[Français](http://www.ontario.ca/fr/lois/loi/91r39)

Respiratory Therapy Act, 1991

S.O. 1991, CHAPTER 39

**Consolidation Period:** From July 24, 2023 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2023, c. 4, Sched. 2, s. 13](http://www.ontario.ca/laws/statute/S23004" \l "sched2s13).

Legislative History: 1997, c. 9, s. 6; 1998, c. 18, Sched. G, s. 44; [2007, c. 10, Sched. B, s. 22](http://www.ontario.ca/laws/statute/S07010" \l "schedbs22s1); [2009, c. 26, s. 25](http://www.ontario.ca/laws/statute/S09026" \l "s25s1); [2021, c. 25, Sched. 25, s. 30](http://www.ontario.ca/laws/statute/S21025" \l "sched25s30); [2023, c. 4, Sched. 2, s. 13](http://www.ontario.ca/laws/statute/S23004" \l "sched2s13).

Definitions

**1** In this Act,

“College” means the College of Respiratory Therapists of Ontario; (“Ordre”)

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the Regulated Health Professions Act, 1991; (“Code des professions de la santé”)

“member” means a member of the College; (“membre”)

“profession” means the profession of respiratory therapy; (“profession”)

“this Act” includes the Health Professions Procedural Code. (“la présente loi”) 1991, c. 39, s. 1; 1998, c. 18, Sched. G, s. 44 (2).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 44 (2) - 01/02/1999

Health Professions Procedural Code

**2** (1)  The Health Professions Procedural Code shall be deemed to be part of this Act. 1991, c. 39, s. 2 (1).

Terms in Code

(2)  In the Health Professions Procedural Code as it applies in respect of this Act,

“College” means the College of Respiratory Therapists of Ontario; (“ordre”)

“health profession Act” means this Act; (“loi sur une profession de la santé”)

“profession” means the profession of respiratory therapy; (“profession”)

“regulations” means the regulations under this Act. (“règlements”) 1991, c. 39, s. 2 (2); 1998, c. 18, Sched. G, s. 44 (2).

Definitions in Code

(3)  Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act. 1991, c. 39, s. 2 (3).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 44 (2) - 01/02/1999

Scope of practice

**3** The practice of respiratory therapy is the providing of oxygen therapy, cardio-respiratory equipment monitoring and the assessment and treatment of cardio-respiratory and associated disorders to maintain or restore ventilation. 1991, c. 39, s. 3; 1998, c. 18, Sched. G, s. 44 (2).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 44 (2) - 01/02/1999

Authorized acts

**4** In the course of engaging in the practice of respiratory therapy, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Performing a prescribed procedure below the dermis.

2. Intubation beyond the point in the nasal passages where they normally narrow or beyond the larynx.

3. Suctioning beyond the point in the nasal passages where they normally narrow or beyond the larynx.

4. Administering a substance by injection or inhalation.

5. Administering a prescribed substance by inhalation. 1991, c. 39, s. 4; 1998, c. 18, Sched. G, s. 44 (2); 2009, c. 26, s. 25 (1).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 44 (2) - 01/02/1999

[2009, c. 26, s. 25 (1)](http://www.ontario.ca/laws/statute/S09026" \l "s25s1) - 15/12/2009

Additional requirements for authorized acts

**5** (1)  A member shall not perform a procedure under the authority of paragraph 1, 2 or 4 of section 4 unless the procedure is ordered by,

(a) a member of the College of Physicians and Surgeons of Ontario, the College of Midwives of Ontario or the Royal College of Dental Surgeons of Ontario;

(b) a member of the College of Nurses of Ontario who holds an extended certificate of registration under the Nursing Act, 1991; or

(c) a member of a health profession that is prescribed by regulation. 1998, c. 18, Sched. G, s. 44 (3).

Grounds for misconduct

(2)  In addition to the grounds set out in subsection 51 (1) of the Health Professions Procedural Code, a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member contravenes subsection (1). 1991, c. 39, s. 5 (2).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 44 (3) - 01/02/1999

College established

**6** The College is established under the name College of Respiratory Therapists of Ontario in English and Ordre des thérapeutes respiratoires de l’Ontario in French. 1991, c. 39, s. 6; 1998, c. 18, Sched. G, s. 44 (2).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 44 (2) - 01/02/1999

Council

**7** (1)  The Council shall be composed of,

(a) at least seven and no more than 10 persons who are members elected in accordance with the by-laws;

(b) at least five and no more than eight persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) members of a College as defined in the Regulated Health Professions Act, 1991, or

(iii) members of a Council as defined in the Regulated Health Professions Act, 1991. 1991, c. 39, s. 7 (1); 1998, c. 18, Sched. G, s. 44 (4).

