



# HEALTH PROFESSIONS REVIEW BOARD

## ***2019 Annual Report***

***Covering the reporting period from  
January 1 – December 31, 2019***

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## Health Professions Review Board

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July 31, 2020

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, 2019 to December 31, 2019.

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

### *The Year in Review*

In 2019, the Review Board adjudicated 100 applications for review, approximately the same number of reviews as in 2018 (105), with slightly fewer complaint reviews and more preliminary applications. Of 2019's 76 complaint review decisions, the distribution among the colleges was 49 (College of Physicians and Surgeons), 8 (College of Dental Surgeons), 7 (BC College of Nursing Professionals), 5 (College of Psychologists), 3 (College of Optometrists of BC), 2 (College of Pharmacists of BC), 1 (College of Physical Therapists), 1 (College of Naturopathic Physicians of BC). Of these 76 decisions, the Review Board remitted 7 back to colleges for reconsideration, confirmed 65 at stage 1 and 4 at stage 2. This represents a modest increase in remittals (approximately 9.2%) over 2018, which had approximately 5.7% complaint review remittals.

The Review Board also published 8 registration decisions. Of these 8 decisions, the distribution among the colleges was 4 (College of Physicians and Surgeons of BC), 2 (College of Denturists of BC), 1 (Traditional Chinese Medicine Practitioners and Acupuncturists of BC) and 1 (BC College of Nursing Professionals). Of the 8 registration decisions, 1 was remitted to the college for reconsideration, with 4 confirmed at stage 1, and 3 at stage 2. In 2018, 3 out of 5 registration decisions were remitted for reconsideration.

The Review Board heard 13 applications for extensions of time, granting 7 and denying 6. This was significantly more than 2018, when only 1 application out of 18 was granted. There were 6 applications for the Review Board to receive information in confidence to the exclusion of 1 or more of the parties to a review; 3 were granted and 3 denied.

The Board also summarily dismissed 3 applications for review. Summary dismissals include voluntary withdrawals, and withdrawals by consent of the parties.

Historically, the largest annual number of applications for complaint disposition reviews received (as opposed to decisions made) are for dispositions of the College of Physicians and Surgeons, the College of Dental Surgeons, and the College of Nursing Professionals. The Review Board's 2017 Annual Report made note of a large drop in the number of applications for review associated with dispositions of the College of Physician and Surgeons compared to 2016. The table below shows that while this number bounced back

in 2018, there has again been a drop in 2019, and a drop of almost 25% since 2016. Applications for review of complaint dispositions of the College of Nursing Professionals dropped by half in 2019 over 2018 and the College of Dental Surgeons' 2019 numbers remained consistent with the previous year.

	College of Physicians and Surgeons	College of Dental Surgeons	College of Nursing Professionals*
<b>2016</b>	133	17	8
<b>2017</b>	89	6	23
<b>2018</b>	112	13	22
<b>2019</b>	101	14	11

\*2016 and 2017 figures include total numbers for 3 nursing colleges for sake of comparison

### ***Modernization of Health Professions Regulation***

As noted in last year's Annual Report, the Ministry of Health commissioned Harry Cayton, an internationally recognized expert in health professions regulation, to conduct an inquiry into the College of Dental Surgeons of British Columbia and the *Health Professions Act* in 2018. In 2019, *An Inquiry into the performance of the College of Dental Surgeons of British Columbia and the Health Professions Act* (the Cayton report) was released to the public. The first part of the report focused on concerns about the College of Dental Surgeons, and the second suggested specific approaches to modernizing B.C.'s overall health profession regulatory framework. In response to these suggestions, the Minister of Health established and chairs a steering committee on modernization of health professional regulation. The committee's main objectives are to improve patient safety and public protection, improve efficiency and effectiveness of the regulatory framework, and increase public confidence through transparency and accountability.

In November 2019, after an initial one-month public consultation period, the steering committee issued a consultation paper titled [Modernizing the provincial health profession regulatory framework](#). The consultation paper invited public comment on proposed reforms in five key areas of health regulation: governance, efficiencies achieved through college amalgamations, strengthening oversight, complaints and adjudication, and information sharing. The committee sought feedback from British Columbians and health-sector stakeholders to help them refine their proposals on how to modernize the regulatory framework for health professions in British Columbia.

Of note for the Review Board was a proposal to create a new oversight body. The oversight body would have a number of responsibilities, among them maintaining a single register of all regulated health professionals, publishing guidance on regulatory policy and practice, audits and public reporting. The consultation paper, at page 13, proposes:

The Health Professions Review Board would become an arm of the oversight body and continue to carry out independent reviews of registration and complaint investigation decisions made by regulatory colleges. Its role would not be expanded at this time as the creation of an oversight body would result in significant improvements to accountability and transparency of the overall provincial regulatory environment.

