



College of
Speech and Hearing
 Health Professionals of BC

Regulator of Audiologists, Hearing Instrument
 Practitioners and Speech-Language Pathologists

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INQUIRY COMMITTEE POLICIES AND PROCEDURES		IC - 01
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INTRODUCTION

The Policies and Procedures (P&P) of the Inquiry Committee will employ to investigate and resolve complaints filed against registrants as set out in this document.

This document also sets out the applicable provisions from the *Health Professions Act* (HPA), the Health Professions General Regulation (HPGR), The Speech and Hearing Health Professionals Regulation (SHHPR) and the College Bylaws (Bylaws), and uses those provisions as a framework for the Committee’s subsequent policies and procedures. The applicable provisions of Part 3 of the HPA, the SHHPR, the HPGR and Part 14 of the Bylaws are set out in *italic font* within a box, and are also denoted at the start by either “HPA”, “SHHPR” “HPGR” or “Bylaws”.

The policies and procedures provide more detailed guidance on the applicable provision of the HPA, SHHPR, HPGR and Bylaws. While every effort has been made to ensure there is no conflict, where a provision of these policies and procedures conflicts with a provision of the HPA, SHHPR, HPGR or the Bylaws, the provision of the Act, SHHPR, HPGR or Bylaw prevail to the extent necessary to resolve the conflict.

DEFINITIONS

1. The following definitions are used in these P&P:

“complaint” means a concern about the acts or omissions of a registrant made by any person, and includes a matter listed in section 33(4) of the HPA, but excludes an assessment of a registrant under section 26.1 of the HPA;

“complainant” means a person who has made a complaint, and includes a complainant’s legal guardian if the context so requires;

*HPA - s.26 "**professional misconduct**" includes sexual misconduct, unethical conduct, infamous conduct and conduct unbecoming a member of the health profession;*

*HPA - s.26 "**registrant**" includes a former registrant, and a certified non-registrant or former certified non-registrant to whom this Part applies;*

*Bylaws – s.1 "**respondent**" means a registrant named in a citation under section 37 of the Act;*

*HPA - s.26 "**serious matter**" means a matter which, if admitted or proven following an investigation under this Part, would ordinarily result in an order being made under section 39 (2) (b) to (e);*

*HPA - s.26 "**unprofessional conduct**" includes professional misconduct.*

1) ADMINISTRATION

Composition of the Inquiry Committee

Bylaw – s.22(1) The inquiry committee is established consisting of at least five persons appointed by the board, and must include

(a) at least one registrant from each profession, and

(b) at least two public representatives.

(2) The number of public representatives on the inquiry committee must constitute at least one-third of the total number of persons on the committee.

Composition of Professional Specific Panels

Pursuant to Part 4, section 33 of the College bylaws, the inquiry committee may establish professional specific panels of three persons which must include at least one public representative. There will be three panels consisting of at least two health professionals and one public representative appointed by the committee.

The panel may exercise any power, duty or function of the inquiry committee.

1. The Inquiry Committee will appoint panel members as follows:
 - (a) Two committee members who represent the profession of the registrant being investigated and a public representative;
 - (b) Members of the panel may rotate based on availability but in all cases the panel will consist of three members of the Inquiry Committee, two of whom represent the profession of the registrant being investigated.

Appointment of inspectors

HPA - s.27(1) The inquiry committee may appoint persons as inspectors for the college.

2. The Inquiry Committee may appoint any member of the Committee or a person who is independent and external to the Committee to be an inspector, and provide that person with a letter of appointment signed by the Registrar.
3. A person appointed as an inspector must present the appointment letter to any person on request.

Registrar deemed to be an inspector

HPA - s.27(2) The registrar is an inspector.

4. The registrar is an inspector in so far as drafting letters to the registrant as per HPA s. 33(5) and bringing articulated concerns of the IC to the registrant.

Expectation of Committee members

5. Committee members will be well-informed and impartial, and follow transparent procedures.
6. All complaint investigations will be conducted in a timely, confidential, evidence-based and thorough manner.
7. Committee members, as a result of their deliberations, will articulate written reasons for their concerns and decisions and present these to the Registrar for the drafting correspondence at the request of the Registrar.

2) COMPLAINTS

Form and delivery of a complaint

HPA - s.32(1) A person who wishes to make a complaint against a registrant must deliver the complaint in writing to the registrar.