Who can vote in elections

(2)  Subject to the by-laws, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council. 1991, c. 39, s. 7 (2); 1998, c. 18, Sched. G, s. 44 (5).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 44 (4, 5) - 01/02/1999

President and Vice-President

**8** The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council’s members. 1991, c. 39, s. 8.

Restricted titles

**9** (1)  No person other than a member shall use the title “respiratory therapist”, a variation or abbreviation or an equivalent in another language. 1991, c. 39, s. 9 (1); 1998, c. 18, Sched. G, s. 44 (2).

Representations of qualification, etc.

(2)  No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a respiratory therapist or in a specialty of respiratory therapy. 1991, c. 39, s. 9 (2); 1998, c. 18, Sched. G, s. 44 (2).

Definition

(3)  In this section,

“abbreviation” includes an abbreviation of a variation. 1991, c. 39, s. 9 (3).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 44 (2) - 01/02/1999

**10** Repealed: 2021, c. 25, Sched. 25, s. 30.

**Section Amendments with date in force (d/m/y)**

[2021, c. 25, Sched. 25, s. 30](http://www.ontario.ca/laws/statute/S21025" \l "sched25s30) - 03/06/2021

Offence

**11** Every person who contravenes subsection 9 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than $25,000 for a first offence and not more than $50,000 for a second or subsequent offence. 2007, c. 10, Sched. B, s. 22 (1).

**Section Amendments with date in force (d/m/y)**

[2007, c. 10, Sched. B, s. 22 (1)](http://www.ontario.ca/laws/statute/S07010" \l "schedbs22s1) - 04/06/2007

Regulations

**12** (1)  Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

(a) prescribing procedures for the purpose of paragraph 1 of section 4;

(b) prescribing substances for the purpose of paragraph 5 of section 4. 2009, c. 26, s. 25 (2).

Individual or categories

(2)  A regulation made under clause (1) (b) may designate individual substances or categories of substances. 2009, c. 26, s. 25 (2).

Incorporation by reference

(3)  A regulation made under clause (1) (b) may adopt, by reference, in whole or in part, and with such changes as are considered necessary, one or more documents setting out a list of individual substances or a list of categories of substances that may be prescribed or administered by injection or inhalation by members. 2009, c. 26, s. 25 (2).

Rolling incorporation

(4)  If a regulation provided for in subsection (3) so provides, a document adopted by reference shall be a reference to it as amended from time to time after the making of the regulation. 2009, c. 26, s. 25 (2).

Must be made by expert committee

(5)  A document adopted by reference under subsection (3) may only be a document created or approved by an expert committee established under section 43.2 of theRegulated Health Professions Act, 1991and no other body. 2009, c. 26, s. 25 (2).

Availability

(6)  A document adopted by reference under subsection (3) must be named in the regulation and must be available for public inspection during normal business hours in the office of the College and must be posted on the College’s website or available through a hyperlink at the College’s website. 2009, c. 26, s. 25 (2).

**Section Amendments with date in force (d/m/y)**

[2007, c. 10, Sched. B, s. 22 (2)](http://www.ontario.ca/laws/statute/S07010" \l "schedbs22s2) - 04/06/2007

[2009, c. 26, s. 25 (2)](http://www.ontario.ca/laws/statute/S09026" \l "s25s2) - 15/12/2009

Minister regulations

**12.1**Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations exempting a person from subsection 9 (1) or (2) and setting conditions on such an exemption. 2023, c. 4, Sched. 2, s. 13.

**Section Amendments with date in force (d/m/y)**

[2023, c. 4, Sched. 2, s. 13](http://www.ontario.ca/laws/statute/S23004" \l "sched2s13) - 24/07/2023

**13** Repealed: 2007, c. 10, Sched. B, s. 22 (2).

**Section Amendments with date in force (d/m/y)**

[2007, c. 10, Sched. B, s. 22 (2)](http://www.ontario.ca/laws/statute/S07010" \l "schedbs22s2) - 04/06/2007

**14** Omitted (provides for coming into force of provisions of this Act). 1991, c. 39, s. 14.

**15** Omitted (enacts short title of this Act). 1991, c. 39, s. 15.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Français](http://www.ontario.ca/fr/lois/loi/91r39)

[Back to top](#Top)