



Health Professions Review Board

Rules of Practice and Procedure for Reviews under the Health Professions Act, R.S.B.C. 1996, c. 183

These rules for reviews to the Health Professions Review Board are made under section 11 of the *Administrative Tribunals Act*, SBC 2004, c. 45. They must be read together with:

1. the *Health Professions Act*, RSBC 1996, c. 183,
2. sections 1 to 21, 26- 33, 34(3), 34(4) 35-42, 44, 46.2, 47-58, 60 and 61 of the *Administrative Tribunals Act*, and
3. Practice Directives issued by the review board under sections 12 and 13 of the *Administrative Tribunals Act*.

These rules were approved by the Health Professions Review Board on October 27, 2009 and are effective November 1, 2009

Amendments to these rules were approved by the Health Professions Review Board in January 2013.

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PART I INTRODUCTION

Rule 1 Guiding principles

- (1) The purpose of these rules is to make it as easy as possible to resolve matters brought to the review board for resolution.
- (2) These rules:
 - a) facilitate the fair and just resolution of matters before the review board,
 - b) ensure the conduct of a proceeding is proportional to the complexity of the matter before the review board,
 - c) allow flexibility in the conduct of a review, when fair and just to do so, and
 - d) facilitate the timely resolution of matters.

Rule 2 Powers of the review board

- (1) The powers of the review board include:
 - a) accepting or rejecting an application for review,
 - b) using mediation to resolve the matter,
 - c) directing that pre-hearing conferences be held, and
 - d) directing that a matter be resolved by written submissions or oral hearing, or a combination of both.

Rule 3 Definitions

- (1) In these rules:

"Act" means the *Health Professions Act* R.S.B.C. c. 183 and amendments, and includes all regulations made under the *Act*,

"agent" means a person who is authorized by a party to act for or in place of the party,

"address for delivery" means a current postal address for purposes of delivery of any notices in respect of the review, and may include a fax number,

"application" means an application for review to the review board made under section 50.53(1) (a), (b) or (c) of the *Act*,

"ATA" means the *Administrative Tribunals Act*, S.B.C. 2004, c. 45 and amendments, including all regulations made under that *Act*,

"chair" means the Chair of the Health Professions Review Board,

“college” means a college of a health profession or group of health professions established or continued under the *Act*,

"document" includes a book, book of account, correspondence, map, drawing, chart, letter, paper, photograph, film, recording of sound, memoranda, x-ray and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means,

“executive director” means the Executive Director of the Health Professions Review Board and includes any case manager the executive director assigns to provide administrative support to the review board or to a panel of the review board,

“hearing” means a hearing whether oral or written, as follows:

- a) “oral hearing” means a hearing involving the parties or their representatives attending in person before a panel, whether in person, by telephone or videoconference
- b) “written hearing” means a hearing held by means of exchange of documents and submissions

“information sheet” means a document that is prepared by the review board and made available on its website to assist the parties and the public by providing general information or explanations on various parts of the review process,

"intervener" means a person that the review board allows to participate in a review under section 33 of the *ATA*,

“investigation file” means all records, documents, emails and things in the custody or control of the College that are relevant to the subject matter of a review, whether or not they have previously been collected and organized into a single “file” and whether or not they have been placed before the inquiry committee.

"mediation" means a confidential and without prejudice assisted negotiation process between the parties to a review, facilitated by a mediator, whose purpose is to determine whether an appropriate means can be found to resolve the dispute without the need for a formal hearing,

"mediator" means a neutral and impartial facilitator, with no decision-making power, who assists parties in negotiating a mutually acceptable settlement of issues in dispute between them,

“member” means a member of the review board, the member designated as chair or his delegate, or a panel of members,

“participant” means a party or intervener,

“party” means

- a) for a review of a registration or certification decision under s. 50.54 of the *Act*, the applicant and the college,
- b) for a review of an inquiry committee disposition under s. 50.6 of the *Act*, the complainant, the college and the registrant who is the subject of the complaint,
- c) for a review of the timeliness of an inquiry committee investigation under s. 50.57 of the *Act*, the inquiry committee, the registrant and the complainant,

“registrant” means a person who is granted registration as a member of a designated health professions college in accordance with section 20 of the *Act*,

“registration file” means all records, documents, emails and things in the custody or control of the college that are relevant to the subject matter of a review, whether or not they have previously been collected and organized into a single “file” and whether or not they have been placed before the registration committee.

“review” means the proceedings before the review board, including a hearing.

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"review board" means the Health Professions Review Board established under section 50.51 of the *Act*.

PART II STARTING THE REVIEW

Rule 4 Information required in an application

- (1) An application must:
 - a) be in writing,
 - b) identify the decision or investigation or disposition for which a review is being requested,
 - c) state the relief being sought, and in the case of a decision or disposition, why the decision or disposition should be changed,
 - d) contain the name, address and telephone number of the person applying for review, and if that person has an agent acting on their behalf in respect of the review, the name of the agent and the telephone number at which the agent may be reached during regular business hours,
 - e) include an address for the purpose of delivery of any notices in respect of the review by the review board or another party,

- f) if made more than 30 days after receiving notification of the decision or disposition to be reviewed, contain a request to extend the time limit under rule 5(2), and
- g) be signed by the applicant or the applicant's agent.¹

(2) An application for review to the review board may be made by writing to the review board and including the information set out in rule 4(1) or by using the application forms (Forms 1, 2 and 3) provided in the Appendix to these rules.

(3) For an inquiry committee disposition matter involving a complaint against more than one registrant, a separate application must be made in regard to each individual registrant who is the subject of a complaint.

(4) The review board may join or combine one or more applications in accordance with rule 35.

Rule 5 Time limit for application

(1) An application for review must be received by the review board within 30 days of the day on which written notice of the registration decision, the inquiry committee disposition or the notice of delayed investigation to be reviewed was delivered to the applicant.²

(2) An applying party may apply to the review board to extend the time for making an application, even if the time limit has already expired.

(3) An applying party requesting an extension of time to make an application must deliver a written request to the review board that explains the reason(s) why the application was not made within the required time, the reason(s) why an extension of the time limit is required, what special circumstances exist that justify the review board granting an extension of the time to make the application, and any supporting documentation relating to the request to extend the time.

(4) Before granting the extension of time to make an application, the review board may give other parties an opportunity to be heard.

(5) If the review board is satisfied that special circumstances warrant an extension of the time limit to make an application for review, it may grant an extension of time whether or not the time limit has already expired.³

¹ Act, s. 50.61.

² Act, s. 50.54(3) [registration reviews], s. 50.57(1) [delayed investigation reviews]; s. 50.6(2) [complaint disposition reviews].

³ Act, s. 50.61(4).

Rule 6 Delivery of application

- (1) An application for review must be delivered to the review board as described in rule 24.
- (2) An application for review must be delivered to the other parties to the review set out in sections 50.54(4), 50.57(2) and 50.6(3) of the *Act*.⁴ Parties may be asked to provide proof of delivery to the other parties.
- (3) Subject to section 22(2) of the *Act*, if requested, a college will supply the complainant with the business contact information of a registrant recorded in the public register maintained under section 21(2)(a) of the *Act*.
- (4) An application for review may be delivered to a registrant under rule 6(2) by delivering a copy to the registrant's address as listed in the public record maintained by the college as required by section 21(2)(a) of the *Act*.
- (5) Delivery of the application may be proved by
 - a) an acceptance or admission of service written by the person the application was delivered to or their agent, or
 - b) a statement that the applying party delivered the application to all other parties required by this rule.

PART III REVIEW OF APPLICATION

Rule 7 Preliminary review of application

- (1) The review board will review an application to ensure:
 - a) the application is complete,
 - b) the matter is filed within the applicable time limit, and
 - c) the matter for review is within the jurisdiction of the review board.

Rule 8 Incomplete application

- (1) If the review board is of the opinion that an application for review is incomplete or deficient, the review board will notify the applying party and may request that the applying party send further information to correct the deficiency within 14 days of the date of the request.⁵
- (2) A corrected application, once corrected, is deemed to have been made effective the date the deficient application was received by the review board.

