



# HEALTH PROFESSIONS REVIEW BOARD

## ***2018 Annual Report***

***Covering the reporting period from  
January 1 – December 31, 2018***

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## Health Professions Review Board

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July 31, 2019

The Honourable David Eby  
Minister of Attorney General  
Room 232, Parliament Buildings  
Victoria, British Columbia  
V8V 1X4

Dear Minister Eby:

**Re: Health Professions Review Board Annual Report**

On behalf of the Health Professions Review Board, it is my pleasure to respectfully submit the Annual Report of the Health Professions Review Board for the period January 1, 2018 to December 31, 2018.

This report is submitted as required by Section 50.65(1) of the *Health Professions Act*.

We remain committed to fulfilling the important mandate entrusted to the Review Board to ensure the highest levels of accountability and transparency in BC's health professions.

Yours truly,

David Hobbs, Chair  
Health Professions Review Board

Enclosure

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## Message from the Chair

### ***A Decade of Work***

The Health Professions Review Board is now in its tenth year, and continues to function administratively as part of the Environmental Appeal Board tribunal cluster. In this regard, the recent retirement of Alan Andison, Chair of the Environmental Appeal Board and administrative head of the tribunal cluster, seems to fittingly mark the end of its first decade. Alan Andison oversaw the establishment of the Review Board office in 2009. He gave leadership, guidance and support not only to the Review Board office, but to the larger administrative tribunal community. The Review Board commends his passion for administrative fairness and access to justice, and his tremendous contributions to the tribunal sector and wishes him well. The Review Board also welcomes his successor Darrell Le Houillier, who is also a Vice-Chair at the Workers Compensation Appeal Tribunal and a member of the Civil Resolution Tribunal.

### ***The Year in Review***

The Review Board published 87 reviews of college complaint dispositions. These were broken down as follows: 14 (BC College of Nursing Professionals), 2 (College of Chiropractors), 1 (College of Midwives), 1 (College of Denturists), 9 (College of Dental Surgeons), 1 (College of Occupational Therapists) 4 (College of Psychologists), 2 (College of Pharmacists), and 53 (College of Physicians and Surgeons). The Review Board confirmed 82 of these dispositions: 75 at stage 1 and 7 at stage 2. 5 decisions were remitted back to the college for reconsideration: 1 (BC College of Nursing Professionals), 1 (College of Chiropractors), 3 (College of Physicians and Surgeons).

The Review Board published 5 registration decisions, confirming 2 at stage 2, and returning 3 to the college for reconsideration. The Review Board also published 18 decisions on requests to accept applications for review that were received outside statutory timelines. Of these 17 were denied, and 1 granted.

The Board published 11 decisions on requests under s. 42 of the *Administrative Tribunals Act*, to receive information in confidence to the exclusion of a party. Of these, 6 were granted, 3 were granted in part, and 2 were denied.

The Board also summarily dismissed 2 applications.

### ***The Cayton Report on Health Professions Regulation***

In April 2018, the BC Ministry of Health appointed Harry Cayton CBE, the former chief executive of the UK's Professional Standards Authority, to inquire into the administration and operation of the College of Dental Surgeons of British Columbia. His December 2018 Report addresses the difficulties encountered by the College of Dental Surgeons of British Columbia and makes recommendations for its improved governance and regulatory performance.

More significantly for the Review Board, the Report also recommends wider reform to the statutory framework regulating health professions in the province, suggesting that new legislation will be necessary to achieve structural reform. Mr. Cayton describes the Review Board as a check and balance within the current regulatory model, and recognizes the Review Board as a valuable part of the health regulatory framework, particularly in relation to its role in reviewing registration decisions and Inquiry Committee dispositions.

The Report also recognizes that the role of the Review Board could be strengthened further, and suggests two additional functions. First, the Report suggests that the Review Board should be able to publish guidelines for colleges on how to improve their complaints performance and learn from good practice. This recommendation recognizes that the Review Board already has a wealth of data that could be analysed. Second, the Report recommends that the Review Board should be empowered to review college complaint decisions on its own account, without receiving a referral. While this power might be rarely exercised, it would allow the Review Board to act in the public interest by initiating its own review where a college has made a “perverse or transparently lenient determination and the patient complainant is not in a position, for whatever reason, to take the matter further.” (at para. 9.68)

The Report recommends removing the statutory time limit for complaints, suggesting that there are better ways of ensuring timeliness. Statutory time limits cannot account for various factors, such as the complexity of cases and actions by other parties, which influence the progress of complaints. If removed, it will no longer be necessary for the Review Board to review a college's adherence to these time limits.

The Report recognizes the separation of investigation from adjudication as a common principle of law which currently does not apply under the *Health Professions Act*. To ensure independence between licencing and investigatory functions and remove conflict of interest arising from the membership of the

committees and panels, the Report recommends reconstituting the role of colleges and establishing a new professional registration and adjudication agency that would serve as a single registrar for all regulated health professionals. While colleges would still be responsible for licensing health professionals and setting standards for practice and clinical competence, a single code of ethics and conduct would apply to all health professions. Colleges would investigate complaints, but would not adjudicate them. Instead, complaints would be adjudicated by the centralized registration and adjudication body.

This new body would be responsible for establishing inquiry committees and disciplinary panels to adjudicate complaints. Matters of clinical competence would continue to be judged against standards established by the relevant college, while matters of unethical behaviours or unprofessional conduct would be judged by the standards set out in the shared code of ethics and conduct.

Mr. Cayton advises that this proposed model, if implemented, would require a greater and somewhat different level of oversight than currently provided by the Review Board. In addition to the current functions of the Review Board to review registration decisions and Inquiry Committee dispositions, the functions of this oversight body would include the authority to approve shared standards of ethics and college-specific standards of practice, and the establishment of performance standards to be applied by colleges and the centralized registration and adjudication body. The oversight body would also conduct reviews and investigations into the performance of colleges at the request of the Minister.

The Review Board looks forward to the Minister's response to the Cayton Report. It is noteworthy that the *Health Professions Act* already provides authority for the Review Board to do a number of things that it is not resourced to do, such as take over College investigations that are not completed outside statutory timelines. While the Review Board is not alone in having capacity-related limits to its ability to fully wield its legislative authority, any new model for oversight in the health professions regulation area should consider realistic resourcing.

#### ***“Dawson” Judicial Review Decision***

The Supreme Court released its decision in *The College of Physicians and Surgeons of British Columbia v The Health Professions Review Board*, 2018 BCSC 2021 in November, 2018, which judicially reviewed Review Board decision No. 2015-HPA-006(a). The decision contains direction to the Review Board which impacts the exercise of the “adequacy of the investigation” component of its jurisdiction, and is under appeal.

In light of this decision, the Review Board has modified how it articulates the test for “adequacy of the investigation”. For example, in 2019-HPA-040(a) (2019 BCHPRB 42):

[11] In *The College of Physicians and Surgeons v. The Health Professions Review Board*, 2018 BCSC 2021 (CanLII) (Dawson) the Court stated that “the adequacy of an investigation conducted by the College must be assessed by the Review Board on a reasonableness standard” (para. [179]). Applying this approach, the question before the Review Board is whether the College exercised its investigative discretion reasonably, having regard to all the circumstances of the complaint. (Dawson, para. [181])

### ***Endorsement of Triple Aim***

The Review Board is one of over 50 justice sector organizations to endorse Chief Justice Robert Bauman’s Triple Aim initiative. The Access to Justice Triple Aim is a single goal with three interrelated elements: improved population access to justice, improved user experience of access to justice, and improved costs. At its heart the Triple Aim looks to reduce barriers to justice and improve the user experience when interacting with the justice sector. The Review Board is reviewing its process and public facing documents with a view to serving the user and reducing legal language, to help applicants access the services they need.

The Review Board has a particular interest in assisting our applicants, many who are self-represented, with the review process. In *Pintea v. Johns*, 2017 SCC 23, [2017] 1 S.C.R. 470, the Supreme Court of Canada endorsed the [Statement of Principles on Self-represented Litigants and Accused Persons](#) (2006) established by the Canadian Judicial Council. The principles embodied in this and the Access to Justice Triple Aim are prompting the Review Board to consider website improvements, and changes to application forms and public communication to makes them more accessible.

### ***Improving the Board’s operations***

#### ***1. Electronic records***

The Review Board is moving toward paperless record-keeping and administration. At least fifty percent of reviews are now conducted using electronic records only. The Review Board has curbed the use of faxed documents, and now requests that colleges supply scanned copies of the

record under review and other documents. This has been a challenge for members and staff as Review Board administration has been largely paper-based since the Board's inception. However, members and staff have shown considerable commitment to and support for this initiative.

## **2. *New Case Management System***

Throughout 2018, Review Board office staff have been working on replacement and upgrading of the electronic case management system that is used by the Board and the seven other tribunals that are jointly administered through a shared office and staff. The existing case management system is 20 years old and its software is no longer supported. A new system will allow the shared administrative office to continue to function effectively and efficiently, using modern information technology.

