

## BRIEFING NOTE

**TO:** Board of Directors

**FROM:** Governance Committee

**DATE:** February 22, 2021

**SUBJECT:** Fitness to Practice Committee Terms of Reference Policy 4-14

☒ For Decision

☐ For Information

☐ Monitoring Report

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**Purpose:**

To review the proposed Fitness to Practice Committee Terms of Reference Policy 4-14.

**Background:**

The Fitness to Practice Committee Terms of Reference Policy 4-14 falls into the Governance Process Policy category. This policy is designed to describe the purpose, scope and authority of the Fitness to practice Committee. The Fitness to Practice Committee Terms of Reference and Mandate were created on May 14, 2012 and have not had a revision since that time.

**For Consideration:**

The original policy with the proposed revisions is redlined in **Appendix A** below and a clean version, **Appendix B**, is also attached. Item no. 2ii under, “Committee Composition and Meetings” is a matter not referred to in the current terms of reference (or any other committees).

**Public Interest Considerations:**

Committee Terms of Reference create accountabilities for the members of each Committee and outline the Board’s expectations on how a committee will work together to accomplish specific roles and responsibilities that execute the College’s mandate of public protection.

**Diversity, Equity and Inclusion Considerations:**

It is incumbent on the Board to consider whether the proposed policy is consistent with the COO’s organizational values relating to diversity, equity and inclusion.

**Recommendation:**

To approve the Fitness to Practice Committee Terms of Reference Policy 4-14 as recommended by the Governance Committee.

## FITNESS TO PRACTISE COMMITTEE

Terms of Reference ~~and Mandate~~

~~Committee Type: — Statutory~~

## Terms of Reference

- ~~1. The~~ Board shall appoint the members of the Fitness to Practise Committee for the following year at the ~~last~~<sup>first</sup> Board ~~2.1.~~ meeting of the year in accordance with the by-laws.
2. The Fitness to Practise Committee shall be composed of:
  - ~~a. at least two members of Board Directors who are members-registrants of the College;~~
  - ~~b. at least one member of Board Director appointed to the Board by the Lieutenant Governor in Board Council; and~~
  - ~~c. if Board so decides, and the by-laws so permit:~~
    - ~~i. up to three members who are registrantsmembers of the College who are not members of the Board-Directors.~~
    - ~~ii. up to three individuals who are not registrants of the College and who are not Directors.~~
- ~~3. at least two members of Board who are members of the College; at least one member of Board appointed to the Board by the Lieutenant Governor in Board; and if the Board so decides, up to three members of the College who are not members of Board.~~
- ~~4.3.~~ The chair and vice-chair of the Fitness to Practise Committee shall be elected from among the members of the Fitness to Practise Committee and the election may take place at or before the first committee meeting of the year.
- ~~5.4.~~ When required, panels of the Fitness to Practise Committee shall be selected by the chair of the Fitness to Practise Committee from among the members of the Committee and each panel shall be composed of at least three persons, at least one of whom shall be a person appointed to the Board by the Lieutenant Governor in Board.
- ~~6.5.~~ Panels of the Fitness to Practise Committee, and the committee as a whole, shall meet as required.
- ~~7. All Committee members are required to attend an annual orientation session.~~

Authority and Accountability

6. The Fitness to Practise Committee is a statutory committee of the College as set out in section 10(1)5 of the Health Professions Procedural Code (the “Code”).

7. The Fitness to Practise Committee is accountable to the Board for:

- a. Acting in accordance with the Regulated Health Professions Act, 1991 (the “RHPA”), including the Code, the Opticianry Act, 1991, the regulations under those acts, the by-laws and any other laws that apply to its processes and decision making.
- b. Fulfilling any other duties and responsibilities assigned to it by the Board.

#### **Mandate Responsibilities of the Fitness to Practise Committee**

The Fitness to Practise Committee shall:

- 8. Perform such functions as are assigned to it under the ~~RHPA, Health Professions-  
Procedural Code~~Health Professions Procedural Code, ~~r~~Regulations, by-laws, and policies of the College including holding a fair hearing and rendering a decision in cases of alleged incapacity or on reinstatement applications in accordance with applicable legislation, established rules and procedures.
- 9. Consider and make recommendations to the Board for changes to applicable legislation, regulations, and by-laws, as well as programs that fall within its mandate and/or support the Fitness to Practise Committee.
- 10. Submit an annual report to the Board. The report will include information on the Committee’s activities for the year.

The Fitness to Practise Committee may:

- 11. Submit a report to the Board in between annual reports.

**POLICY TYPE: GOVERNANCE PROCESS****4-14 Fitness to Practise Committee Terms of Reference and Mandate Policy**

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**Terms of Reference**

1. The Board shall appoint the members of the Fitness to Practise Committee for the following year at the last Board meeting of the year in accordance with the by-laws.
2. The Fitness to Practise Committee shall be composed of:
  - a. at least two Directors who are registrants of the College;
  - b. at least one Director appointed to the Board by the Lieutenant Governor in Council; and
  - c. if Board so decides, and the by-laws so permit:
    - i. up to three members who are registrants of the College who are not Directors.
    - ii. up to three individuals who are not registrants of the College and who are not Directors.
3. The chair and vice-chair of the Fitness to Practise Committee shall be elected from among the members of the Fitness to Practise Committee and the election may take place at or before the first committee meeting of the year.
4. When required, panels of the Fitness to Practise Committee shall be selected by the chair of the Fitness to Practise Committee from among the members of the Committee and each panel shall be composed of at least three persons, at least one of whom shall be a person appointed to the Board by the Lieutenant Governor in Board.
5. Panels of the Fitness to Practise Committee, and the committee as a whole, shall meet as required.

**Authority and Accountability**

6. The Fitness to Practise Committee is a statutory committee of the College as set out in section 10(1)5 of the Health Professions Procedural Code (the “Code”).
7. The Fitness to Practise Committee is accountable to the Board for:
  - a. Acting in accordance with the Regulated Health Professions Act, 1991 (the “RHPA”), including the Code, the Opticianry Act, 1991, the regulations under those acts, the by-laws and any other laws that apply to its processes and decision making.
  - b. Fulfilling any other duties and responsibilities assigned to it by the Board.

## **Responsibilities of the Fitness to Practise Committee**

The Fitness to Practise Committee shall:

8. Perform such functions as are assigned to it under the RHPA, Code, regulations, by-laws, and policies of the College including holding a fair hearing and rendering a decision in cases of alleged incapacity or on reinstatement applications in accordance with applicable legislation, established rules and procedures.
9. Consider and make recommendations to the Board for changes to applicable legislation, regulations, and by-laws, as well as programs that fall within its mandate and/or support the Fitness to Practise Committee.
10. Submit an annual report to the Board. The report will include information on the Committee's activities for the year.

The Fitness to Practise Committee may:

11. Submit a report to the Board in between annual reports.