



Health  
Professions  
Review  
Board  
2013  
Annual  
Report

Covering the reporting period from  
January 1 – December 31, 2013





## Health Professions Review Board

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July 25, 2014

The Honourable Terry Lake  
Minister of Health Services  
Parliament Buildings  
Victoria, British Columbia  
V8V 1X4

Dear Minister Lake:

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, 2013 to December 31, 2013.

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 the governance of British Columbia's health professions.

Yours truly,

J. Thomas English, Q.C.,

Chair

Health Professions Review Board

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# Message from the Chair

While this is the Health Professions Review Board's (the "Review Board") 2013 Annual Report, some noteworthy initiatives came to fruition in early 2014. Keeping these 2014 items for next year's report would mean they would no longer be fresh, and therefore of lesser value to our stakeholders.

First, our staff: unlike my practice in past years, I am going to offer my compliments first rather than last. The staff of the Review Board weathered an extremely difficult year marked principally by a personnel shortage that resulted in a significant and unavoidable backlog of files. Each staff member made unique contributions, while working efficiently and creatively as a team (sometimes with overtime hours) to keep the office from moving backward. During this time the Review Board issued an advisory letter in order to alert our stakeholders to the fact of systemic delay, with advice as to what to do – or not do – depending on the stage of the application as it moved through our system. In addition, all of this occurred while the office was re-engineering its processes as a result of an exhaustive "LEAN" overhaul with results that include a new and refined 2-stage hearing process (more about that in the Executive Director's Message). Kudos to all.

To the Review Board's OIC-appointed members – again, my deep gratitude. The Province is indeed fortunate to be served by such a dedicated, competent and diligent group of men and women. As was the case with the staffing situation at the Review Board office, in 2013 we were feeling the pinch in terms of declining membership resulting from retirements, resignations and expiry of appointments. After consultation with the Minister of Health, the appointment of seven new members in the closing days of 2013 injected new life into the organization and broadened the Review Board's base of experience and talent. A 3-day Annual meeting and

member training session in Richmond In January of 2014, which included a day dedicated to new member training, helped these new appointees hit the ground running, and to date their contributions have been impressive.

One of these contributions is worth noting: Review Board Decision No. 2013-HPA-050(a) (hearing concluded early November 2013; decision published 2014). That decision sets out some key points that had not previously been articulated in such a comprehensive fashion regarding what constitutes an adequate investigation. The following is a summary of some key findings in the decision:

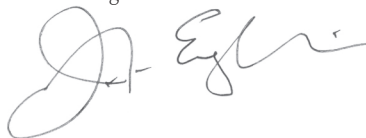
An adequate investigation requires that key information that is subject to interpretation of what a Complainant thought or meant must be put to the Complainant for comment and evidence, otherwise it is not diligent or procedurally proper. It is a blinkered view to claim that the only source of evidence is the clinical records. The Complainant had substantial and key information that could have an impact upon the outcome of the matter and in light of that the investigation was not sufficiently probing. The result is that the Committee did not avail itself of sufficient information to make a defensible decision. The decision is returned to the College's Inquiry Committee under s. 50.6 (8)(c) with seven specific directions.

While these points are not entirely novel to the Review Board, they are nonetheless an indication that the Review Board is continuing to provide detailed real-world guidance as to the basic building blocks of an adequate investigation. I commend this decision to the attention of the Health College community, as the factual context – a health professional, a client, and a private

treatment with no witnesses or observers – is typical of the majority of treatment scenarios, and can pose a special challenge to inquiry committees attempting to do more (as the decision clearly states they should) than simply rely on a registrant’s clinical notes that may or may not have been produced at the time of the treatment.

The Review Board doesn’t just issue decisions. In the case management process, staff and members attempt to facilitate understanding among the parties to a review with the intent of achieving a satisfying resolution. Typically, the vehicle for achieving this resolution is mediation. We believe in mediation to the extent that we have embedded the process in our Rules of Practice and Procedure. It is the default process that the Review Board pursues, and in which the parties are required to participate, unless there is a convincing reason why mediation is not appropriate in a specific situation (e.g., the process could be used by one hostile or powerful party to inflict a form of harm upon another). Review Board staff and members continue to facilitate productive interactions that achieve results for the parties far more beneficial than what could be achieved by an order following a hearing. Examples can be found in this Report under the heading “Mediation Summaries.”

This process is one of the beneficial products of the “LEAN” review that staff of the Review Board conducted in the summer of 2013. As I stated at the outset of this note, I am grateful to them, to Review Board Executive Director Michael Skinner, and to our peerless legal counsel, Frank Falzon, for their assistance in navigating the Review Board safely through another year filled with the travails typical of a quasi-judicial administrative tribunal. And as always, my continuing gratitude to the staff of the Environmental Appeal Board, who perform all of the “back office” tasks in finance and administration necessary to keep us functioning.



J. Thomas English, Q.C.,  
Chair  
Health Professions Review Board

# Executive Director's Message

2013 was for the staff of the Review Board “the year of LEAN.” In more ways than one actually, but enough ink has been expended about our staffing situation which has been mostly resolved. I appointed Case Manager Gino Nasato as LEAN Lead for this project – a task to which he devoted himself wholeheartedly, and in which he continues to contribute as we work through the endless details of the implementation phase. In this he was joined by the rest of the Review Board staff who threw themselves into tasks such as a week-long Kaizen “continuous improvement” workshop with unreserved commitment (Executive Director excluded, as it is designed to be a bottom-up creative exercise). The level of engagement was extraordinary and validated the theories underlying LEAN. For that I am sincerely and continually grateful to our staff, as the benefits of “LEAN culture” now embedded in our small office continue to unfold.

LEAN, a continual improvement process aimed at reducing procedure-based time and waste, began as an industrial initiative with Toyota in Japan. It has now spread around the world as the leading mechanism in both manufacturing and service sectors for reducing time and cost, and increasing quality, through the elimination of process bottlenecks and the reduction of delay, errors, unnecessary activities, and duplication.

One of the most significant results to come from the imaginative thinking in LEAN was a new 2-stage hearing process. When a hearing of a matter is required, the Review Board strives to be both fair and efficient, utilizing processes that are designed to minimize the burden on all parties. We recognize that while quasi-judicial hearings are the most effective method for resolving a dispute in an adversarial environment (where the parties cannot otherwise agree on a resolution), the process can be time-consuming,

arduous and expensive. With that in mind, the Review Board has replaced the “all parties proceed to hearing” model with a 2-stage hearing process for dealing with Committee dispositions.