### ***Loss of Member Borgal***

Lorne Borgal served on the Health Professions Review Board since 2012 and in that time wrote over 100 decisions. His sudden passing in a plane crash in 2019 was a shock to all of us. He was best known for his fair and well-reasoned decisions as well as his charming and engaging personality. Whether discussing a particularly difficult case or telling stories about his life outside of the Review Board, Lorne Borgal was a unique person who had a good effect on everyone around him. Fellow Board Member Michael Alexandor put it best when he said: "There is only one Lorne Borgal. He is missed."

### ***Appointment of new members***

I am very pleased to welcome four new members to the Review Board: David Blair, Nancy Merrill, David Newell, and Katherine Wellburn. They will complement the expertise and experience of the outstanding professionals on the Board.

### ***Thank you***

In closing, I would like to recognize the Review Board members, our peerless legal counsel Frank Falzon, Q.C., the staff of the Environmental Appeal Board which provides financial and administrative support, and the hardworking team at the Victoria office for their work on behalf of the Review Board.



David Hobbs, Chair



## Rule Changes

In early 2019, the Review Board amended Rules 16 and 26, to:

- Provide for electronic records
- To require colleges requesting an extension of time to produce the record to state the reason for the extension and the length of extension required. This should make it easier for other parties to determine their position in response to the request, and for case managers to manage the process for obtaining the record.

Previous Rule	Revisions Made (Now current)
<p><b>Rule 16 Production of the record to the review board</b></p> <p>(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.</p> <p>(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.</p>	<p><b>Rule 16 Production of the record to the review board</b></p> <p>(1) <u>Unless otherwise directed by the review board,</u> the college is required to produce <u>three (3) paper</u> copies of the record to the review board, <u>with one copy in electronic form,</u> together with any application under s.42 of the ATA, within 35 days from the date <u>of the review board’s written request for the record.</u></p> <p>(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, <u>and state the reason(s) for the extension and the length of the extension requested.</u></p>
Previous Rule	Revisions Made (Now current)
<p><b>Rule 26 Electronic delivery of documents</b></p> <p>(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.</p> <p>(2) Electronic communications to the Review Board may only be sent to <a href="mailto:HPRBINFO@gov.bc.ca">HPRBINFO@gov.bc.ca</a> unless otherwise permitted by the</p>	<p><b>Rule 26 Electronic delivery of documents</b></p> <p>(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.</p> <p>(2) Electronic communications to the Review Board may only be sent to <a href="mailto:HPRBINFO@gov.bc.ca">HPRBINFO@gov.bc.ca</a> unless otherwise permitted by the Review Board.</p>

Review Board.

(3) When the Review Board directs that an electronic College Record is to be produced as required under Rule 16 the Review Board only accepts receipt of the of the electronic Record through the BC Government Secure File Transfer System.

(4) The Review Board may authorize access to the BC Government Secure File Transfer System to a party for purposes of receiving and distributing electronic records.

## About the Review Board

On March 16, 2009, the Health Professions Review Board (the “Review Board”) opened its doors and began receiving applications for review, making British Columbia the second province, after Ontario, to establish an independent health professions review body.

The Review Board is an independent quasi-judicial administrative tribunal created by the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the “Act”). The Act provides a common regulatory framework for health professions in British Columbia. It establishes 28 designated health professions, governed by 20 regulatory colleges. The Review Board is responsible for conducting reviews of certain complaint dispositions and registration decisions of these 20 colleges. As such, the Review Board is an innovative and integral component of the complex health professions regulatory system in British Columbia. It is a highly specialized administrative tribunal, with a specific mandate and purpose, designed to address a few carefully defined subjects outlined in the Act. The Review Board’s decisions are not subject to appeal and can only be challenged in court (on limited grounds) by judicial review.

One profession (emergency medical assisting) is regulated by a government-appointed licensing board under a separate statute, and is not subject to Review Board scrutiny.

The health professions colleges designated under the Act and whose decisions are subject to review by the Review Board are listed below:

- Chiropractors
- Dental Hygienists
- Dental Surgeons
- Dental Technicians
- Denturists
- Dietitians
- Massage Therapists
- Midwives
- Naturopathic Physicians
- Nursing Professionals
- Occupational Therapists

- Opticians
- Optometrists
- Pharmacists
- Physical Therapists
- Physicians and Surgeons
- Podiatrists
- Psychologists
- Speech and Hearing Professionals
- Traditional Chinese Medicine Practitioners and Acupuncturists

## The Mandate of the Review Board

Through its reviews, early resolution processes and hearings, the Review Board monitors the activities of the colleges' complaint inquiry committees and registration committees, in order to ensure they fulfill their duties in the public interest and as mandated by legislation. The Review Board provides a neutral forum for members of the public as well as for health professionals to resolve issues or seek review of the colleges' decisions.

The Review Board's mandate is found in s.50.53 of the Act. Under this section the Review Board has the following two types of specific powers and duties:

1. On request to:
  - review certain registration decisions of the designated health professions colleges;
  - review the timeliness of college inquiry committee complaint dispositions or investigations;
  - and
  - review certain dispositions by the inquiry committee of complaints made by a member of the public against a health professional.
  
2. The Review Board has potentially broad remedial powers after conducting a review in an individual case. In the case of registration and complaint decisions it can either:
  - confirm the decision under review;
  - send the matter back to the registration or inquiry committee for reconsideration with directions; or
  - direct the relevant committee of the college to make another decision it could have made.

In cases where a review has been requested of the college's failure to complete an investigation within the time limits provided in the Act, the Review Board can either send the matter back to the inquiry committee of the college, with directions and a new deadline, to complete the investigation and dispose of the complaint, or the Review Board can take over the investigation itself, exercise all the inquiry committee's powers, and dispose of the matter.

3. On its own initiative the Review Board may:

- develop and publish guidelines and recommendations to assist colleges to develop registration, inquiry and discipline procedures that are transparent, objective, impartial and fair.

This particular power of the Review Board allows for preventive action to be taken, recognizing that while the review function of deciding individual requests for review is important, it may not have the same positive systemic impact as a more proactive authority to assist colleges, in a non-binding process, to develop procedures for registration, inquiries and discipline that are, in the words of the Act, transparent, objective, impartial, and fair.

Further information about the Review Board's powers and responsibilities is available from the Review Board office or the website: <http://www.hprb.gov.bc.ca>

## Review Board Members

The Review Board is a tribunal consisting exclusively of members appointed by the Lieutenant Governor in Council (usually referred to as “cabinet”). In contrast, colleges are professional regulatory bodies with board members elected or appointed by the Minister of Health in accordance with the Act. Appointment of Review Board members by cabinet ensures that the Review Board can perform its adjudicative functions independently, at arm’s-length from the colleges and government. This is reinforced by section 50.51(3) of the Act which states that Review Board members may not be registrants in any of the designated colleges or government employees.

The Review Board consists of a part-time Chair and a number of part-time members. The Act does not specify a minimum or maximum number of members required. The members of the Review Board, drawn from across the Province, are highly qualified citizens from various occupational fields who share a history of community service. These members apply their respective expertise and adjudication skills to hear and decide requests for review in a fair, impartial and efficient manner. In addition to adjudicating matters that proceed to a hearing, members also conduct mediations and participate on committees to develop policy, guidelines and recommendations.

During the present reporting period the Review Board consisted of the following members:

### Tribunal Members as of December 31, 2018

Member	Profession	From
David A. Hobbs (Chair)	Lawyer	Vancouver
Michael J.B. Alexandor	Business Exec./Mediator (Ret.)	Vancouver
Kent Ashby	Lawyer	Victoria
Karima Bawa	Business Executive	Vancouver
Lorianna Bennett	Lawyer/Mediator	Kamloops
Shannon Bentley	Lawyer/Advocate	Bowen Island
Fazal Bhimji	Mediator	Delta
Lorne Borgal (deceased)	Business Executive	Vancouver
D. Marilyn Clark	Consultant/Business Executive	Sorrento
Douglas S. Cochran	Lawyer (Ret)	Vancouver

William Cottick	Lawyer	Victoria
Brenda Edwards	Lawyer	Victoria
Leigh Harrison	Lawyer (Ret)	Rossland
Roy Kahle	Lawyer (Ret)	Kamloops
Robert McDowell	Project Director	Vancouver
John O'Fee, Q.C.	Lawyer/CEO	Kamloops
John M. Orr, Q.C.	Lawyer	Victoria
Donald A. Silversides, Q.C.	Lawyer	Prince Rupert
Kent Woodruff	Lawyer/Mediator	Kamloops
Deborah Zutter	Mediator/Lawyer(ret)	Vancouver



## The Review Board Office

The administrative support functions of the Review Board are consolidated with the Environmental Appeal Board/Forest Appeals Commission (EAB/FAC) offices, which also provide administrative services to a number of other tribunals.