⁴ *Act*, s. 50.54(4) [registration reviews]; s. 50.57(2) [delayed investigation reviews]; s. 50.6(3) [complaint disposition reviews]

⁵ *Act*, s. 50.61(3).

- (3) If the applying party does not provide the requested information within the 14-day period, the review board may refuse the application.

Rule 9 Summary dismissal

(1) The review board may refuse or dismiss an application or part of an application at any time, on its own initiative or at the request of a party, for one or more of the following reasons:

- a) the matter for review is not within the review board's jurisdiction,
- b) the application was not filed within the applicable time limit,
- c) the application is frivolous, vexatious or trivial or gives rise to an abuse of process,
- d) the application was made in bad faith or for an improper purpose or motive,
- e) the applying party failed to diligently pursue the application or failed to comply with an order of the review board,
- f) there is no reasonable prospect the application will succeed, or
- g) the substance of the application has been appropriately dealt with in another proceeding.⁶

(2) If there is any question regarding the review board's jurisdiction to proceed with a review, it will request written submissions from the parties.

Rule 10 Notification of intention to refuse or dismiss application

(1) If on a review of the application, the review board is of the opinion that the application or part of the application raises issues on one or more of the grounds set out in rule 9, the review board will notify the applicant.

(2) Within 21 days of the date of the notice, the applying party may make a submission to the review board as to whether the application should be summarily dismissed on the grounds set out in the notice.⁷

(3) After reviewing a submission made under rule 10(2), the review board may:

- a) accept the application,
- b) refuse the application, or
- c) request more information or further submissions, or
- d) dismiss the application.

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⁶ Act, s. 50.64, Schedule, and s. 31(1) of the ATA.

⁷ Act, s. 50.64, Schedule, and s. 31(2) of the ATA.

Rule 11 Notifying the applying party

- (1) The review board will notify the applying party, in writing:
 - a) of a request for further information under rule 10(3)(c),
 - b) of a notice under rule 10(1), or
 - c) of a decision to accept or refuse an application under rule 10(3) and give reasons for that decision.

PART IV THE RECORD⁸

Rule 12 Review on the record

- (1) An application to the review board on a registration review or a complainant disposition review will be conducted as a review on the record, subject to any additional information or evidence that was not part of the record that the review board accepts or requires from a party as reasonably required for a full and fair disclosure of all matters related to the issues under review.⁹

Rule 13 Record for registration reviews

- (1) Subject to paragraphs (2)-(4) below, and subject to Rule 15(3) and (4) below, the record, for the purposes of a registration review, consists of the registration committee's decision and the college's registration file, whether or not the registration file was placed before the registration committee when the decision under review was made.
- (2) The record produced by the college on a registration review may include a breakdown of the results of an examination or test, but unless an order is made under paragraph (3), the record must not include a copy of any actual examination, any record of a question that has or is to be used on an examination or test or any marking criteria.
- (3) At the request of a party or on its own initiative the review board may, after hearing from the parties, order that all or part of an examination, test or marking criteria referred to in paragraph (2) be disclosed for purposes of the review on terms or conditions approved by the review board, or be reviewed by the review board in confidence to the exclusion of a party or parties, on terms that the review board considers necessary to ensure the confidentiality, integrity and security of the examination or test and the proper administration of justice.
- (4) Where the review board orders disclosure of some or all of a relevant examination or test under paragraph (3) to a party or parties (or their

⁸ A detailed discussion of the record and basis on which these rules have been made can be found in the Review Board's Practice Directive No. 2 - *Duty of a College to Produce the Record*.

⁹ Act, s. 50.54(7), (8) [registration reviews]; s. 50.6(6), (7) [complaint disposition reviews].

counsel), the review board will require the recipient's acknowledgement that the disclosure is only for the purpose of the review before the review board and that the information will not be disclosed to any other person without the express written consent of the review board.

Rule 14 Record for complaint disposition reviews

(1) The record, for the purposes of a complaint disposition review, consists of the written decision of the inquiry committee and the contents of the college's investigation file, whether or not the entire file was placed before the inquiry committee when the decision under review was made.

Rule 15 Preparing the record

(1) A separate and distinct record must be prepared for each individual application for review unless the review board makes an order to the contrary.

(2) The record must be legible, organized and sequentially page numbered.

(3) Before the college produces the record to the review board, the college may sever from the record, without making an application under s. 42 of the *ATA*¹⁰, the home address, home phone number or private email account and identification or billing number or similar personal identifiers of a witness expert or party (unless, in the case of a party, the party has used that information as contact information for the review process). The college is to notify the review board in its covering letter if such severances have been made.

(4) The college will not produce to the review board, as part of the record:

- a) information falling within s. 51 of the *Evidence Act*,
- b) information that concerns unrelated matters referred to in the inquiry committee or registration committee minutes, or
- c) legal advice the college has received, unless the college is prepared to waive solicitor-client privilege.

(5) Before the college produces the record, the college may consult with the registrant and/or the complainant where the college believes that particular information or a particular document may raise an issue for that party under s. 42 of the *ATA*.

¹⁰ Section 42 of the *ATA* states: The tribunal may direct that all or part of the evidence of a witness or documentary evidence be received by it in confidence to the exclusion of a party or parties or any interveners, on terms the tribunal considers necessary, if the tribunal is of the opinion that the nature of the information or documents requires that direction to ensure the proper administration of justice.

(6) When the college produces the record to the review board, the college is to identify in the index those parts of the record that were before the inquiry committee or the registration committee that made the decision.

(7) The cover letter enclosing the record must contain the college's written certification that the record is complete and accurate.

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Rule 16 Production of the record to the review board

(1) The college is required to produce four (4) copies of the record to the review board, together with any application under s. 42 of the *ATA*, within 35 days from the date the college was notified of the application for review by the review board.

(2) If the record cannot be prepared within 35 days, the college must make a written request for an extension of time, copied to the other party or parties to the review.

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Rule 17 Disclosure of the record to parties

(1) Subject to any information or documents that the review board believes ought not to be disclosed to one or more parties under rules 18 and 19 and s. 42 of the *ATA*, the review board will provide a complete copy of the record received from the college to all other parties to the review (i.e. to the applicant for registration or to the complainant and the registrant who is the subject of the complaint) to enable the parties to fairly and properly engage in mediation and to make submissions to the review board at a hearing on the issues under review.

Rule 18 Requests for non-disclosure: complaint disposition reviews¹¹

(1) If the college is of the opinion that information or documents contained in the record ought to be considered by the review board to the exclusion of one or both parties under s. 42 of the *ATA*, the college is required to identify the information or documents and the basis for the s. 42 application at the same time as the college produces the record to the review board.

(2) Where the college applies to exclude information or documents from both the other parties to the review, the college must at the same time, unless it would defeat the purpose of the application, notify those parties that it has made a s. 42 application and provide a summary of the basis for the application (without disclosing the actual information or documents).

¹¹ For a detailed discussion of the rules governing non-disclosure applications on these reviews, see the review board's Practice Directive No. 3 - *Section 42 Applications under the Administrative Tribunals Act (Inquiry Committee Disposition Reviews)*

- (3) Where the college applies to exclude information or documents from one party to the review (excluded party), the college must:
- a) copy the other party with the application including, where practicable and appropriate, the particular records in question that pertain to that party (not the complete record); and
 - b) unless it would defeat the purpose of the application, notify the excluded party that a s. 42 application has been made, including a summary of the grounds for the application (without disclosing the actual information or documents).
- (4) A complainant or registrant will have 14 days from the date they are provided with the Information Sheet titled “Preparing and Disclosing the Record”¹² to make their own application under s. 42 of the *ATA*. A complainant or registrant who makes a s. 42 application must:
- a) identify the particular document or information, if known, that raises the s. 42 concern, or otherwise identify any special concerns they have which justifies a s. 42 order based on their knowledge of the subject matter of the complaint, and
 - b) notify the other party of their application and the basis for the application (without disclosing the actual information or document) unless such notice would defeat the purpose of the application.
- (5) If the review board determines that a refusal to notify the other party or parties is unreasonable, the review board may refuse to consider the application or may provide that notice itself.
- (6) If no application from a complainant or registrant under s. 42 of the *ATA* is received within the 14 days from the date they were provided with the Information Sheet referred to in rule 18(4), they will be deemed to have no objection based on s. 42, subject to their right to make submissions on any s. 42 application by the college.
- (7) Once the time for making all s. 42 applications has expired, the review board may set a schedule for written or oral submissions.
- (8) Where the review board decides that disclosure of the disputed information or document or a portion thereof is required, the review board will first give notice of its intention to disclose, and provide a time frame within which its direction will be carried out. Once that period has expired, the review board will issue the record with any redactions deemed to have been appropriate.