At Stage 1 of this new process for the review of Complaint applications, the only active participant is the Complainant. The task facing the Complainant is to put forward a case that in the view of the adjudicator has elements of merit (some substantive indication as to why the College’s investigation was inadequate, or the resulting disposition was unreasonable), such that for the case to be dealt with fairly, submissions in response must be obtained from the College and the Registrant. If the Complainant’s submission passes this basic threshold, the hearing proceeds to Stage 2, and the College and Registrant(s) make submissions in response to the Complainant. If the Complainant does not pass this threshold, the matter is dismissed with written reasons from the adjudicator. This process allows Colleges to focus their limited resources on those Stage 2 cases that have been determined to require a careful and detailed response.

With respect to the core regulatory tasks of the Colleges, I echo Chair English’s sentiments regarding Review Board Decision No. 2013-HPA-050(a). Consistent with the tenor of that decision the Review Board recently issued Guideline #2, recommending to Colleges as a default practice that in conducting an investigation, the response by the Registrant to the Complainant’s allegations be copied to the Complainant so that the Complainant can respond, and perhaps provide a useful perspective on the evidence or arguments put forward by the Registrant. Certain Colleges have been doing this for years, and for that they should be commended. As noted in that decision, the Complainant can be a useful (if not vital) source of evidence – a source that should not be ignored

by an inquiry committee after the Complainant has filed the complaint.

Lastly, and further to the theme of communicating with the Complainant, we continue to harbour the hope that greater involvement, peripheral though it may be, by the complainant in the inquiry committee complaint investigation process may result in opportunities for resolution between Complainant and Registrant. This would be most appropriate where it is obvious to the Registrar or inquiry committee that the particular matter at issue has less to do with standards of practice (where protection of the public is a paramount concern) than with certain elements of professional conduct (communication and registrant-client relations). Our experience has shown that for the vast majority of Complainants, their heartfelt desire is to be heard – especially by the Registrant – and for their concerns to be validated. For cases where this takes place at the Review Board level, the result is nearly always a settlement of the matter without the necessity for an adversarial hearing. We think it would be a great benefit for those persons concerned about the conduct of a health professional to be accorded such an opportunity earlier in the process, at the College level.

Consistent with the collaborative, consultative model of communications between the Review Board and BC's health colleges, we will continue to pursue incremental steps toward that admittedly idealistic goal. The recent incorporation of the Health Profession Regulators of BC Society will, we hope, facilitate this type of communication in the years to come. Our congratulations to the health colleges of BC for gathering together to create this umbrella organization to share ideas, resources and best practices in the public interest.



Michael Skinner,  
Executive Director  
Health Professions Review Board



# 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, as amended, (the “Act”) that provides oversight of the regulated health professions of British Columbia. 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.

The Review Board is responsible for conducting complaint and registration reviews of certain decisions of the colleges of the 22 self-regulating health professions in British Columbia. The 22 health professions 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
- Nurses (Licensed Practical)
- Nurses (Registered)
- Nurses (Registered Psychiatric)
- 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 section 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.

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.

## 2. 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

Unlike the colleges, the Review Board is a tribunal consisting exclusively of members appointed by the Lieutenant Governor in Council. This is required by the Act to ensure 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 22 part-time members. 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, 2013

| Member                         | Profession                        | From            |
|--------------------------------|-----------------------------------|-----------------|
| J. Thomas English, Q.C., Chair | Lawyer                            | Vancouver       |
| Michael J.B. Alexandor         | Business Exec./Mediator (Retired) | Vancouver       |
| Kent Ashby                     | Lawyer                            | Victoria        |
| Lorianna Bennett               | Lawyer/Mediator                   | Kamloops        |
| Judith J. Berg                 | Health Professional               | West Vancouver  |
| Fazal Bhimji                   | Mediator                          | Delta           |
| Lorne Borgal                   | Business Executive                | Vancouver       |
| Colleen Cattell, Q.C.          | Lawyer/Mediator                   | West Vancouver  |
| D. Marilyn Clark               | Consultant/Business Executive     | Sorrento        |
| Douglas S. Cochran             | Lawyer                            | Vancouver       |
| David A. Hobbs                 | Lawyer                            | North Vancouver |
| Victoria (Vicki) Kuhl          | Consultant/Mediator/Nursing       | Victoria        |
| Michael R. Mark                | Lawyer                            | Victoria        |
| Sandra Kathleen McCallum       | Lawyer                            | Victoria        |
| Robert McDowell                | Project Director                  | Vancouver       |
| Lori McDowell                  | Consultant/Lawyer                 | Vancouver       |
| Maurice R. Morton              | Business Executive                | Vancouver       |
| John O'Fee                     | Lawyer/C.E.O.                     | Kamloops        |
| Thelma O'Grady                 | Lawyer                            | Vancouver       |
| Herbert S. Silber              | Lawyer                            | Vancouver       |
| Donald A. Silversides, Q.C.    | Lawyer                            | Prince Rupert   |
| Lorraine Unruh                 | Hospital Administrator (Retired)  | Penticton       |
| Helen Ray del Val              | Lawyer                            | North 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
- Three Case Managers
- One Intake Administrator
- Two Auxiliary Administrative Assistants (one started in 2014)
- 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

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

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Victoria, BC V8W 9V1

# Mediation Summaries

The very brief mediation summaries that follow are intended to provide a sense of what has been achieved by Review Board members and staff in the resolution of health profession disputes in 2013. Because of the clear requirement that such resolutions be absolutely confidential, only the most general comments about the nature of the resolution have been provided – no information has been included in this report that would identify the parties, the college, or the nature of the dispute such that the participants in the matter can be identified.