The Review Board staff complement currently consists of the following positions:

- Executive Director
- 3 Case Managers
- 1 Intake and Administration Officer
- 1 Administrative Assistant
- Finance, Administration and Website Support (provided by EAB/FAC)

The Review Board may be contacted at:

Health Professions Review Board  
Suite 900 - 747 Fort Street  
Victoria, BC V8W 3E9

Telephone: 250-953-4956

Toll-free number: 1-888-953-4986

Facsimile: 250-953-3195

**Website Address:** [www.hprb.gov.bc.ca](http://www.hprb.gov.bc.ca)

**Mailing Address:**

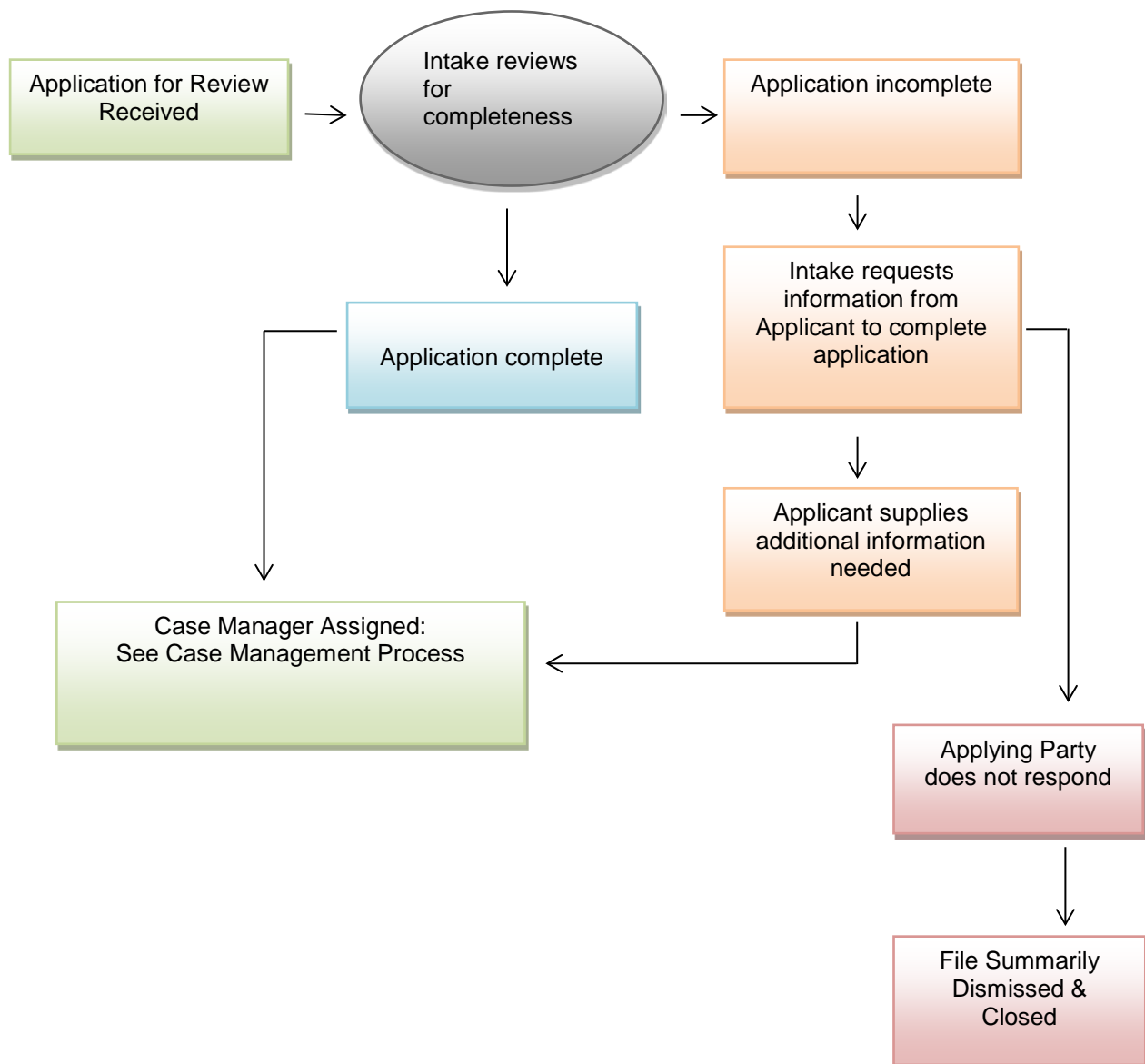
Health Professions Review Board  
PO Box 9429 STN PROV GOVT  
Victoria, BC V8W 9V1

## The Review Process and Activity

The following is a visual overview of the review process. For more detailed information, a copy of the Review Board's *Rules of Practice and Procedure* and other information can be accessed at the Review Board website or obtained from the Review Board Office.

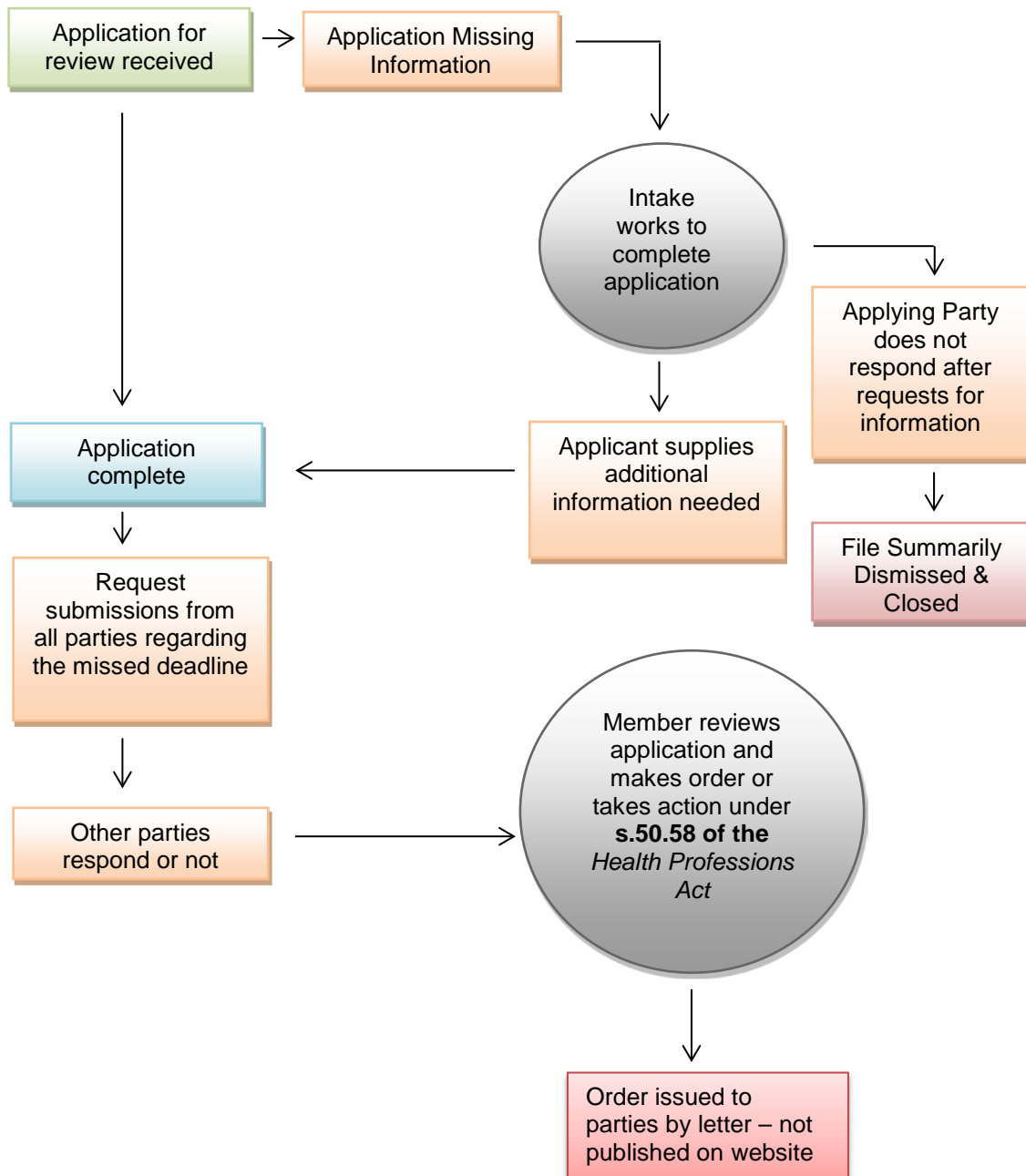
Few applicants who submit applications for review to the HPRB have had any exposure to administrative law or process. For that reason intake staff assist applicants to go through the steps necessary to “perfect” an application so that it meets the requirements of the *Health Professions Act* and the Rules of the Review Board. The chart below illustrates how Review Board staff do that.

