

## Mandatory Reporting Obligations for Registered Psychotherapists

Confidentiality is a cornerstone of psychotherapy practice. However, there are situations in which other factors override this duty. The table below is intended as a resource for members to understand when they are legally required to report information to certain organizations. Members are in the best position to judge whether a mandatory reporting obligation applies to their particular situation. If in doubt, members are encouraged to consult with peers, a supervisor, legal advisor, the CRPO Practice Advisory service or the organization to which the report may be required.

These mandatory reporting obligations are not the only limits to client confidentiality (e.g. a psychotherapist may be required to disclose confidential information during legal proceedings). Aside from information about clients, a Registered Psychotherapist may also be required to report the conduct of colleagues or others. Please see CRPO's [Professional Practice Standards for Registered Psychotherapists](#) (Standard 1.3: Reporting Unsafe Practices and Standard 3.1: Confidentiality) for more information. Please also review College information on [mandatory self-reporting](#).

This resource does not discuss the “duty to warn”, which is the disclosure of confidential information to prevent an imminent risk of serious bodily harm to a client or third party. CRPO is planning to develop guidelines on this particular topic.

Subject Matter	Who does this duty apply to?	To whom do I report?	Legislation	Excerpts from legislation <i>Please consult the legislation to view all relevant provisions</i>
Child in need of protection	Any person	<a href="#">Children's Aid Society</a>	<a href="#">Child and Family Services Act</a>	72. (1) Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society...
Long-term care homes	Any person	<a href="#">Director, Performance Improvement and Compliance Branch, Ministry of Health and Long-Term Care</a>	<a href="#">Long-Term Care Homes Act, 2007</a>	24.(1) A person who has reasonable grounds to suspect that any of the following has occurred or may occur shall immediately report the suspicion and the information upon which it is based to the Director: 1. Improper or incompetent treatment or care of a resident that resulted in harm or a risk of harm to the resident. 2. Abuse of a resident by anyone or neglect of a resident by the licensee or staff that resulted in harm or a risk of harm to the resident.

				<p>3. Unlawful conduct that resulted in harm or a risk of harm to a resident.</p> <p>4. Misuse or misappropriation of a resident's money.</p> <p>5. Misuse or misappropriation of funding provided to a licensee under this Act or the <i>Local Health System Integration Act, 2006</i>.</p>
Retirement homes	Any person	<a href="#">Registrar of the Retirement Homes Regulatory Authority</a>	<a href="#">Retirement Homes Act, 2010</a>	<p>75.(1) A person who has reasonable grounds to suspect that any of the following has occurred or may occur shall immediately report the suspicion and the information upon which it is based to the Registrar:</p> <ol style="list-style-type: none"> <li>1. Improper or incompetent treatment or care of a resident that resulted in harm or a risk of harm to the resident.</li> <li>2. Abuse of a resident by anyone or neglect of a resident by the licensee or the staff of the retirement home of the resident if it results in harm or a risk of harm to the resident.</li> <li>3. Unlawful conduct that resulted in harm or a risk of harm to a resident.</li> <li>4. Misuse or misappropriation of a resident's money.</li> </ol>
Sexual abuse by regulated health professional	Regulated health professionals	<a href="#">Registrar of the alleged abuser's regulatory college</a>	<a href="#">Health Professions Procedure Code</a>	<p>85.1 (1) A member shall file a report in accordance with section 85.3 if the member has reasonable grounds, obtained in the course of practising the profession, to believe that another member of the same or a different College has sexually abused a patient.</p> <p>(2) A member is not required to file a report if the member does not know the name of the member who would be the subject of the report.</p> <p>(3) If a member is required to file a report because of reasonable grounds obtained from one of the member's patients, the member shall use his or her best efforts to advise the patient of the requirement to file the report before doing so.</p> <p>...</p> <p>85.3 (1) A report required under section 85.1 or 85.2 must be filed in writing with the Registrar of the College of the member who is the subject of the report.</p> <p>(2) The report must be filed within 30 days after the obligation to report arises unless the person who is required to file the report has reasonable grounds to believe that the member will continue to sexually abuse the</p>

				<p>patient or will sexually abuse other patients, or that the incompetence or the incapacity of the member is likely to expose a patient to harm or injury and there is urgent need for intervention, in which case the report must be filed forthwith.</p> <p>(3) The report must contain,</p> <ul style="list-style-type: none"> <li>(a) the name of the person filing the report;</li> <li>(b) the name of the member who is the subject of the report;</li> <li>(c) an explanation of the alleged sexual abuse, incompetence or incapacity;</li> <li>(d) if the grounds of the person filing the report are related to a particular patient of the member who is the subject of the report, the name of that patient, subject to subsection (4).</li> </ul> <p>(4) The name of a patient who may have been sexually abused must not be included in a report unless the patient, or if the patient is incapable, the patient's representative, consents in writing to the inclusion of the patient's name. 1993, c. 37, s. 23.</p> <p>(5) If a member who is required to file a report under section 85.1 is providing psychotherapy to the member who would be the subject of the report, the report must also contain the opinion of the member filing the report, if he or she is able to form one, as to whether or not the member who is the subject of the report is likely to sexually abuse patients in the future. 1993, c. 37, s. 23.</p>
Facility report	Any person who operates a facility where one or more regulated health professionals practise	<a href="#">Registrar of the health professional's regulatory college</a>	<a href="#">Health Professions Procedure Code</a>	85.2 (1) A person who operates a facility where one or more members practise shall file a report in accordance with section 85.3 if the person has reasonable grounds to believe that a member who practises at the facility is incompetent, incapacitated, or has sexually abused a patient.