8. A complaint must be dated and signed by the complainant.
9. If the complainant did not use the Complaint Form available on the college website, the form will be provided to the complainant by the registrar for completion along with reference to this policy for their guidance.
10. If the complainant is a child or does not have legal capacity, the complaint must also be sponsored and signed by the complainant's legal guardian.
11. A complaint that is received by the Registrar as an email or fax is a "complaint in writing".

12. If a complainant is unable to provide a written complaint, the Registrar will
 - (a) transcribe the complainant's complaint,
 - (b) confirm with the complainant that the transcribed complaint is an accurate reflection of the complaint, and
 - (c) document how the complainant confirmed the transcribed complaint.
13. A complaint must include
 - (a) the complainant's contact information,
 - (b) the name of the registrant and contact information, including place of employment, and
 - (c) sufficient detail of the complaint
 - (d) relief being sought.
14. If a Board member receives a complaint against a registrant, the Board member shall promptly forward that complaint to the Registrar.

Committee-initiated complaint

HPA – s.33(4) The inquiry committee may, on its own motion, investigate a registrant regarding any of the following matters:

- (a) a contravention of this Act, the regulations or the bylaws;*
 - (a.1) a conviction for an indictable offence;*
 - (b) a failure to comply with a standard, limit or condition imposed under this Act;*
 - (c) professional misconduct or unprofessional conduct;*
 - (d) competence to practice the designated health profession;*
 - (e) a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs his or her ability to practice the designated health profession.*

Referrals from the quality assurance committee

HPA – s.26.2 (3) If a quality assurance committee has reasonable grounds to believe that a registrant

- (a) has committed an act of professional misconduct,*
 - (b) has demonstrated professional incompetence,*
 - (c) has a condition described in section 33 (4) (e), or*
 - (d) as a result of a failure to comply with a recommendation under section 26.1 (3), poses a threat to the public,*
- the quality assurance committee must, if it considers the action necessary to protect the public, notify the inquiry committee which must treat the matter as if it were a complaint under section 32.*

Bylaws – s.95(4) If the quality assurance committee finds an inaccuracy or a false report [re: the continuing advanced competencies credits that the registrant has reported under section 95(1)] and is unable to resolve that deficiency by subsequent negotiation with the registrant, the committee may report that finding to the inquiry committee, which may in turn investigate the registrant for a breach of this section under Part 3 of the Act and Part 14 of these bylaws.

Bylaws – s. 159(4) If the quality assurance committee finds an inaccuracy or a false report [re: the continuing competencies credits that the registrant has reported under section 159(1)] and is unable to resolve that deficiency by subsequent negotiation with the registrant, the committee may report that finding to the inquiry committee, which may in turn investigate the registrant for a breach of this section under Part 3 of the Act and Part 14 of these bylaws.

Complaints involving financial matters

15. If the complaint involves a financial matter and the complaint does not raise an issue concerning patient safety, the Inquiry Committee may, at its discretion,
- (a) delay its investigation of that complaint pending the outcome of a civil action that involves or may involve the registrant, and
 - (b) so advise both the complainant and registrant.

3) REGISTRAR'S ROLE

On receipt

16. On receipt of a written complaint, the Registrar will
- (a) date-stamp the complaint and open a numbered file for the complaint,
 - (b) send a letter to the complainant acknowledging receipt and requesting information pursuant to section 33(5) or acknowledge and advise the IC will review the complaint at their next scheduled meeting.

Registrar's initial assessment

HPA - s.32 (2) As soon as practicable after receiving a complaint, the registrar must deliver to the inquiry committee a copy of the complaint, an assessment of the complaint and any recommendations of the registrar for the disposition of the complaint.

17. The Registrar will determine if the person against whom the complaint has been made is a registrant, a former registrant or is employed by a registrant or a former registrant.
18. If the person against whom the complaint has been made is neither a registrant, a former registrant or is employed by a registrant or a former registrant but proof exists that the person is using a reserved title and practicing restricted activities that fall within the scope of practice of a registrant (unauthorized practice), the Registrar will send a "cease and desist" letter to the person, an acknowledgment to the complainant and refer the matter to the Inquiry Committee.