### Intake Process



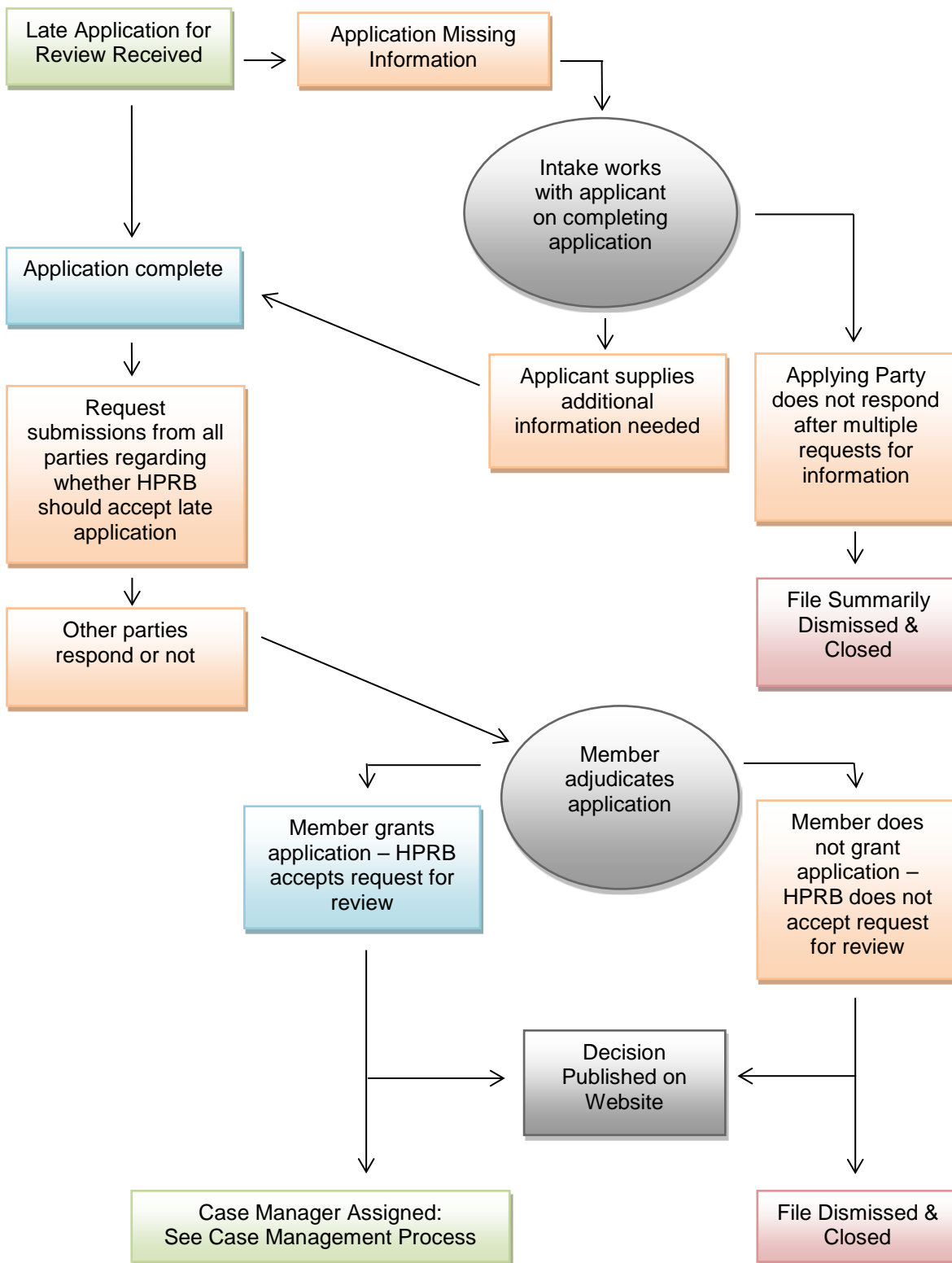
## Process for Review of Investigations Not Completed within Statutory Deadlines

Complainants who are waiting for a college to complete its investigation into the circumstances of the complaint may, after the amount of time specified in the legislation has elapsed, apply to the Review Board for a review of the delay. This chart describes the delayed investigation review process.



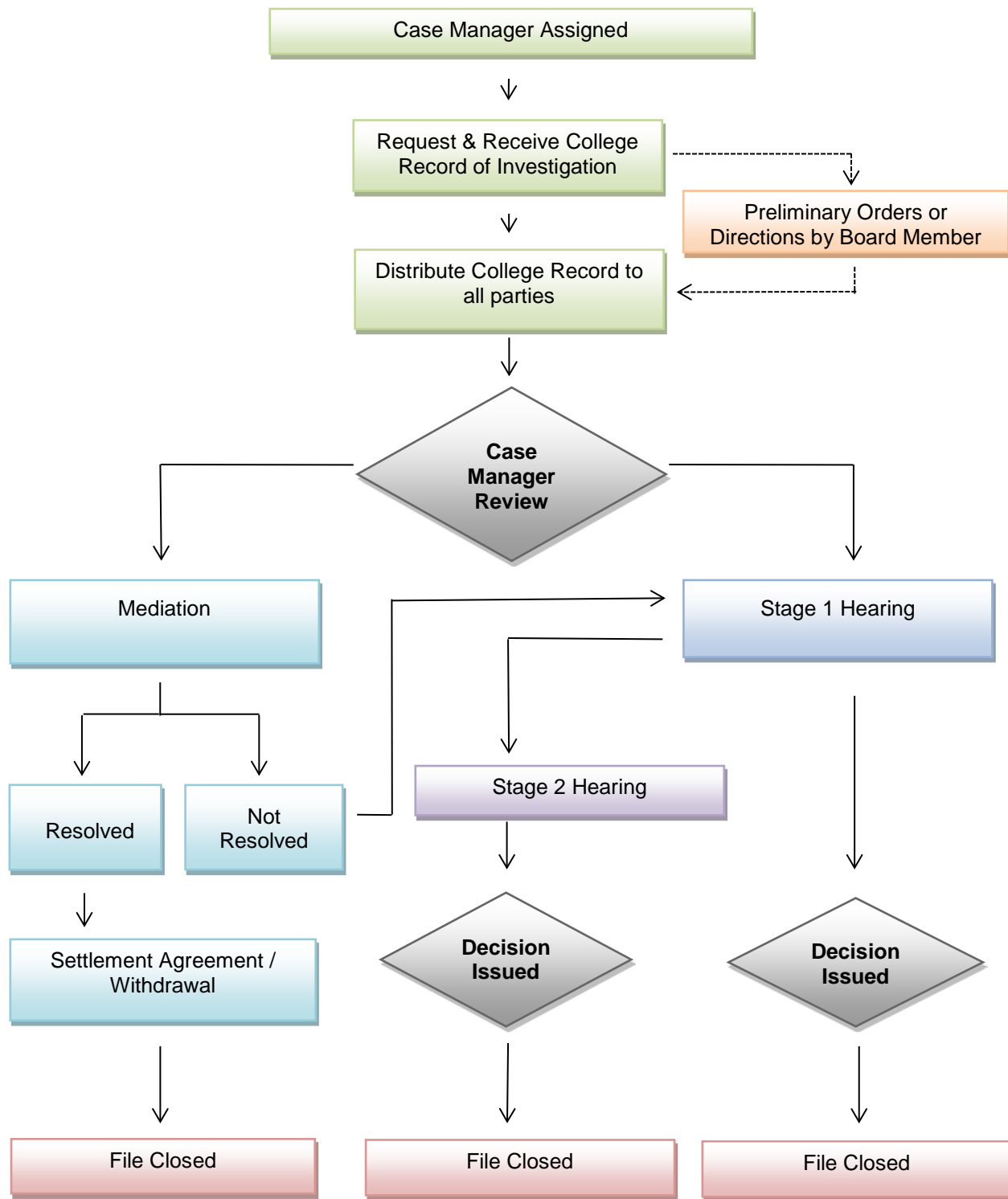
## Process for Applications Submitted Outside Legislated Deadline

The Review Board has authority under section 24 of the Administrative Tribunals Act to accept applications outside legislated deadlines if special circumstances exist. Review Board staff ensure that such applications are put to a member for adjudication.



## Case Management Process

The Chart below illustrates the steps in the process for managing a case from assignment of a case manager through to resolution, either by way of a mediated settlement or a decision of a Review Board member following a hearing.



## Mediation Activity

Surprising things can happen in mediation. Seemingly intractable parties can and do shift, often achieving better outcomes and better satisfaction of the parties than adjudication. Review Board office staff approach each application with resolution outside of adjudication in mind, assessing each case to determine whether it is amenable to mediation. Case managers are trained mediators, but will also work with skilled members on particularly challenging mediations. As with so many aspects of health care, technology is impacting mediations. Mediation courses are now offered in tele-mediation and even online mediation, and mediations can take place virtually using video-conferencing platforms. Mediations are an important aspect of the Review Board's work, and are pursued by the Review Board whenever there is the possibility of a satisfactory outcome for all parties.

In past years we have presented extremely brief snapshots of mediated outcomes to provide what we referred to as "a flavour of what has been achieved in the resolution of health practices disputes." This is because of the clear requirement that such resolutions be absolutely confidential – no information can be included that would enable identification of the parties.