A sample of some encouraging resolutions in 2013:

- This mediation involved a foreign educated and trained Applicant who had been denied registration with the College based upon their standard competency assessment given to internationally educated applicants. Working together the parties developed a plan that allowed the Applicant to provide further information on their experience and competencies. The workable agreement allowed the College to further assess the extensive competencies of the Applicant outside of the standard test used by the College and also ensured the College's mandates regarding public protection and registrant competency standards were upheld.
- Facilitated agreement: This complaint resulted from a dispute regarding a fee-for-service health care provider and the complainant dissatisfaction with the results. Because of their personal circumstances the Complainant and the health care provider were not able to meet. The Review Board facilitated a series of written proposal exchanges between the parties that resulted in a settlement arrangement that included a partial refund of a fee paid. (Note: Such agreements are strictly voluntary between the parties. The Review Board has no authority to order full or partial refunds or payment of damages.)
- Registration complaint; settled when complainant agreed to upgrade knowledge and skills.
- Registration complaint: settlement reached when college agreed to allow the complainant to take a new examination.
- Registration complaint: withdrawn after complainant agreed to accept the college's original recommendation to upgrade his English proficiency.
- A complaint was withdrawn after the college acknowledged the complainant's impression of having been rushed and not properly heard during the investigation.
- An applicant had filed an application for review of a registration committee decision that specified that she must complete sufficient credits in a University liberal arts and sciences program before she was eligible to write the exam to become a Registrant of the College. A settlement was reached at a mediation meeting which referred the registration decision back to the Registration Committee of the College for reconsideration to allow the applicant to write the exam prior to completing the necessary University credits and then to apply for registration once completed.
- Similar to previous years, settlement agreements were achieved in a number of applications through the exchange of written proposals facilitated by the Review Board. The parties determined to proceed in this manner for various reasons: diverse geographic locations throughout BC, competing schedule priorities and availability of and personal comfort with the mediation process.

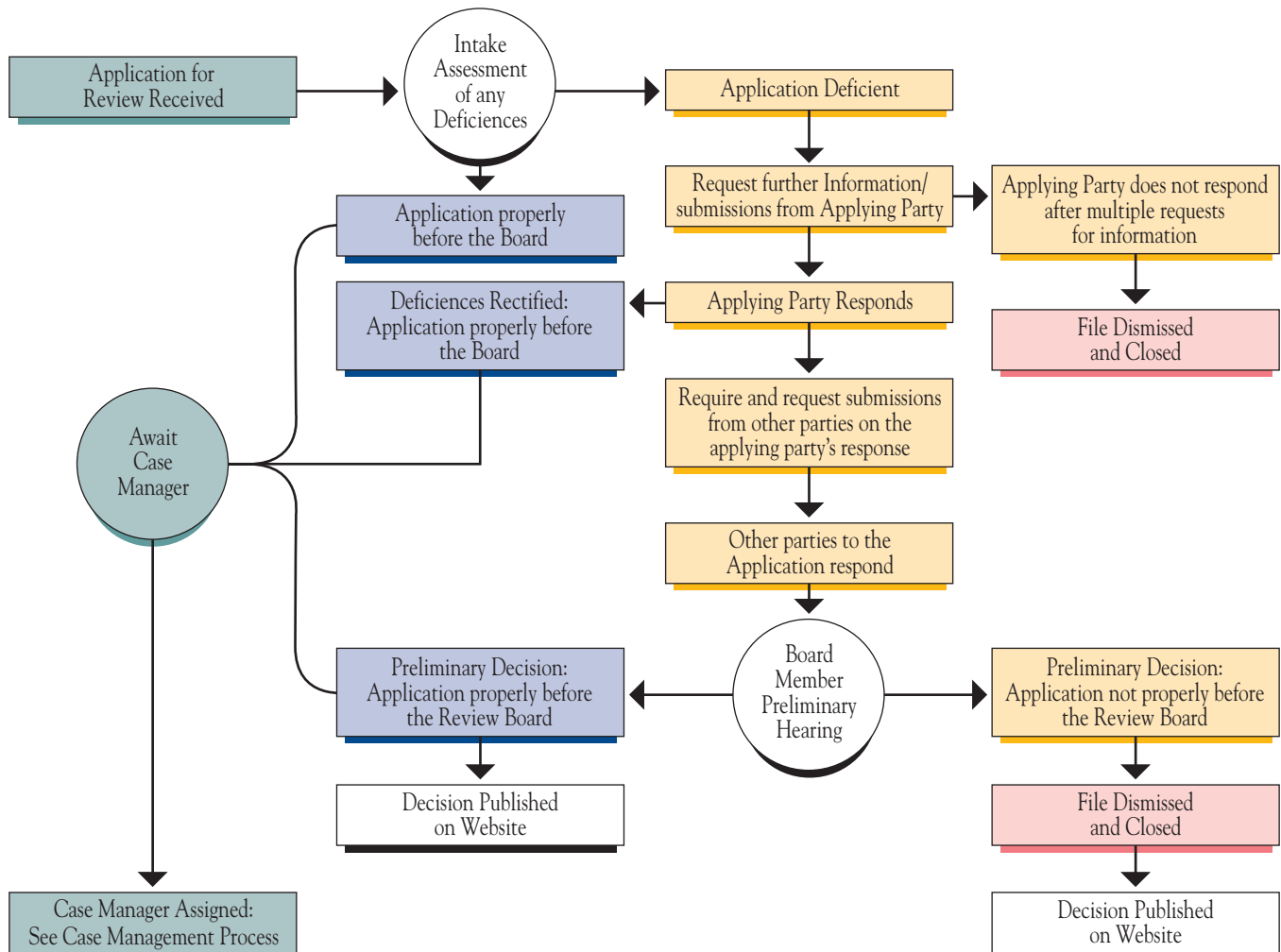
- Settlements were achieved on a number of applications for review when the Complainants received a letter of apology from a Registrant who had treated them and where there had been some miscommunication or alleged mistreatment.
- Some applications were resolved at mediation where it was agreed that based on new information or documentation that had not previously been considered the matter would go back to the Registration Committee or Inquiry Committee for reconsideration.

