




Policy Title: FITNESS TO PRACTISE COMMITTEE TERMS OF REFERENCE		Policy Section: IV Governance Process	Policy Number: IV-20.08
Approved By:	Date Approved:	Last Revision Date:	Board Chair's Signature:
Board of Directors	Date Approved: May 29, 2009	Date Reviewed/ Revised: May 7, 2012 Sept 18, 2014 May 15, 2017 Dec 1, 2020 May 28, 2024	
	Effective: Jun 4, 2009	Next Revision Date: May 2027	

BACKGROUND

The Fitness to Practise Committee's purpose, mandate, and authority is derived from the [Regulated Health Professions Act, 1991](#), CMLTO By-Law, CMLTO Board Policies, and the Fitness to Practise Committee Terms of Reference.

PURPOSE

This policy outlines the CMLTO Fitness to Practise Committee Terms of Reference, including the purpose, responsibilities, authority, and structure of this Committee.

The Fitness to Practise Committee (the "Committee") is established as a Statutory Committee pursuant to the [Health Professions Procedural Code](#), Schedule 2 to the [Regulated Health Professions Act, 1991](#). Relevant Board Policy and/or section(s) of the CMLTO By-Law are referenced at the end of policy statements, as required.

POLICY

1.0 PURPOSE AND MANDATE OF THE FITNESS TO PRACTISE COMMITTEE

The Fitness to Practise Committee holds hearings to determine if a registrant is incapacitated within the meaning described in the Code, that being, a registrant is suffering from a physical or mental condition or disorder that makes it desirable in the interest of the public that the registrant's certificate of registration be subject to terms, conditions or limitations, or that the registrant no longer be permitted to practise.

2.0 MANDATE OF THE FITNESS TO PRACTISE COMMITTEE



2.1. Statutory Mandate

The Fitness to Practise Committee upholds the public interest as outlined in the [Health Professions Procedural Code](#) by appointing a Panel from its members to address and adjudicate allegations of physical and/or mental incapacity against a CMLTO registrant referred by the Inquiries, Complaints, and Reports Committee. Fitness to Practise Panels determine the appropriate order to be imposed and issue a decision and reasons in each case they hear.

2.2. Governance Mandate

The Fitness to Practise Committee supports the Board of Directors by providing input, as necessary, in the development of the CMLTO Ends, Executive Limitations, and Governance Process Policies on matters identified by this Committee and providing guidance on matters pertaining to fitness to practise.

The Committee, in its decision-making process, will examine all relevant legal or regulatory requirements and evidence-informed guidance while considering the public interest and practice risks. Further, the Committee will make recommendations to the Board of Directors, as required.

The Committee conducts its activities through the lens of and with a commitment to equity, diversity, inclusion, and justice principles of the CMLTO.

3.0 DUTIES AND RESPONSIBILITIES

3.1. Duties

In fulfilling its responsibilities, the Fitness to Practise Committee will collaborate with the Board of Directors, its committees, and the Registrar and CEO in order to:

- Conduct hearings to determine whether a registrant is incapacitated, and
- Report aggregate trends and metrics to the Board.

Due to the statutory nature of this Committee, there is no annual Committee Work Plan required.

4.0 AUTHORITY

4.1. Reporting Relationships



The Fitness to Practise Committee collectively reports to the Board of Directors through the Committee Chair.

5.0 COMPOSITION

5.1. Membership

5.1.1. Committee Membership

The Fitness to Practise Committee shall be composed of:

- At least two (2) Professional Board Members who are not members of the Inquiries, Complaints and Reports Committee,
- At least two (2) Public Board Members who are not members of the Inquiries, Complaints and Reports Committee, and
- At least two (2) Registrants who are not Board Members and not members of the Inquiries, Complaints and Reports Committee.

5.1.2. Panel Membership

Panel members of the Fitness to Practise Committee shall be appointed by the Committee Chair to perform statute-specific functions.

Pursuant to the Code, Panels must be composed of at least three (3) Committee members, at least one (1) of whom shall be a Public Member.

The Chair of the Fitness to Practise Committee, when appointing a Panel, shall designate one member as the Panel Chair.

5.2 Term of Office

The term of office of a Statutory Committee member is one (1) year commencing immediately after the appointment at the first regular Board meeting of the year and expiring when a new Committee member's term of office begins. (By-Law Section 5.4.1)

5.3 Committee Chair

The Board of Directors, after considering the committee compositions proposed by the Executive Committee, appoints the members and Chairs of the Committees at its first regular meeting of the year in accordance with the CMLTO By-Law.

6.0 MEETINGS

The Committee meetings are governed by the provisions of the CMLTO By-Law / Section - 5.8 Committee Meetings.



6.1. Frequency of Meetings

Meetings, or hearings, are called as needed by the Committee Chair. The number of cases referred to the Fitness to Practise Committee each year and the number of days of hearing required for each case will vary.

6.2. Quorum

A majority of the members of the Committee, at least one of whom is a Public Board Member, constitute a quorum for any meeting of the Committee.

Three (3) members of a Panel constitute a quorum pursuant to the Code.

7.0 MONITORING AND REPORTING

The Fitness to Practise Committee:

- Reports its regular actions to the Board of Directors at regular Board meetings or more frequently if required,
- Keeps the Board of Directors updated on all achievements related to the mandate of the Committee, and
- Prepares reports and other documents to enable the Board of Directors to carry out its duties.

The Committee Chair, on behalf of the Committee, is required to keep the Registrar and CEO updated on all achievements related to any regulatory mandate held by the Committee.

If a specific Board motion is required on an issue or topic, the Board Chair or Committee Chair will submit a request to the Registrar and CEO that the issue or topic be included on the regular Board agenda.

8.0 RESOURCES AND BUDGET

Operations of the Fitness to Practise Committee are conducted within an allocated annual budget.

9.0 ADMINISTRATIVE SUPPORT

Administrative support is provided to the Fitness to Practise Committee by:

- Registrar and CEO
- Senior Director, Regulatory Programs
- Coordinator, Professional Conduct
- Associate, Professional Conduct
- Other advisors, as requested



10.0 REFERENCES

The Fitness to Practise Committee Terms of Reference are in line with the values outlined throughout the CMLTO By-Law and the Board Policies, and must be reviewed and implemented in conjunction with:

- Regulated Health Professions Act, 1991
- Health Professions Procedural Code / Schedule 2 to the Schedule 2 to the Regulated Health Professions Act, 1991
- Medical Laboratory Technology Act, 1991
- Ontario Regulation 207/94
- CMLTO By-Law:
 - Article 5 – Committees
 - Article 6 – Code of Conduct
 - Article 7 – Conflict of Interest
 - Article 8 – Confidentiality
- CMLTO Board Policies
 - GP IV-20 Statutory and Board Committee Principles Policy
 - GP IV-22 Role of Committee Chair Policy

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- [Health Professions Procedural Code](#) / Schedule 2 to the [Regulated Health Professions Act, 1991](#)
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