



Mandatory Reporting Guidelines

January 2023





The *Health Professions Act* (HPA) outlines situations of mandatory reporting. These requirements extend to the regulated member and employers of regulated members. All reporting requirements are underlaid with the public interest in mind. Non-compliance with mandatory reporting requirements may result in a professional conduct matter.

Please use the following as a guideline to understand the reporting obligations under the HPA.

EMPLOYER REPORTING

As per section 57 of the HPA states that an employer must notify the Complaints Director of the College as soon as possible:

- (i) if they have terminated or suspended a regulated member, or if the regulated member resigns, as a result of behaviour that the employer deems to constitute unprofessional conduct; and/or
- (ii) if they have reasonable grounds to believe that the conduct of a regulated member in their employ, constitutes unprofessional conduct in the forms of sexual abuseⁱ and/or sexual misconductⁱⁱ as defined in the HPA. This is irrespective of the regulated member's employment repercussions.

Please note that the definition of employment is not restricted to paid employment and includes, but is not limited to, situations of unpaid employment, consulting, contracting, and volunteering.

SELF-REPORTING

As per section 127.1 of the HPA, regulated members have a legal obligation to report any of the following to the College Registrar:

- ☒ if the regulated member is a regulated member of more than one College, the regulated member must report to all other applicable Colleges, as soon as reasonably possible, a decision of unprofessional conduct that has been levied against them by any applicable College. The regulated member must supply a copy of the decision to the Registrar.
- ☒ if a regulated member is found to have committed unprofessional conduct in another jurisdiction, by a governing body of a similar profession, the regulated member must report and provide a copy of the decision to the Registrar.
- ☒ if a regulated member has had a finding of professional negligence made against them, the regulated member must report that to the Registrar in writing as soon as reasonably possible.
- ☒ If the regulated member has been charged with or convicted of an offense under the *Criminal Code* (Canada), the regulated member must report it in writing to the Registrar as soon as reasonably possible.

As per the Standards of Practice, regulated members are required to report the following to the Registrar of the College or other appropriate regulatory authority:

- ☒ if their fitness to practice is compromised because of a medical, physical, cognitive, mental, or emotional condition(s) or because of an addiction, a communicable disease, or drug/alcohol impairment.
- ☒ the loss or restriction of professional practice privileges granted by an administrative authority (e.g., where an employer or College places practice restrictions or conditions on a dentist's practice).



REPORTING OF OTHER REGULATED MEMBERS

As per section 127.2(1) of the HPA, regulated members are required to report the following to the College Registrar:

- ☒ to report any other regulated member, from within the same College or not, for which they have reasonable grounds to believe that the conduct of the other regulated member constitutes sexual abuse and/or sexual misconduct.
- ☒ To report to the College, or other applicable regulatory authority, if they have reasonable grounds to believe that the conduct of another regulated member of any College constitutes the procurement or performance of female genital mutilation.

As per the Standards of Practice, regulated members are required to report the following to the Registrar of the College or other appropriate regulatory authority:

- ☒ a qualified individual, if the regulated member has reasonable grounds to believe that the qualified individual is practicing the profession without College registration or a valid practice permit.
- ☒ a regulated member who is practicing outside of their College's imposed practice restrictions, limitations, or conditions.
- ☒ if they feel that another health professional or a colleague's fitness to practice is or may be compromised because of a medical, physical, cognitive, mental, or emotional condition(s) or because of an addiction or drug/alcohol impairment.

where a dentist has repeatedly demonstrated that they are or may be unable to provide competent and safe patient/client services or care. In these circumstances, the reporting person must believe that the services and/or care falls below professionally expected standards and benchmarks and could reasonably be considered unprofessional practice or conduct.

Please note that:

- ☒ reasonable grounds must be formed in the course of the reporting member acting in their own professional capacity
- ☒ an exception to the above exists in that there is no reporting obligation if the regulated member becomes aware of the sexual abuse and/or sexual misconduct, or female genital mutilation, as a result of providing professional services to the regulated member who discloses the conduct.

ⁱ Sexual Abuse means the threatened, attempted or actual conduct of a regulated member towards a patient that is of a sexual nature and includes any of the following conduct:

- (i) Sexual intercourse between a regulated member and a patient of that regulated member;
- (ii) Genital to genital, genital to anal, oral to genital, or oral to anal contact between a regulated member and a patient of that regulated member;
- (iii) Masturbation of a regulated member by, or in the presence of, a patient of that regulated member;
- (iv) Masturbation of a regulated member's patient by that regulated member;
- (v) Encouraging a regulated member's patient to masturbate in the presence of that regulated member;
- (vi) Touching of a sexual nature of a patient's genitals, anus, breasts or buttocks by a regulated member.

ⁱⁱ Sexual misconduct means any incident or repeated incidents of objectionable or unwelcome conduct, behavior or remarks of a sexual nature by a regulated member towards a patient that the regulated member knows or ought reasonably to know will or would cause offense or humiliation to the patient or adversely affect the patient's health and well-being but does not include sexual abuse.