



DUTY TO REPORT

Health Professions Act Sections 32.2 and 32.4

A physical therapist has a duty to report a regulated health professional, under the *Health Professions Act (Act)*, if they believe the continued practice of that regulated health professional constitutes a danger to the public or if they believe that the other regulated health professional has engaged in sexual misconduct.

You might not realize that this duty to report extends to the practice of any regulated health professional in British Columbia, not only the practice of other physical therapists. If you determine that there is a duty to report, you must report the circumstances, in writing, to the registrar of the health professional's College.

As outlined in Section 32.2 (2) of the *Health Professions Act* (see below) your duty to report remains even if the health professional you are concerned about is terminated or resigns. Note that regarding sexual misconduct specifically, Section 32.4 (2) states that if you believe that the health professional has engaged in sexual misconduct based on a client report, then you can only report this with client consent.

The wording of the *Act* indicates it is your duty to report if you have reasonable and probable grounds for concern, and that no action for damages can be brought against you for making the report in good faith (Section 32.5).

Below are Sections 32.2 and 32.4 of the *Act* which describe more the physical therapist's obligations.

If you have questions about a Duty to Report as required in the *Act*, contact the College Practice Advisors. If you know you need to report a physical therapist to the College (under the Duty to Report requirements in the *Act*) make a report through the complaints form on the website.



Duty to report registrant

32.2

(1) A registrant must report in writing to the registrar of an other person's college if the registrant, on reasonable and probable grounds, believes that the continued practice of a designated health profession by the other person might constitute a danger to the public.

(2) If a person (a) terminates the employment of an other person,
(b) revokes, suspends or imposes restrictions on the privileges of an other person,
or
(c) dissolves a partnership or association with an other person
based on a belief described in subsection (1), the person must report this in writing to the registrar of the other person's college.

(3) If a person intended to act as described in subsection (2) (a), (b) or (c) but the other person resigned, relinquished their privileges or dissolved the partnership or association before the person acted, the person must report this in writing to the registrar of that other person's college.

Duty to report sexual misconduct

32.4

(1) If a registrant has reasonable and probable grounds to believe that another registrant has engaged in sexual misconduct, the registrant must report the circumstances in writing to the registrar of the other registrant's college.

(2) Despite subsection (1), if a registrant's belief concerning sexual misconduct is based on information given in writing, or stated, by the registrant's patient, the registrant must obtain, before making the report, the consent of

(a) the patient, or
(b) a parent, guardian or committee of the patient, if the patient is not competent to consent to treatment.



College of

**HEALTH AND CARE
PROFESSIONALS OF BC**

Immunity

32.5 No action for damages lies or may be brought against a person for making a report in good faith as required under section 32.2, 32.3 or 32.4.