Termination report	Any person who employs, partners, or is similarly affiliated with a regulated health professional	<a href="#">Registrar of the health professional's regulatory college</a>	<a href="#">Health Professions Procedure Code</a>	<p>85.5 (1) A person who terminates the employment or revokes, suspends or imposes restrictions on the privileges of a member or who dissolves a partnership, a health profession corporation or association with a member for reasons of professional misconduct, incompetence or incapacity shall file with the Registrar within thirty days after the termination, revocation, suspension, imposition or dissolution a written report setting out the reasons.</p> <p>(2) Where a member resigns, or voluntarily relinquishes or restricts his or her privileges or practice, and the circumstances set out in paragraph 1 or 2 apply, a person referred to in subsection (3) shall act in accordance with those paragraphs:</p> <p>1. Where a person referred to in subsection (3) has reasonable grounds to believe that the resignation, relinquishment or restriction, as the case may be, is related to the member's professional misconduct, incompetence or incapacity, the person shall file with the Registrar within 30 days after the resignation, relinquishment or restriction a written report setting out the grounds upon which the person's belief is based.</p> <p>2. Where the resignation, relinquishment or restriction, as the case may be, takes place during the course of, or as a result of, an investigation conducted by or on behalf of a person referred to in subsection (3) into allegations related to professional misconduct, incompetence or incapacity on the part of the member, the person referred to in subsection (3) shall file with the Registrar within 30 days after the resignation, relinquishment or restriction a written report setting out the nature of the allegations being investigated.</p> <p>(3) This section applies to every person, other than a patient, who employs or offers privileges to a member or associates in partnership or otherwise with a member for the purpose of offering health services.</p>
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Unsafe practice by another RP	Registered Psychotherapists	<a href="#">CRPO</a>	<a href="#">Professional Misconduct Regulation</a>	<p>1. The following are acts of professional misconduct...</p> <p>39. Failing to promptly report to the College an incident of unsafe practice by another member if the member believes on reasonable grounds that the other member has committed such an incident.</p> <p>40. Making a report of an incident of suspected unsafe practice by another member to the College in which the name of a client is mentioned, unless the client's consent has been previously obtained, or disclosure of the client's name is authorized or required by law.</p>
Report about social workers or social service workers	Any person who employs a social worker or social service worker	<a href="#">Registrar of the Ontario College of Social Workers and Social Service Workers</a>	<a href="#">Social Work and Social Service Work Act</a>	<p>41. (1) A person who, for reasons of professional misconduct, incompetence or incapacity of a member of the College, terminates the employment of the member shall file with the Registrar within 30 days after the termination, a written report setting out the reasons. 1998, c. 31, s. 41 (1).</p> <p>(2) If a person intended to terminate the employment of a member for reasons of professional misconduct, incompetence or incapacity but the person did not do so because the member resigned, the person shall file with the Registrar within 30 days after the resignation a written report setting out the reasons upon which the person intended to act. 1998, c. 31, s. 41 (2).</p> <p>42. (1) A person shall promptly notify the College in writing if the person becomes aware that a member of the College who is or has been employed by the person has been convicted of an offence under the Criminal Code (Canada) involving sexual conduct.</p>
Privacy breach notification	Health information custodians	An individual whose personal health information is stolen or lost, or used or disclosed without authorization	<a href="#">Personal Health Information Protection Act, 2004</a>	<p>12. (2) Subject to subsection (4) and to the exceptions and additional requirements, if any, that are prescribed, if personal health information about an individual that is in the custody or control of a health information custodian is stolen or lost or if it is used or disclosed without authority, the health information custodian shall,</p> <p>(a) notify the individual at the first reasonable opportunity of the theft or loss or of the unauthorized use or disclosure; and</p>

				(b) include in the notice a statement that the individual is entitled to make a complaint to the Commissioner under Part VI.
Termination for breach of privacy	Any person who employs, partners, or is similarly affiliated with a regulated health practitioner	<a href="#">Registrar of the health professional's regulatory college</a> , or of the <a href="#">Ontario College of Social Workers and Social Service Workers</a> , as applicable	<a href="#">Personal Health Information Protection Act, 2004</a>	<p>17.1 (2) Subject to any exceptions and additional requirements, if any, that are prescribed, if a health information custodian employs a health care practitioner who is a member of a College, the health information custodian shall give written notice of any of the following events to the College within 30 days of the event occurring:</p> <ol style="list-style-type: none"> <li>1. The employee is terminated, suspended or subject to disciplinary action as a result of the unauthorized collection, use, disclosure, retention or disposal of personal health information by the employee.</li> <li>2. The employee resigns and the health information custodian has reasonable grounds to believe that the resignation is related to an investigation or other action by the custodian with respect to an alleged unauthorized collection, use, disclosure, retention or disposal of personal health information by the employee. 2016, c. 6, Sched. 1, s. 1 (8).</li> </ol>