¹² See the Information Sheet titled “Preparing and Disclosing the Record” which is provided to the parties under Practice Directive No. 3 at the time the request to prepare the record is made to the college. The information sheet is available on the review board’s website.

Rule 19 Requests for non-disclosure: registration reviews¹³

(1) If the college is of the opinion that information or documents contained in the record ought to be considered by the review board to the exclusion of the applicant under s. 42 of the *ATA*, the college is required to identify the information or documents and the basis for the application at the same time as the college produces the record to the review board.

(2) Where the college applies to exclude information or documents from the applicant the college must at the same time, unless it would defeat the purpose of the application, notify the applicant that it has made a s. 42 application and provide a summary of the basis for the application (without disclosing the actual information or documents).

(3) If a s. 42 application is made by the college, the review board will usually provide an opportunity for the applicant to be heard and may set a schedule for written or oral submissions from the applicant and the college.

(4) Where the review board decides disclosure of the disputed information or document or a portion thereof is required, the review board will first give notice of its intention to disclose, and provide a time frame within which its direction will be carried out. Once that period has expired, the review board will issue the record with any redactions deemed to have been appropriate.

Rule 20 Complaint inquiry committee record confidential

(1) The documents and information contained in the record provided by the college on a request for review of an inquiry committee disposition under section 50.53(1)(c) of the *Act* and disclosed to the parties by the review board for purposes of the review are to be used solely for that purpose.

(2) The documents and information contained in the record referred to in this Part and disclosed by the review board for purposes of a review must not be disclosed by any party to any other person, except to legal counsel or a representative or agent for purposes of representing that party at a review before the review board.

(3) The documents and information contained in the record referred to in this Part and disclosed by the review board for purposes of a review must not be used by any party for any purpose other than for the purpose of the review before the review board.

(4) As the record in a complaint inquiry committee matter may contain sensitive personal health information of one or more persons, the review

¹³ For a detailed discussion of the rules governing non-disclosure applications on these reviews, see the review board's Practice Directive No. 4 - *Section 42 Applications under the Administrative Tribunals Act (Registration Reviews)*

board will not provide public access to the record provided by the college in any public hearing of a complaint inquiry committee disposition matter. Access to such records will be limited to the parties and only for purposes of a review before the review board.

Rule 21 Additional documents not confidential

(1) Any additional documents, information or evidence provided by a party to the review board in support of their case may become accessible by the public under section 41 of the *ATA* if the matter proceeds to an oral hearing, unless the party requests and the review board orders otherwise under section 41(3) of the *ATA*. All additional documents or information delivered to the review board in a review by a party should include only such personal information as is necessary for purposes of the review.

PART V DELIVERING DOCUMENTS IN A REVIEW

Rule 22 Address for delivery

(1) All participants must provide notice in writing of an address for delivery of communications regarding the review to the review board and to all other participants.

(2) If a participant is represented by a lawyer or agent, the postal address of the lawyer or agent is the participant's address for delivery.

(3) In addition to an address for delivery, participants may provide an email address if they wish to receive documents electronically.

Rule 23 Change of address

(1) A participant must immediately notify the review board and the other parties to the review in writing of a change in address for delivery, and may use the Change of Address for Delivery Form in the Appendix to these rules (Form 7).

Rule 24 Delivering a document to the review board

(1) A document or communication may be delivered to the review board by mail, fax, hand, or courier to:

Health Professions Review Board
Attention: The Executive Director

Physical address: Suite 900 – 747 Fort Street
Victoria BC

Mailing address: PO Box 9429 STN PROV GOVT
Victoria BC V8W 9V1

Fax: 250-953-3195

(2) A document or communication that is delivered by fax must include a cover page with sufficient information to identify the sender, recipient, number of pages sent, date and time of transmission, and a telephone number to call if there are transmission problems.

(3) The hours of operation of the review board are from 8:30 am to 4:30 pm, Monday through Friday, excluding public holidays.

(4) A document that is received after regular hours of operation is deemed delivered on the next day that the review board is open.

(5) If a participant delivers a document or communication to the review board, the participant must:

- a) include the names of the participant who will receive a copy of it, and
- b) send a copy of the document or communication to each other participant to the review by a method of delivery set out in rule 25 on the same day as the document or communication is delivered to the review board.

Rule 25 Delivering a document to parties in the process

(1) The review board or a participant may deliver a document or communication to another participant by:

- a) leaving a copy of it with such participant,
- b) mailing it to such participant's address for delivery by regular or registered mail,
- c) delivering it by hand or courier to such participant's address for delivery,
- d) faxing it to such participant's fax address for delivery, or
- e) by any other means permitted by the review board that allows for proof of receipt.

(2) A document or communication that is delivered by fax must include a cover page with sufficient information to identify the sender, recipient, number of pages sent, date and time of transmission, and a telephone number to call if there are transmission problems.

(3) If it is impractical to deliver a document or communication in accordance with rule 25(1), the review board may permit an alternate method of delivery to be used, may give directions for substituted delivery and where necessary, may dispense with delivery.

(4) To apply for authorization to deliver a document or communication by an alternate method of delivery, a participant must deliver a written request to the review board that explains the reasons why it is not feasible to deliver

a document or communication to the person by leaving a copy of it with them or by providing it in accordance with the person's address for delivery if they are a party or intervener.

Rule 26 Electronic delivery of documents

(1) If a participant wishes to deliver or receive delivery of documents by email or other electronic means, the review board may authorize such delivery to or by one or more parties as the review board deems appropriate in the circumstances. Participants receiving documents or submissions electronically must confirm receipt.

Rule 27 Deemed delivery

(1) If the review board or a participant delivers a communication to a participant's address for delivery under rule 22, that participant is deemed to have notice of the communication.

(2) A document or communication that is delivered after 4:30 pm is deemed delivered on the next day that is not a Saturday, Sunday or public holiday.

(3) A document or communication that is sent by mail is deemed delivered on the fifth day after it is mailed, excluding a Saturday, Sunday or public holiday.

Rule 28 Proof of delivery

(1) If the review board requires proof of delivery, a participant may prove delivery by:

- a) an affidavit from the deliverer setting out the time, date and method of delivery,
- b) a copy of "Canada Post's Certificate of Delivery Confirmation – Registered Mail",
- c) Express Post or Priority Post tracking confirmation,
- d) a fax transmittal sheet, or
- e) having the deliverer testify under oath or solemn affirmation at a hearing as to the time, date, and method of delivery.

Rule 29 Alternative methods of delivery

(1) If ordinary methods of delivery have not or are not likely to be effective, the review board may permit or require an alternative method of delivery.

Rule 30 Proceedings not invalidated

(1) If a notice, correspondence or document is not delivered in accordance with this Part the proceeding is not invalidated if the review board determines that the failure to deliver does not result in prejudice to the person or any prejudice can be satisfactorily addressed by an adjournment or other means.

PART VI CASE MANAGEMENT

Rule 31 Streaming

(1) At any time the review board may direct an application into one or more of the following process streams:

- a) Mediation (Part VII),
- b) Pre-hearing conference (Part IX), or
- c) Hearing (Part X).

(2) At any time, the review board may use more than one process stream or change the process stream being used if it considers using an additional process stream or making the change may assist in conducting the review or resolving the matter.

Rule 32 Requests for orders, directions or a preliminary decision

(1) At any time after an application has been made, a participant may make a written request to the review board for a direction, order or decision on any aspect of the conduct of the proceeding or any other matter.

(2) The written request does not need to be in any particular form, but the notice must set out the grounds for the request and the relief requested, and be accompanied by any evidence relied on.