Registrar's disposal of a complaint

HPA - s.32(3) Despite subsection (2), the registrar, if authorized by the board, may dismiss a complaint, or request that the registrant act as described in section 36 (1), without reference to the inquiry committee if the registrar determines that the complaint

(a) is trivial, frivolous, vexatious, or made in bad faith,

(b) does not contain allegations that, if admitted or proven, would constitute a matter subject to investigation by the inquiry committee under section 33 (4), or

(c) contains allegations that, if admitted or proven, would constitute a matter, other than a serious matter, subject to investigation by the inquiry committee under section 33 (4).

19. The registrar is so authorized by the board.

Registrar's authority

Bylaws – s.167. The registrar is authorized to act under section 32(3) of the Act.

20. If a complaint is to be disposed of pursuant to section 32(3) of the Act, the Registrar will

(a) advise the registrant being investigated and the complainant within 30 days that no further action will be taken, and

(b) advise the complainant of the complainant's right to apply for a review of the decision by the Health Professions Review Board pursuant to section 50.6 of the Act.

Report re: a disposed complaint

HPA – s.32(4) If a complaint is disposed of under subsection (3), the registrar must deliver a written report to the inquiry committee about the circumstances of the disposition.

(5) A disposition under subsection (3) is considered to be a disposition by the inquiry committee unless the inquiry committee gives the registrar written direction to proceed under subsection (2).

21. The Registrar's written report under section 32(4) of the HPA shall include the following information:

An assigned File Number

Applicable Dates

Summary of Complaint

4) INSPECTOR'S ROLE

HPA - s.28(1) During regular business hours, an inspector may, subject to any limits or conditions imposed on the inspector by the inquiry committee, investigate, inquire into, inspect, observe or examine one or more of the following without a court order:

(a) the premises, the equipment and the materials used by a registrant to practice the designated health profession;
(b) the records of the registrant relating to the registrant's practice of the designated health profession and may copy those records;
(c) the practice of the designated health profession performed by or under the supervision of the registrant.
(2) The inquiry committee may direct an inspector to act under subsection (1) or undertake any aspect of an investigation under section 33.
(3) If an inspector acts under this section as a consequence of a direction given under subsection (2), the inspector must report the results of those actions in writing to the inquiry committee.

22. If an Inspector wishes to apply for a court order pursuant to section 29 of the HPA, the Inspector must obtain the authorization of the Inquiry Committee before initiating that application.

Observing a registrant providing services

Bylaws – s.165. If an inspector intends to observe a registrant provide a service to a client, the inspector must obtain the consent of the client being treated, unless that service is being provided in a public setting.

Obstructing an Inspector

HPA - s.31(1) A person must not obstruct an inspector in the lawful performance of duties or the lawful exercise of powers under this Act.
(2) A person must not obstruct a person acting under section 29 or 30 or under an order made under those sections.

Reporting to the Committee

23. An Inspector must report in writing to the Inquiry Committee the results of an investigation.

24. The form and organization of an Inspector's report shall be as prescribed by the Committee.

5) TIMING OF AN INVESTIGATION

Starting an investigation

HPA - s.33(1) If a complaint is delivered to the inquiry committee by the registrar under section 32(2), the inquiry committee must investigate the matter raised by the complainant as soon as possible.

25. The Inquiry Committee will make every effort to begin its investigation of a complaint within 60 days of receiving the complaint file.

Notification re: expected date to complete an investigation

HPA – s.50.55 (1) In this section and in sections 50.57, 50.58 and 50.6, "registrant" means a registrant as defined in section 26.

(2) If a complaint made under section 32(1) or an investigation by the inquiry committee under section 33(4) has not been disposed of under section 32(3) or 33(6) within the period prescribed by the minister, the inquiry committee must, not later than 30 days after the expiry of the prescribed period, deliver written notice of that fact and an expected date of disposition to the following:

(a) the registrant under investigation;

(b) the complainant, if any.

(3) The expected date of disposition referred to in subsection (2) must fall within a further period, prescribed by the minister, from the date of the written notice referred to in that subsection.

Prescribed periods re: disposition of complaints and investigations

HPGR s.7 (1) For the purposes of section 50.55(2) of the Act, the prescribed period for the disposition of a complaint made under section 32(1) of the Act or an investigation by the inquiry committee under section 33(4) of the Act is 120 days from the date the registrar receives the complaint in writing or the inquiry committee begins the investigation, as applicable.

(2) For the purposes of section 50.55 (3) of the Act, the prescribed period is 60 days from the date written notice is delivered in accordance with section 50.55 (2) of the Act.