# 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.

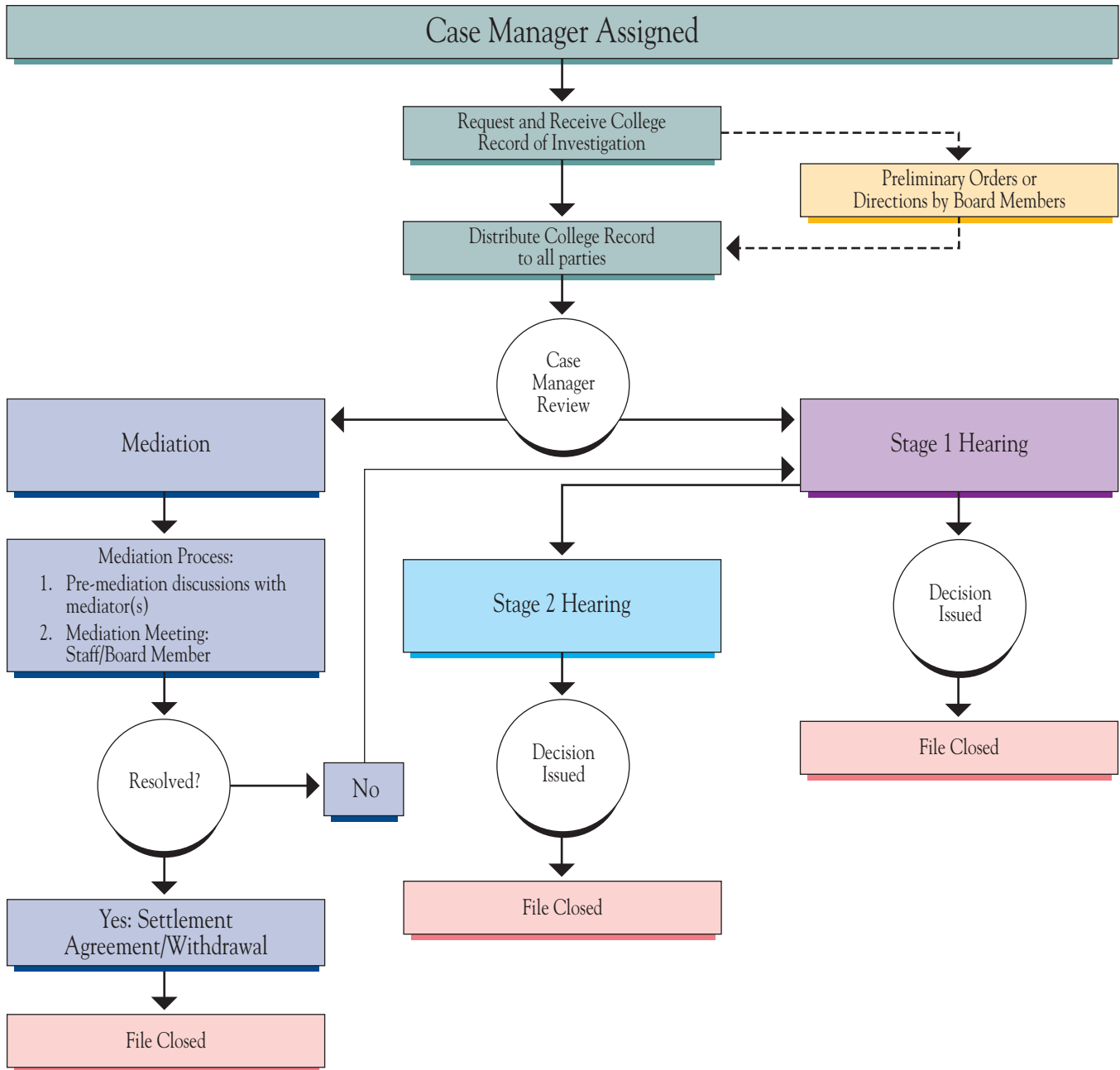
Few applicants who submit applications for review to the HPRB have had any exposure to administrative law or process. For that reason intake staff assist applicants to go through the steps necessary to “perfect” an application so that it meets the requirements of the *Health Professions Act* and the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

## Intake Administrator: Intake 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.

### Case Manager: Case Management Process



# 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.

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 and will deliver a copy to each party and post it to the website.



# Noteworthy Decisions

The Review Board conducted 147 hearings in 2013, and a selection of significant decisions are summarized below. Note that the bulk of the Review Board's decisions are preliminary in nature. The Review Board process, which finds its authority in Part 4.2 of the *Health Professions Act* (the "Act") and in the provisions of the *Administrative Tribunals Act* (the "ATA"), is codified in the Review Board's *Rules of Practice and Procedure* (the "Rules"). 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?

When a complaint about a health college's inquiry committee investigation proceeds to a Review Board hearing "on the merits," the Review Board will focus on two primary questions:

1. Was the investigation adequate?
2. Was the disposition (reasoning, remedial action – if any – proposed, and conclusion) reasonable?

## Preliminary issue: Application for Costs

2012-HPA-039(a); 2012-HPA-040(a); 2012-HPA-041(a);  
2012-HPA-042(a); 2012-HPA-044(a); 2012-HPA-045(a);  
December 13, 2013, The College of Chiropractors of British  
Columbia, \$2,500 Costs awarded to College (per file – equaling  
\$15,000 total)

Applications for costs: granted. The Complainant pursued the application about a fellow registrant's minor advertising infractions despite the College's and Review Board's attempts to resolve the matter prior to hearing. The Review Board found that the Complainant threatened the College, bargained in bad faith, disregarded the authority and direction of the Review Board, failed without explanation or excuse to comply with the Review Board's submission deadlines, filed a late submission that raised new issues that were not part of the original complaint and withdrew the complaint only after the College filed its hearing submission. The Review Board concluded that the Complainant's conduct caused the College to incur additional unnecessary and significant expense to defend the decision of its Inquiry Committee. In addition, the Complainant's explanation for recently submitting a costs submission six months late lacks credibility. Each factor on its own does not necessarily warrant costs. However, the Complainant's conduct as a whole was exceptional to the point that it was improper, vexatious, frivolous, abusive and prejudicial to the College which was forced to prepare for the review only to have its limited resources wasted. The award of costs in the amount of \$2,500 (per file – equaling \$15,000 total) is intended to be punitive, not compensatory.

## Preliminary issue: Registration Decision

2011-HPA-133(e); 2011-HPA-134(e), The College of Opticians of British Columbia, June 10, 2013

Applications under s. 50.54 of the Act. Review of two registration decisions of the College. The two Applicants made application for membership in the College. Applicant 1 wanted to be registered as a dispensing optician and new contact lens fitter. Applicant 2 sought registration as a contact lens fitter. The Registration Committee of the College decided both Applicants needed to complete bridging educational requirements before the College would approve the Applicants' challenge of the mandatory national examination. The Applicants were graduates of the B.C. College of Optics which provides education to prepare students for a career as dispensing opticians and/or contact lens fitters. As the B.C. College of Optics is not a recognized optician education program listed in Schedule "A" of the College Bylaws, the Applicants had to satisfy the Registration Committee that they had the substantially equivalent knowledge, skills and abilities. The College enrolled the Applicants in a prior learning and assessment recognition process and determined that they would both need to complete additional bridging at a Schedule "A" recognized institution before challenging the national exam. The agent acting for the Applicants has a material interest in the B.C. College of Optics. The Review Board found that the decisions of the Registration Committee with respect to Applicants 1 and 2 were reasonable in the sense that they were transparent, justified and intelligible. Further it is not the role of the Review Board to substitute its opinion for that of the Registration Committee and their decisions were confirmed.