Nonetheless, within the requirement for absolute confidentiality we can provide glimpses into both processes and outcomes for 2018:

1. An Applicant filed an application for review of a decision of a Registration Committee of the College in which she was denied registration after she failed to pass the required exam for a third time. The Review Board facilitated a mediation between the College and the Applicant which resulted in a settlement agreement where it was agreed to refer the matter back to the Registration Committee for reconsideration. The College bylaws stated that candidates will only be given three opportunities to write the exam, and it was agreed to present the Applicant's request to make an exception to the bylaws to allow her to write the exam a fourth time given the special circumstances presented by the Applicant.
2. The Applicant filed an application for review of a decision of the Registration Committee of the College in which he was denied registration as he had not met the necessary requirements. The Review Board conducted a mediation between the parties resulting in a settlement agreement which included allowing the Applicant to submit a proposal to the Registration Committee to

consider removing the requirement for him to complete a re-entry to practice program, and substituting other coursework in place of that requirement along with providing additional reference letters from his employers or instructors.

3. The Applicant filed an application for review of a decision of a Registration Committee of the College in which she was denied registration. The Review Board held a mediation and a settlement agreement was reached which allowed the Applicant to submit a proposal to the Registration Committee to consider removing the requirement for her to complete a re-entry to practice program and substituting other coursework in place of that requirement. The Applicant was also permitted to provide additional information relevant to the Committee's assessment of her competencies including but not limited to a rescoring of her simulation lab assessment and oral assessment results. Upon receipt of this proposal of from the Applicant the Registration Committee agreed to reconsider her eligibility for registration and issue a new decision.

In addition to the above formal mediations, there are informal resolutions achieved by case managers and staff which result in the complainant or applicant withdrawing their application for review.

## Consent Matters

While not mediations per se, the Review Board does resolve by consent of the parties many procedural issues that arise in the course of a review proceeding. At the preliminary stage of a review proceeding there are circumstances where a college may make an application under s. 42 of the *Administrative Tribunals Act* for certain information contained in the Record to be received in confidence by the Review Board, and redacted from the Record prior to disclosure to a certain party – usually the applicant/complainant. Colleges may also seek to withhold the name of an individual who provided an expert medical report during an investigation. Review Board case managers have in many instances been able to negotiate such redactions to the record by consent of the parties, thus avoiding the need for a separate s. 42 adjudication process.



## 2018 College Requests to Reconsider

At various stages of the Review Board process, on a number of files, the Review Board has received requests from colleges to refer a matter back to their Inquiry Committees or Registration Committees so that the Committee can further investigate, consider new information not previously considered, and then render a new decision. The Review Board has granted these requests, noting that there is no benefit to the parties nor is it in the public interest for the Review Board to require the parties to proceed with a hearing on a matter pending a possible college reconsideration. This process does not prejudice to the complainant or applicant, as they are free to apply for a review of the new college decision in due course. This constructive feedback loop is an example of one of the benefits of Review Board review.

## The Adjudication Process

As the Review Board's Rules indicate, mediation may not be appropriate for every case. Mediation may be inappropriate where, for example, an application identifies a broad systemic problem, where a dispute raises an issue of law, policy or interpretation that needs to be determined on the record, where an applicant is proceeding with a vexatious application, or where there are allegations of abuse of power. Each of these situations can raise special concerns that require adjudication and determination within the Review Board's formal decision-making process.

In other cases, even though the parties have entered into mediation in a sincere effort to resolve the issues on the application for review, the application may remain unresolved and must therefore be decided by the Review Board's adjudication (hearing) process.

The Review Board process, which finds its authority in Part 4.2 of the *Health Professions Act* (the "Act" or "HPA") and in the provisions of the *Administrative Tribunals Act* ("ATA"), is codified in the Review Board's *Rules of Practice and Procedure*. These Rules provide for the efficient adjudication of questions arising at the beginning of a Review Board proceeding, such as:

- Does the Review Board have jurisdiction (legal authority) to hear this particular complaint?
- Is this complaint clearly without merit? (i.e., is it frivolous, vexatious, or trivial)
- Was the complaint not filed in time, and should an extension of time for filing be granted?
- Should certain confidential or sensitive third party information in a health college record of investigation be withheld from an applicant?

A formal review before the Review Board is 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 as reasonably required for a full and fair disclosure of all matters related to the issues under review.

Hearings at the Review Board are primarily conducted in writing using the previously mentioned 2 Stage process. They can however also be conducted in person (an oral hearing) or by using an electronic format such as video or teleconferencing or by any combination of these formats. Reviews conducted by way of an oral hearing are generally open to the public, unless the Review Board orders otherwise.

If a written hearing is held, the Review Board will provide directions regarding the process and timeframe for the parties to provide their evidence, arguments and submissions to the Review Board in writing. An oral hearing gives the parties an opportunity to present their information, evidence and submissions to the Review Board in person.

The chair of the Review Board will designate one or more members of the Review Board to sit as a Panel for each individual hearing. A member of the Review Board who conducts a mediation will not be designated to conduct a hearing of the matter unless all parties consent. Further, in order to ensure that there is no conflict of interest or reasonable apprehension of bias, a board member who has previously been a registrant of a college or served on a college's board of directors will usually not sit on a panel designated to conduct a hearing in any case involving that particular college, unless all parties consent.

After a written or oral review hearing, the Review Board will issue a written decision, deliver a copy to each party and post it to the website.

## Decisions

A selection of significant decisions issued in 2018 is summarized below.

Registration reviews typically examine whether the Registration Committee's decision was reasonable and in compliance with the Act. In contrast, Inquiry Committee dispositions are examined on the basis of two statutory review criteria:

1. Was the investigation adequate?
2. Was the disposition (reasoning, conclusion and outcome) reasonable?

### 1. Preliminary and Interim Decisions

*This decision denies a time extension application and discusses the test to be applied in determining whether a time extension should be granted.*

#### [2019-HPA-004\(a\) re: The College of Physicians and Surgeons of British Columbia](#)

Time extension application – denied. The complaint was filed with the College on December 23, 2017 and the Registrar of the College issued the disposition on December 5, 2018. Under s. 50.61(4) of the Act, the Complainant filed her application for review and time extension request with the Review Board, three days outside the statutory 30 day window. In a modified test of *Clock Holdings*, the Review Board determined that special circumstances justifying an extension of time did not exist. The Complainant likely had an intention to apply before the deadline; the parties were informed of her intention to file her application; none of the parties responded to the invite to provide submissions; and the parties would not be unduly prejudiced by an extension. However, the reasons for delay in filing her review were problematic. Further, her application did not speak to the merits of a review regarding the adequacy of the Record or the reasonableness of the decision. The Complainant's reasons for missing the statutory deadline do not satisfy the Review Board that special circumstances exist in this application.

*This decision involved parents of a minor child asking for medical records, and considered the Infants Act.*

**[2018-HPA-147\(a\) College of Physicians and Surgeons of British Columbia 2019 BCHPRB 16](#)**

The College of Physician and Surgeons of British Columbia sought to withhold from the Complainants a substantial amount of documents in the Record. The Complainants are the parents of a minor child, the complaint is about the care he received while they were his guardians, and prior to him being taken into the care and guardianship of the Ministry of Children and Family Development. The College ascertained that the reasoning for the non-disclosure application was that appropriate consent had not been provided for the Complainants to have access to medical information pertaining to their son. The Review Board dismissed the request because the information the College of Physicians and Surgeons of British Columbia sought to keep from the Complainants goes to the substance of the claim. The Review Board noted that the Complainants had legal rights as their son's guardians during the time he received medical care which is the crux of this complaint. There is no reason why that information should be an exception to the general principal of even disclosure between all parties to a review application. The Review Board denied the College of Physicians and Surgeons of British Columbia's application to withhold information from the Complainants.

*This decision denied the college's s.42 Application to withhold expert witnesses' names*

**[Decision No. 2017-HPA-185\(a\) re the College of Physicians and Surgeons of British Columbia and a surgeon.](#)**

The College of Physicians and Surgeons of British Columbia sought to withhold from the Complainant and the Registrant the identity and addresses of two independent experts who provided their opinions on parts of the complaint to the Inquiry Committee. The question posed in s. 42 is whether the administration of justice is harmed if the complainant has the information. In this case, the College did not provide a clear and compelling evidentiary foundation to show that the test under s. 42 was met, and that the Complainant would not be undermined in her ability to advance her case if the experts' identities were withheld. The College relied on 2012-HPA-205(a) and 2015-HPA-226(a), but the Panel disagreed with HPA-205(a) because it gave significant weight to a Court of Appeal judgment that considered the *Freedom of Information Act*

(FOIPPA) but did not consider the ATA or the HPA, and likewise disagreed with HPA-226(a). The Review Board dismissed the request because the information the College sought to keep from the Complainant and the Registrant goes to the substance of the claim. The Review Board noted there is no reason why that information should be an exception to the general principle of even disclosure between all parties to a review application. The Panel referenced discussion in *Napoli v. Workers Compensation Board* [1981] B.C.J. No. 972 (C.A.) which was considered in the Court of Appeal's dissent in *Kuntz v. College of Physicians and Surgeons*, [1996] B.C.J. No. 622 (C.A.) to say that greater transparency is not necessarily the enemy of candour. The fact that the Committee in this case did not have the expert's identity does not change the Panel's determination.

