



College of Medical
Laboratory Technologists
of Ontario

Mandatory Reporting FAQs for Medical Laboratory Technologists

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Introduction

As one of Ontario's self-regulated health professions, Medical Laboratory Technologists (MLTs) are governed by the *Regulated Health Professions Act, 1991* (RHPA). MLTs are expected to understand and comply with the professional, legal, and ethical requirements governing their practice including the duty to report instances of incompetence, incapacity, and professional misconduct. For employers and facility operators, this is commonly achieved through Mandatory Reports.

What is a Mandatory Report?

The Health Professions Procedural Code, (the "Code") which is Schedule 2 to the *Regulated Health Professions Act, 1991* (sections 85.1 to 85.6.2), states that all employers or managers, facility operators, other regulated health care professionals, and their business partners or associates, have an obligation to report certain information as a matter of public protection. These reports are made to the health regulatory college of whichever profession they belong. For MLTs, there is an obligation to report to the CMLTO.

What must employers, managers, facility operators, and associates/partners report?

In accordance with 85.2 (1) of the Code, employers, managers, and facility operators must file a report in writing to the Registrar of the College if the person has reasonable grounds to believe that a member who practises at the facility is incompetent, incapacitated, or has sexually abused a patient. Additionally, employers must report when they have or when they intended to terminate, suspend, or restrict an MLT's employment for reasons of professional misconduct, incompetence, or incapacity.

How long do I have to file a Mandatory Report?

Mandatory Reports must be filed as soon as possible but no later than 30 days after the incident occurred. Reports must be made immediately if there are reasonable grounds to believe that the professional has or will continue to sexually abuse a patient or other patients; or the professional's incompetence or incapacity is likely to expose patients to harm or injury, and there is urgent need for intervention. Failure to file a required report is considered an offence which is punishable upon conviction to a fine of up to \$50,000 in the case of an individual, and \$200,000 in the case of a corporation.

Where do I send a Mandatory Report?

A completed Mandatory Report form can be sent through email to professionalconduct@cmlto.com. The Mandatory Report form may also be mailed to the College of Medical Laboratory Technologists of Ontario, to:

Office of the Registrar
College of Medical Laboratory Technologists of Ontario
25 Adelaide Street East, Suite 2100
Toronto, Ontario M5C 3A1

Fax: 416-861-0934

Email: professionalconduct@cmlto.com

What information should the report contain?

Mandatory Reports include the name and contact information of the person filing the report, the MLTs name, their registration number, and all relevant details relevant to the concern. It is important and helpful to share as much information as possible about the concern.

What happens when the College receives a report?

The Registrar reviews all Mandatory Reports and assesses the level of risk posed to the public and determines the appropriate regulatory response. If there are reasonable and probable grounds to believe that a MLT has engaged in professional misconduct, is incompetent or incapacitated, the Registrar will seek the Inquiries, Complaints and Reports Committee's (ICRC) approval to appoint an investigator. Not every report will require formal investigation. If an investigator is appointed, the results of the investigation (Investigation Report) will be provided to the ICRC. College staff are not members of the ICRC nor involved in the decisions it makes. The MLT named in the Mandatory Report is given a copy of the Investigation Report and asked to provide written submissions to ICRC.

If an investigator is appointed, do I have to cooperate?

Yes. If you are a regulated health professional, it is considered professional misconduct not to cooperate with a College investigation. For anyone else, if the College requires information to assist with the investigation, a summons may be issued. Investigators work within the provisions of the RHPA and the *Public Inquiries Act, 2009*.

Should an MLT named in a Mandatory Report seek legal representation?

Some do, but the College does not require it. In instances where the MLT is part of a unionized workplace, the union likely retains legal counsel to assist the MLT.

How long does the process take?

The College seeks to ensure that investigations and dispositions of Mandatory Reports are made within a reasonable time. The ICRC ensures that the investigation is fair, objective, and complete, and will not make a decision without the benefit of having enough information to enable it to do so.

How does an investigation affect a registrant's CMLTO registration?

A Mandatory Report is not a finding of professional misconduct. Unless there is a finding of professional misconduct, incompetence, or incapacity, or an interim order is made to suspend or restrict an MLT's ability to practice, the MLT's registration will not be affected. Once a decision has been made in the case, this may change.

What decisions can the ICRC make?

The ICRC has the power to make one or more of the following decisions:

1. Refer a specified allegation of the member's professional misconduct or incompetence to the Discipline Committee if the allegation is related to the complaint or the report.



2. Refer the member to a panel of the Inquiries, Complaints and Reports Committee (ICRC) under Section 58 for incapacity proceedings.
3. Require the member to appear before a panel of the Inquiries, Complaints and Reports Committee (ICRC) to be cautioned.
4. Take action it considers appropriate that is not inconsistent with the RHPA, the Code, the regulations or the CMLTO By-law.

A written decision of the ICRC will be issued to the subject of the Mandatory Report.

Will the person who files the report be advised of the ICRC's decision?

No, after the report is made the decision is between the College and the named MLT.

Can a MLT appeal the decision?

No. Decisions about Mandatory Reports cannot be appealed. However, an ICRC's decision can be judicially reviewed on application to the Superior Court of Justice (Divisional Court).

Is the Mandatory Report process confidential?

Yes, in general the process is confidential between the named MLT and the CMLTO. However, if interim suspensions are made the Public Register is updated accordingly. During the investigation, others may become involved in the case if they are required to provide information to the College. Additionally, if there is a referral to the Discipline Committee or the Fitness to Practise Committee for a hearing, information related to the hearing may be made available to the public.

Below you will find a chart that summarizes the different reporting obligations of each professional or organization:

Mandatory Reporting requirements to the College under the <i>Regulated Health Professions Act, 1991</i>				
What to report	MLT reports	Employer reports	Facility Operator	When to report
Self-reporting	X			Immediately and no later than 30 days.
Sexual abuse of a patient by an MLT	X	X	X	Within 30 days.
Professional misconduct, incompetence, or incapacity of an MLT <i>Professional Misconduct Regulations</i>		X	X	Within 30 days.
Unsafe practice or unethical conduct by MLTs. <i>Professional Misconduct Regulations</i>	X	X	X	Within 30 days.
Revoking privileges on employment, suspending or imposing restrictions on a MLT's practice for professional misconduct, incompetence, or incapacity. <i>Professional Misconduct Regulations</i>		X	X	Within 30 days.