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c 39 Respiratory Therapy Act, 1991 / Loi de 1991 sur les inhalothérapeutes

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An Act respecting the regulation of the Profession of Respiratory Therapy

Assented to November 25th, 1991

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

“College” means the College of Respiratory Therapists of Ontario; ("Ordre")

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the Regulated Health Professions Act, 1991; ("Code des professions de la santé")

“member” means a member of the College; ("membre")

“profession” means the profession of respiratory therapy; ("profession")

“this Act” includes the Health Professions Procedural Code. ("la présente loi")

2.—(1) The Health Professions Procedural Code shall be deemed to be part of this Act.

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

“College” means the College of Respiratory Therapists of Ontario; ("ordre")

“health profession Act” means this Act; ("loi sur une profession de la santé")

“profession” means the profession of respiratory therapy; ("profession")

“regulations” means the regulations under this Act. ("règlements")

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act.

3. The practice of respiratory therapy is the providing of oxygen therapy, cardio-respiratory equipment monitoring and the assessment and treatment of cardio-respiratory conditions.
Authorized acts

4. In the course of engaging in the practice of respiratory therapy, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Performing a prescribed procedure below the dermis.

2. Intubation beyond the point in the nasal passages where they normally narrow or beyond the larynx.

3. Suctioning beyond the point in the nasal passages where they normally narrow or beyond the larynx.

4. Administering a substance by injection or inhalation.

Additional requirements for authorized acts

5.—(1) A member shall not perform a procedure under the authority of paragraph 1, 2 or 4 of section 4 unless the procedure is ordered by a member of the College of Physicians and Surgeons of Ontario.

(2) In addition to the grounds set out in subsection 51 (1) of the Health Professions Procedural Code, a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member contravenes subsection (1).

College established

6. The College is established under the name College of Respiratory Therapists of Ontario in English and Ordre des thérapeutes respiratoires de l'Ontario in French.

Council

7.—(1) The Council shall be composed of,

(a) at least seven and no more than ten persons who are members elected in the prescribed number and manner; and

(b) at least five and no more than eight persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) members of a College as defined in the Regulated Health Professions Act, 1991, or

(iii) members of a Council as defined in the Regulated Health Professions Act, 1991.

(2) Subject to the regulations, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council.

Who can vote in elections

8. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members.
9.—(1) No person other than a member shall use the title “respiratory therapist”, a variation or abbreviation or an equivalent in another language.

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a respiratory therapist or in a specialty of respiratory therapy.

(3) In this section, “abbreviation” includes an abbreviation of a variation.

10.—(1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the Regulated Health Professions Act, 1991, a suggested,

(a) amendment to this Act;
(b) amendment to a regulation made by the Council; or
(c) regulation to be made by the Council.

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister’s notice of the suggestion.

11. Every person who contravenes subsection 9 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than $5,000 for a first offence and not more than $10,000 for a subsequent offence.

12.—(1) The Lieutenant Governor in Council may appoint a transitional Council.

(2) After this Act receives Royal Assent but before it comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force.

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council’s committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration.

(4) The Minister may,

(a) review the transitional Council’s activities and require the transitional Council to provide reports and information;
(b) require the transitional Council to make, amend or revoke a regulation under this Act;

(c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the Regulated Health Professions Act, 1991.

(5) If the Minister requires the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation.

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

13.—(1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 7 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 7 (1) or until one year has elapsed, whichever comes first.

(2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College.

14.—(1) This Act, except section 12, comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Section 12 comes into force on the day this Act receives Royal Assent.

(3) Despite subsection (1), section 80 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until three years after this Act comes into force.

(4) Despite subsection (1), section 84 of the Health Professions Procedural Code, as it applies in respect of this Act, does not come into force until one year after this Act comes into force.

(5) If the Minister requires the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report.

(6) If the Minister requires the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the Regulated Health Professions Act, 1991.

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do.

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4).

13.—(1) Après l’entrée en vigueur de la présente loi, le conseil transitoire devient le conseil de l’Ordre s’il est constitué conformément au paragraphe 7 (1). S’il ne l’est pas, il est réputé le conseil de l’Ordre jusqu’à ce qu’un nouveau conseil soit constitué conformément au paragraphe 7 (1) ou jusqu’à ce qu’un an se soit écoulé, selon la première de ces deux éventualités.

(2) Le mandat des membres du conseil transitoire n’expire pas tant que le conseil transitoire est réputé le conseil de l’Ordre.

14.—(1) La présente loi, à l’exclusion de l’article 12, entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

(2) L’article 12 entre en vigueur le jour où la présente loi reçoit la sanction royale.

(3) Malgré le paragraphe (1), l’article 80 du Code des professions de la santé, dans la mesure où il s’applique à la présente loi, n’entra en vigueur que trois ans après l’entrée en vigueur de la présente loi.

(4) Malgré le paragraphe (1), l’article 84 du Code des professions de la santé, dans la mesure où il s’applique à la présente loi, n’entra en vigueur qu’un an après l’entrée en vigueur de la présente loi.