26. The Inquiry Committee will make every effort to complete its investigation and dispose of a complaint within 90 days from the date it starts its investigation, and if it cannot do so, the Committee will notify the parties as required by section 50.55 of the HPA.

Deadline for new expected date to complete an investigation

HPA – s.50.55(4) If the inquiry committee has not disposed of the complaint or the investigation by the expected date of disposition set out in the notice required under subsection (2), the inquiry committee must, not later than 30 days after that date, deliver written notice of and reasons for the delay, a new expected date of disposition and the right to apply for a review under section 50.57 to the following:

(a) the registrant;

(b) the complainant, if any;

(c) the review board.

(5) The new expected date of disposition referred to in subsection (4) must not be later than 45 days following the date of the expected date of disposition set out in the notice required under subsection (2).

(6) If the inquiry committee has not disposed of the complaint or the investigation by the new expected date of disposition set out in the notice required under subsection (4), the inquiry committee must, within 30 days after that date, deliver written notice to that effect to the following:

- (a) the registrant;
- (b) the complainant, if any;
- (c) the review board.

Investigation by inquiry committee suspended

HPA – s.50.56 If the inquiry committee has not disposed of a complaint or investigation on or before the new expected date of disposition set out in the notice required under section 50.55(4), the investigation by the inquiry committee is suspended until the time period to file an application for review under section 50.57(1) has expired and either

- (a) no application has been filed, or*
- (b) an application has been filed and the review board proceeds under section 50.58(1) (a) or (b).*

6) DETAILS RE: COMMITTEE INVESTIGATION

Informing the registrant

27. Upon receipt of a complaint by the Registrar to the Inquiry Committee, the Inquiry Committee will through the Registrar's office;
- (a) inform the registrant that a complaint has been made against him/her,
 - (b) provide the registrant with a copy of the complaint form and any other information the Committee determines is necessary to disclose to the registrant, and
 - (c) ask the registrant to respond to specific issues of concern as identified by the Committee.
28. The notice to the registrant being investigated will be in the form of a letter to be sent via email and by registered mail to the registrant and his or her most current contact information as recorded in the registry.

Withholding complainant's identity

Bylaws – s.166(3) The inquiry committee may order that the identity of a complainant not be disclosed to the respondent or any other party if the committee is of the view that such disclosure may place the complainant at undue risk of harm.

Asking the registrant to provide information

HPA – s.33(5) The inquiry committee must request the registrant who is the subject of an investigation under this section to provide it with any information regarding the matter that the registrant believes should be considered by the inquiry committee.

29. In requesting a registrant provide information, the Committee shall specify a date for the receipt of that information, which must not be less than 14 days from the date the letter would be received by the registrant.

Communications

30. If the complainant or the registrant communicates with the Inquiry Committee through a lawyer or another named representative, the Committee will direct all future communications to the complainant or the registrant, as the case may be, through that lawyer or representative until such time as the Committee is informed otherwise by the complainant or the registrant.
31. All communications to and from the Inquiry Committee should be under the signature of
 - (a) the chair of the Committee,
 - (b) an appointed member of the Committee, or
 - (c) the Registrar, with the consent of the chair or appointed member.

Copies of Policies and Procedures

32. In its initial communication to either the complainant or the registrant, the Committee shall
 - (a) enclose a copy of these Policies and Procedures, and
 - (b) disclose such other information that the Committee believes should be provided to the complainant or the registrant, as the case may be.

Document control

33. To ensure the integrity of all information that is generated during an investigation, the Registrar should ensure that the originals of all documents and other evidence received by the Committee, or any communications received from or sent to the complainant, the registrant under investigation or an third party, are dated, recorded on a master list, and kept in a secure location.
34. Unless it is necessary to review the originals, the Committee should work from copies of all documents or other evidence it receives or generated during its investigation
35. The Registrar should maintain an investigation chronology, setting out the date (if not also time) of major events during an investigation, including the dates of the following events:
 - (a) the dates that documents or other evidence are received by or sent to the Committee,
 - (b) the dates of conversations with a complainant, a registrant or third parties, and
 - (c) the dates of meetings of the Committee, including telephone conference calls.
36. As the Committee's communications with legal counsel are privileged, these need not be recorded pursuant to the above policies.

