

# professional misconduct



College of  
Medical Radiation  
Technologists of  
Ontario

Ordre des  
technologues en  
radiation médicale  
de l'Ontario

## What you must know about...

### *Introduction*

The *Regulated Health Professions Act* (RHPA) conveys obligations to our profession and ways to determine whether an MRT is guilty of professional wrongdoing. The RHPA also provides a procedure for handling complaints and reports regarding the conduct of an MRT which aims at ensuring that a thorough investigation of a complaint or report is conducted. This process safeguards both MRTs and the individual complainant, whether a member of another health profession or of the public.

A copy of the professional misconduct regulation is available from the College website ([www.cmrto.org](http://www.cmrto.org)). This publication explains what you must know about what constitutes “professional misconduct”. The penalties for a College member found guilty of professional misconduct are set out in Section 51 of the Health Professions Procedural Code (also available from the College website).

The College has developed procedures for handling accusations of professional misconduct which attempt to ensure that all information is gathered and reviewed but, to the extent possible, remains confidential, that the interests of the public are protected... and, of course, that both the patient and the MRT are treated fairly and with respect.

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**What is Considered Professional Misconduct?**

In general, professional misconduct occurs through *omission*, the act of failing to do something required by the practice of our profession, or *violation*, doing something which violates the legislation or standards of practice governing our profession. The key documents for determining omission and violation are the Standards of Practice developed by the College and the legislation which governs the profession, including the professional misconduct regulation.

Professional misconduct covers many possible areas of complaint including:

- misconduct
- fraud
- misrepresentation
- sexual and other forms of abuse

Within these four general areas, there are a variety of specific actions which will be treated as professional misconduct and which following an investigation, could result in a discipline proceeding.

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**Misconduct**

The greatest fear of any professional is that he or she may be found guilty of misconduct by peers. Fortunately, accusations that MRTs are guilty of misconduct are uncommon.

Most MRTs will understand misconduct to be “carelessly, negligently or unskillfully using ionizing radiation”. But it also includes:

- failure to maintain the standards of practice of the profession
- failure to get consent for treatment from the patient
- practising the profession while the MRT’s ability to do so is impaired by any substance

- contravening a federal or provincial law, a municipal bylaw or a bylaw or rule of a hospital if the contravention is relevant to the member's suitability to practise
- failure to co-operate with the College's Quality Assurance Committee or to carry out a requirement or order of the Quality Assurance Committee

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### ***Fraud***

Specific sections of the College's professional misconduct regulation deal with what "fraud" means in the context of an MRT's practice.

Fraudulent actions can be summarized as:

- falsifying a record related to an MRT's practice
- trying to influence a patient to change his or her will or any other testamentary document
- signing or issuing a document that an MRT knows contains false or misleading statements

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### ***Misrepresentation***

One of the important gains we have made as MRTs as a result of the RHPA is the clear identification of our professional standing. No one may use the title medical radiation technologist or any abbreviation without being a member of the College. And no one may use the titles "medical radiation technologist – radiography", "medical radiation technologist – radiation therapy" ("medical radiation technologist-radiation therapist"), "medical radiation technologist – nuclear medicine", "medical radiation technologist – magnetic resonance", or their abbreviations - M.R.T.(R.), M.R.T.(T.), M.R.T.(N.), or M.R.T.(M.R.) without holding the corresponding specialty certificate.

The most common class of College certificate is the "specialty" certificate. A "specialty" certificate authorizes you to practise one or more of radiography, radiation therapy, magnetic resonance, and/or nuclear medicine.

It is important to recognize, in addition, that unless you have a certificate for a specific specialty you can not claim to be a practitioner in that professional discipline. For example, if you hold a certificate in radiography you are not allowed to practise radiation therapy or use the applicable designation or title.

Misrepresentation also includes:

- holding out that an MRT has special qualifications not possessed by the MRT
- inappropriately using a term, title or designation in respect to an MRT's practice
- using a name, other than the member's name set out in the College register, in the course of providing services within the scope of practice of the profession

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### ***Sexual Abuse***

The College has adopted a policy of zero tolerance with respect to sexual abuse of patients. For a full explanation of what zero tolerance means, College members should refer to 'What you must know about... Sexual Abuse' available on the College website.

As a reminder, sexual abuse includes:

- sexual intercourse or other forms of physical sexual relations
- touching of a sexual nature
- behaviours or remarks of a sexual nature

The RHPA makes it mandatory to file a written report with the Registrar of the College with respect to the member who is the subject of the report if you have reasonable grounds, obtained in the course of your practice, to believe that a patient has been sexually abused by any member of our College or any other health regulatory College.