(3) A copy of the request for a preliminary order, direction or decision must be delivered to all other participants at the same time it is delivered to the review board.

(4) The other participants to an application may be given an opportunity to make written submissions on the request prior to the review board making a decision on the request. All participants making a submission on a preliminary request must deliver a copy of their submissions and any evidence to the other participants at the same time they deliver it to the review board.

(5) After considering the request and any information or submissions the review board considers relevant in the circumstances, the review board will notify the participants, in writing, of its direction, order or decision.

(6) The review board may, in its discretion, defer decision on a preliminary request until a pre-hearing conference, the hearing of the review, or issuance of its final decision in the matter.

Rule 33 Directions

(1) At any time after an application is made, the review board may make directions requiring a participant to take action the review board considers may assist the conduct of the review or the matter being resolved, including directions on one or more of the following:

- a) to disclose documents,
- b) to produce lists of witnesses, including expert witnesses, and summaries of the anticipated evidence of witnesses,
- c) the joint appointment of expert witnesses by one or more of the parties,
- d) to prepare, exchange and deliver a statement of points, or
- e) to prepare, exchange and deliver written submissions.

Rule 34 Statement of points¹⁴

(1) The review board may make directions with respect to the information to be included in a statement of points and require that a statement of points be prepared and produced to the review board and to the other parties within a specified time.

(2) The review board may make directions requiring responses to the statement of points to be prepared and delivered to the review board and to the other parties within a specified time.

(3) The statement of points, any responses and any supporting documents will be presented to the panel hearing the matter as written submissions in the review.

Rule 35 Reviews involving similar questions

(1) If two or more applications for review before the review board involve the same or similar parties, questions or issues, on the review board's own initiative or at the request of a party the review board may:

- a) combine the applications or any part of them,
- b) hear the reviews at the same time,
- c) hear the reviews one immediately after the other, or
- d) stay one or more of the reviews until after the determination of one of them.¹⁵

¹⁴ Further information on the contents and preparation of a statement of points may be found in the Review Board's Information Sheet -Statement of Points.

¹⁵ ATA, s. 37

(2) Before making an order under rule 35(1), the review board will provide the parties with an opportunity to comment on whether they consider it appropriate for the applications to be combined, heard at the same time or consecutively, or stayed.

(3) The review board may make additional orders respecting the procedure to be followed with respect to applications under this rule.

(4) Factors that the review board may consider in determining whether it is appropriate to join, combine or hear jointly two or more applications for review of an inquiry committee disposition, include but are not limited to whether:

- a) it is the same complainant in all cases and the same college,
- b) there was a single originating letter of complaint concerning the members complained against and/or the allegations are, in all or nearly all cases, the same or substantially similar,
- c) the allegations in all or nearly all cases reflect a sequence of related events that make up a complete episode or event and/or the context for the conduct complained of is, in all cases, substantially similar,
- d) the records of investigation provided by the college to the review board are in large part identical,
- e) the complaint inquiry committee decisions are in large part identical or contained in the same notification letter,
- f) a joint review would preclude the occurrence of different or conflicting decisions based on similar or identical information,
- g) it appears no party will be unduly prejudiced by joining the cases or hearing them jointly, and
- h) a joint review would make better use of the review board and parties' resources.

(5) Factors that the review board may consider in determining whether it is appropriate to join, combine or hear jointly two or more applications for review of registration decisions include but are not limited to whether:

- a) it is the same college in all cases,
- b) the cases raise the same issues,
- c) the facts and circumstances of each case are similar,
- d) the registration decisions are in large part identical,
- e) a joint review would preclude the occurrence of different or conflicting decisions based on similar information,
- f) it appears no party will be unduly prejudiced by joining the cases or hearing them jointly, and
- g) a joint review would make better use of the review board's and parties' resources.

(6) Applications involving more than one college will not generally be combined or heard jointly but may be heard consecutively.

PART VII MEDIATION

Rule 36 Commencing mediation

- (1) An application will proceed to mediation unless the review board directs the matter into the pre-hearing conference or hearing process stream.
- (2) The chair will appoint a member(s) of the review board and/or staff to conduct the mediation.
- (3) The review board may require the parties to separately attend one or more pre-mediation meetings with the mediator(s) to be held in person or by telephone.
- (4) The review board will notify the parties, in writing, of the scheduled date of the mediation.

Rule 37 Confidentiality

- (1) The proceedings of mediation are confidential and unless all parties consent, a party must not, other than in a criminal proceeding, disclose or be compelled to disclose:
 - a) a document or other record created by a party specifically for the purpose of achieving a settlement of one or more of the issues under review through mediation, or
 - b) a statement made by a party specifically for the purpose of achieving a settlement of one or more of the issues under review.¹⁶
- (2) Before mediation begins all parties and any other persons attending the mediation must sign an Agreement to Mediate that includes a confidentiality clause as prescribed in Form 8 in the Appendix to these rules.

Rule 38 Failure to attend mediation

- (1) If a party fails to attend mediation, the review board may:
 - a) direct the application into another process stream without providing notice to that party, and
 - b) continue with a new process stream in the absence of that party.

¹⁶ ATA, s. 29.

Rule 39 Post mediation action

- (1) At any time after a review has been directed to mediation, the review board may:
 - a) dismiss the application if all issues are resolved, or
 - b) if all issues are not resolved, direct the application into another process stream.

PART VIII SETTLEMENT AND WITHDRAWAL

Rule 40 Settlement of an application¹⁷

- (1) If the parties to an application advise the review board in writing that they have reached a settlement of all or part of the application, the review board will order that the application or part of it is dismissed.
- (2) If the parties reach a settlement in respect of all or part of the subject matter of the application, on the request of the parties, the review board may make an order that includes the terms of settlement if it is satisfied that such an order is consistent with the *Act*.
- (3) If the parties seek an order including the terms of settlement they must:
 - a) set out the particulars of the proposed order, and
 - b) provide proof satisfactory to the review board that the order is consented to by all parties to the review.
- (4) The decision to issue a consent order is within the sole discretion of the review board. If the review board has questions or otherwise considers it necessary to hear further from the parties before deciding whether to issue a consent order, it will specify a process for hearing from the parties on the matters at issue.
- (5) If the parties request an order that includes the terms of settlement and the review board declines to issue the order requested, the review board will provide the parties with its reasons for declining.

Rule 41 Withdrawing an application¹⁸

- (1) At any time before the review board has made its final decision disposing of the application, an applying party may withdraw the application or part of it by sending a written notice of withdrawal to the review board and to the other parties.

¹⁷ See *ATA*, s. 17.

¹⁸ See *ATA*, s. 17.

(2) The notice of withdrawal must identify the review and the parties, and be signed by the applying party or their representative. A notice of withdrawal may be in the form provided in the Appendix to these rules (Form 9).

(3) Upon receipt of a notice of withdrawal from an applying party, the review board will order that the application or part of it is dismissed.

(4) If an applying party has advised the review board or another party that they wish to withdraw or do not intend to pursue the application, the review board may require the applying party to provide a written statement to that effect or provide, within a specified time, written confirmation of the intention to pursue the application. If written confirmation of the applying party's intention to continue is not delivered to the review board by the specified time, the review board may deem the review to be withdrawn and issue an order to that effect.

PART IX PRE-HEARING PREPARATION

Rule 42 Pre-hearing conference

(1) The review board may

- a) on its own initiative, or
- b) on the written request of a party require the parties to attend one or more pre-hearing conferences.

(2) A notice of pre-hearing conference will set out:

- a) the date, time, location or phone number for the pre-hearing conference, and
- b) the pre-hearing conference agenda.

(3) At a pre-hearing conference, the review board may direct the parties to consider and discuss one or more of the following, and may make orders or directions about:

- a) the issues,
- b) the timely disclosure of any additional documents, information or evidence to be submitted for the review hearing,
- c) production of lists of witnesses, including expert witnesses, and summaries of the anticipated evidence of witnesses,
- d) production of any expert reports that may be relied upon,
- e) the scheduling for delivery of statements of points or other written submissions,
- f) process for determining any preliminary or interim applications,
- g) the form, manner, date, time and location for a hearing,
- h) opportunities for settlement of the application or a part of it, and

- i) any matter relevant to the conduct of the proceeding or resolution of the matter.