*In this decision the Review Board addresses whether applications for review should be heard separately or grouped together as one review*

**[2018-HPA-152\(a\); 2018-HPA-153\(a\) Re College of Psychologists of British Columbia application to combine Applications for Review.](#)**

Under Rule 35(1)(a) and (b) of the Rules the College applied for an order to have two applications for review of Inquiry Committee Disposition Decisions filed by the Complainant to be combined - Granted. The Complainant requested that his two applications for review be heard individually. Upon receipt of the record request the College made submissions to have the two applications combined or at minimum be heard at the same time. College Counsel presented that doing so would circumvent producing duplicate documents, that it would not be prejudicial and would be a more efficient process. The Complainant opposed combining the applications asserting that they pertain to separate matters. The College presented that the request to combine the applications for Review adhere to Rule 35(4)(a), (c), (d), (f), (g) and (h), that the parties are the same, the matters are related and that the record contains much of the same evidence. Subsequently the Registrant's Counsel agreed that the applications for review ought to be combined. The Review Board concluded that the two applications encompass the same Complainant, College and Registrant and that the matters for review are connected. The Review Board ordered the application by the College to combine the reviews be allowed.

## **2. Noteworthy 2018 final decisions reviewing Inquiry Committee dispositions**

*This decision remitted the matter back to the Inquiry Committee and illustrates a review where there was an overlap with WorkSafeBC*

### **2018-HPA-087(a) re: The College of Physicians and Surgeons of British Columbia**

Stage 2 hearing of an application for review of a complaint Inquiry Committee disposition under s. 50.6 HPA – Matter remitted back to the Inquiry Committee with directions. The Complainant complained to the College about the Registrant psychiatrist’s independent medical assessment (IME) report provided to WorkSafeBC which he alleged contained significant errors, was biased and caused him to lose his WorkSafeBC benefits. After investigation the Inquiry Committee concluded that the Registrant was not biased in the preparation of the report. However, the disposition letter also concluded that the Registrant’s statements regarding her association with WorkSafeBC were insufficiently clear and were thus critical of her on those grounds. The Review Board found that the investigation conducted was adequate for the purpose of enabling a reasonable disposition to be made. With respect to the disposition the Review Board determined that neither the analysis nor the conclusion addressed the questions as to whether or not the Registrant had upheld professional standards in the performance of her duties in the preparation of the IME. The Panel Chair noted that there are times when the Review Board will be prepared to read in “implicit” reasons having regard to the Record and the reasons that were given, this is not one of those cases. The concern about “reading in” reasons regarding professional standards is especially pronounced in this context, where the colleges have the role and responsibility of defining and applying those standards. As such the Review Board concluded that the disposition was unreasonable and decided to send the matter back to the Inquiry Committee with directions.

*This decision shows how a case is handled when the College and the Review Board is presented with a very large volume of documents as part of the complaint.*

### **2018-HPA-091(a); 2018-HPA-092(a); 2018-HPA-093(a) re: The British Columbia College of Nursing Professionals**

(Group File No. 2018-HPA-G13)

Stage 1 hearing of an application for review of a complaint Inquiry Committee disposition under s. 50.6 HPA – Disposition confirmed. The Complainant while employed as a nurse at a rural hospital

complained to the College about the conduct of three Registrant nurses over the course of her employment leading up to her dismissal. Her allegations include bullying and harassment and wrongful dismissal. To support her complaint the Complainant submitted 4000 pages of documents which the College found to be unorganized and too voluminous to be reviewed. After investigation the Registrar of the College summarily dismissed the complaints on the basis that they were “frivolous and vexatious” in the legal sense and on the basis that they were not subject to investigation by the College. In her application for review the Complainant sought sixteen remedies which were in addition to the statutory remedies available to her under the Act. For the hearing the Complainant along with her statement of points submitted eight bankers boxes of supporting material which she requested to be considered. The Review Board found that the College investigator was aware of the Complainant’s mental health considerations and made reasonable efforts to accommodate the Complainant, within the context of the College’s regulatory process. The Review Board was satisfied that the Registrar’s processes adhered to the requirements resulting in an adequate investigation. The Review Board determined that there was ample evidence in the Record to support the Registrar’s finding that the complaint against the Registrants contained allegations, if admitted or proven, that were outside the College’s jurisdiction to investigate and related primarily to alleged workplace misconduct. It was noted that there are other avenues to address allegations of the sort raised in the complaint and the Complainant afforded herself of many, if not all, of those avenues. It is an abuse of process to seek to re-litigate those concerns in the College process in the absence of an alleged connection to clinical care or other conduct that would fall within s.33(4) of the Act. The Review Board confirmed the disposition of the Inquiry Committee endorsing the Registrar’s decision to dispose of the complaint.

*This decision reviews a decision of a small college and it shows that a Consent Agreement was effectively used to resolve the matter and upheld by the HPRB.*

**[2018-HPA-046\(a\) re: The College of Midwives of British Columbia](#)**

Stage 2 hearing of an application for review of a complaint Inquiry Committee disposition under s. 50.6 HPA – Disposition confirmed. This complaint to the College concerns the care provided by the Registrant midwife through labour and delivery up to the death of the Complainant’s newborn daughter less than two days after birth. While the Complainant believed many aspects of her care were excellent and part of what happened to her child was not preventable, she



alleged that some aspects of her care were not in accordance with the standards of the College. After investigation the Inquiry Committee was critical of the Registrant's conduct on 12 aspects of the Complainant's 27 allegations and determined that remedial measures were warranted. A Consent Agreement was reached between the Registrant and the College to address all 12 areas of concern. In the course of the investigation investigators interviewed a number of health practitioners involved in the Complainant's care; compiled hospital and midwifery medical records; sought and reviewed written responses from all involved parties; and reviewed supporting materials such as relevant policies, standards and guidelines. The Review Board found the Inquiry Committee's investigation to be, without a doubt, adequate. The Review Board's analysis of the Consent Agreement found that it was comprised of remedial measures tailored to assist the Registrant with improving the specific practice areas the Inquiry Committee agreed with the Complainant that certainly required improvement. The remedial steps were clearly connected to the Registrant's deficiencies. In taking into consideration not only the terms of the Consent Agreement but also the additional terms of the disposition and investigative process, the Review Board concluded that the disposition fell within the range of acceptable outcomes and was reasonable. Further, the Panel Chair agreed that the Consent Agreement was not required to be published on the College website and it would be provided to a member of the public upon request.

*This decision involves a case where the Registrant health professional was working for the federal government so there was no actual patient relationship with the Complainant.*

**[2018-HPA-043\(a\) re: The College of Registered Nurses of British Columbia](#)**

Stage 1 hearing of an application for review of a complaint Inquiry Committee disposition under s. 50.6 HPA – Disposition confirmed. The Complainant complained to the College about the Registrant nurse concerning her conduct and provision of service in her role as a Clinical Care Manager at a Federal Government Department. After investigation the Inquiry Committee concluded with no criticism of the Registrant. The Review Board noted that the Department's policies do not relate to the minimum acceptable standards of practice set by the College, or the College's mandate to protect the safety of the public. As such if the Complainant believes that the Registrant violated her employment contract, or the Department's own rules and policies, then she should follow the normal recourse available for addressing those issues with the Department directly. There seemed to be a fundamental disagreement or misunderstanding about the role of the Clinical Care Manager and this matter had all the characteristics of a personal conflict

between the Registrant and the Complainant. The Inquiry Committee's investigation was found to be adequate and their disposition was reasonable.

December 6, 2018 (Posted January 2, 2019)

*This decision involves Worksafe BC*

**[2018-HPA-099\(a\) re College of Physicians and Surgeons of British Columbia](#)**

The Complainant wrote to the College that the Registrant, a physician employed by WorkSafeBC as a Medical Advisor, provided an incorrect opinion to WorkSafeBC. The Complainant also wrote that the Registrant's clinical opinion has had "detrimental and life-changing ramifications" as it harmed her WorkSafeBC claim. In the Disposition the Inquiry Committee of the College was upfront in advising the Complainant that in accordance with Section 96 of the *Workers Compensation Act*, their role was limited in WorkSafeBC matter. The College could however investigate if the physician upheld proper professional standards. The Inquiry Committee concluded that there was no basis for regulatory criticism of the Registrant. The Review Board found the investigation adequate, noting that the Inquiry Committee obtained and reviewed the medical records and took numerous steps to gather information for the purpose of the investigation and concluding that the medical treatment by the Registrant met the appropriate standards. The Review Board found the Inquiry Committee's disposition to be reasonable in that it fell within the range of reasonable outcomes and was defensible on a review of the facts and law.