At the close of 2019, the public consultation period was still ongoing. The Review Board looks forward with interest to the public's response to the paper, and to the Committee's future direction as the modernization process moves forward.

#### ***Appeal of "Dawson" Judicial Review Decision***

The Review Board's 2018 Annual Report made note of the British Columbia Supreme Court's November 2018 decision in *The College of Physicians and Surgeons of British Columbia v The Health Professions Review Board*, 2018 BCSC 2021, judicially reviewing Review Board decision *Complainant v. College of Dental Surgeons of British Columbia*, 2019 BCHPRB 91. The Review Board filed an appeal of this decision to the British Columbia Court of Appeal; the appeal was heard in the fall of 2019 before a 3-justice division of the Court of Appeal. The division subsequently requested a further full-day oral hearing before a 5-justice division in early 2020. The decision is on reserve and is expected to be issued in 2020. In the meantime, the Review Board continues to apply the test set out in 2018 BCSC 2021, assessing the adequacy of an investigation conducted by colleges on a reasonableness standard.

#### ***"Special Circumstances" and amendments to Rule 5 and Form 13***

Under rule 5 of the Review Board's Rules of Practice and Procedure, an application for review must be received by the Review Board within 30 days of the day on which written notice of the registration decision, the inquiry committee disposition or the notice of delayed investigation to be reviewed was delivered to the applicant. An applicant can request the Review Board to extend the 30 days but must satisfy the Review Board that "special circumstances" justify granting an extension.

In the past, the Review Board often relied on the British Columbia Court of Appeal's decision in *Clock Holdings Ltd. v. Braich Estate*, 2009 BCCA 437, which set out "five factors" to be considered in determining whether to grant an extension of time: a bona fide intention to appeal, whether the respondents were informed of the intention, whether the respondents would be unduly prejudiced by an extension, merit in the appeal, and whether it is in the interest of justice that an extension be granted. The fifth question is the most important as it encompasses the other four questions and states the decisive question.

There were significantly more extensions of time granted in 2019 (54% of applications granted) over 2018 (5.5% of applications granted). While not necessarily the sole reasons for this increase, there were two Review Board decisions of note in 2019 which signaled an evolution in the Review Board's approach to determining whether "special circumstances" exist to warrant granting requests for extensions of time to file applications.

In *Complainant v. College of Physicians and Surgeons of British Columbia*, 2019 BCHPRB 41 the Review Board found that, "As a matter of principle, it makes sense that the reasons for the delay would be considered in deciding whether "special circumstances" justify extending the time...", and "...the failure to expressly list this consideration does risk it not being considered in a systemic way." With regard to assessing the factor of "merit" in the application, in *Complainant v. College of Psychologists of British Columbia*, 2019 BCHPRB 23 the Review Board held that the "merits" test is whether the appeal is "bound to fail."

In November 2019, in light of this evolving approach, the Review Board amended rule 5(3). Rather than citing the 5 factors referred to in *Clock Holdings*, Rule 5(3) now directs applicants requesting an extension of time to provide supporting documentation addressing their genuine intention to apply for review within 30 days, the length of the delay and any legitimate explanation for it, and whether the application is "bound to fail" - specifically why their challenge to the college disposition has sufficient merit to justify granting an extension of time. Form 13 (used to request a time extension) was updated with these factors so as to elicit information that would better assist the board in making its determination as to "special circumstances." These changes take into account the user's perspective, in accord with "access to justice" principles. The information called for in the rule and form is information that an applicant can realistically be expected to know about and speak to; it supports their ability to make a convincing case to the Review Board about their specific "special circumstances".

## ***Improving the Board's operations***

### ***1. Electronic Records and Case Management System***

In 2019, the Review Board Office continued to increase the amount of work it conducts electronically. The Office now uses a government-hosted secure file transfer system to securely transmit and receive sensitive review materials. This system was used effectively over 100 times by colleges, registrants, applicants and members in 2019 and has reduced spending on couriers and paper by over seventy percent over 2018. By the end of the year, over fifty percent of all record-keeping and office administration was conducted electronically. At least fifty percent of new reviews were managed electronically, and approximately one quarter of reviews were conducted using electronic records only. Review Board Practice Directive 2 was amended to require colleges to produce both paper copies and an electronic copy of the record for review, and it became routine for colleges to supply scanned copies of the record. The Review Board no longer accepts faxed material from parties other than applicants; it is reasonable to expect that registrants and colleges are able to transmit material electronically. In the interests of justice, the Review Board still accepts faxed material from applicants, who may have limited other means to transmit information.