## Preliminary issue: Section 42 (request for non-disclosure) issue

2013-HPA-038(a), The College of Registered Nurses of British Columbia, January 14, 2014

Preliminary application by the Registrant under s. 42 of the ATA to receive part of the record in confidence to the exclusion of the Complainant – dismissed. The Registrant sought to withhold from the Complainant a Performance Review on which

she relied in her submissions to the College during its investigation. The Review Board held that a pre-hearing application is not the appropriate forum to decide the relevancy of evidence that the Complainant has not had the opportunity to test because she has not had access to it. The Performance Review is not particularly sensitive or prejudicial and does not meet the test in s. 42. The Registrant's s. 42 application is dismissed. The Performance Review is to be disclosed to the Complainant as part of the Record.

## Preliminary issue: Written or Oral Hearing

2011-HPA-124(a), The College of Occupational Therapists of British Columbia, July 31, 2013

Preliminary application to determine style of hearing – the hearing will proceed in written format. The Complainant, who is a quadriplegic, requested an oral hearing in order to demonstrate the use of her power-mobility chair and footrests. In addition, the Complainant asserted that preparing more paperwork would be extremely hard for her. The College and Registrant opposed an oral hearing arguing that the Review Board lacks the authority and expertise to assess the adequacy of the Complainant's equipment. Based on the complexity of the dispute, the abilities of the parties to provide written submissions, the absence of witnesses, and the totality of the submissions thus far, a written hearing would be sufficient to facilitate a fair, just and timely resolution. The Complainant may provide video evidence to demonstrate the use of the power chair and footrests.

## Hearing on the merits: 2013-HPA-050(a)

The College of Chiropractors of British Columbia, March 27, 2014

Application for review of an inquiry committee disposition. s. 50.6 of the Act – Application allowed – Inquiry committee disposition returned to the Committee for further consideration with directions. The Complainant requested a review of the College's decision to dismiss his complaint against the chiropractor who treated him for neck pain. The obligation of the College is to act in the public interest in a transparent, objective, impartial and fair manner. It is a fundamental requirement that a

committee must meet, investigate, deliberate and decide. In this case there are no minutes, no resolutions, and no record of reasons issued by the committee that indicate whether the full Committee did these things. In the records there is only a single notation on a flow sheet and one on a “case cover sheet” to indicate that a decision was made and none that show that the committee met or reviewed the evidence. An adequate investigation requires that key information that is subject to interpretation of what a Complainant thought or meant must be put to the Complainant for comment and evidence, otherwise it is not diligent or procedurally proper. Claiming the only source of evidence is the clinical records is a blinkered view of sources of evidence. The Complainant had substantial and key information that could have an impact upon the outcome of the matter and the investigation was not sufficiently probing. The result is that the Committee did not avail itself of sufficient information to make a defensible decision. The decision is returned to the College’s Inquiry Committee under s. 50.6(8)(c) with seven specific directions.

## Hearing on the merits: 2010-HPA-0016(d)

The College of Psychologists of British Columbia,  
December 11, 2013

Application for review of an inquiry committee disposition. s. 50.6 of the Act – Application dismissed – Inquiry committee disposition confirmed. The Complainant complained to the College about an Assessment Report prepared by the Registrant psychologist about her son which she maintained contained untrue statements about herself that damaged her. The College disposed of the complaint by requesting that the Registrant sign a resolution agreement regarding the contents of any future psychological assessment reports to contain a statement regarding the sources of information used in preparing such reports. The Review Board found that the investigation by the Inquiry Committee was adequate. With respect to the disposition the Inquiry Committee decided that what beliefs a person being assessed has about a third party, including that party’s actions and background, may be properly included in a psychological assessment report if the report either states that they are merely what the assessed person believes or the report sets out what evidence exists to support the

accuracy of that belief. The Review Board ruled that it must give deference to decisions made by the Inquiry Committee with respect to matters such as assessment reports in which they have expertise and experience, and further determined that their disposition was reasonable and defensible based on the information available and the applicable law.

## Hearing on the merits: 2012-HPA-231(a)

The College of Physicians and Surgeons of British Columbia,  
November 15, 2013

Application for review of a complaint inquiry committee disposition under s. 50.6 of the Act – matter sent back to the Inquiry Committee with directions to further investigate the complaint. The Complainant had complained to the College that the Registrant misdiagnosed him by not connecting his symptoms with a workplace incident, and his WorkSafe BC claim was rejected as a result. The Review Board concluded that the Record was inadequate to determine that the Registrant’s conduct was above reproach without responses from the two other physicians who treated the Complainant on referral from the Registrant. The matter was referred back to the Inquiry Committee for further investigation with directions to have the two referring physicians provide their records related to the Complainant including any communication they had with WorkSafe BC.

## Hearing on the merits: 2011-HPA-120(c)

The College of Physicians and Surgeons of British Columbia,  
October 8, 2013

Application for review of a complaint inquiry committee disposition under s. 50.6 of the Act – matter sent back to the Inquiry Committee with directions to further investigate the complaint. The Complainant (a physician) complained to the College that the Registrant made false statements and insinuations concerning him to other physicians and hospital administrators in letters and in hospital departmental meetings. The Inquiry Committee concluded that the complaint was outside its jurisdiction as it was a disagreement between two professionals,

and dismissed the complaint as trivial, frivolous, vexatious or made in bad faith. The Review Board found that the evidence in the Record showed that the Inquiry Committee did not conduct a full and adequate investigation into the complaint concerning serious allegations of professional misconduct before dismissing it as a mere professional disagreement.

## Hearing on the merits: 2010-HPA-077(b)

The College of Physicians and Surgeons of British Columbia,  
February 5, 2013

Application for review of a complaint regarding an inquiry committee disposition of the College. The Review Board did not refer the matter back to the Inquiry Committee, but rather directed that a new disposition letter be issued pursuant to s. 50.6(8)(b) of the Act. The Complainants (a husband and wife) made a complaint about the behaviour of the Registrant who is their family doctor. English is not the first language of the Complainants. This was not the first time such complaints had been made against the Registrant. The investigation was found to be adequate, however the lack of notification in the disposition letter to the Complainants that there was a follow up information meeting resulting from the College's interview with the Registrant was unreasonable. Complainants are entitled to know the results of the remedy imposed when the College finds fault with the conduct of a Registrant. A legal question arose in this case concerning the Registrar's authority to require a Registrant to attend an interview with members of the College staff. In the circumstances of this case, the Review Board concluded that it was not merely wrong but unreasonable for the Deputy Registrar to have requested a meeting with the Registrant without making it part of the disposition that he would notify the Complainants regarding whether the meeting took place, and whether the Deputy Registrar was satisfied that the meeting achieved its purposes (and if not, what other course of action followed). Without such notifications, the disposition was unreasonable. The Review Board issued a direction to the College to revise their disposition letter accordingly.

