



Memo

Date: October 18, 2019
To: Members of Council
From: Irene Dembek, OCT
 Chair, Fitness to Practise Committee
Subject: Report of the Fitness to Practise Committee

Committee Meetings/Hearing Dates

Hearing Dates (August 1 to December 4)

October: 11
November: 14, 20, 29
December: 2

Statistics

There were two Fitness to Practise matters concluded between August 1 and September 30, 2019.

Duties/Mandate of the Fitness to Practise Committee

The duties and mandate of the Fitness to Practise Committee are described in Appendix 1 of this document.

Future Committee Training and Meeting Dates

- Thursday, April 2, 2020: Joint Training of the Fitness to Practise and Discipline Committees and Roster Members
- Friday, April 3, 2020: Fitness to Practise Committee Meeting.

Future Hearings (Between December 7, 2019 and March 4, 2020)

December: 11, 12, 13
January: 13, 14, 15

Members of the Fitness to Practise Committee

Diane Ballantyne, OCT (Vice-Chair)
Irene Dembek, OCT (Chair)
Richard Fillion
Rebecca Forte, OCT
Mary Ellen Gucciardi, OCT
John Hamilton, OCT
Godwin Ifedi
Marlène Marwah
Sara Nouini, OCT
Alicia Nunn, OCT (to October 28, 2019)
Thomas Potter
Nicola Powadiuk, OCT
Jonathan Rose
Stéphane Vallée, OCT.



Irene Dembek, OCT

APPENDIX 1

Fitness to Practise Committee

Mandate

To deal with fitness to practise issues. (OCTA, s. 3(1))

Nature of the Fitness to Practise Committee's work

The Fitness to Practise Committee:

- a) shall hear and determine matters directed or referred to it under section 26, 29 or 33. (OCTA, s. 31(1)(a));
- b) shall perform such other duties as are assigned to it by the Council. (OCTA, s. 31(1)(b)); and
- c) may, after a hearing, find a member to be incapacitated if, in its opinion, the member is suffering from a physical or mental condition or disorder such that the member is unfit to continue to carry out his or her professional responsibilities or that a certificate held by the member under this Act should be made subject to terms, conditions or limitations. (OCTA, s. 31(2)).

Powers of the Fitness to Practise Committee

Where the Fitness to Practise Committee finds a member to be incapacitated, it may make an order doing one or more of the following:

- a) Directing the Registrar to revoke any certificate held by the member under the Act.
- b) Directing the Registrar to suspend any certificate held by the member under the Act for a stated period, not exceeding 24 months.
- c) Directing the Registrar to impose specified terms, conditions or limitations on any certificate held by the member under the Act.
- d) Directing that the imposition of a penalty be postponed for a specified period and not be imposed if specified terms are met within that period. (OCTA, s. 31(3)).
- e) In making an order directing that the imposition of a penalty be postponed for a specified period and not be imposed if specified terms are met within that period, the Committee may specify the terms it considers appropriate, including but not limited to terms requiring the production to the Committee of evidence satisfactory to it that any physical or mental condition or disorder in respect of which the penalty was imposed has been resolved. (OCTA, s. 31(4)).

- f) In making an order revoking or suspending a certificate or imposing terms, conditions or limitations on a certificate, the Committee may fix a period during which the member may not apply for reinstatement or variation of the order. (OCTA, s. 31(5)).
- g) Where the Fitness to Practise Committee is of the opinion that the commencement of the proceeding was unwarranted, the Committee may order that the College reimburse the member for his or her costs or such portion of them as the Committee fixes. (OCTA, s. 31(7)).
- h) A hearing of the Fitness to Practise Committee shall, subject to written notice by the member received by the Registrar before the day the hearing commences, be closed to the public. (OCTA, s. 32(8)).