

SSMLT COMPLAINTS PROCESS

This document provides an overview of the SSMLT complaints, investigation and hearing processes.
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Public protection
Complaints/Discipline Process

Investigation/Discipline Process

The mandate of a Professional Regulatory (SSMLT) body is public protection.

If you have a problem or concern related to public protection about how a Medical Laboratory Technologist (MLT) practices in Saskatchewan, the following steps are recommended:

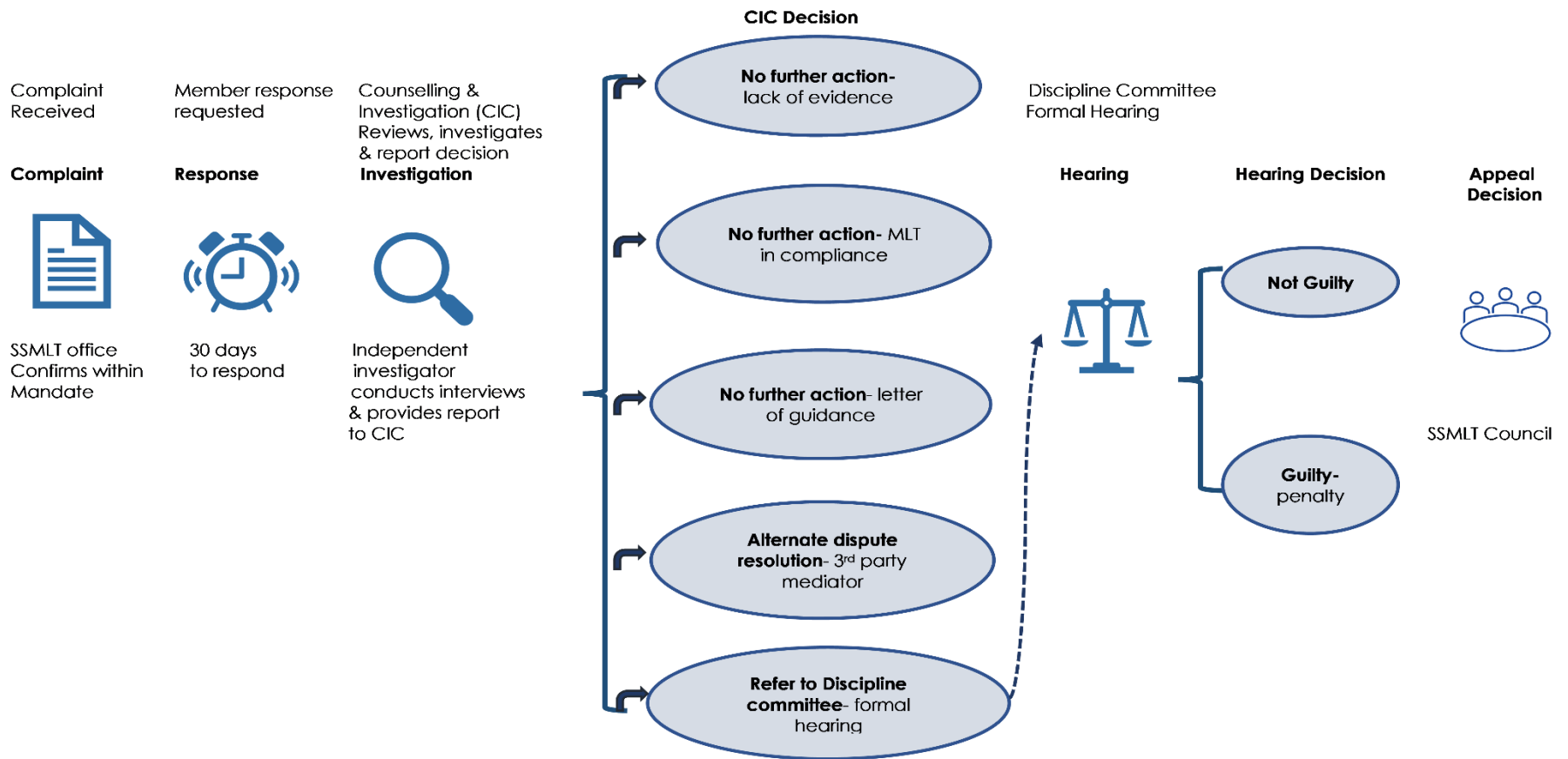
1. First, talk with your MLT about your concerns. He/she will want to know that you are dissatisfied with the service received. Sometimes, problems occur because there has been a misunderstanding between what you expect and what care the MLT has provided. Talking to the MLT can often resolve your concerns or questions.
2. Second, if the MLT is unable to resolve your concerns, or if you are not comfortable talking about your concerns with the MLT, talk with their manager or employer about your situation. This can often result in clarification or resolution.
3. If you are unable to receive satisfaction from the above efforts, or if you feel it is inappropriate to do either of the above, you may then contact the SSMLT to discuss your concerns. We will listen and will seek to offer guidance or suggestions for your consideration in resolving your concerns/situation.

As the Regulatory Organization for the Medical Laboratory Technologist profession, the SSMLT is responsible for receiving and investigating formal complaints for public protection related to the Conduct and Competence of Licensed Medical Laboratory Technologists practicing medical laboratory technology in the province of Saskatchewan.

Please note:

SSMLT cannot investigate anonymous complaints or a complaint against healthcare professionals who are not a member of SSMLT; such as medical laboratory assistants, phlebotomists, combined laboratory and X-ray technologists and degree individuals working in medical laboratories. All formal complaints received, will be reviewed to ensure they are within the mandate of SSMLT for investigate.