## Hearing on the merits: 2012-HPA-202(a)

The College of Physicians and Surgeons of British Columbia,  
August 27, 2013

Application for review of a complaint inquiry committee disposition under s. 50.6 of the Act – Inquiry Committee disposition confirmed. The Complainant alleged his serious post-operative complications resulted from the Registrant's substandard care, and the Registrant was misleading and dishonest to the Inquiry Committee. The Inquiry Committee reviewed the Complainant's complaint, the Registrant's response to it, the Complainant's medical records, documents provided by two other physicians, and the Registrant's record to satisfy itself that the Registrant had no other instances of similar post-operative complications. The College's function is not to adjudicate a complainant's level of satisfaction with a health care professional, but to determine whether the professional met appropriate standards of practice. The Review Board's role is to perform an independent review focused on the College's investigative and adjudicative processes, not to re-hear or re-examine the original complaint to the College. The Review Board cannot step into the shoes of the Inquiry Committee or decide whether its disposition was right or wrong. The Review Board's role is to determine whether the Inquiry Committee's disposition was transparent, sufficiently justifiable and intelligible, fitting within the range of rational outcomes. In this case, the evidence in the Record shows that the Inquiry Committee's investigation was adequate and its disposition finding no basis for regulatory criticism of the Registrant was reasonable.

## Hearing on the merits: 2011-HPA-107(a); 2011-HPA- 178(a); 2011-HPA-179(a); 2012-HPA-086(a)

(Grouped File No. 2012-HPA-G02) The College of  
Psychologists of British Columbia, April 15, 2013

Four applications for review of inquiry committee dispositions. s. 50.6 of the Act – Three Applications dismissed, one referred back on limited specific grounds. The investigation of all four complaints was adequate except for one aspect of complaint 2011-HPA-107(a). The Inquiry Committee has a duty to take reasonable steps to obtain key information. This would have required a member of the Inquiry Committee, or someone suitably qualified to be appointed to investigate the allegations. The degree of diligence required specific to that portion of the Complaint was deficient and the matter was referred back to the committee with specific directions.

The Inquiry Committee investigations and dispositions for the other three complaints were adequate and the dispositions reasonable. Both the Complainant and Registrant provide expert Psychologist opinion evidence in the area of family law disputes and frequently cross paths as expert witnesses. The decision notes that criticism of reports prepared by Registrants of the College under s. 15 of the *Family Relations Act* should be dealt with under cross examination during the Court process.

Copies of these decisions are available from the Review Board office or website.

# 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 acted within its authority, whether its substantive decision was patently unreasonable, and whether its process was fair and impartial.

## Cases Decided since last Annual Report

### *Moore v. Health Professions Review Board*, 2013 BCSC 2081 – Judicial review of Review Board Decision No. 2010-HPA-0108(b).

In July 2009, the Complainant, an inmate, complained to the College alleging that the Registrant breached his ethical duty to the Complainant by terminating a required medication (Lyrica) on the basis of an institutional directive rather than the patient's medical needs. The College Registrar dismissed the complaint.

On October 20, 2011, the Review Board set aside the College's decision and remitted the matter to the Inquiry Committee on the basis that the investigation was inadequate. The Review Board held that the Inquiry Committee, not the Registrar, should have made the decision, and directed the Inquiry Committee to review the file and interview the Registrant with regard to several evidentiary discrepancies identified in the Decision concerning the reason the Lyrica prescription was terminated. The Registrant applied to Court for judicial review.

On November 18, 2013, the Supreme Court set aside the Review Board's decision on the basis that the Review Board failed

to give the College sufficient deference with regard to the extent of its investigation, and further held that the remedy ordered by the Review Board would serve no useful purpose on the facts of the case.

On December 12, 2013, the Review Board filed an appeal from the Supreme Court judgment to the British Columbia Court of Appeal. The appeal is scheduled for hearing on September 18, 2014.

### *JC v. Health Professions Review Board*, 2014 BCSC 372 – Judicial review of Review Board Decision No. 2010-HPA-0147(b).

On July 30, 2009, the Complainant complained to the College of Physicians and Surgeons about the Registrant, making allegations arising from the provision of cataract and astigmatism surgery at a private clinic. On August 3, 2010, the College issued a disposition advising the Complainant that her complaint had been considered by the College Inquiry Committee and was not substantiated.

On February 21, 2013, the Review Board issued an order remitting the matter to the Inquiry Committee, with directions requiring the Inquiry Committee to consider 97 pages of additional information the Complainant had tendered on the appeal. The Review Board's decision was made following the issuance of a process memorandum to the parties advising that the previous Review Board member assigned to conduct the review was unable to continue, and seeking the consent of the parties to the appointment of a new panel chair to undertake this adjudication afresh, based on the records and submissions, which consent was obtained.

The Registrant applied for judicial review, having obtained an *ex parte* order to file its Petition anonymously.

The Registrant argued on judicial review that he did not understand the process memo to mean the Chair could consider

documents (portions of the 97 pages) which had been excluded from the review by the previous panel member in an earlier interlocutory decision. The Registrant argued that the Review Board had no authority to alter the previous interlocutory decision, and that even if he did, it was procedurally unfair to have done so without specifically advising that that issue would be re-opened. On March 7, 2014, the Court held as follows:

1. The Registrant would not be allowed to proceed with the review by the use of pseudonyms (para. [26]):

In my view, it has not been shown that this petition involves any extraordinarily sensitive personal information or that disclosure would undermine the very purpose of the petition. To be sure, there are potentially embarrassing allegations that have not been confirmed, but that could be said of almost any litigation. Most litigants would probably prefer to remain anonymous, and most litigation involves matters that could cause potential embarrassment, but I am not persuaded that this case involves matters of such sensitivity as to require an exception to the general presumption of openness. The application for the use of pseudonyms and for sealing of the file is dismissed.