On-going assessment of a complaint

37. As the process of gathering information in a complaint investigation can be on-going, the Committee will continually ascertain if it has sufficient information from the complainant, the registrant under investigation or other parties.
38. If more information is needed, the chair (or an appointed investigator) will seek that information from the appropriate source.
39. The Committee holds the burden to prove each issue or allegation in a complaint against a registrant and, if the matter proceeds to a formal disciplinary hearing, that evidence must then prove the allegation on the balance of probabilities.
40. In deciding whether a complaint appears warranted, the Committee is not making a decision as to the guilt or innocence of the registrant under investigation, instead the Committee's role is limited to:
 - (a) identifying the issues (allegations) raised in the complaint, and gathering all the evidence that supports or does not support each allegation against the registrant under investigation;
 - (b) ascertaining if the information it has gathered meets both the burden and the standard of proof,
 - (c) deciding whether, if that information and the witnesses were believed by a disciplinary panel, there is a reasonable likelihood that the information gathered during the investigation could prove each allegation against the registrant under investigation, given all other possible alternative explanations that the registrant has or may offer.

7) REGISTRANT'S ROLE

Registrant cooperation

Bylaws – s.175(1) A registrant must cooperate with the inquiry committee during an investigation of a complaint against that or any other registrant.

(2) If a registrant refuses to cooperate with the inquiry committee during an investigation, the committee must advise the respondent that continued refusal may

(a) constitute a breach of subsection (1) or the Code of Ethics, and

(b) become a new, separate complaint against the registrant.

(3) Despite subsection (1) or (2), a registrant may refuse to mediate a complaint under sections 169 or 170, and the committee may not use that refusal against the respondent in any subsequent proceeding.

8) RESULTS OF AN INSPECTION

No concerns re: competency or fitness

HPA – s.33(4.1) The inquiry committee must not act under subsection [33](6) (b), (c) or (d) on the basis of subsection [33](4) (a.1) if the inquiry committee is satisfied that the nature of the offence or the circumstances under which it was committed do not give rise to concerns about the registrant's competence or fitness to practice the designated health profession.

Committee's Options

HPA – s.33(6) After considering any information provided by the registrant, the inquiry committee may

- (a) take no further action if the inquiry committee is of the view that the matter is trivial, frivolous, vexatious or made in bad faith or that the conduct or competence to which the matter relates is satisfactory,*
- (b) in the case of an investigation respecting a complaint, take any action it considers appropriate to resolve the matter between the complainant and the registrant,*
- (c) act under section 36, or*
- (d) direct the registrar to issue a citation under section 37.*

Award of costs

HPA – s.33(7) If the inquiry committee acts under subsection (6) (b) to (d), it may award costs to the college against the registrant, based on the tariff of costs established under section 19 (1) (v.1).

Notice of disposition

HPA - s.34 If the inquiry committee disposes of a matter under section 32 (5) or 33 (6) (a) or (b), the inquiry committee must, within 30 days of disposition, deliver to the complainant, if any, a written summary of the disposition advising the complainant of the right to apply for a review by the review board under section 50.6.

Bylaws – s.166(1) The inquiry committee must notify a registrant who is the subject of an investigation and any complainant of the disposition of the investigation and any action taken under section 33(4) of the Act.

9) CONSENTS

Reprimand or remedial action by consent

HPA - s.36(1) In relation to a matter investigated under section 33, the inquiry committee may request in writing that the registrant do one or more of the following:

- (a) undertake not to repeat the conduct to which the matter relates;*
- (b) undertake to take educational courses specified by the inquiry committee;*
- (c) consent to a reprimand;*
- (d) undertake or consent to any other action specified by the inquiry committee.*

(1.1) If a consent or undertaking given under subsection (1) relates to a complaint made under section 32 (1), the inquiry committee must, within 30 days of the consent or undertaking being given, deliver to the complainant a written summary of the consent or undertaking advising the complainant of the right to apply for a review by the review board under section 50.6.

(2) If a registrant refuses to give an undertaking or consent requested under subsection (1), or if a registrant fails to comply with an undertaking or consent given in response to a request under subsection (1), the inquiry committee may direct the registrar to issue a citation for a hearing by the discipline committee regarding the matter.

Review of previous complaints or discipline

Bylaw – s.166(2) Before agreeing to accept an undertaking or consent under section 36 of the Act, the inquiry committee may review all previous complaints and disciplinary matters involving the registrant to be satisfied that the proposed undertaking or consent is appropriate in the circumstances.