Overview of Complaints Process



What is a complaint?

A complaint refers to any complaint, report or allegation in writing and signed by a person regarding the conduct, actions, competence, character, or ability of a member of the SSMLT or former member of the SSMLT pursuant to subsection 20(2) of the Act. Complaints may be filed by members of the public, colleagues, supervisors and employers. The process by which complaints are received and investigated is governed by The Medical Laboratory Technologists Act, 1995 and the Bylaws and Policies of the SSMLT.

If you are concerned that the care or treatment you received from a SSMLT member constituted professional misconduct &/or professional incompetence, you may submit a complaint to the SSMLT. If you are unsure if filing a complaint is the best way to proceed, please contact the SSMLT office (306-352-6791), and a staff member can answer your questions regarding the practice of medical laboratory technology and the complaints process.

What is Professional Incompetence?

Professional incompetence is a question of fact, but the display by a member of:

- a lack of knowledge, skill, judgement; or
- a disregard for the welfare of members of the public served by the profession;

Of a nature or to an extent that demonstrates that the member is unfit to continue in the practice of the profession is professional incompetence within the meaning of the Act.

What is Professional Misconduct?

Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:

- it is harmful to the best interests of the public or the members;
- it tends to harm the standing of the profession;
- it is a breach of the Act or the bylaws; or
- it is a failure to comply with an order of the counselling and investigation committee, the discipline committee or the council.

The definitions of Professional Incompetence and Professional Misconduct are taken from The Medical Laboratory Technologists Act, 1995.

Investigation

The Counseling and Investigation Committee (CIC) is responsible to review all formal complaints made to SSMLT. Complaints are received by the SSMLT office and are forwarded to the CIC. The CIC reviews the complaint and determines whether the complaint meets the threshold in order to investigate.

In determining the threshold, they will consider whether the complaint falls within the jurisdiction of the SSMLT and if it is within the definitions of professional misconduct or professional incompetence outlined in the *MLT Act*.

The SSMLT will notify the person making the complaint (the complainant) advising them that the complaint has been received and whether it will be investigated.

The complaint(s) will be provided to the member (respondent) against whom a complaint has been filed and a response will be required within 30 days.

The complainant, the member and any other witnesses to the incident may be interviewed by a member of the Committee or an outside investigator. Other relevant information will be reviewed as well. A written investigation report will be provided to the Counseling and Investigation Committee. All reports are confidential and will only be shared with the complainant, the member, and the two Committees if a decision is made to refer the matter to a Discipline Committee.

Once the Counseling and Investigation Committee has all the information they require, they make one of three decisions:

1. The Committee may indicate 'no further action' in the case:
 - a. if the actions of the medical laboratory technologist appear to be in compliance with the legislation, standards and guidelines of the Regulator; or
 - b. if there is insufficient evidence to support/indicate a violation occurred; or
 - c. if the matter is not within the jurisdiction of the Regulator; or
 - d. if evidence in the investigation tends to show there may be undesirable practice or conduct, and there are opportunities for the Member to improve their practice to be more safe, effective or ethical through feedback and recommendations. There is insufficient evidence to refer the matter to a disciplinary process. The CIC may issue a letter of caution. This is a non-disciplinary option.

2. There is evidence to support concerns regarding professional competence and/or conduct. If based on the evidence it is in the public interest to offer a low-level resolution, the Committee may decide the case may benefit from an “alternative dispute resolution” process such as mediation with a third party to negotiate a Consensual Complaint Resolution Agreement (CCRA).
3. If the Committee are unable to negotiate a CCRA, or if based on the evidence it is not in the public interest to offer a low-level resolution (CCRA), the matter is then referred to a Discipline Hearing. This is a formal hearing process where the medical laboratory technologist is charged with Professional Incompetence and/or Professional Misconduct as defined in The Medical Laboratory Technologists Act. Discipline hearings are public (*MLT Act*- s. 24 (14) Complainants may be required to be a witness at a hearing. Complainants that are not required to be a witness, will be notified of the hearing and can attend if they wish. Complainants may be required to testify at the hearing.

Hearing- if required

If the matter is referred to hearing by the Counselling and Investigation committee the hearing is open to the public.

Hearings are conducted by the Discipline Committee which consists of both MLTs and members of the public appointed by the provincial government to represent the public.

The discipline hearing is a process similar to but less formal than any other court. For example:

- the hearing may accept any evidence it considers appropriate, relevant and admissible;
- all parties involved may be represented by legal counsel at their own expense;
- testimony of witnesses is under oath;
- examination, cross-examination and re-examination is a full right of all parties involved;
- failure of the member to appear does not delay nor postpone the hearing.

Hearing Decision

Where the Discipline Committee finds a member guilty of professional incompetence or professional misconduct, it may:

- order that the member be expelled from the society and that the member's name be struck from the register;
- order that the member be suspended from the society for a specified period of time;
- order that the member be suspended from the society pending the satisfactory completion of any conditions specified in the order;

- order that the member may continue to practice under specific conditions which may include, but are not restricted to:
 - not do specified types of work;
 - successfully complete specified classes or courses of instruction;
 - obtain medical or other treatment or counselling or both;
 - having a reprimand placed on his/her file; or
 - make any other order that it considers just.

Copies of such orders shall be sent to the member involved and the person who made the complaint.

Appeal

A member who has been found guilty by the Discipline Committee may appeal the decision to:

- SSMLT Council within 30 days (see section 31 of the Act); or
- To a judge of the court (see section 32 of the Act)