(4) If a member participates in a pre-hearing conference, the member may issue interim or preliminary orders or directions regarding any matter arising at the pre-hearing conference. A member participating in a pre-hearing conference may also participate in the hearing of the matter.

(5) If a party fails to participate in a pre-hearing conference without satisfactory advance explanation to the review board, the pre-hearing conference may proceed in that party's absence.

(6) A pre-hearing conference report may be issued recording the orders, directions, agreements and undertakings made at a pre-hearing conference, but will not include a record of any without prejudice settlement discussions.

PART X HEARING PROCEDURE

Rule 43 Notice and form of hearing

(1) The review board may direct the matter to a hearing on its own initiative or at the written request of a party.

(2) The review board may direct, on its own initiative or on the request of a party, that a review hearing be conducted in writing, in-person, or by using an electronic format such as video or teleconference or by internet, or any combination of these formats.

(3) The review board will provide directions regarding the process and timeframe for submissions in the written hearing process.

(4) Where the Review Board directs an oral hearing to be held, the review board has discretion to determine the location of the oral hearing.

(5) The review board will inform the parties, in writing, of the form, date, time and location of the oral hearing.

amended Jan. 2013

Rule 44 Composition of hearing panel

(1) A hearing may be conducted by one or more members of the review board.

(2) If two or more members of the review board are designated to conduct the hearing, the hearing will be chaired by the member designated as such by the chair of the review board. In the case of a tie, the decision of the chair of the panel governs.¹⁹

¹⁹ ATA, s. 26(6).

(3) A member of the review board who has conducted a mediation in a review, or was involved in a pre-hearing conference in a review where settlement discussions took place will not be designated to conduct a hearing of the matter unless all parties consent.

amended Jan. 2013

Rule 45 Public access and recording

(1) Unless otherwise directed by the review board, oral hearings are open to the public.

(2) Where sensitive personal information is to be presented in evidence at an oral hearing, a party may request the hearing panel to exclude the public from the hearing and/or to keep the information confidential.²⁰

(3) Unless otherwise decided by the review board, the review board will not record the hearing. If the hearing is to be recorded by the review board the parties will be so advised in advance of the hearing.

(4) In any case where a hearing is recorded and a participant wishes to obtain transcripts of the hearing, the participant will be required to pay the costs of transcription and copying. Arrangements for transcription and copying must be made by that participant directly through the recording service used to officially record the hearing.

(5) If the review board makes a tape recording of the hearing, or causes the hearing to be recorded, the recording will form part of the official record of the proceeding. The proceeding is not invalidated as a result of a malfunction of the recording equipment, the failure to record the whole or part of the hearing, or the destruction of the recording.

(6) Participants and any other person in attendance at the hearing may not record the hearing or any portion of the hearing except with the express consent of and on the terms set by the review board. A recording made by a participant or other person under this rule is not part of the official record of the proceedings.

(7) The review board will not provide public access to a transcript or tape recording of an oral hearing.

Rule 46 Order of presentation

(1) The panel hearing the matter may determine the order of presentation by the participants at a hearing. The review board will generally require the applicant's or complainant's case to be presented first, followed by the college and then, where applicable, the registrant, except where, owing to circumstances relating to the applicant or complainant or the complexity of the record, the parties agree or the panel directs that the college should

²⁰ ATA, s. 41.

speak to the record before the applicant or complainant makes their presentation. The applicant or complainant will have the final opportunity of reply.

(2) At any time before or during a hearing, the review board, on the request of a party or on its own initiative, may:

- a) require the production of documents or other material,
- b) require the attendance of witnesses,
- c) make a determination as to the admissibility of evidence,
- d) adjourn the hearing,
- e) proceed in the absence of a party who has had notice of the hearing,
- f) ask questions,
- g) require written submissions, or
- h) make any direction the review board considers necessary for the conduct of the review, or a just and timely resolution of the matter.

Rule 47 Interpreters and other accommodations

(1) If a participant, witness, or his or her representative requires an interpreter and/or any other accommodation (e.g. services to assist the visually or hearing impaired) to enable their meaningful participation at the hearing, the review board will, at the request of the participant or on its own initiative, make every effort to accommodate such person's needs, as is reasonable in the circumstances. The person requesting interpretation or other accommodation must notify the review board as early as possible in the review process.

(2) Interpreters for other languages shall be competent and independent and shall swear or affirm that they will interpret accurately.

Rule 48 Adjournments

(1) At any time, the review board, on its own initiative or on the request of a party, may adjourn a review and may set a date for the review to resume.

(2) Except in extenuating circumstances, the review board will give other parties an opportunity to be heard before granting a request to adjourn a review.

(3) Any party or intervener receiving a copy of a request for adjournment may deliver to the review board any submissions they may have on the adjournment request within three (3) days of the date of receipt of the request.

(4) In considering whether to grant the request to adjourn a review, the review board will have regard to the following factors:

- a) the reason(s) an adjournment is required,
- b) whether the adjournment would cause unreasonable delay;
- c) the impact of refusing the adjournment on the parties,
- d) the impact of granting the adjournment on the parties,
- e) the impact of the adjournment on the public interest.²¹

(5) If a review is adjourned, the review board may order any terms and conditions respecting rescheduling, attendance at a pre-hearing conference, production of documents or reports, or in respect of any other matters which may assist with the fair and efficient conduct of the review.

amended Jan. 2013

Rule 49 Failure to attend hearing

- (1) If a party fails to attend a hearing, the review board may:
- a) proceed in the absence of the party,
 - b) adjourn the hearing,
 - c) decide the matter solely on the material before it, or
 - d) make any direction the review board considers necessary for the conduct of the review or a just and timely resolution of the matter.

Rule 50 Expedited hearing

- (1) Where all parties agree, the review board may schedule a hearing within three months of the date the review board accepted the application for review.
- (2) A party may request an expedited hearing if all parties agree that:
- a) mediation of the issues is not appropriate,
 - b) the hearing will require no more than one day,
 - c) there will be no preliminary applications,
 - d) they will be prepared to proceed on the dates provided to the review board, and
 - e) they and their witnesses will be available for an expedited hearing.
- (3) A party may request an expedited hearing by delivering a request, with a copy to all parties, setting out:
- a) that all parties consent to the request,
 - b) that each of the criteria in rule 50(2) is satisfied, and
 - c) all dates in the three-month period that all parties are available for the hearing.

²¹ ATA, s. 39.

(4) When a request for an expedited hearing is delivered, the review board will decide whether it will schedule an expedited hearing, and will deliver notice of its decision to the participants, together with the dates scheduled, if any.

PART XI EVIDENCE

Rule 51 Admission of additional information and evidence

(1) The review board is not bound by the legal rules of evidence and may admit any information or evidence it considers relevant to the matter before it and appropriate in the circumstances.²²

(2) On a registration review or complaint disposition review, the review board may consider information or evidence in a review that was not part of the record where reasonably required by the review board for a full and fair disclosure of all matters related to the issues under review.²³

(3) All documents and submissions delivered to the review board in advance of a hearing will be considered information that the review board may consider in its decision-making process.

(4) A party who wishes to present additional documents or other information must identify the evidence or information in writing to the review board and the other parties and may use the forms (Forms 10 and 11) provided for that purpose in the Appendix to these rules.

(5) Where a party objects to the review board considering such additional information or evidence, or a portion of it, the review board may make a decision on that question at the time of the objection, either prior to or at the hearing, or it may receive the information or evidence and consider the objection in the course of rendering its decision on the case.

Rule 52 Witnesses²⁴

(1) Subject to any directions of the review board, in an oral or electronic hearing, a party may:

- a) call persons as witnesses and ask them questions,
- b) submit into evidence through a witness written reports, statements, documents or recordings of any kind, or
- c) ask questions of any persons called as witnesses by another party.

(2) The parties must arrange for the attendance of witnesses, production of documents and other evidence at a hearing. It is up to the parties to ask a

²² ATA, s. 40(1).

²³ Act, s. 50.54(8) [registration reviews]; s. 50.6(7) [complaint disposition reviews]

²⁴ See ATA, s. 38

person or persons to voluntarily attend a hearing, give evidence, and/or provide certain documents.

