Risk Assessment and Decision-Making Tool

Does the information in the file raise concerns[1] about the registrant's conduct and/or competence (i.e. knowledge, skills and judgment) or that he/she is incapacitated?

If **YES** to incapacity, refer to incapacity protocols.

YES → Do you require any additional information prior to making a decision about the outcome?

YES → Is there additional information that can be obtained to support the allegations?

If **YES**, direct staff to obtain further information as needed.

NO → NO

NO → Did the conduct appear to involve:

Possible Misconduct	Possible Incompetence
▪ Abuse ▪ Dishonesty (i.e., a clear intent to deceive, for example, lying to a client, lying to the College, lying to an insurer) ▪ Ungovernability ▪ Conduct of such a serious nature to warrant a referral to the Discipline Committee, or ▪ Similar conduct.	▪ Lacking knowledge, skills and judgment that poses a serious risk to the public and that warrants a referral to the Discipline Committee and/or remediation.

NO → Are there aggravating factors and if so, does that change the level of risk, for example,

LOW → MODERATE

YES → Are there aggravating factors and if so, does that change the level of risk, for example,

MODERATE → HIGH

NO → Are there mitigating factors and does that change the level of risk, for example,

LOW → NO

YES → Are there mitigating factors and does that change the level of risk, for example,

MODERATE → LOW

NO → Are there mitigating factors and does that change the level of risk, for example,

MODERATE → LOW

YES → Are there mitigating factors and does that change the level of risk, for example,

HIGH → MODERATE

YES → **NO RISK**

(information does not support taking any regulatory action)

- Frivolous and vexatious
- No evidence to support the risk as alleged

= **NO FURTHER ACTION**

NO → **LOW RISK**

(unlikely to have potential impact on client care, safety, or the public interest)

- Human error
- Risk of harm is low
- May not have enough evidence / no serious concerns

= **NO FURTHER ACTION** with

- Guidance/recommendations

YES → **MODERATE RISK**

(concerns related to an aspect of the registrant's conduct or practice that may have a direct impact on client care, safety, or the public interest if not addressed)

- Reckless
- May have enough evidence
- Risk of harm is higher and may be serious enough for a referral to discipline

Consider a

- CAUTION-IN-PERSON
- SCERP
- negotiating an UNDERTAKING to resign during investigation or restrict practice

NO → **HIGH RISK**

(serious concerns regarding the registrant's conduct or practice that are likely to have a direct impact on client care, safety, or the public interest; concerns cannot be addressed through other remedial actions, or previous remedial actions have been attempted unsuccessfully, clinical issues requiring restrictions or conditions on practice, or a withdrawal or resignation from practice)

- Bad intent, incompetent, ungovernable
- There is evidence to support the conduct or competence concerns
- Risk of harm is serious

Consider a

- referral to DISCIPLINE
- interim order

YES → Does a Prosecutorial Viability Assessment show that the specified allegations can be successfully prosecuted?

NO → No referral to Discipline → NO → Does a Prosecutorial Viability Assessment show that the specified allegations can be successfully prosecuted?

YES → Refer to Discipline

ON THE PUBLIC REGISTER ON CDHO WEBSITE

[1]Examples of concerns:

- Patient Harm / Patient Safety
- Clinical Knowledge
- Clinical Skill / Execution
- Clinical Judgment
- Recordkeeping (ADPIE)
- Patient Informed Consent
- Communication
- Practice Management / Protocols
- Billing / Financial
- Professional Boundaries
- Sexual Abuse

December 2020