



College of Respiratory
Therapists of Ontario

Ordre des thérapeutes
respiratoires de l'Ontario

By-Law 3: Membership

Approved by Council: March 3, 2023

By-Laws are approved by Council and form part of the operational guidelines for CRTO staff to administer the policies, regulations and legislation.

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1. DEFINITIONS

1.01 In this By-Law, and in any other By-Law of the CRTO, unless otherwise defined or required by the context of the specific provision, the following words and phrases shall have the meanings set out below:

Act

The *Respiratory Therapy Act, 1991*, as amended from time to time and the regulations made under it

Code

The *Health Professions Procedural Code*, being Schedule 2 of the *Regulated Health Professions Act*

CRTO

The acronym for the College of Respiratory Therapists of Ontario

Fees

The fees payable to the CRTO by a member or applicant

Member

Unless further defined, or the context indicates otherwise, is an individual who holds a certificate of registration with the CRTO

Panel

A sub-group of a Committee of the CRTO

Policies and Procedures

The documented processes or courses of action undertaken by the CRTO in response to recurring issues

Proceeding

Any action or process undertaken related to the investigation, hearing or restriction (i.e., terms, conditions and limitations (TCLs) or suspension of a certificate of registration) of a Member's practice

Profession

The profession of Respiratory Care or Respiratory Therapy

Registrar

Person hired by the Council to act as Chief Executive Officer for the CRTO as required by the *Code* and as described in By-Law 1: General CRTO Administration, Article 4; includes a person

appointed as Acting Registrar by the Council during a vacancy in the office of the Registrar or during the disability or prolonged absence of the Registrar

Respiratory Therapist

A Member of the CRTO

Respiratory Therapy

As defined in the *Act* as the providing of oxygen therapy, cardio-respiratory equipment monitoring and the assessment and treatment of cardio-respiratory and associated disorders to maintain or restore ventilation; includes the practice of Respiratory Care

RHPA

The *Regulated Health Professions Act, 1991*, as amended from time to time and includes the *Code*

2. THE REGISTER

2.01 The Registrar shall maintain a register in accordance with section 23 of the *Code* and in accordance with Regulation 261/18 made under the *RHPA*.

Additional Information in the Register

In addition to the information set out in subsection 23(2) of the *Code*, the Register shall contain the following publicly available information:

- 2.02** If there have been any changes to the Member's name since the date of the Member's initial application for registration, the former name(s) of the Member;
- 2.03** The name, address and telephone number of every employer for whom the Member is employed as a respiratory therapist and, if the Member is self-employed as a respiratory therapist, the address and telephone number of every location where the Member practices other than addresses of individual clients;
- 2.04** For each practice location the area of practice identified by the Member as their "main area of practice";
- 2.05** The language(s) in which the Member is able to provide respiratory therapy services;
- 2.06** The Member's registration number;
- 2.07** The Member's current registration status;
- 2.08** The date on which the Member's current certificate was issued and cessation or expiration date;
- 2.09** If the Member ceased to be a Member, a notation specifying the reason for the cessation of Membership and the date on which the Member ceased to be a Member;

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- 2.10** Where a Member has been charged with an offence under the *Criminal Code of Canada*, *Health Insurance Act*, *Controlled Drugs and Substances Act (Canada)*, or any other charge that relates to the Member's suitability to practise, the fact and content of the charge, the date and place of the charge, where applicable bail conditions, and, where known the date and outcome of the charge(s);
- 2.11** Information about a finding by a court that the Member has been found guilty of an offence under the *Health Insurance Act*, or any other offence that relates to the Member's suitability to practise, including:
- i. the date and a summary of the finding,
 - ii. the date and the sentence imposed, if any, and
 - iii. where the finding is under appeal, a notation to that effect;
- 2.12** Any information jointly agreed to be placed on the register by the CRTO and the Member;
- 2.13** The name and location of practice, if known, of individuals reported to the CRTO for holding themselves out as respiratory therapists or as qualified to practise as a respiratory therapist or in a specialty of respiratory therapy, in accordance with S.9 of the *Respiratory Therapy Act, 1991*.

Considerations

- 2.14** In the event that the Member is not employed or not self-employed as a respiratory therapist a notation shall be made on the register to indicate the Member does not have a business address.
- 2.15** In the event that the Member's business address is the same as the Member's residential address, the Member shall provide a designated business address if the Member does not want their residential address to be posted as their business address for the purposes of the CRTO's public register.
- 2.16** Information that is subject to a publication ban shall not be placed in the register.