(3) If a proposed witness refuses to attend a hearing voluntarily or refuses to testify or produce documents, a party may ask the review board to make an order under rule 54 requiring a person to attend a hearing and give evidence or to produce particular relevant documents in their possession.

(4) The review board may require that a witness give testimony under an oath or affirmation.

(5) The review board may ask questions of a witness.

Rule 53 Expert Evidence

(1) If a party wishes to qualify a witness as an expert in relation to a matter, the party must, unless the review board authorizes otherwise, at least 30 days prior to the hearing, provide the review board and all parties with a report setting out:

- a) the proposed expert's qualifications, and
- b) a summary of the proposed expert's opinion, including the facts and assumptions on which it is based.

(2) A party who wishes to submit the evidence of an expert in response to an expert report delivered by another party must do so at least 7 days before the scheduled hearing date.

(3) A party who submits the evidence of an expert must make the expert available for cross-examination as to their qualifications and their report at the hearing, unless the review board authorizes otherwise, or the other parties agree such attendance is not necessary.

(4) A panel may refuse to consider a report where this rule has not been complied with.

(5) A panel may waive the requirements of this rule where it considers it appropriate, and may impose such other requirements regarding receipt and exchange of expert evidence as it considers appropriate in the circumstances.

(6) It is not necessary for a person to qualify as an expert in order to provide opinion evidence.

Rule 54 Order to compel a witness and order disclosure

(1) A party may apply to the review board, at least 14 days before the first day of the hearing, for an order requiring another person

- a) to attend an oral or electronic hearing to give evidence that is admissible and relevant to an issue in the review, or
- b) to produce for the review board or another party a document or other thing in the person's possession or control as specified by the review board that is admissible and relevant to an issue in the review.²⁵

(2) The application must be in writing and include:

- a) the name and address of the witness,
- b) the reason their attendance is required and why their evidence is relevant to the review,
- c) a description of the documents or other items, if any, which the witness is requested to produce or bring to the hearing and the reason why such materials are relevant, and
- d) what efforts have been made to have the witness attend or produce the documents voluntarily.

(3) An application to the review board to issue an order to a witness to attend does not have to be delivered to the witness or any other party.

(4) Where the person lives elsewhere than the place of hearing, the review board may make an order requiring the party applying for the order to pay reasonable estimated traveling expenses to attend the hearing in advance of the required attendance.

(5) If an order to attend is issued, the party who applied will be required to serve the order on the witness within a reasonable time before the witness is required to appear.

(6) A person who is ordered to appear at a hearing may apply to the review board in writing before the hearing, or in person at the hearing, for the order to be cancelled or amended. The review board may amend the terms of or cancel the order if satisfied that:

- a) the person has no relevant evidence to give,
- b) the person's evidence may be obtained through some other means,
- c) the person's evidence is protected by legal privilege, or
- d) the attendance of the person will be unduly inconvenient.

²⁵ See ATA , s. 34(3)

(7) Except in extenuating circumstances, the review board will give the participant requesting the order for a witness to attend an opportunity to be heard before amending the terms of or canceling an order regarding a witness.

(8) Where the review board cancels an order to attend, it may make any other order it thinks is fair, including an order changing the date of the witness' appearance at the hearing or providing some other means by which the witness' evidence will be obtained.

PART XII POST HEARING MATTERS

Rule 55 Decisions

(1) A decision of the review board (except a ruling on procedural and other similar matters) will be made in writing and include reasons.

(2) The review board will provide each party and any interveners with a copy of the decision.

(3) The decision will be effective on the date it is issued, unless otherwise specified in the decision.

(4) All written decisions concluding a matter before the review board will be made available to the public by posting the decision on the review board's website not less than 7 days after the decision is provided to the parties.

(5) The review board may correct a typographical error, an error of calculation, an omission or any other similar error in its decision.

PART XIII GENERAL

Rule 56 Practice directives

(1) The chair may issue practice directives to provide information or set requirements for the practices and procedures of the review board.

Rule 57 Communication of orders, directions and decisions

(1) The executive director of the review board may communicate the review board's orders, decisions or directions with regard to any matter covered by these rules.

Rule 58 Representation

(1) A party may represent themselves in a review or be represented by legal counsel or an agent²⁶.

²⁶ See ATA, s.32

(2) Legal counsel or an agent must notify the review board if they cease to represent the party and must provide the review board with the most current contact information they have for the party.

(3) With the permission of the review board, and subject to any terms and conditions imposed by the review board, a party may be assisted by a friend, family member or other person while representing themselves in the proceeding.

(4) Legal counsel or an agent for a party or any person permitted by the review board to assist the party under rule 58(3) may appear without the party only with the permission of the review board.

Rule 59 Interveners

(1) In exceptional circumstances the review board may allow a person to intervene in an application under section 33 of the *ATA*.

(2) A person may apply to participate as an intervener in a review by delivering a written request to the review board that demonstrates the following:

- a) the person can bring a valuable contribution or bring a valuable perspective to the review, and
- b) the potential benefits of the intervention outweigh any prejudice to the parties caused by it.

(3) The review board will give the parties an opportunity to be heard before granting an application to intervene in a review.

(4) Any person granted intervener status under this rule must provide the review board with their address for delivery under rule 22.

(5) The review board may limit or impose terms and conditions on the participation of an intervener in a review and, unless specifically authorized by the review board, an intervener may not submit evidence in a review.

PART XIV COMPLIANCE WITH RULES

Rule 60 Application of the rules

(1) All parties and interveners must comply with these rules and any practice directives issued under s. 13 of the *ATA* unless the review board orders or directs otherwise.

(2) Every time limit set out in these rules is subject to being extended or shortened by the review board, at the request of a party or on its own initiative, whether before or after the time limit has expired, as the review board considers fair and appropriate in the circumstances.

(3) To apply to extend or reduce a time limit, a party must deliver a written request to the review board that explains the reasons the extension or reduction of the time limit is required.

(4) Before granting the extension or reduction of a time limit in these rules, the review board may give other parties an opportunity to be heard where the review board determines it would be fair and just to do so.

Rule 61 Calculation of time

(1) In calculating time under these rules or in an order or direction of the review board:

- a) the number of days between two events is counted by excluding the days on which those events happen, and
- b) if the last day of a time period for delivering a document or communication or doing any other thing falls on a Saturday, Sunday or public holiday, the time ends on the next day that is not a Saturday, Sunday or public holiday.

Rule 62 Effect of non-compliance

(1) A failure to comply with an order or a requirement in these rules does not automatically invalidate a review, but the review board may dismiss the application for review on that basis in accordance with this rule.²⁷

(2) Where there has been a failure to comply with a requirement in these rules or a direction or an order of the review board, the review board may on its own motion, after giving notice to the parties:

- a) schedule a written, electronic or oral hearing,
- b) continue with an application and make a decision based on the information before it, without providing an opportunity for submission,
- c) dismiss the application.

(3) If any party believes they have been adversely affected by the failure of another party or intervener to comply with these rules, the party may deliver to the review board and to the other parties a submission specifying:

- a) the alleged non-compliance,
- b) the reasons why it has had an adverse impact on the party, and
- c) the remedy sought to address the non-compliance.

(4) Any party or intervener who receives a copy of a request under

²⁷ ATA, s. 18

rule 62(3) has 7 days to deliver to the review board and the other parties a response submission.

(5) Where the review board finds non-compliance with the rules to have occurred, it may consider that non-compliance in making any further orders it may have the authority to make.

