



Updated July 31, 2020

COMPLAINTS LEGISLATIVE PROCESS

Any person may make a complaint in writing to the registrar about the conduct of a member, and the complaint will be dealt with in accordance with the *Podiatrists Act*.

Complaints Committee:

COPOM council shall appoint a complaints committee.

At least one third of the members of the Complaints Committee must be public representatives; the remainder must be College members.

A complaint can be lodged against a member and be investigated up to three years after the podiatrist is no longer a College member.

The Complaints Committee will attempt to informally resolve a complaint if possible. If not, the committee can appoint an investigator to conduct an investigation. Upon completion of his/her investigation, the investigator will report his or her findings to Complaints Committee.

Upon review of the report, the Complaints Committee will decide whether:

1. The complaint is to be directed to the Inquiry Committee
2. The complaint is to not be directed to Inquiry.
3. The Committee will accept the voluntary surrender of a member's registration.
4. To censure the member if:
 - a. no other action is to be taken, other than censure, or
 - b. at least one member of the Complaints Committee has met with the member and the member has agreed to censure.
5. Information about the censorship of a member may be published, including the member's name and the circumstances that led to the censure.
6. If a member is censured, costs may be assessed against the member.
7. The matter is to be referred to mediation, if it is determined that the complaint is strictly a matter of concern between the complainant and the member, and both parties agree to mediation.
8. To enter into an agreement with the member that provides for one of the following:
 - i) assessing the member's capacity or fitness to practice podiatry,
 - ii) counselling or treatment of the member
 - iii) monitoring or supervising the member's practice of podiatry
 - iv) the member's completing a specified course of studies by way of remedial training
 - v) placing conditions on a member's right to practice podiatry.

The Committee may also order the member to pay all or part of the costs incurred by the college in monitoring compliance with conditions imposed on the member's right to practice podiatry.

A member's registration can be suspended if there is perceived to be a serious risk to the public while an investigation is underway.

During the course of the investigation, if the Complaints Committee comes upon information respecting possible criminal activity on the part of a member, the Complaints Committee may disclose this information to a law enforcement authority.

Notwithstanding any other action it may have taken, with the exception of a censure, the complaints committee may at any time refer the conduct or complaint that was the subject of the investigation to the inquiry committee.

Inquiry Committee:

COPOM council shall appoint an inquiry committee.

At least one third of the members of the Inquiry Committee must be public representatives; the remainder must be college members.

Within 30 days of the matter being referred to the Inquiry Committee the chair shall select a panel from amongst the members of the inquiry committee to hold a hearing:

1. One third of the panel must be public representatives.
2. No person involved in the review or investigation of what is to be the subject matter of the panel's hearing may be selected for the panel.

A hearing must be called within 120 days of the matter being referred to Inquiry Committee, unless the investigated member consents in writing to a later date.

The Registrar may issue a public notice of the hearing but the notice must not include the name of the investigated member.

The panel may investigate and hear any other matter concerning the conduct of the investigated member that arises in the course of the proceedings.

A hearing shall be open to the public but there will be no reporting in the media of anything that would identify the investigated member unless and until the panel makes a finding.
A member may request a private hearing under certain conditions.

The inquiry panel may find that the member is:

1. guilty of professional misconduct
2. has contravened the *Act*, the *Regulations*, the *By-laws* or the *Code of Ethics* of the College
3. has been found guilty of an offence that is relevant to the member's suitability to practice
4. has displayed a lack of knowledge or a lack of skill or judgement in the practice of podiatry
5. has demonstrated an incapacity or unfitness to practice podiatry
6. is suffering from an ailment that might, if the member continues to practice, constitute a danger to the public
7. is guilty of conduct unbecoming a member

If at the conclusion of a hearing the panel makes any of these findings then it shall deal with the member in accordance with this Act, and may make one or more of the following orders:

1. reprimand the member
2. suspend the member's certificate of registration for a stated period
3. suspend the member's certificate of registration until he/she has completed a specified course of studies or supervised practice, or both, to the satisfaction of any person or committee that the panel may determine

4. accept, in place of a suspension of the certificate of registration, the member's undertaking to limit his/her practice
5. impose conditions on the member's entitlement to practice podiatry, including conditions that he/she:
 - i) practice under supervision
 - ii) permit periodic inspections of his or her practice
 - iii) permit periodic audit of records
 - iv) report on specified matters to any person or committee that the panel may determine
 - a) not engage in sole practice
 - b) require the member to satisfy the panel of his/her competence to practice podiatry
 - c) require the member to prove that a disability or addiction can be or has been overcome, and suspend the member's certificate of registration until then.
 - d) require the member to take counselling or treatment
 - e) direct the member to waive, reduce or repay money paid to the member that in the opinion of the panel was unjustified for any reason
 - f) cancel the member's certificate of registration indefinitely.

The panel may order that the member pay to the college:

1. all or part of the costs of the investigation, hearing and appeal
2. a fine not exceeding \$10,000 or
3. both the costs under clause 1 and the fine under clause 2.

An appeal process is also specified in the *Act*.

For more information regarding the complaints, inquiry, and appeal processes please view the *Podiatrists Act* link available on the COPOM website.