ICRC has issued its decision in the matter.

Public Register

The following information is recorded in the Public Register in accordance with the *Code* and the College's by-laws:

- The terms, conditions and limitations that are in effect on each certificate of registration. Where terms, conditions or limitations on a Registrant's certificate of registration have been varied or removed, and the effective date of the variance or removal of those terms, conditions and limitations.
 - A notation and summary of every caution that a Registrant has received from the ICRC and any specified continuing education or remedial programs required by the ICRC.
 - A notation of every matter that has been referred by the ICRC to the Discipline Committee and that has not been finally resolved, including the date of the referral, specified allegations and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved.
 - A notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the ICRC that a Registrant has entered into with the College.
 - Where the Registrant's certificate of registration is subject to an interim order, a notation of that fact; the nature of the order; and the date that the order took effect and ceased (if applicable).
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