College of Registered Psychotherapists of Ontario

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 registrants to understand when they are legally required to report information to certain authorities. This resource may not be exhaustive.

Registrants are in the best position to judge whether a mandatory reporting obligation applies to their particular situation. If in doubt, registrants 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.

General Guidance

A mandatory reporting obligation may require registrants to include specific information in a report. Registrants should review the information provided here and seek further guidance if anything is unclear. Other relevant resources include CRPO's *Professional Practice Standards for Registered Psychotherapists* (Standard 1.3: Mandatory Reporting and Standard 3.1: Confidentiality), and information on mandatory self-reporting.

When providing a mandatory report that includes client personal health information, disclose only as much personal health information as is reasonably necessary to meet the purposes of the disclosure.

Risk of Harm & Other Limits to Confidentiality

The mandatory reporting obligations listed below are not the only limits to client confidentiality. For example, a registrant may encounter situations where they have grounds to believe that a client or third party is at significant risk of serious bodily harm. Such situations may not fall under mandatory reporting obligations; however; the *Personal Health Information Protection Act, 2004* (PHIPA) permits the disclosure of a client's personal health information if there are reasonable grounds to believe that the disclosure is necessary to reduce or eliminate a significant risk of serious bodily harm to a person or group of persons. See CRPO's guideline, *Disclosing Information to Prevent Harm*, available on CRPO's website.

In addition, a psychotherapist may be required to disclose confidential information during legal proceedings.

Subject Matter	Who does this duty apply to?	To whom do I report?	Legislation	Excerpts from legislation *Please consult the legislation to view all relevant provisions*
Child in need of protection	Any person	Children's Aid Society	*Child, Youth and Family Services Act, 2017*	125. (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 immediately report the suspicion and the information on which it is based to a society…
Long-term care homes	Any person	Director, Long-Term Care Inspections Branch Ministry of Health and Long-Term Care	*Fixing Long-Term Care Act, 2021*	28.(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. 3. Unlawful conduct that resulted in harm or a risk of harm to a resident. 4. Misuse or misappropriation of a resident's money. 5. Misuse or misappropriation of funding provided to a licensee under this Act or the *Connecting Care Act, 2019*.

Retirement homes	Any person	Registrar of the Retirement Homes Regulatory Authority	*Retirement Homes Act, 2010*	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: 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 the staff of the retirement home of the resident if it results in harm or a risk of harm to the resident. 3. Unlawful conduct that resulted in harm or a risk of harm to a resident. 4. Misuse or misappropriation of a resident's money.
Sexual abuse by regulated health professional or PSW	Regulated health professionals	Registrar of the alleged abuser's regulatory body	Health Professions Procedure Code	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, (a) another member of the same or a different College has sexually abused a patient; or (b) a registrant of the Health and Supportive Care Providers Oversight Authority has sexually abused a patient who receives health care or supportive care services from the registrant.. (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. (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. ... 85.3 (1) A report required under section 85.1 or 85.2 must be filed in writing with, (a) the Registrar of the College if a member of the College is the subject of the report; or (b) the Health and Supportive Care Providers Oversight Authority if a registrant of the Authority is the subject of the report. (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 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. (3) The report must contain, (a) the name of the person filing the report; (b) the name of the member who is the subject of the report; (c) an explanation of the alleged sexual abuse, incompetence or incapacity; (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). (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. (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.
Facility report	Any person who operates a facility where one or more regulated health professionals practise	Registrar of the applicable regulatory body	Health Professions Procedure Code	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	Registrar of the applicable regulatory body	Health Professions Procedure Code	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. (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: 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. 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. 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.

Unsafe practice by another RP	Registered Psychotherapists	CRPO	Professional Misconduct Regulation	1. The following are acts of professional misconduct… 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. 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.
Report about social workers or social service workers	Any person who employs a social worker or social service worker	Registrar of the Ontario College of Social Workers and Social Service Workers	Social Work and Social Service Work Act	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. (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. 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.

Privacy breach notification	Health information custodians	An individual whose personal health information is stolen or lost, or used or disclosed without authorization *and in many circumstances* The Information and Privacy Commissioner of Ontario[1]	*Personal Health Information Protection Act, 2004*	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, (a) notify the individual at the first reasonable opportunity of the theft or loss or of the unauthorized use or disclosure; and (b) include in the notice a statement that the individual is entitled to make a complaint to the Commissioner under Part VI. (3) If the circumstances surrounding a theft, loss or unauthorized use or disclosure referred to in subsection (2) meet the prescribed requirements, the health information custodian shall notify the Commissioner of the theft or loss or of the unauthorized use or disclosure.
Termination for breach of privacy	Any person who employs, partners, or is similarly affiliated with a regulated health practitioner	Applicable regulatory body	*Personal Health Information Protection Act, 2004*	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 or a registrant of the Authority, the health information custodian shall give written notice of any of the following events to the College or Authority within 30 days of the event occurring: 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. 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.

Mandatory *self-reporting* for regulated health professionals (offences, negligence/ malpractice, other memberships & misconduct, charges & bail conditions)	Regulated Health Professionals	Registrar of the applicable regulatory body	Health Professions Procedure Code	85.6.1 (1) A member shall file a report in writing with the Registrar if the member has been found guilty of an offence. ... 85.6.2 (1) A member shall file a report in writing with the Registrar if there has been a finding of professional negligence or malpractice made against the member. ... 85.6.3 (1) A member shall advise the Registrar in writing if the member is a member of another body that governs a profession inside or outside of Ontario. (2) A member shall file a report in writing with the Registrar if there has been a finding of professional misconduct or incompetence made against the member by another body that governs a profession inside or outside of Ontario. ... 85.6.4 (1) A member shall file a report in writing with the Registrar if the member has been charged with an offence, and the report shall include information about every bail condition or other restriction imposed on, or agreed to, by the member in connection with the charge.
Mandatory *self-reporting* for RPs	Registered Psychotherapists	CRPO	Registration Regulation	5. Every certificate of registration is subject to the following terms, conditions and limitations: 1. The member shall provide the College with written details about any of the following that relate to the applicant as soon as reasonably practicable after its occurrence: i. A finding of guilt in relation to any offence in any jurisdiction. ii. A finding of professional misconduct, incompetence or incapacity, or any similar finding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction. iii. A current proceeding for professional misconduct, incompetence or incapacity, or any similar proceeding, in relation to another regulated profession in Ontario or to any regulated profession in another jurisdiction.

				iv. A finding of professional negligence or malpractice in any jurisdiction. v. A refusal by any body responsible for the regulation of a profession in any jurisdiction to register or license the member. vi. Whether the member was in good standing at the time he or she ceased being registered with a body responsible for the regulation of a profession in Ontario or in any other jurisdiction. vii. Any other event that would provide reasonable grounds for the belief that the member will not practise psychotherapy in a safe and professional manner. ... 4. The member shall provide the College with written details within two days of the member becoming aware that he or she does not have the professional liability insurance that he or she is required to have under the by-laws. **Note:** While not mandatory reporting obligations in the same sense, RPs are required to update any changes to their name and contact information with CRPO within 30 days (see CRPO By-laws, article 21.11).

[1] Ontario's Information and Privacy Commissioner of Ontario (IPC) requires health information custodians to complete an annual report on health privacy breaches. Please see the IPC's requirements here: https://www.ipc.on.ca/en/health-organizations/report-a-privacy-breach/annual-reporting-of-privacy-breach-statistics-to-the-commissioner.