3. DUTY TO PROVIDE INFORMATION

- 3.01** In addition to the information listed in Articles 2.01 to 2.16 of this By-law, if requested in a manner determined by the Registrar, Members shall immediately provide the following information about the Member to the CRTO:
- a) address and phone number of primary residence;
 - b) date of birth;
 - c) languages spoken;
 - d) preferred email address;
 - e) information related to entry to practice examination results;
 - f) information related to respiratory therapy or related education;
 - g) information related to employment history;

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- h) proof of professional liability insurance;
- i) employment information for each practice location, including:
 - i. title and position;
 - ii. employment category and status;
 - iii. name of supervisor;
 - iv. employer facsimile number;
 - v. a description of respiratory therapy activities; and
 - vi. areas of practice.
- k) information for the purpose of Ministry health human resources planning as required under section 36.1 of the *RHPA*;
- l) information about participation in the Quality Assurance Program;
- m) information about any charge on or after January 1, 2016:
 - i. under the *Criminal Code of Canada*, including any bail conditions;
 - ii. under the *Health Insurance Act*;
 - iii. related to prescribing, compounding, dispensing, selling or administering drugs;
 - iv. that occurred while the member was practicing or that was related to the practice of the member (other than a municipal by-law infraction or an offence under the *Highway Traffic Act*);
 - v. relating to the member's impairment or intoxication; or
 - vi. any other charge or offence relevant to the member's suitability to practise the profession.
- n) information about any finding by a court made after June 3, 2009 of professional negligence or malpractice against the member;
- o) information regarding professional registration and conduct; and
- p) information related to professional corporations as required by section 23(2) of the *Code* and Article 5 of this By-Law.

3.02 Within thirty (30) days of the effective date of the change, Members shall notify the CRTO in writing of any change in the information provided on their previous registration renewal form or application for registration form, including:

- a) name(s);
 - i. The Member must provide information satisfactory to the Registrar confirming that the Member has legally changed their name; and
 - ii. The Registrar must be satisfied that the name change is not for any improper purpose.
- b) address and telephone number of the member's primary residence;

- c) member's business name, address telephone and facsimile number;
- d) preferred email address;
- e) employment status;
- f) conduct information as noted in Article 3.01(m-o) of this By-law; and/or
- g) information related to professional corporations as required by section 23(2) of the *Code* and Article 5 of this By-Law.

4. FEES

Schedule of Fees

4.01 The CRTO shall maintain a Schedule of Fees that is available on the CRTO's website.

Application Fees

4.02 There is a non-refundable application fee for a General, Graduate or Limited certificate of registration.

4.03 A Member applying for a change in class of certificate of registration shall be exempt from paying the application fee.

Annual Fees

4.04 In this Article, "fiscal year" means the CRTO's membership year that begins on March 1 and ends on the last day of the following February.

4.05 Every Member shall pay the annual fee before March 1 of each year.

4.06 For applicants who have been approved for registration with the CRTO, the annual fee for a General, Graduate or Limited certificate of registration is prorated on a quarterly basis, as defined in the Schedule of Fees.

4.07 Where a Member holding an Inactive certificate of registration is reissued a General or Limited certificate of registration, in accordance with the Registration Regulation and the By-Laws, the annual fee for the year in which the General or Limited certificate is reissued is prorated on a quarterly basis.

4.08 The Registrar shall notify each Member of the amount of the annual fee and the day on which the fee is due. The Member's obligation to pay the annual fee remains even if the Member fails to receive such notice.

Late Penalty Fee

- 4.09** If a Member registered with a General, Graduate or Limited certificate of registration fails to pay the annual fee on or before the day on which the fee is due, the Member shall pay a penalty fee in addition to the annual fee.
- 4.10** If a Member registered with an Inactive certificate or registration fails to pay the annual fee on or before the day on which the fee is due, the Member shall pay a penalty fee in addition to the annual fee.
- 4.11** If a Member fails to submit the completed registration renewal by the date it is due, then the Member shall pay a penalty as if the Member had failed to pay the annual fee on time.
- 4.12** If a Member fails to complete any obligation outlined in the CRTO Professional Development Program Policy by the established deadline, one post-deadline reminder will be sent by the CRTO. If the Member does not complete the obligation within 15 days of the sent date of the reminder notice, they will be charged a penalty fee as outlined in the CRTO Schedule of Fees.

