

Massage Therapy Act, 1991 Loi de 1991 sur les massothérapeutes

**PROPOSED AMENDMENTS TO
ONTARIO REGULATION 544/94 GENERAL
PART IX QUALITY ASSURANCE**

GENERAL

28. In this Part, “assessor” means an assessor appointed under section 81 of the Health Professions Procedural Code; “Committee” means the Quality Assurance Committee required by subsection 10(1) of the Health Professions Procedural Code; “program” means the quality assurance program required by section 80 of the Health Professions Procedural Code; “stratified random sampling” means a sampling where groups of members are,

- (a) removed from the pool of members to be sampled, or
- (b) weighted to increase or decrease the likelihood of their being selected.

29. This Part applies to all members of the College.

30. (1) The Committee shall administer the program, which shall include the following components:

1. Self-assessment, continuing education or professional development activities designed to,
 - i. promote continuing competence and continuous quality improvement among the members,
 - ii. promote interprofessional collaboration,
 - iii. address changes in practice environments, and
 - iv. incorporate standards of practice, advances in technology, changes made to entry to practice competencies and other relevant issues in the discretion of the Council.
2. Peer and practice assessments and remediation of a member’s practice.
3. A mechanism for the College to monitor members’ participation in, and compliance with, the program.

(2) Every member shall participate in, and fulfil the requirements of, the program. O. Reg. 529/98, s. 1.

SELF-ASSESSMENT, CONTINUING EDUCATION OR PROFESSIONAL DEVELOPMENT ACTIVITIES

31. (1) Every member shall participate in self-assessment, continuing education or professional development activities annually in the form and manner approved by the Committee in order to maintain the knowledge, skill and judgment required to practise the profession in accordance with the standards of practice and ethics set by the College.

(2) Members shall keep records of their participation in self-assessment, continuing education or professional development activities in the form and manner specified by the Committee and for the time period specified by the Committee.

(3) At the request of the Committee, an assessor or a College employee, a member shall provide to the Committee, the assessor or the College employee, within the time period specified in the request, or where no time period is specified, within 30 days after receiving the request,

(a) complete and accurate information, in the manner and form specified by the Committee, about the member's self-assessment, continuing education or professional development activities; and

(b) the member's self-assessment, continuing education or professional development activity records described in subsection (2).

(4) The Committee may refer a member to a peer and practice assessment, where in the opinion of the Committee, the member's records that are required to be kept under subsection (2) are not complete, are inadequate or are not submitted within the time requested.

PEER AND PRACTICE ASSESSMENT AND REMEDIATION

32. (1) Each year the College shall select members to undergo a peer and practice assessment in order to assess whether the members' knowledge, skill and judgment are satisfactory.

(2) A member is required to undergo a peer and practice assessment if,

(a) his or her name is selected at random, including by stratified random sampling;

(b) the member has been selected on the basis of criteria specified by the Committee and published on the College's website at least three months before a member is selected on the basis of that criteria;

(c) the member has been asked to provide to the Committee, an assessor or a College employee records of the member's self-assessment, continuing education or professional development activities and the member has not provided such records or the records demonstrate that the member has not engaged in adequate self-assessment, continuing education or professional development activities; or

(d) the member has been assessed previously and the Committee concludes that another peer and practice assessment should be conducted.

(3) The peer and practice assessment may include, but is not limited to,

(a) requiring the member to complete an evaluation tool in the form and manner specified in the notice advising the member of the requirement;

(b) inspecting the premises where the member practises and his or her records of client care;

(c) interviewing or surveying persons with whom the member works and the member's clients;

(d) requiring the member to answer, orally or in writing, questions that relate to the member's practice;

(e) requiring the member to participate in one or more evaluations of the member's knowledge, skill and judgment, including evaluations such as simulated situations, case studies, peer assessment or practice setting reviews; and

(f) reviewing the member's self-assessment, continuing education or professional activity records.

(4) The Committee shall appoint an assessor to conduct the peer and practice assessment and inform the member who is to be assessed of the assessor's name.

(5) The member may, upon receiving the name of the assessor and before the assessment begins, request that the Committee appoint a different assessor.

(6) The Committee may appoint a different assessor at the member's request. O. Reg. 529/98, s. 1.

33. (1) The assessor shall prepare a written assessment report and provide it to the Committee and the member who was assessed.

(2) After considering the assessment report and any submissions made, the Committee may, if the report indicates that the knowledge, skills or judgment of the member are not satisfactory, take any action listed in subsection 80.2(1) of the Health Professions Procedural Code if, before doing so, the Committee,

(a) gives to the member a copy of the assessor's report;

(b) gives to the member notice of the Committee's opinion and intention to take action;

(c) gives to the member notice of the member's right to make written submissions to the Committee within a specified time period that is not less than 14 days after receipt of the notice; and

(d) after considering any submissions made by the member, is still of the opinion that the member's knowledge, skill or judgment are not satisfactory.

(3) If the Committee takes any action under subsection (2), the Committee may direct an assessor to conduct a follow-up peer and practice assessment to determine whether the actions have resulted in the desired improvements being made within a reasonable time.

(4) Subsections (1) to (2) apply with necessary modifications to a follow-up peer and practice assessment referred to in subsection (3).