2. The Review Board had the authority to revisit an interlocutory decision regarding the admissibility of evidence (para. [38]):

In my view, the general rule against revisiting a final decision did not apply to the Document Decision because it was an interlocutory and not a final decision. As set out in *Chandler*, the general rule applies only to a *final* decision.

3. The Review Board's intention to revisit the admissibility of evidence was not sufficiently specific to satisfy the requirements of procedural fairness (para. [49]):

It may be that this was simply an honest misunderstanding about the scope of the consent given. Nevertheless, it was a misunderstanding that could have, and should have been easily avoided. I am satisfied that if the Chairman intended to revisit the issues in the Document Decision, procedural fairness required that he specifically put the parties on notice of that very issue, rather than relying on such general language as seeking consent to "undertake the adjudication afresh."

By way of remedy, the Court held that despite the error, there was no basis to quash the Review Board's decision in its entirety. The Court held (para. [53]):

I am satisfied that if the Chairman had followed the Document Decision, and if he had admitted only five of the nine documents of Additional Evidence, his Decision would inevitably have been the same except that he would have directed the Inquiry Committee to consider the five documents of Additional Evidence admitted pursuant to the Document Decision, and not all nine documents.

The Court held that:

...given the very limited nature of the procedural error in this case, the appropriate order is to quash only that part of the February 21, 2013 Decision in which the Chairman directed the Inquiry Committee to consider all nine of the documents of Additional Evidence. (para. [57]).

## Cases Argued since last Annual Report

### *College of Dental Surgeons v. Health Professions Review Board – Judicial Review of Review Board Decision No. 2009-HPA-0090(b).*

On February 15, 2008, the Complainant complained to the College of Dental Surgeons alleging substandard dental work by her dentist. On November 16, 2009, the College Inquiry Committee wrote to the Complainant advising that the complaint "could not be conclusively supported" and advising that "no further action" would be taken on her complaint. On September 27, 2012, the Review Board issued an order remitting the complaint to the Inquiry Committee, with the direction that "it may only dispose of the matter pursuant to section 33(6)(a) of the Act if it is satisfied that the Registrant's conduct or competence in the specific matter of the insertion of the crown and the insertion of the bridge work were satisfactory."

The College of Dental Surgeons applied for judicial review. The College argued that the Review Board engaged in a "first instance" analysis of section 33(6)(a) of the Act instead of asking whether the Inquiry Committee's interpretation was reasonable, and substituted its assessment of the significance of the dental evidence for that of the Inquiry Committee. The College

also argued that the Review Board's interpretation of section 33(6)(a) requires inquiry committees to hold colleges to a standard of perfection in assessing dental practice.

The Review Board submitted that this was a straightforward instance of the Review Board overturning the Inquiry Committee's on the ground that the Inquiry Committee did not ask itself the right question. Instead of asking whether the conduct or competence was satisfactory, the Inquiry Committee asked whether "the resolution" was satisfactory. The Review Board submitted that the panel did not substitute its judgment on dental matters for that of the Inquiry Committee, but rather held that the investigator's own stated findings did not support his outcome, and that this conclusion was reasonable on the record. The Review Board argued that its construction of section 33(6)(a) of the Act was not patently unreasonable.

Both parties made extensive submissions on the proper role of the court vis-à-vis the Review Board on judicial review.

The judicial review was argued April 1-3, 2014 in Vancouver. Judgment is on reserve at time of writing.

## Petitions Outstanding

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

This judicial review petition, commenced by a complainant, applied to set aside Review Board Decision No. 2012-HPA-004(a); 2012 HPA-005(a) (College of Physicians & Surgeons, April 20, 2012).

**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. As such, the Review Board continued with the application for review. At the time of writing, the review application remains before the Review Board for decision, and the Petition remains outstanding.

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

**Summary:** The Complainant commenced judicial review from a Review Board Decision (Review Board Decision No. 2012-HPA-080(a)) dismissing an application to set aside a decision of the College of Dental Surgeons. The original 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:** On January 17, 2014, the Review Board filed a Response to Petition. The Petitioner has taken no steps on the Petition since the filing of the Review Board's Response to Petition.



# Trends of Note: 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 in 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) ie: a notice of delay
  - a. copied to the Review Board
3. and a final notice after no more than 285 days, ie: 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

The Review Board has provided guidance for this process on our website in the following Memorandum, found online:

- Applying the Prescribed Time Periods:  
[http://www.hprb.gov.bc.ca/process/prescribed\\_time.pdf](http://www.hprb.gov.bc.ca/process/prescribed_time.pdf)

The Review Board notes the following increasing trend, indicative of strained investigative resources at the College level, in the number of Notices of Delay and Notices of Suspension it has received since it began tracking such issues in 2009:

**Figure 1: Number of Notices of Delay, or Suspension copied to the Review Board by Year**

|                        | 2009 | 2010 | 2011 | 2012 | 2013 |
|------------------------|------|------|------|------|------|
| Total Notices Received | 29   | 382  | 395  | 580  | 1504 |

## Legislation Links for Reference:

- Health Professions General Regulations: section 7: Prescribed periods – disposition of complaints and investigations:  
[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/17\\_275\\_2008#section7](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/17_275_2008#section7)
- Health Professions Act: section 50.55: Timeliness of inquiry committee investigations:  
[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96183\\_01#section50.55](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96183_01#section50.55)
- Health Professions Act: section 50.57: Review – delayed investigation:  
[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96183\\_01#section50.57](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96183_01#section50.57)

# Review Activity Statistics

For the reporting period from January 1, 2013 –  
December 31, 2013

**Figure 2: Number of Applications, by type and month**

| Month                   | Complaint Dispositions | Delayed Investigations | Registration Decisions | Total Number of Applications | %  |
|-------------------------|------------------------|------------------------|------------------------|------------------------------|----|
| January                 | 8                      | 3                      | 3                      | 14                           | 5  |
| February                | 11                     | 2                      | 4                      | 17                           | 6  |
| March                   | 14                     | 3                      | 4                      | 21                           | 8  |
| April                   | 16                     | 4                      | 0                      | 20                           | 7  |
| May                     | 17                     | 2                      | 4                      | 23                           | 9  |
| June                    | 11                     | 3                      | 0                      | 14                           | 5  |
| July                    | 15                     | 1                      | 1                      | 17                           | 6  |
| August                  | 26                     | 0                      | 5                      | 31                           | 11 |
| September               | 20                     | 1                      | 28                     | 49                           | 18 |
| October                 | 22                     | 1                      | 4                      | 27                           | 10 |
| November                | 10                     | 3                      | 2                      | 15                           | 7  |
| December                | 16                     | 1                      | 5                      | 22                           | 8  |
| <b>Total</b>            | <b>187</b>             | <b>24</b>              | <b>60</b>              | <b>270</b>                   |    |
| % of Total Applications | 69                     | 9                      | 22                     |                              |    |