Reinstatement Fee

- 4.13** There is a fee for reinstating a certificate of registration that has been suspended under subsection 65(1) of the regulation or section 24 of the *Code*.

Other Fees

- 4.14** Where consideration of an application for a certificate of registration involves an evaluation by the CRTO of the applicant's educational program, additional training, or experience, the applicant shall pay an evaluation fee, as set in the Schedule of Fees.
- 4.15** A fee shall be payable by a Member where payment is made by cheque, and the cheque is returned to the CRTO due to insufficient funds.
- 4.16** At renewal time, if a payment with non-sufficient funds (NSF) is received by the CRTO on March 1, an additional late penalty fee may be charged.

Fee Refunds

- 4.17** A fee paid under this Article is non-refundable with the following exceptions;
- 4.18** The Registrar shall issue a refund to a member who has paid the annual fee and,
- a) who resigns their General, Graduate or Limited certificate between March 1 and November 30;
 - b) who changes their General or Limited certificate to Inactive between March 1 and November 30; or
 - c) whose Graduate certificate expires between March 1 and November 30.

- 4.19** The amount of the refund will be equal to the annual fee paid *minus* the following:
- 25% of the annual fee paid – if the change in membership occurs between March 1 and May 31
 - 50% of the annual fee paid – if the change in membership occurs between June 1 and August 31
 - 75% of the annual fee paid – if the change in membership occurs between September 1 and November 30.

Fee Increases

- 4.20** At each fiscal year, the fees set out in the Schedule of Fees shall be increased by an amount to offset increases in the Cost of Overhead and Operations (COO). That amount shall meet or exceed the percentage increase, if any, in the Consumer Price Index for goods and services in Ontario as published by Statistics Canada or any successor organization, unless Council decides to waive a fee increase for that year.

5. PROFESSIONAL INCORPORATIONS

- 5.01** There is a fee for the issuance of a certificate of authorization, including for any reinstatement of a certificate of authorization, of a professional corporation.
- 5.02** There is a fee for the annual renewal of a certificate of authorization.
- 5.03** There is a fee for the issuing of a document or certificate respecting a professional corporation.
- 5.04** Every member of the CRTO shall, for every professional corporation of which the member is a shareholder, provide in writing the following information on the application and annual renewal forms, upon the written request of the Registrar within fifteen (15) days and upon any change in the information within fifteen (15) days of the change:
- (1) the name of the professional corporation as registered with the Ministry of Government and Consumer Services;
 - (2) any business names used by the professional corporation;
 - (3) the name, as set out in the register, and registration number of each shareholder of the professional corporation;
 - (4) the name, as set out in the register, of each officer and director of the professional corporation, and the title or office held by each officer and director;
 - (5) the head office address, telephone number, facsimile number and email address of the professional corporation;
 - (6) the address and telephone number of the major location or locations at which the professional services offered by the professional corporation are provided; and
 - (7) a brief description of the professional activities carried out by the professional corporation.

- 5.05** The information specified in Article 5.04 of this By-Law is designated as public for the purposes of paragraph 4 of subsection 23(3) of the *Code*.
- 5.06** The Registrar may issue a revised Certificate of Authorization to the corporation if the corporation changes its name after the certificate of authorization has been issued to it and provides proof of name change to the Registrar.

6. PROFESSIONAL LIABILITY INSURANCE

- 6.01** A Member engaging in the practice of respiratory therapy shall carry professional liability insurance with the following characteristics:
- a) the minimum coverage shall be no less than \$2,000,000 per occurrence;
 - b) the aggregate coverage shall be no less than \$4,000,000;
 - c) if coverage is through a “claims made” policy, an extended reporting period provision of at least two (2) years;
 - d) any deductible must be \$1,000.00 or less per occurrence;
 - e) any exclusionary conditions and terms must be consistent with standard industry practice with respect to insurance of this type;
 - f) the insurer must be licensed with the Financial Services Commission of Ontario or the Office of the Superintendent of Financial Institutions of Canada; and
 - g) the Member must be personally insured under the insurance policy.

Sexual Abuse Therapy and Counselling Fund Endorsement

- 6.02** The professional coverage must include proof of a sexual abuse therapy and counselling fund endorsement that,
- a) provides coverage for therapy and counselling for every person eligible for funding under subsection 85.7(4) of the *Code*; and
 - b) provides coverage, in respect of each such eligible person, for the maximum amount of funding that may be provided for the person under the *Regulated Health Professions Act, 1991*, for therapy and counselling as a result of sexual abuse by the Member.