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***Complaints and  
Discipline Procedure***

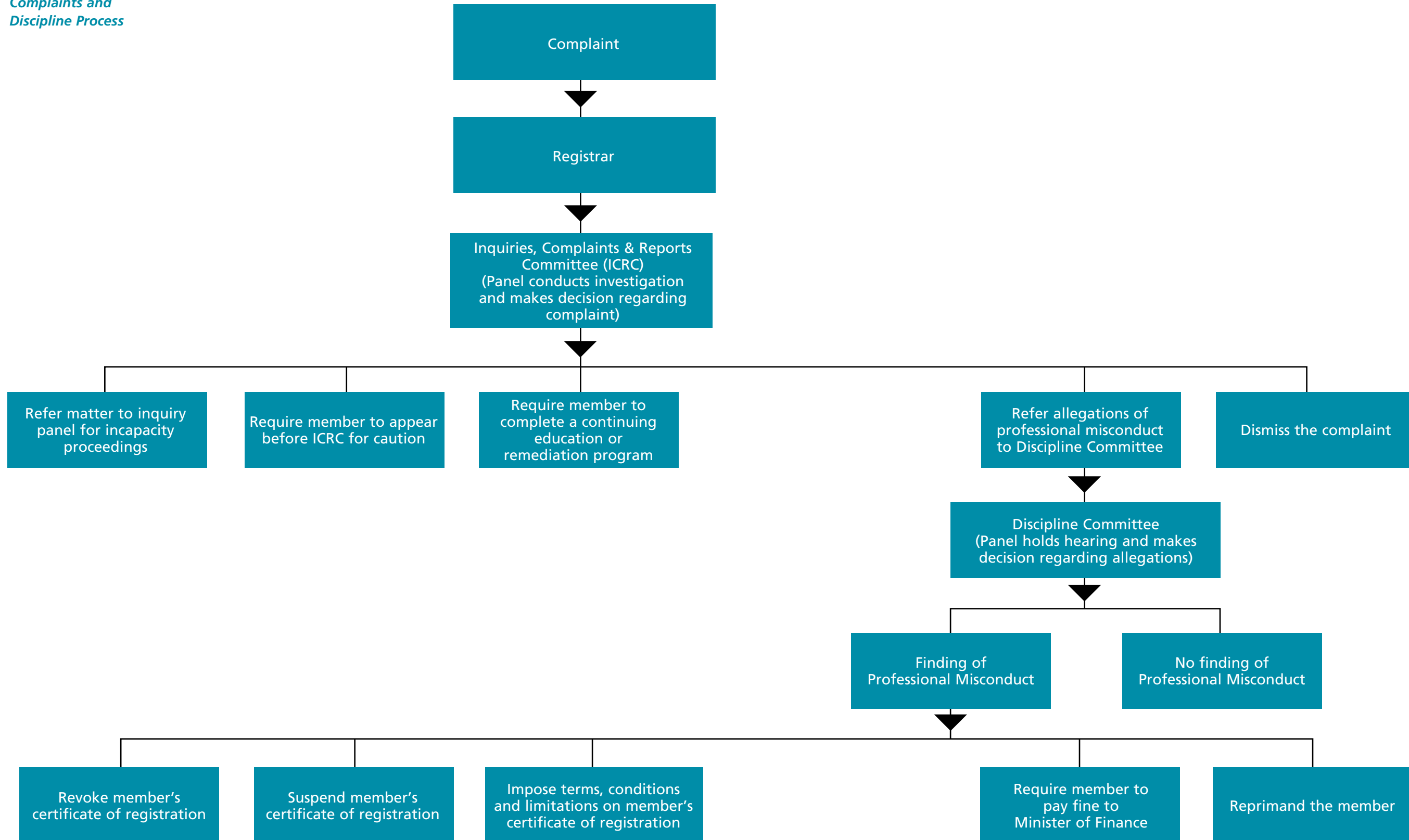
If the Inquiries, Complaints and Reports Committee determines that an accusation of professional misconduct should be referred to the Discipline Committee, a hearing is held before the Discipline Committee. The Discipline Committee is made up of members of the College and members of the public. It sits as an independent tribunal to reach a fair decision based on evidence presented by legal counsel for the College and legal counsel for the member.

The chart on pages 6 and 7 provides a brief description of the investigation, review and discipline process should a complaint be lodged against a member of the College.

The CMRTO's complaints procedure aims to ensure that a thorough and fair investigation of a complaint is conducted.

*What You Must Know About.....Professional Misconduct is also available on the College website [www.cmrto.org](http://www.cmrto.org).*

Complaints and Discipline Process





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