Consent orders

Bylaws – s.168(1) In this section, "consent order" means an agreement under sections 32.2(4)(b) or 32.3(3)(b) of the Act, the record of an undertaking or a consent given under section 36 of the Act, or a consent order under section 37.1 of the Act.

(2) A consent order must

- (a) include any consent to a reprimand or to any other action made by the registrant under section 32.2(4)(b), 32.3(3)(b), 36 or 37.1 of the Act,*
 - (b) include any undertaking made by the registrant under section 36 or 37.1 of the Act,*
 - (c) specify the length of time that an undertaking specified in paragraph (b) is binding on the registrant,*
 - (d) specify the procedure that the registrant may follow to be released from an undertaking specified in paragraph (b), and*
 - (e) subject to sections 22 and 39.3 of the Act and these bylaws, specify which terms or conditions of the consent order may be disclosed to others, including the public.*
- (3) If an undertaking or consent given under section 36 of the Act, a consent order under section 37.1 of the Act, or an agreement under section 32.2(4)(b) or 32.3(3)(b) of the Act requires the respondent to take any corrective or remedial action, the inquiry committee may direct the registrar*
- (a) to monitor the respondent's compliance with that requirement, and*
 - (b) to report periodically to the chair of the inquiry committee regarding the respondent's compliance with that requirement.*

10) MEDIATION

Mediation between complainant and registrant

Bylaws – s.169. The inquiry committee may recommend under section 33(6)(b) of the Act that a complaint be mediated between the complainant and the registrant if

- (a) the committee believes it is in the public interest to mediate the complaint, and*
- (b) the complainant and the registrant agree to mediation.*

Mediation between committee and registrant

Bylaws – s.170. The inquiry committee may recommend under section 33(6)(b) of the Act that a complaint be mediated between the committee and the registrant if

- (a) the committee believes it is in the public interest to mediate the complaint without the complainant, and*
- (b) the committee and the registrant agree to mediation in the absence of the complainant.*

Appointment and payment of mediator

Bylaws – s.171. If the parties agree to mediation under either section 169 or 170, the inquiry committee must appoint a mediator at the college’s expense who is acceptable to the parties that will attend the mediation.

Mediation terms and agreement to mediate

Bylaws – s.172(1) A mediation must be conducted in accordance with any policies and procedures approved by the board that are not inconsistent with this Part.

(2) The mediator must conduct the mediation process in accordance with the terms of a written Agreement to Mediate, which must be executed by the parties, the mediator and any other persons the parties agree may attend the mediation.

(3) An Agreement to Mediate must contain a confidentiality provision that are acceptable to the inquiry committee, and may list any exceptions to that condition.

Agreement reached by mediation

Bylaws – s.173(1) In this section, “mediated agreement” means a written agreement between the parties that is reached through mediation.

(2) Where an agreement between the parties is reached through mediation,

(a) the terms of the agreement must be set out in a mediated agreement that must be signed by the mediating parties,

(b) the agreement must contains an enforcement provision that is enforceable by and acceptable to the inquiry committee, and

(c) a copy of the signed mediated agreement must be submitted by the mediator to the inquiry committee.

(2) Where a term of a mediated agreement requires the registrant to undertake or consent to an action referred to in section 36 of the Act, that undertaking or consent must be monitored and enforced by the inquiry committee.

(3) Where a mediated agreement is reached, the inquiry committee must:

(a) report the resolution of the matter to the board;

(b) if the mediation did not involve the complainant, report the resolution of the matter to the complainant;

(c) retain a copy of the signed mediated agreement on file.

Agreement not reached

Bylaws – s.174. Where an agreement is not reached through mediation, the mediator must refer the matter back to the inquiry committee with or without recommendations, and the committee may then take any other action under section 33(6) of the Act.

11) EXTRORDINARY ACTION TO PROTECT PUBLIC

Assessment by the inquiry committee

HPA - s.35 (1) If the inquiry committee considers the action necessary to protect the public during the investigation of a registrant or pending a hearing of the discipline committee, it may, by order,

(a) impose limits or conditions on the practice of the designated health profession by the registrant, or

(b) suspend the registration of the registrant.

(2) An order of the inquiry committee under subsection (1) must

(a) be in writing,

(b) include reasons for the order,

(c) be delivered to the complainant, if any, and to the registrant, and

(d) advise the registrant of the registrant's right to appeal the order to the Supreme Court.

(3) A decision under subsection (1) is not effective until the earlier of

(a) the time the registrant receives the notice under subsection (2), and

(b) 3 days after the notice is mailed to the registrant at the last address for the registrant recorded in the register of the college.