*This decision involved a Canadian physician trained in another country trying to register in BC*

**[Decision No. 2018-HPA-111\(a\) re College of Physicians and Surgeons of British Columbia](#)**

The Applicant is a Canadian citizen who completed medical training in Australia. He applied to the college to be qualified for a provisional license to practice medicine in the province. The College's Registration Committee determined that the Applicant was eligible for registration in the provision-general/family class pending certain conditions being met. The Applicant applied to the Review Board for review of the decision. In the course of the review, the Applicant's legal counsel submitted additional information to the Review Board which prompted the Registration Committee to reconsider the matter. The Registration Committee consequently revised its original decision but still required the Applicant to complete a 16-week rotation in surgery, pediatrics and psychiatry. The Applicant asked the Review Board to review this decision, and submitted that the Registration Committee should do a more thorough review of the Applicant's

post-graduate training. The Applicant also asked that the Review Board direct the Registration Committee to grant him the registration he seeks under s. 50.54 (9) (b) of the Act because the Committee's decision was made arbitrarily or in bad faith, was based on irrelevant factors and failed to take requirements of the Health Professions Act into account. The Review Board upheld the Registration Committee's decision, and determined that the Committee acted in a manner consistent with the Health Professions Act and its own College's bylaws - specifically Bylaw 2-15(1)(b)(ii) which speaks to completing stand-alone rotations. The Review Board found that the decision of the Registration Committee was not made arbitrarily, in bad faith or based on irrelevant factors, and therefore could not direct the College to grant registration under s. 50.54 (9) (b) of the Act. The Review Board deferred to the expertise of the Registration Committee and found that not only could their decision be justified, but the Applicant had been given guidance on how to meet the requirements.

## Judicial Reviews of Review Board Decisions

Just as the Review Board was created to ensure that College decision-making is accountable, the Review Board is accountable for its decisions in British Columbia Supreme Court, in a process known as judicial review. Where a Review Board decision is challenged on judicial review, the court considers whether the Review Board's substantive decision was patently unreasonable, and whether its process was fair and impartial.

### 1. Judicial Decisions Since Last Annual Report

#### ***College of Physicians and Surgeons v Health Profession Review Board, Dr. Roderick Warren Bell, and David Dawson (2018 BCSC 2021)***

Summary: David Dawson, the Complainant, had complained to the College regarding various aspects of the care provided by his family physician, the Registrant, between 1993 and 2007. He alleged that the Registrant was unfit to practice medicine based on the diagnosis and treatment of various ailments and the mismanagement of his mental health treatment, and argued that the Registrant's incompetence had serious implications on his physical health, mental health, and overall life circumstances. The College dismissed the complaint, concluding the matter under s. 32(3)(c) of the Health Professions Act (the Act), which allows the registrar to dismiss a complaint as long as the allegations, if admitted or proven, do not constitute a serious matter subject to investigation by the inquiry committee under s. 33(4). While the Registrar's Disposition included critical feedback on some aspects of the Registrant's practice, the Registrar concluded that the Registrant had otherwise provided appropriate care. The Review Board remitted the decision to the College for reconsideration, concluding (i) that the Registrar had mischaracterized the complaint as a non-serious matter, and acted without jurisdiction, and (ii) that the College's investigation was inadequate as it lacked key information required to inform a reasonable disposition. On judicial review, the Court held that the Review Board's findings were patently unreasonable, setting aside the decision and remitting the matter for reconsideration. The Court held that the Review Board was required to apply a reasonableness standard, and must not interfere with the initial screening determination made by the Registrar if the determination falls within a range of possible, acceptable outcomes. Given its professional medical knowledge, the College is in the best position to objectively assess complaints and determine what constitutes a "serious matter", and is entitled to deference on this decision. The Court also held that the Review Board must assess the adequacy of the investigation on a reasonableness standard; the Review Board must defer to the College in cases where the investigation falls within a range of outcomes that are reasonable and rational.

Status: Appeal Pending.

### ***LeClerc v Health Professions Review Board***

Summary: Petition commenced by a complainant to set aside Review Board *Decision 2017-HPA-031(a)*. The petition alleged failure to provide adequate reasons.

Status: Consent Order issued September 26, 2018 sending the case back to the HPRB for reconsideration by new member. Review Board *Decision 2017-HPA-031(a)* quashed.

## **2. Petitions Discontinued**

### ***College of Dental Surgeons v. Health Professions Review Board, Petition filed October 20, 2016***

Summary: Petition challenges Review Board *Decision No. 2015-HPA-214(a)*, which concluded that it was unreasonable for the Inquiry Committee to issue the same remedial disposition on two cases it considered on the same day, where it had been critical of the registrant.

Status: Notice of Discontinuance filed August 2017.

### ***College of Physical Therapists of British Columbia v. Health Professions Review Board: Petition Filed April 13, 2016***

Summary: Petition challenges Review Board *Decision No. 2015-HPA-21(a)*.

Status: Notice of Discontinuance filed April 5, 2018

### ***College of Physicians and Surgeons v. Health Professions Review Board: Petition filed January 20, 2017***

Summary: Petition challenges Review Board *Decision No. 2016-HPA-G06*, which held that an investigation was inadequate, and the disposition was unreasonable, because the Inquiry Committee failed to address a registrant's care in relation to a college guideline setting out its expectations of the relationship between a primary care physician and consultant physician.

Status: Received Notice of Discontinuance of JR from the College on December 27, 2018. The matter is going back to IC for reconsideration as originally ordered.

## **3. Petitions Outstanding**

### ***TM v. Health Professions Review Board*** (Petition filed June 20, 2012)

Petition commenced by a complainant to set aside *Decision No. 2012-HPA-004(a); 2012 HPA-005(a)*

Summary: The Review Board *Decision* under judicial review held that special circumstances did not exist to grant an extension of time to file the application for review.

Status: Following the filing of the Petition, the Review Board determined that the application for review had in fact been filed in time. The Review Board therefore continued with the application for review and

on September 9, 2014, rendered its final decision: Decision No. 2012-HPA-G16. The Petitioner has taken no steps on the Petition since the issuance of the September 2014 decision.

**Quimet v. Health Professions Review Board (Amended Petition filed December 24, 2013)**

Summary: Petition commenced by a complainant from Review Board *Decision No. 2012-HPA-080(a)* dismissing an application to set aside a decision of the College of Dental Surgeons. The complaint alleged that the Registrant provided substandard advice regarding certain dental issues. The College dismissed the complaint, finding that the Registrant had not engaged in substandard practice. The Review Board held that the College's investigation was adequate and its disposition was reasonable.

Status: Court filings have been completed. No date has been set for the hearing of the Petition.

**Lohr v. Health Professions Review Board (Petition filed June 29, 2015)**

Summary: The Petitioner applied for registration to the College of Chiropractors. The Petitioner applied to the Review Board for a review of the College's registration decision. In *Decision No. 2015-HPA-202(a)*, the Review Board held that it had no jurisdiction to conduct a review a decision as the college registration committee's refusal to register the applicant was made under s. 20(2.1) of the Act, which sets out a class of decisions outside the Review Board's jurisdiction to review. The Petition alleges procedural unfairness.

Status: Court filings have been completed. No date has been set for the hearing of the Petition.

**College of Physicians and Surgeons of British Columbia v. Health Professions Review Board (Petition filed September 29, 2015)**

Summary: The College of Physicians and Surgeons applies for judicial review of Review Board *Decision No. 2015-HPA-006(a)*, which held that the College failed to conduct an adequate investigation and ordered that the new disposition be issued by the Inquiry Committee rather than the Registrar. The Petition alleges that the Review Board failed to recognize that the College cannot compel third parties to provide it with evidence, failed to reasonably apply the "adequacy of the investigation" test and exceeded its role in requiring the Inquiry Committee to issue the new disposition.

Status: Petition argued April 18-20, 2017, February 1-2, 2018 in British Columbia Supreme Court.

Decision Issued November 16, 2018. British Columbia Court of Appeals petition filed November 20, 2018.

**Millman v. Health Professions Review Board (Petition filed October 16, 2015)**

Summary: Petition commenced by a complainant from a Review Board Decision dismissing an application for review from a college complaint disposition: *Decision No. 2012-HPA-116(b)*. The Petition alleges procedural unfairness.

Status: Court filings have been completed. No date has been set for the hearing of the Petition.

**Battie v. College of Physicians and Surgeons and Health Professions Review Board, Petition filed May 4, 2016**

Summary: Petition challenges Review Board *Decision No. 2015-HPA-122(a) - 125(a)*. The Review Board, at Stage 1, dismissed an application for review from a registrar's disposition dismissing a complaint about the management of a fracture by four registrants.

Status: No date has been set for the hearing of the Petition.

**College of Physicians and Surgeons v. Health Professions Review Board, Petition filed January 27, 2017**

Summary: Petition challenges Review Board *Decision No. 2016-HPA-112(a)*, which concluded that a disposition was unreasonable because it failed to take the registrant's past discipline history into account.

