



Message from the Council Chair

Feedback received on the winter edition of *Making Connections* is most appreciated. The majority of this feedback indicated that registrants wished to understand more about the work of the NLCHP and the office operations. We want to make this newsletter a hub for registrant information and will work hard to meet registrant needs with respect to registration and regulation.

In 2015, NLCHP registrants were required to complete supplemental education for registration related to the requirements for privacy and confidentiality in this province. Understanding that legislation is only one aspect of privacy, the Quality Assurance Committee and NLCHP staff during the past year developed a resource manual on privacy, confidentiality and consent considerations. This manual contains the principles of privacy as well as a health professional's responsibility with respect to collection, use and disposal of client information. Colleges have adopted the manual and during 2016 will take on the responsibility for educating their members on the College approved guidelines and registrant responsibilities.

Over the past months the Registration Committee and the Colleges also reviewed the requirements for supervision of registrants awaiting results of registration/certification exams, re-entering practice and supervision required as a result of quality assurance and/or discipline processes. One of the main objectives of any supervision policy is to ensure that supervision is provided by a supervisor/mentor who understands their role and responsibility, and who will ultimately provide the appropriate feedback on the registrant's performance. The colleges are developing their guidelines regarding their required supervisor/mentor roles and responsibilities, and once completed this information will be communicated to registrants by their college.

As a number of registrants also indicated a desire to understand the NLCHP complaint management process, the focus for this edition is on complaints management.

Colin Power BSc, MLT
NLCHP Chair

Complaints Management

It's fair to say that individuals take pride in their work and generally believe they are doing a good job. Having an allegation of incompetence, professional misconduct, and/or unprofessional behaviour lodged against a health professional can be devastating.

Furthermore, professionals have a responsibility to identify when colleagues may be falling short of what is expected in their designated profession. How would you feel if a colleague made a complaint

about your practice but had not identified the shortfall to you so that you had an opportunity to address the issue first?

If you have observed or have objective evidence of a concern with a colleague's practice, you should contact the NLCHP and discuss the matter with the Registrar to verify if the concern is of a professional nature and could be considered conduct deserving of sanction. The Registrar can often provide advice that assists in addressing the concern, and can avoid a registrant having to make a formal allegation against a colleague. Where the concern is not resolved or of a serious nature, the registrant will then be obligated to put their concern in writing.

Making a Complaint or Allegation

Allegations can be made by a member of the general public, a colleague, an employer, your college or the Registrar. Allegations MUST be in writing and will be followed up by the Registrar.

How does the Registrar follow-up the allegation?

- The Registrar acknowledges the allegation with the complainant and notifies the registrant of the allegation.
- The Registrar sends a copy of the allegation to the registrant and asks that the registrant respond to the allegation.
- Depending on the nature of the allegation and the response from the respondent, the Registrar determines if there is a need to seek additional information (i.e. from the complainant, the respondent, employer, and other witnesses).
- Based upon the outcome of these communications, and the nature of the allegation the Registrar may refer the allegation directly to the Complaints Authorization Committee (CAC) or seek the consent of the complainant and the registrant to work to resolve the allegation.

The Complaints Authorization Committee (CAC)

Members of the NLCHP governing Council form the CAC. The CAC has the power to deal with an allegation but can also refer the allegation to the Quality Assurance Committee or to a disciplinary hearing. Disciplinary hearings are adjudicated by a member of the general public and two (2) health professional representatives from your college who are not current members of the NLCHP governing Council. This group is also considered the adjudication panel or tribunal.

What should the registrant do if there is a formal allegation made regarding their practice?

- Notify their professional liability insurance (PLI) broker and seek guidance according to the policy;
- Cooperate with the Registrar in their investigation of the allegation.

If the allegation is not resolved by the Registrar, and the CAC determines that the allegation is to be referred to a disciplinary hearing what can the registrant expect?

- The registrant must appear before the adjudication tribunal (panel).
- The registrant may be supported by legal counsel or a support person. It is preferable if the registrant has the advice/support of legal counsel.
- The complainant will be represented by the NLCHP and the case will be presented by the NLCHP's legal counsel.
- The panel will hear the evidence presented.
- The hearing is similar to legal court proceedings. Both parties make their submissions, the panel will ask questions and seek clarification of the information presented, the parties will make final submissions and the panel will make their decision.
- Hearings are open to the public.
- Where a registrant pleads guilty or the panel determines that there is evidence of conduct deserving sanction, the panel may order the respondent to:
 - ✓ **Make restitution to the complainant;**
 - ✓ **Obtain medical treatment, counselling and/ or substance abuse counselling or treatment;**
 - ✓ **Engage in continuing education;**
 - ✓ **Permit periodic inspection of client records/files where applicable;**
 - ✓ **Restrict, suspend and/or revoke the registrant's registration;**
 - ✓ **Impose a fine not to exceed \$100,000;**
 - ✓ **Impose other requirements that are "just and reasonable in the circumstances."**

It should be noted that the costs of the hearing, or any required follow-up are to be borne by the registrant.

In the first 3 years of operation the Registrar received two written allegations against registrants; one from an employer and one from a College. Both of these allegations were able to be resolved by the Registrar. Although we have only had 2 formal complaints, we have had many calls from registrants and employers that have been addressed proactively to avoid the lodging of an allegation. Ultimately the role of the College is to ensure its members have guidance with respect to the requirements of their profession while the role of the NLCHP is to ensure that registrants comply with the standards of practice and guidelines established by their profession. For more information please visit www.nlchp.ca under the *Allegation/Complaint* tab.

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Your feedback is important.

We would like to hear your feedback as well as what suggestions you have for future editions of *Making Connections*. The survey will take just a few minutes to complete. Please click on the following link to access the survey. <https://www.surveymonkey.com/r/GFHJ5LN>

If you require additional information or clarification of the content of this communication please feel free to contact staff at the NLCHP office.

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HEALTH PROFESSIONS ACT, 2010

Mandate of the NLCHP

- Support the quality and safety of Health Services;
- Enhance public protection;
- Improve patient safety;
- Strengthen the regulatory system;
- Facilitate patient-centered, interprofessional collaboration and care.