(4) If the inquiry committee determines that action taken under subsection (1) is no longer necessary to protect the public, it must cancel the limits, conditions or suspension and must notify the registrant in writing of the cancellation as soon as possible.

(5) A registrant against whom action has been taken under subsection (1) may appeal the decision to the Supreme Court and, for those purposes, the provisions of section 40 respecting an appeal from a decision of the discipline committee apply to an appeal under this section.

No criminal record check / Risk to children

HPA - s.33(2) If a registrant fails to authorize a criminal record check under the Criminal Records Review Act or the deputy registrar under that Act has determined that the registrant presents a risk of physical or sexual abuse to children and that determination has not been overturned by the registrar under that Act, the inquiry committee must take the failure or the determination into account, investigate the matter and decide whether to impose limits or conditions on the practice of the designated health profession by the registrant or whether to suspend or cancel the registration of the registrant.

12) CITATIONS

Citation initiating a discipline hearing

HPA - s.37 (1) If directed by the inquiry committee or the board, the registrar must issue a citation that

(a) names the affected registrant as respondent,

(b) describes the nature of the complaint or other matter that is to be the subject of the hearing,

(c) specifies the date, time and place of the hearing, and

(d) advises the respondent that the discipline committee is entitled to proceed with the hearing in his or her absence.

(2) The registrar must have a citation either delivered to the respondent by personal service or sent by registered mail to the respondent at the last address for the respondent recorded in the register referred to in section 21 (2) not fewer than 30 days before the date of the hearing.

(3) If the subject matter of a citation is a complaint, the registrar must notify the complainant in writing of the date, time and place of the hearing not fewer than 14 days before the date of the hearing.

(4) The inquiry committee or the board may direct the registrar to cancel a citation that has been issued on its direction if the inquiry committee or board afterwards determines that a hearing by the discipline committee is not required and the registrar must then cancel the citation and notify the respondent and the complainant, if any, of the cancellation.

41. When the Registrar issues a citation pursuant to section 37(1), the Committee will try to ensure that all the information that it would rely upon during the resulting disciplinary hearing and the names of witnesses likely to be called will be included with the citation.

13) PUBLIC NOTIFICATIONS

HPA - s.39.3 (1) Subject to subsections (3) and (4), the board, inquiry committee or discipline committee, as the case may be, must direct the registrar to notify the public of the information set out in subsection (2) with respect to any of the following actions:

(a) an action taken under section 32.2 (4) (b), 32.3 (3) (b), 33 (2) or 35 (1);

(b) a consent or undertaking given under section 36 (1) in relation to a serious matter;

(c) a consent order made under section 37.1;

(d) a determination made under section 39 (1);

(e) an order made under section 38 (8), 39 (2), (5), (8) or (9), 39.1 (1) or 44 (1) or (2).

(2) The following information must be included in the notification required under this section:

(a) the name of the registrant respecting whom or the health profession corporation respecting which the action was taken;

(b) a description of the action taken;

(c) the reasons for the action taken.

(3) In the following circumstances, the inquiry committee or discipline committee, as the case may be, must direct the registrar to withhold all or part of the information otherwise required to be included in the public notification under this section:

(a) the inquiry committee or discipline committee considers it necessary to protect the interests of the complainant, if any, in the matter, or another person, other than the registrant, affected by the matter;

(b) the complainant, if any, in the matter, or another person, other than the registrant, affected by the matter, has requested that the notification not contain information that could reasonably be expected to identify the complainant or the other person.

(4) Subject to subsection (5), in the case of

(a) an admission by a registrant that he or she suffers from a condition described in section 33 (4) (e), or

(b) a determination made regarding a registrant under section 39 (1) (e), the inquiry committee or discipline committee, as the case may be, must direct the registrar to withhold all or part of the information otherwise required to be included in the public notification under this section if the information could reasonably be expected to identify the registrant or personal health information of the registrant respecting the condition.

(5) In the case of a determination made regarding a registrant under section 39 (1) (e), information respecting the registrant must not be withheld under subsection (4) unless the discipline committee is satisfied that the privacy interests of the registrant outweigh the public interest in public notification of the information.

(6) If information respecting a registrant is withheld under subsection (4), the public notification must indicate that information has been withheld.

(7) The notification required under this section may be made by posting a notice on the college website.