Appendix: Forms

Form 1	Application for Review – Registration Decision [s.50.54(2)]
Form 2	Application for Review – Delayed Investigation [s.50.57(1)]
Form 3	Application for Review – Complaint Disposition [s.50.6(1)]
Form 4	Agent Authorization – Complaint Disposition [s.50.6(1)]
Form 5	Agent Authorization – Registration Decision [s.50.54(2)]
Form 6	Agent Authorization – Delayed Investigation [s.50.57(1)]
Form 7	Change of Address for Delivery
Form 8	Agreement to Mediate
Form 9	Notice of Withdrawal
Form 10	Additional Information – Registration Decision [s.50.54(8)]
Form 11	Additional Information – Complaint Disposition [s.50.6(7)]



Health Professions Review Board

Suite 900, 747 Fort Street
 Victoria British Columbia
Telephone: 250 953-4956
Toll Free: 1-888-953-4986 (within BC)
Facsimile: 250 953-3195
Mailing Address:
 PO 9429 STN PROV GOVT
 Victoria BC V8W 9V1
Website: www.hprb.gov.bc.ca
Email: hprbinfo@gov.bc.ca

FORM 1
APPLICATION FOR REVIEW
OF A REGISTRATION DECISION
 (Under Section 50.54 of the *Health Professions Act*)

Person Requesting Review

Name of Applicant (Registrant or person applying for registration or certification)		
Address	City	Postal Code
Phone Number	Fax Number (optional)	Email (optional)
Name of Agent (if applicable)		
Address	City	Postal Code
Phone Number	Fax Number (optional)	Email (optional)
Address for the purpose of delivery to you of any notices regarding the review (from the Review Board and from the other parties):		

College

Name of College applied to	
College Contact Name (Registration Committee)	Phone Number
Date of Registration Decision (decision to be reviewed)	Date you received the Registration Decision

**APPLICATION FOR REVIEW
OF A REGISTRATION DECISION**
(Under Section 50.54 of the *Health Professions Act*)

To notify the Health Professions Review Board (the Review Board) that you want to apply for a review you may write a letter or complete this form and send it to the Review Board within **30 days** of the day written notice of the Registration decision was delivered to you. Please note the date you received the Registration decision on your Application for Review.

Please complete ALL sections of this form, attach a copy of the Registration Decision and send both to:

Health Professions Review Board

Mailing Address:
PO Box 9429 Stn Prov Govt
Victoria BC V8W 9V1

Telephone: 250-953-4956
Facsimile: 250- 953-3195

Toll Free Telephone (within BC): 1-888-953-4986

In Person / By Courier:
Suite 900 - 747 Fort Street
Victoria BC V8W 3E9

Please note: You must also deliver a copy of your application within the same 30 days to:

- The College that made the Registration decision

Before you send this Application for Review to the Review Board, please ensure you or your agent:

- Complete all sections of this Application for Review.
- Sign this Application for Review.
- Include a copy of the Registration decision with this Application for Review.
- Send a copy of this Application for Review to the College who made the Registration decision.



Health Professions Review Board

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 Victoria BC V8W 9V1
Website: www.hprb.gov.bc.ca
Email: hprbinfo@gov.bc.ca

FORM 2 APPLICATION FOR REVIEW OF A DELAYED INVESTIGATION (Under section 50.57 of the *Health Professions Act*)

Person Requesting Review

Name of Person Applying for Review (complainant or registrant)		
Address	City	Postal Code
Phone Number	Fax Number (optional)	Email (optional)
Name of Agent (if applicable)		
Address	City	Postal Code
Phone Number	Fax Number (optional)	Email (optional)
Address for the purpose of delivery to you of any notices regarding the review (from the Review Board and from the other parties):		

Details of Delayed Investigation

Name of College	
College Contact Name	Phone number (if known)
Name of Complainant (if applicable and not the person applying for review)	Address and/or phone number (if known)
Name of Registrant who is the subject of the investigation (if not the person applying)	Address and/or phone number (if known)
Date of Written Notice of Delay	Date you Received the Notice of Delay

**APPLICATION FOR REVIEW OF A
DELAYED INVESTIGATION**
(Under section 50.57 of the *Health Professions Act*)

To notify the Health Professions Review Board (the Review Board) that you want to apply for a review you may write a letter or complete this form and send it to the Review Board within **30 days** of the date the notice of delay was delivered to you. Please note the date you received notice of delay from the Inquiry Committee on your Application for Review.

Please complete ALL sections of this form, attach a copy of the Written Notice of Delay, if available, and send both to:

Health Professions Review Board

Mailing Address:

PO Box 9429 Stn Prov Govt
Victoria BC V8W 9V1

Telephone: 250-953-4956

Facsimile: 250- 953-3195

Toll Free Telephone (within BC):

1-888-953-4986

In Person/ By Courier:

Suite 900 - 747 Fort Street
Victoria BC V8W 3E9

Please note: You must also deliver a copy of your application for review within the same 30 days to:

- The Inquiry Committee of the College; and
- If you are the Complainant, to the Registrant who is the subject of the investigation; or
- If you are the Registrant, to the Complainant, if any

Before you send this Application for Review to the Review Board, please ensure you or your agent:

- Complete all sections of this Application for Review.
- Sign this Application for Review.
- Include a copy of the written notice of delay with this Application for Review.
- Send a copy of this Application for Review to the Inquiry Committee and the other party noted above.



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FORM 3 APPLICATION FOR REVIEW OF AN INQUIRY COMMITTEE DISPOSITION DECISION (Under section 50.6 of the *Health Professions Act*)

Person Requesting Review

Name of Person Applying for Review (Complainant)		
Address	City	Postal Code
Phone Number	Fax Number (optional)	Email (optional)
Name of Agent (if applicable)		
Address	City	Postal Code
Phone Number	Fax Number (optional)	Email (optional)
Address for the purpose of delivery to you of any notices regarding the review (from the Review Board and from the other parties):		

Disposition Decision for which a Review is being requested:

Name of College	
College Contact Name (Inquiry Committee)	Phone number (if known):
Name of Registrant (Health Professional) who is the subject of the complaint (you must make a separate application for each registrant)	Address and/or phone (if known):
Date of Written Notice of Disposition (Decision to be reviewed)	Date you Received the Notice of Disposition

**APPLICATION FOR REVIEW OF AN
INQUIRY COMMITTEE DISPOSITION DECISION**
(Under section 50.6 of the *Health Professions Act*)

To notify the Health Professions Review Board (the Review Board) that you want to apply for a review you may write a letter or complete this form and send it to the Review Board within **30 days** of the date the written notice of the disposition was delivered to you. Please note the date you received the Inquiry Committee's disposition on your Application for Review.

Please complete ALL sections of this form, attach a copy of the Written Notice of the Disposition and send both to:

Health Professions Review Board

Mailing Address:

PO Box 9429 Stn Prov Govt
Victoria BC V8W 9V1

Telephone: 250-953-4956

Facsimile: 250- 953-3195

Toll Free Telephone (within BC): 1-888-953-4986

In Person/By Courier:

Suite 900 - 747 Fort Street
Victoria BC V8W 3E9

Please Note: You must also deliver a copy of your application for review within the same 30 days to:

- the College; and
- the Registrant who is the subject of the complaint

Before you send this Application for Review to the Review Board, please ensure you or your agent:

- Complete all sections of this Application for Review.
- Sign this Application for Review.
- Include a copy of the written notice of disposition with this Application for Review.
- Send a copy of this Application for Review to the Inquiry Committee and to the Registrant who is the subject of the complaint.



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FORM 4 AGENT AUTHORIZATION (Inquiry Committee Disposition Review)

To: Health Professions Review Board

Re: Review File No. _____

Complainant Name: _____

I, _____ (Complainant's name),

authorize _____ (Agent's Name)

to act as my agent for all matters related to the Health Professions Review Board review of the Inquiry Committee decision of the _____ (College name) related to my complaint concerning _____ (Registrant Complained against).

This authorization includes the authority to make representations on my behalf and receive and release all documents and information related to this decision, including my personal health information and medical records.

Signature _____

Dated: _____

Print Full Name: _____

Address: _____



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FORM 5 AGENT AUTHORIZATION (Registration Review)

To: Health Professions Review Board

Re: Review File No. _____

Applicant Name: _____

I, _____ (Applicant's name),

authorize _____ (Agent's Name)

to act as my agent for all matters related to the Health Professions Review Board review of the Registration Committee decision of the _____ (College name) dated _____ (Date of registration decision to be reviewed).

This authorization includes the authority to make representations on my behalf and receive and release all documents and information related to this decision, including my personal information.