Status: Petition not yet set for hearing.

**4. Petitions filed**

**Grant v Health Professions Review Board, College of Physicians and Surgeons of British Columbia, and Dr. Paul Charles Milanese, Petition filed August 3, 2018**

Petition: Petition challenges *Review Board Decision No. 2018-HPA-014(a)*

Status: Petition not yet set for hearing.

**Wood v. Health Professions Review Board, petition filed September 6, 2018**

Petition: Petition challenge *Review Board Decision No. 2016-HPA-211(b)*

Status: Notice of Discontinuance filed April 12, 2019.

**Society of Canadians Studying Medicine Abroad v. The Health Professions Review Board., Petition filed September 24, 2018**

Status: After Jr Placed on Hold, Don Silversides subsequently issued his decision 2018-HPA-145(a); 2018-HPA-149(a); 2018-HPA150(a) formerly dismissing the application for review April 29, 2019.

## Notices of Delay and Notices of Suspension

Upon receipt of an application from a party, the Health Professions Review Board has the authority to review the issue of a delayed investigation - that is, the failure of a College to dispose of a complaint within the time required by s. 50.55 of the *Health Professions Act* and the corresponding *Health Professions General Regulation* that sets out “prescribed times” for compliance (necessary to interpret s. 50.55 of the Act). This is specific to complaint files, which are files before the Inquiry Committee.

If the College took all of the time allotted to it under the legislation to complete an investigation, it should be completed within 255 days from the date the Registrar is notified of the complaint or the date the college commences an investigation where it has done so on its own initiative. If by this time the investigation has not yet been completed by the College, a right of review to the Review Board arises with respect to that delayed investigation.

During the time allotted to the College under the legislation, the College is required to issue the following delayed investigation notices to the parties:

- (1) after 150 days have elapsed,
- (2) again after 240 days, (providing a new date of expected disposition) i.e.: a notice of delay
  - (a) copied to the Review Board
- (3) and a final notice after no more than 285 days, i.e.: a notice of suspension
  - (a) copied to the Review Board
  - (b) this final notice triggers the 30 day time limit to request a review into the timeliness of the Colleges investigation, to the Review Board

### Legislation Links for Reference:

- [Health Professions General Regulations section 7](#) Prescribed periods — disposition of complaints and investigations
- [Health Professions Act section 50.55](#) Timeliness of inquiry committee investigations
- [Health Professions Act section 50.57](#) Review — delayed investigation



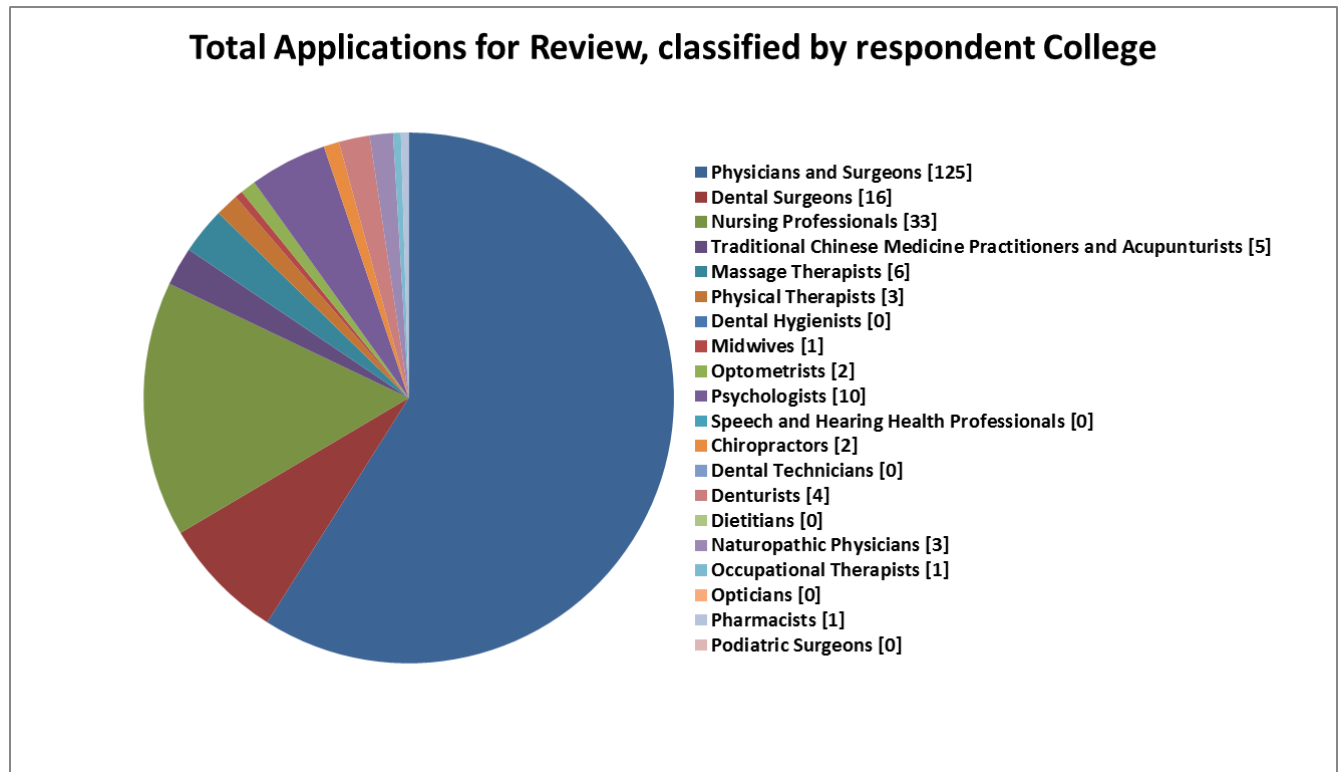
## Review Activity Statistics

For the reporting period from January 1, 2018 – December 31, 2018

**Figure 1: Number of Applications, by type and month**

Month	Complaint Dispositions	Delayed Investigations	Registration Decisions	Total Number of Applications	%
January	15	0	6	21	10
February	7	5	1	13	6
March	10	1	0	11	5
April	13	0	1	14	6
May	8	1	1	10	5
June	13	0	2	15	7
July	13	2	0	15	7
August	16	0	1	17	9
September	11	3	9	23	11
October	14	0	4	18	8
November	38	2	1	41	19
December	13	1	0	14	7
<b>Total</b>	<b>171</b>	<b>15</b>	<b>26</b>	<b>212</b>	
<b>% of Total Applications</b>	<b>80%</b>	<b>8%</b>	<b>12%</b>		<b>100%</b>

**Figure 2: Total Applications for Review, classified by respondent College**



**Figure 3: Applications for Review, by college and type**

Respondent College	Complaint Dispositions	Delayed Investigations	Registration Decisions	Total Number of Applications	%
Chiropractors	2			2	1
Dental Hygienists					0
Dental Surgeons	13	3		16	7.5
Dental Technicians					0
Denturists	1		3	4	2
Dietitians					0
Massage Therapists		6		6	3
Midwives	1			1	.5
Naturopathic Physicians	3			3	1.5
Nursing Professionals	22	1	11	33	15
Occupational Therapists	1			1	.5
Opticians					0
Optometrists	2			2	1
Pharmacists	1			1	.5
Physicians and Surgeons	112	4	8	125	59
Physical Therapists	1	1	1	3	1.5
Podiatric Surgeons					0
Psychologists	10			10	5
Speech and Hearing Professionals					0
Traditional Chinese Medicine Practitioners and Acupuncturists		1	4	5	2
<b>Total</b>	<b>169</b>	<b>16</b>	<b>27</b>	<b>212</b>	
% of Total Applications	79%	8%	13%		100%

**Figure 4: Applications for Review – by status**

Applications for Review	Number
Number of applications open at January 1, 2018 (Case Management in Progress)	149
Number of applications for review received in 2018	212
Applications closed in 2018	209
Number of applications open at December 31, 2018 (Case Management in Progress)	152

## Financial Performance

### 2018/19 Year Expenditures

This reporting period covers the 2018 year of operation for the Review Board.

Following is a table showing the expenditures made by the Review Board during its 2018/19 fiscal year.

### **Health Professions Review Board**

Operating Costs - April 1, 2018 – March 31, 2019

Salary & Benefits	\$ 463,059
Operating Costs	\$ 829,903
Other Expenses	\$ 5
Total Operating Expenses	\$ 1,292,967

### Shared Services Administrative Support Model

Administrative support for the Health Professions Review Board is provided by the office of the Environmental Appeal Board and the Forest Appeals Commission.

This shared services approach takes advantage of synergy and keep costs to a minimum. This has been done to assist government in achieving economic and program delivery efficiencies allowing greater access to resources while, at the same time, reducing administration and operational costs.

In addition to the Health Professions Review Board, the office for the Environmental Appeal Board and the Forest Appeals Commission provides administrative support to five other appeal tribunals.