

Investigations

A process guide



COLLEGE OF NURSES
OF ONTARIO

ORDRE DES INFIRMIÈRES
ET INFIRMIERS DE L'ONTARIO

THE STANDARD OF CARE.

Introduction

The College of Nurses of Ontario (the College) is the province's regulatory body for the nursing profession. Its mandate is to regulate the profession in the public interest. The College registers individuals who are qualified to practise nursing in Ontario, promotes nurses' continuing competence and develops standards of practice for the profession. The College is also responsible for enforcing these standards by responding to complaints and reports about a nurse's practice or conduct.

This guide describes the process by which information is received, assessed and investigated by the College.

Where does the information the College receives about members come from?

Information about a member may be received from members of the public, employers, facility operators, other health care professionals, the police, the coroner, the media and anonymous sources.

What does the College do when it receives information about a member?

The College assesses all information it receives. There are two types of investigations that may take place at the College, each with its own distinct process.

Complaints investigation

The complainant's concerns define the scope of the investigation and the issues to be explored. When the College receives information from a member of the public that relates to nursing care, it contacts this person to discuss investigation processes with him or her. The complainant's specific nursing concerns will be identified and later provided to the Member.

Executive Director's investigations

After reviewing information received by the College, the Executive Director may appoint an investigator after determining that there are

reasonable and probable grounds to believe that a member has committed an act of professional misconduct or is incompetent.

How does an investigation proceed?

The investigation process is neutral and objective. The investigator's role is to gather relevant information relating to the identified issues. This may include interviewing witnesses and compiling documentation, such as client health records.

The investigator will request the member's written submissions. The investigator will provide the member with a copy of any documents obtained in the investigation that may assist with making a submission, along with a copy of any available prior decisions involving the member.

The member has 30 days to provide a response. Once the member's response is received, the investigator will conduct further investigation if necessary, provide any additional disclosure to the member and request any additional response to the information. The matter is then scheduled for review by the Inquiries, Complaints and Reports Committee (ICRC).

The member and complainant do not attend the ICRC review.

After reviewing the information obtained in the course of the investigation, the member's written submissions and any available prior decisions, a Panel of the ICRC will make a decision that can include one or more of the following:

- refer specified allegations to the Discipline Committee for a hearing;
- make further inquiries as to whether the nurse is suffering from a physical or mental condition that affects his/her capacity to practise safely;
- require the nurse to appear before a Panel of the ICRC to be cautioned;
- take other appropriate action such as requiring the nurse to undergo continuing education or remediation;
- issue advice to the member regarding the reported concerns; or
- take no action.

A copy of the ICRC's decision will be sent to the member (and complainant) in writing. Unless the ICRC intends to refer specified allegations to the Discipline Committee or to inquire into the member's health, the ICRC will also provide written reasons for its decision.

	Complaints Investigation	Executive Director's investigation
Source of Information	Information received from member of the public regarding a member's nursing practice or conduct.	Employers, facility operators, other health care professionals, media, police, anonymous sources.
Parties to the investigation process	The College, the complainant and the member.	The College and the member.

Investigations: A process guide

ISBN 978-1-77116-090-2

Pub. No. 42020

Copyright © College of Nurses of Ontario, 2017

First published in 2009. Updated in 2012. Updated September 2017.

Commercial or for-profit redistribution of this document in part or in whole is prohibited without the written consent of the College of Nurses of Ontario. This document may be reproduced in part or in whole for personal or educational use without permission, provided that:

- due diligence is exercised in ensuring the accuracy of the materials reproduced;
- the College of Nurses of Ontario is identified as the source; and
- the reproduction is not represented as an official version of the materials produced, or as having been made in affiliation with, or with the endorsement of, the College of Nurses of Ontario.

For additional copies of this document, visit www.cno.org or contact our Customer Service Centre at 416 928-0900, toll-free in Canada 1 800 387-5526, e-mail cno@cnomail.org.



COLLEGE OF NURSES
OF ONTARIO
ORDRE DES INFIRMIÈRES
ET INFIRMIERS DE L'ONTARIO

THE STANDARD OF CARE.

101 Davenport Rd.
Toronto, ON
M5R 3P1
www.cno.org

Tel.: 416 928-0900
Toll-free in Canada: 1 800 387-5526
Fax: 416 928-6507
E-mail: cno@cnomail.org

42020
SEPT 2017
2017-148