Signature _____

Dated: _____

Print Full Name: _____

Address: _____



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FORM 6 AGENT AUTHORIZATION (Delayed Complaint Investigation Review)

To: Health Professions Review Board

Re: Review File No. _____

Complainant or Registrant Name: _____

I, _____ (Complainant or Registrant name),

authorize _____ (Agent's Name)

to act as my agent for all matters related to the Health Professions Review Board review of the delayed complaint investigation of the _____ (College name).

This authorization includes the authority to make representations on my behalf and receive and release all documents and information related to this decision.

Signature _____

Dated: _____

Print Full Name: _____

Address: _____



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FORM 7 CHANGE OF ADDRESS FOR DELIVERY

Review Board File No.: (ie: 2009-HPA-0000)	
Your name:	

Your OLD address for delivery and contact information:	
Street/ Mailing Address:	
City:	
Province:	
Postal Code:	
Phone Number:	
Fax Number:	

Your NEW address for delivery and contact information:	
Street/ Mailing Address:	
City:	
Province:	
Postal Code:	
Phone Number:	
Fax Number:	

I have sent copies of this change of address for delivery to all parties.

I confirm the information on this form is correct and complete:

Signed: _____ Date: _____



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FORM 8 AGREEMENT TO MEDIATE

Our File Number:

Between: (name of the Applicant or Complainant)

And: (name of the College)

And: (name of the Registrant)

(referred to as the parties)

BECAUSE:

- A. The parties have agreed to attempt to settle matters in dispute between them without resorting to a formal review hearing before the Health Professions Review Board (the Review Board); and
- B. The parties and their representatives have agreed to make a sincere, open and forthright attempt to resolve the issues in dispute fairly through mediation.

AND RECOGNIZING THAT:

- i. While a college cannot simply “agree to change a considered decision of the registration or inquiry committee, it can enter into an agreement to make a recommendation to either committee where legally appropriate, and/or participate in a settlement agreement that results in an order under sections 16 or 17 of the *Administrative Tribunals Act*; and
- ii. While it would be inappropriate in mediation for a college to “compromise” regarding the public interest, the college may participate in mediation discussions designed to determine whether an agreement can be reached while fully respecting the public interest.

THE PARTIES AGREE:

- 1. The Chair of the Review Board will appoint one or two members of the Review Board or its staff to conduct the mediation. If mediation is unsuccessful and the case proceeds to a hearing the member(s) of the Review Board conducting the mediation will not adjudicate the hearing.
- 2. The mediator(s) will assist the parties in a negotiation aimed at resolution of the issues between them. The parties will work with the mediator(s) and each other to identify issues, interests, and options for settlement.

3. The mediator(s) will not act as legal counsel for any party during the mediation. Each party is encouraged to secure independent legal advice to ensure that legal rights and obligations and the consequences of any potential settlement are fully understood.
4. Each party or a representative of each party familiar with the case and with authority to settle the dispute will attend the mediation. Agreements may be subject to the approval of any parties' respective board, management or higher decision making authority.
5. The mediation will be closed to the public. Relatives or friends of a party may attend the mediation if all parties are notified at least one day before the mediation and have no objection. Relatives or friends attending the mediation will be required to agree to keep confidential all matters discussed and information exchanged at the mediation by signing in the appropriate place at the end of this agreement.
6. There will be a full and timely disclosure by each of the parties to the others, and to the mediator(s), of all information and documents relevant to the matters under discussion.
7. The mediation and related discussions will be conducted on a *without prejudice* basis which means that any and all matters discussed and information exchanged in the context of the mediation cannot be used by any party against another party at a subsequent hearing or proceeding.
8. All communications occurring in the context of the mediation are confidential and shall not be disclosed by anyone unless the parties otherwise agree. No party will disclose or attempt to subpoena the mediator(s) to testify or to produce records or notes. No party will disclose or attempt to compel disclosure of:
 - a. any views expressed or suggestions made by another party in respect of the possible settlement of the dispute
 - b. any admissions made by a party in the course of a mediation
 - c. the fact that another party had indicated a willingness to accept a proposal made by any party to the mediation
9. No formal record of the mediation will be taken. The parties and the mediator(s) may keep their own personal notes.
10. A party or the mediator(s) may end the mediation at any time.
11. If the parties reach an agreement or partial agreement the terms of the agreement will be set down in writing and the parties may have the agreement reviewed by counsel before signing. The parties may waive their right to independent legal advice.
12. The parties agree and acknowledge that by drafting or assisting the parties in drafting any agreement that outlines the settlement they have agreed to, the Health Professions Review Board mediators are not providing legal advice to any party.
13. The parties agree and acknowledge that the terms set out in any agreement are made in settlement of only the application made by the Complainant to the Health Professions Review Board for a review of the College disposition of the complaint in this matter and are confined solely to the settlement of these proceedings and not to any other legal remedies one party may have against the other.
14. If an agreement is not reached, the matter will be referred to the Review Board.

15. The Review Board will be responsible for costs related to the mediator(s) and facilities. Each party will be responsible for its own costs.

16. The parties agree that where, in the course of mediation, new evidence of Registrant conduct arises which engages the College's interests under s. 33(4) of the *Health Professions Act*, nothing in this agreement prevents the College from disclosing or otherwise using that information to meet its statutory responsibilities under the *Health Professions Act*.

Applicant or Complainant: Printed name and Signature

Date

College: Printed name and Signature

Date

Registrant: Printed name and Signature

Date

OTHER ATTENDEES AT THE MEDIATION

I agree to keep absolutely confidential all matters discussed and information exchanged during the course of this mediation:

Printed name and Signature

Mediator

Printed name and Signature

Mediator

Printed name and Signature

Position (counsel, friend, etc)

Printed name and Signature

Position (counsel, friend, etc)

Printed name and Signature

Position (counsel, friend, etc)



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FORM 9 NOTICE OF WITHDRAWAL OF APPLICATION FOR REVIEW

Review Board Case file No.: _____

Name of party withdrawing (applicant or complainant)

(please print name clearly)

I do not wish to proceed with my application and do hereby withdraw this Application for Review, and notify the Review Board that this application is withdrawn in accordance with rule 41 of the Health Professions Review Board Rules of Practice and Procedure.

I understand that if I withdraw my application for review the Review Board will order that my application is dismissed.

I have sent copies of this notice of withdrawal application to all parties by mail fax hand or other _____ (please specify means of delivery).

Why are you withdrawing this application?

- I have settled with the other party(ies) following mediation.
- I have settled with the other party(ies) without mediation.
- I do not wish to proceed further with my application. *If you wish you may state your reasons:*

Signed:

(Signature of applying party, or authorized representative, agent or counsel)

Dated: _____



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FORM 10 ADDITIONAL DOCUMENTS (Registration Review)

IN THE MATTER OF a request for review of a Registration decision under section 50.54

Between:

Name of Applicant:

and

Name of College:

LIST OF ADDITIONAL INFORMATION OR EVIDENCE FOR HEARING

The following evidence or information, not part of the Record, is reasonably required by the Review Board for a full and fair disclosure of all matters related to the issues under review:

PART I. ADDITIONAL DOCUMENTS (list and attach copies):

PART II. WITNESSES (list their names and a brief sentence identifying who they are and what they will testify about):

Reasons: (state why you believe the information or evidence should be considered by the Review Board on the review of this matter)

Signed: _____

Date: _____

Name (please print): _____

*** Please ensure that copies of any additional documents are attached to this form.**



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FORM 11 ADDITIONAL DOCUMENTS (Inquiry Committee Disposition Review)

IN THE MATTER OF a request for review of an inquiry committee disposition under section 50.6

Between:

Name of Complainant:

and

Name of College:

and

Name of Registrant:

LIST OF ADDITIONAL INFORMATION OR EVIDENCE FOR HEARING

The following evidence or information, not part of the Record, is reasonably required by the Review Board for a full and fair disclosure of all matters related to the issues under review:

PART I. ADDITIONAL DOCUMENTS (list and attach copies):

PART II. WITNESSES (list their names and a brief sentence identifying who they are and what they will testify about):

Reasons: (state why you believe the information or evidence should be considered by the Review Board on the review of this matter)

Signed: _____

Date: _____

Name (please print): _____

*** Please ensure that copies of any additional documents are attached to this form.**