

The Expansion of the CCO Public Register

In 2016, the College of Chiropractors of Ontario (CCO) made a number of revisions to its By-Law 17: Public Register, as part of a review requested by the Minister of Health and Long-Term Care to enhance transparency and increase the amount of information made available to the public. As a result, there has been a significant expansion of the types of information that now appear on the Public Register about chiropractors.

Among other items, the new information includes details relating to a chiropractor's professional practice, as well personal conduct items such as findings of guilt regarding criminal offences. This article will summarize some of the types of information that must now be posted on the Public Register and will also set out the potential impacts they may have for chiropractors.

CONCERNS TO BE POSTED

The following is a partial list of information which is now posted on the Public Register.

Oral Cautions

A notation and summary of any oral

caution ordered by the Inquiries, Complaints and Reports Committee (ICRC) due to a complaint made or investigation started on or after July 1, 2016 is posted on the Public Register for 12 months after the day that the chiropractor appears before the ICRC to receive the oral caution.

Specified Continuing Education or Remediation Programs (SCERPs)

A notation and summary of any SCERP ordered by the ICRC due to a complaint made or investigation started on or after July 1, 2016 is posted on the Public Register for 12 months after the chiropractor has successfully completed

it. SCERPs are ordered if the ICRC identifies a serious care or conduct concern and believes that a skills upgrade is required.

Certain Undertakings

A notation and summary of any undertaking obtained from a chiropractor as a result of a complaint made or investigation started on or after July 1, 2016 is posted on the Public Register for 12 months after the chiropractor has successfully completed all of the terms of the undertaking.

Referrals to Discipline Committee

A notation of any charges of professional misconduct or incompetence that have been referred to the Discipline Committee, including a summary of each specified allegation, the notice of hearing, hearing dates and the status of the hearing, is posted on the Public Register until the matter has been resolved.

Reprimands

A summary of any reprimand given publicly to a chiropractor after July 1, 2016 by the Discipline Committee is posted on the Public Register unless the results of the proceeding are not otherwise available to the public under the Health Professions Procedural Code.

Findings of Professional Misconduct by Discipline Committee

A notation of any findings of professional misconduct or incompetence made by the Discipline Committee is posted on the Public Register, including the date of the finding, the date of the order and a copy

of the decision (or identification of or a link to the decision).

Reinstatement Applications

A notation of any application for reinstatement that has been referred to the Discipline Committee is posted on the Public Register, including hearing dates and the status of the hearing.

Findings of Guilt: Criminal Offences

A decision of any findings of guilt made on or after July 1, 2016 due to a criminal offence under the Criminal Code of Canada is posted on the Public Register. This would not include provincial offences, such as parking or speeding tickets.

REPERCUSSIONS FOR CHIROPRACTORS

There are some potential repercussions for chiropractors now that the above concerns are posted on the Public Register.

Public Stigma

Patients, fellow chiropractors and other members of the public will have access to additional types of information about them, including any criminal offences.

Potential Increase in Number of Complaints

It is possible that a chiropractor who has concerns posted about them on the Public Register may face an increased risk of future complaints.

Heightened Importance of Complaint Responses

Because oral cautions, SCERPs and undertakings are now posted on the

Public Register, chiropractors need to be even more diligent in responding to complaints and investigations, even if the allegations do not appear overly serious. To ensure that your interests are protected, it is recommended to obtain the assistance of experienced legal counsel as soon as you receive a complaint or an investigation report. In many cases, waiting until you receive an ICRC decision is too late.

Reviews of ICRC Decisions

Members may want to consider seeking a review of an ICRC decision before the Health Professions Appeal and Review Board if an oral caution or SCERP has been ordered against them.

CONCLUSION

Chiropractors would be well advised to make all reasonable efforts to ensure that there are no concerns posted about them on the Public Register.

For a full listing of information that is required to appear on the Public Register, please refer to CCO By-Law 17 and section 23 of the Health Professions Procedural Code, which is Schedule 2 of the Regulated Health Professions Act, 1991. 



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