

Fitness to Practise Committee – Terms of Reference

MANDATE

The Fitness to Practise Committee is a statutory committee whose role is set out in the Health Professions Procedural Code which is Schedule 2 of the *Regulated Health Professions Act, 1991* (RHPA).

The Fitness to Practise Committee is mandated to ensure protection of the public interest by appointing a panel from among the members of the Committee to hear and determine allegations of incapacity against a member of the College referred to the Fitness to Practise Committee by the Inquiries, Complaints and Reports Committee.

Although the Fitness to Practise Committee is a committee of the College it is independent of the College. It fairly and impartially holds closed hearings between the College and registrants of the College.

POWERS AND RESPONSIBILITIES

The Fitness to Practise Committee shall:

- 1) Review and update all policies and documents of the College with regard to the Fitness to Practise process;
- 2) Conduct closed hearings, by way of panels, on specified allegations of a registrant's capacity to practise the profession as referred by the Inquiries, Complaints and Reports Committee;
- 3) Conduct closed hearings, by way of panels, of a registrant's application for variation of a term, condition and/or limitation imposed on a certificate of registration or applications for reinstatement following the revocation or suspension of a certificate of registration if the Certificate was restricted due to incapacity;
- 4) Make an order(s) in accordance with section 69 of the Code, if a panel finds a registrant to be incapacitated;
- 5) Issue written decisions and reasons and provide a copy to applicant and Registrar, and to ensure that findings of a hearing are made public;
- 6) Ensure that documents and things put into evidence at a hearing are released to the person who produced them, on request, within a reasonable time after the matter has been finally determined.

ADMINISTRATIVE DUTIES

The Fitness to Practise Committee shall:

- 1) Meet at least one (1) time per year to ensure the proper functioning of the Fitness to Practise Committee;
- 2) Maintain minutes of its meetings in which shall be recorded all decisions and actions taken by it;
- 3) Report its actions to Council at each Council meeting or more frequently if needed;
- 4) Submit annually a report of its activities to the Council of the College;
- 5) Maintain a handbook to standardize the incapacity process.

MEMBERSHIP

COMMITTEE

The Fitness to Practise Committee shall be comprised of every member of Council and one (1) or more members who are not members of Council if Council so wishes. The Chair of the Council shall be designated as *ex-officio* member of the Committee.

Unless stated otherwise in the by-laws, and subject to the Code and Regulations, the Council may constitute every Committee of the College as it deems necessary or advisable, from time to time. Any member of any such Committee may be removed from a Committee at any time at the discretion of the Council.

PANELS

Panels of the Fitness to Practise Committee shall be appointed by the Chair of the Fitness to Practise Committee and shall be comprised of at least three (3) members of the Fitness to Practise Committee, at least one (1) of whom shall be a publicly appointed member of the Council. The Chair of Fitness to Practise Committee shall, at the time of appointing a panel designate one (1) member of the panel as the Panel Chair.

No member shall be selected for a panel who has taken part in the investigation of what is to be the subject-matter of the panel's hearing or who has taken part in the matter before the Inquiries, Complaints and Reports relating to the same member who is the subject of the panel's hearing.

If a member of the Fitness to Practise Committee is appointed to a panel and the member ceases to be a member of the Fitness to Practise Committee after the hearing has commenced, the member shall remain a member of the panel until the final disposition of the hearing.

CHAIR OF THE COMMITTEE

Council shall appoint the chair of the Fitness to Practise committee.

QUORUM

A simple majority of members of the Fitness to Practise Committee, that includes at least one (1) member of the Fitness to Practise Committee who is an elected professional member of Council and one (1) member of the Fitness to Practise Committee who is a publicly appointed member, shall constitute a quorum for decision-making for a meeting.

Quorum for panels of the Fitness to Practise Committee is constituted with three (3) members of a panel.

DECISION MAKING

The Fitness to Practise Committee and panel of the Fitness to Practice Committee will endeavour to arrive at decisions by consensus and all members may contribute to the consensus-making process. Where a decision cannot be reached by consensus, the decision shall be made by a majority of the votes cast by all members present. The Chair of the Council, as *ex-officio*, does not have voting privileges.

CONFIDENTIALITY

Every member of the Fitness to Practise Committee shall preserve confidentiality with respect to all information that comes to their knowledge in the course of their duties and shall not communicate any information to any other person.

EVALUATION

The Fitness to Practise Committee terms of reference shall be reviewed every two (2) years and amended where necessary, for example in response to statutory, regulatory or policy amendments. Any amendments to the terms must be approved by Council.