Figure 3: Total Applications for Review, classified by respondent College

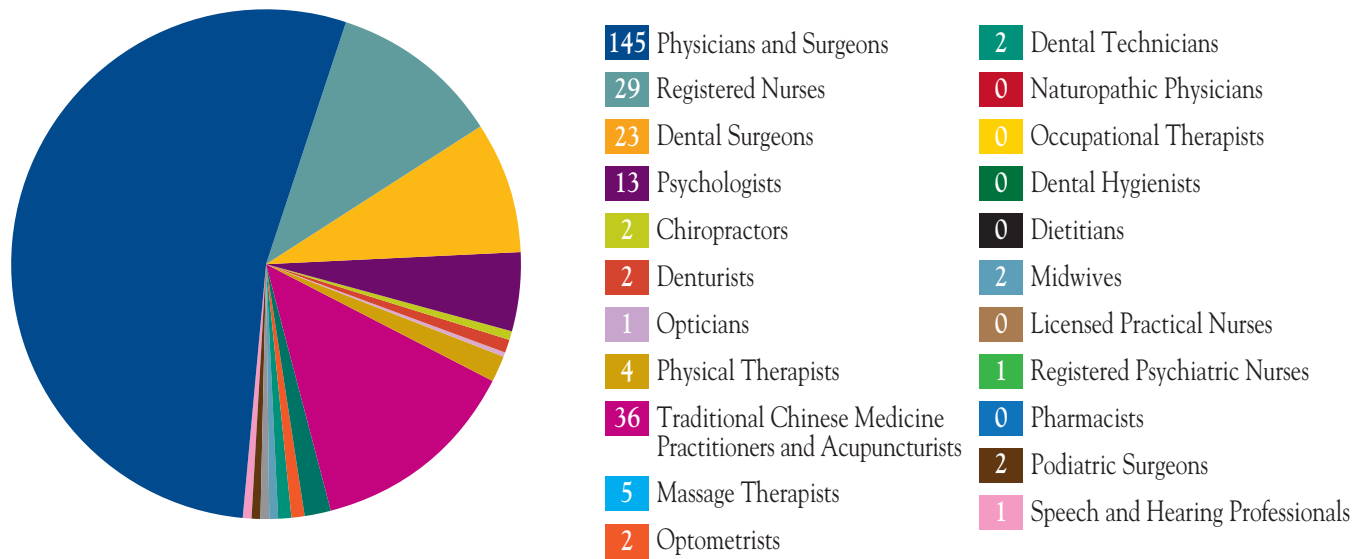


Figure 4: Applications for Review, by college and type

| Respondent College            | Complaint Dispositions | Delayed Investigations | Registration Decisions | Total Number of Applications | %  |
|-------------------------------|------------------------|------------------------|------------------------|------------------------------|----|
| Chiropractors                 | 2                      | 0                      | 0                      | 2                            | 1  |
| Dental Hygienists             | 0                      | 0                      | 0                      | 0                            | 0  |
| Dental Surgeons               | 17                     | 6                      | 0                      | 23                           | 9  |
| Dental Technicians            | 0                      | 0                      | 2                      | 2                            | 1  |
| Denturists                    | 2                      | 0                      | 0                      | 2                            | 1  |
| Dietitians                    | 0                      | 0                      | 0                      | 0                            | 0  |
| Massage Therapists            | 4                      | 1                      | 0                      | 5                            | 2  |
| Midwives                      | 2                      | 0                      | 0                      | 2                            | 1  |
| Naturopathic Physicians       | 0                      | 0                      | 0                      | 0                            | 0  |
| Licensed Practical Nurses     | 0                      | 0                      | 0                      | 0                            | 0  |
| Registered Nurses             | 7                      | 2                      | 20                     | 29                           | 11 |
| Registered Psychiatric Nurses | 1                      | 0                      | 0                      | 1                            | 0  |
| Occupational Therapists       | 0                      | 0                      | 0                      | 0                            | 0  |
| Opticians                     | 0                      | 0                      | 1                      | 1                            | 0  |

Figure 4: Applications for Review, by College and type (continued)

| Respondent College  | Complaint Dispositions | Delayed Investigations | Registration Decisions | Total Number of Applications | %  |
|---|------------------------|------------------------|------------------------|------------------------------|----|
| Optometrists  | 2                      | 0                      | 0                      | 2                            | 1  |
| Pharmacists   | 0                      | 0                      | 0                      | 0                            | 0  |
| Physicians and Surgeons                                       | 133                    | 8                      | 4                      | 145                          | 54 |
| Physical Therapists   | 4                      | 0                      | 0                      | 4                            | 1  |
| Podiatric Surgeons  | 2                      | 0                      | 0                      | 2                            | 1  |
| Psychologists   | 8                      | 5                      | 0                      | 13                           | 4  |
| Speech and Hearing Professionals                              | 0                      | 1                      | 0                      | 1                            | 0  |
| Traditional Chinese Medicine Practitioners and Acupuncturists | 2                      | 1                      | 33                     | 36                           | 13 |
| <b>Total</b>  | <b>186</b>             | <b>24</b>              | <b>60</b>              | <b>270</b>                   |    |
| % of Total Applications                                       | 69                     | 9                      | 22                     |                              |    |

Figure 5: Applications for Review – by status

| Applications for Review  | Number |
|--|--------|
| Number of applications open at January 1, 2013 (Case Management in Progress)   | 258    |
| Number of applications for review received in 2013                             | 270    |
| Applications closed in 2013  | 282    |
| Number of applications open at December 31, 2013 (Case Management in Progress) | 246    |

# Financial Performance

## 2013 Year Expenditures

This reporting period covers the 2013 fiscal year of operation for the Review Board.

Following is a table showing the expenditures made by the Review Board during its 2013 fiscal year.

### Health Professions Review Board

| Operating Costs: April 1, 2013 – March 31, 2014 |                     |
|---|---------------------|
| Salary & Benefits                               | \$ 488,020          |
| Operating Costs                                 | \$ 749,325          |
| Other Expenses                                  | \$ 0                |
| <b>Total Operating Expenses</b>                 | <b>\$ 1,237,345</b> |

## 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 other appeal tribunals.

