

Date

PRIVATE & CONFIDENTIAL

Complainant's Name and Address

Dear Ms:

Re: File Number

I acknowledge receipt of your letter of complaint concerning Dr.. This will provide you with some general information about the College of Chiropractors of Ontario (CCO) complaints process.

The CCO's mandate is limited to investigating whether or not a member may have committed an act of professional misconduct or is incompetent or incapacitated as defined in the governing legislation. For your information, enclosed is a copy of the Professional Misconduct Regulation under the *Chiropractic Act, 1991*.

Sexual Abuse

Pursuant to the Health Professions Procedural Code, Schedule 2 to the Regulated Health Professions Act, 1991:

Sexual Abuse of a patient Section 1(3): In this Code, "sexual abuse" of a patient by a member means,

- (d) sexual intercourse or other forms of physical relations between the member and the patient,
- (e) touching, of a sexual nature, of the patient by the member, or
- (f) behaviour or remarks of a sexual nature by the member towards the patient.

Exception

Section 1(4): For the purposes of subsection (3), sexual nature does not include touching, behaviour or remarks of a clinical nature appropriate to the service provided.

In accordance with section 85.7 of the Health Professions Procedural Code, CCO Regulation R-009 and Policy P-018, a person is eligible for funding for therapy and counselling if it is alleged, in a complaint or report, that the person was sexually abused by a member while the person was a patient of the member, or if that person meets the criteria in CCO Policy P-018.

Applications for funding for therapy and counselling are reviewed and administered by the Patient Relations Committee. The determination of a person's eligibility for funding for therapy and counselling:

- does not constitute a finding against the member and shall not be considered by another committee of the College dealing with the member; and
- is not dependent on any past or future finding by another committee of the College dealing with the member.

Further information and all forms related to funding for therapy and counselling can be found at the following link: www.cco.on.ca/members-of-the-public/funding-for-therapy-and-counselling/.

The role of the Inquiries, Complaints and Reports Committee (ICRC) is to investigate and render decisions on complaints. The ICRC investigation process is neutral and objective. Dr. **(name of member)** will be sent a copy of your complaint and will be asked to respond to it. We expect this response in about a month (although extensions are sometimes granted). The CCO will provide you with a copy of that response and ask if you have any reply. The ICRC will consider whether further investigation is required.

Following its investigation, the ICRC will make a decision, which can include one or more of the following:

1. Refer specified allegations to the Discipline Committee for a hearing.
2. Initiate an inquiry into the member's capacity.
3. Require the member to appear before a panel of the ICRC to be cautioned.
4. Take other appropriate action such as requiring the member to undergo continuing education or remediation.
5. Take no action.

In accordance with *Regulated Health Professions Act, 1991*, if the ICRC requires the member to appear before a panel of the ICRC to be cautioned or requires the member to undergo continuing education or remediation or sign an undertaking, please be advised this information will be put on the public register.

The ICRC is not empowered to award money to a complainant, to decide whether fees for chiropractic services are owed to the chiropractor or to assess damages in any way. Such compensation must be sought through the civil courts.

The copy of the ICRC's decision will be sent to you in writing. Unless the ICRC decides to refer allegation to discipline or to initiate an incapacity inquiry, the ICRC will also provide written reasons for its decision.

The ICRC endeavours to reach its decision in 150 days. However, that is not always possible, particularly if the investigation is complicated. You will be notified if the ICRC is not able to reach its decision in 150 days.

Once the ICRC makes its decision (unless the decision is to refer allegations to discipline or to initiate an incapacity inquiry), any party, including you will have the right to seek a review. The review is held before the Health Professions Appeal and Review Board, which is independent of the CCO. For more information about the timelines and reviews please see the attached copy of section 28 to 29 of the *Health Professions Procedural Code*.

If you have any documents related to the complaint that you have not already provided to us, I would ask that you send them to me now. In addition, if you know of any witnesses who would be able to provide information about this matter, please send me their names, telephone numbers and addresses. Perhaps you could indicate what kind of information each witness might be able to give.

If you have any questions, please feel free to write to me or call me at 416-922-6355 ext. 103.

Sincerely,

Tina Perryman
Manager, Inquiries, Complaints & Reports

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