A workshop on the effective use of electronic records for conducting reviews was offered to members at the Review Board's Annual General Meeting, and a case manager subsequently spent time coaching individual members on using PDF management software to effectively manage access to and assessment of the Record on which all reviews are based.

An electronic case management system was procured for office use for all tribunals in the Environmental Appeal Board cluster, to replace a legacy system that was no longer supported. Toward the end of the year, all Review Board historical statistical data was migrated to the new system, which has superior information, time and case management functionality.

### ***2. Co-op Student***

The Review Board was fortunate to be able to hire law student Courtenay Jacklin for a summer co-op term through the Law Co-op Program at the University of Victoria. Ms. Jacklin brought a fresh eye to the Review Board's statutory authorities, and completed a prodigious amount of legal research, policy development and analysis.



### **3. Publication of Review Board decision summaries on CanLII**

The Review Board Office took another step toward modernization of its processes by integrating all its decision summaries into its decisions published on the Canadian Legal Information Institute (CanLII) website. Previously, the summaries and decisions were published separately, and on separate websites. CanLII offers better access and search functionality than the Review Board website and, in keeping with the Review Board's commitment to access to justice, is more user friendly. With this work completed, the Review Board anticipates that in 2020, it will be able to discontinue publishing its decisions on the Review Board website.

The Review Board is pleased to participate in the CanLII website, which improves access to legal decisions in British Columbia and nationally. CanLII was founded and is paid for by the Federation of Law Societies of Canada. The website contains decisions from many other British Columbia and national tribunals, and also provides access to court judgments from all Canadian courts, including the Supreme Court of Canada, federal courts, and the courts in all Canada's provinces and territories. In line with CanLII standards, the Review Board no longer refers to decisions by file number, but by style of cause and neutral citation by year of decision publication.

#### ***Board Membership***

Review Board membership expanded in 2019, with the addition of 5 new members. I am pleased to welcome David Blair, Nancy Merrill, David Newell, Katherine Wellburn and Celia Francis to the Board. These highly qualified new members, with their diverse skills and experience 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 dedicated team at the Victoria office for their work on behalf of the Review Board.



David Hobbs, Chair  
Health Professions Review Board

## Rule Changes

Previous Rule	Revisions Made (Now current)
<p><b>Rule 5 Time limit for application</b></p> <p>(1) An application for review must be received by the review board within 30 days of the day on which written notice of the registration decision, the inquiry committee disposition or the notice of delayed investigation to be reviewed was delivered to the applicant.</p> <p>(2) An applying party may apply to the review board to extend the time for making an application, even if the time limit has already expired.</p> <p>(3) An applying party requesting an extension of time to make an application must deliver a written request to the review board that explains the reason(s) why the application was not made within the required time, the reason(s) why an extension of the time limit is required, what special circumstances exist that justify the review board granting an extension of the time to make the application, and any supporting documentation relating to the request to extend the time.</p> <p>(4) Before granting the extension of time to make an application, the review board may give other parties an opportunity to be heard.</p> <p>(5) If the review board is satisfied that special circumstances warrant an extension of the time limit to make an application for review, it may grant an extension of time whether or not the time limit has already expired.</p>	<p><b>Rule 5 Time limit for application</b></p> <p>(1) An application for review must be received by the review board within 30 days of the day on which written notice of the registration decision, the inquiry committee disposition or the notice of delayed investigation to be reviewed was delivered to the applicant.</p> <p>(2) An applying party may apply to the review board to extend the time for making an application, even if the time limit has already expired.</p> <p>(3) An applying party must satisfy the review board that “special circumstances” justify granting an extension of time. An applying party must deliver a written request to the review board, with any supporting documentation, that addresses the following:</p> <ul style="list-style-type: none"> <li>a) Did the applying party form a genuine intention to apply for review and communicate that to any respondent before the expiry of the 30-day limitation period?</li> <li>b) What was the length of the delay and was there a legitimate explanation for the delay?</li> <li>c) Is the application bound to fail? Specifically, what are the applying party’s reasons for challenging the College disposition and do those reasons have sufficient merit to justify granting an extension of time?</li> </ul> <p>(4) Before deciding whether to grant an extension of time, the review board may give the other parties an opportunity to respond, which response may include reference to any special prejudice that party would experience if an extension was granted.</p> <p>(5) If the review board is satisfied that special circumstances warrant an extension of the time limit to make an application for review, it may grant an extension of time whether or not the time limit has already expired.</p>

## 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, 2019

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
David Blair	Physician (Ret)	Victoria
D. Marilyn Clark	Consultant/Business Executive	Sorrento

Douglas S. Cochran	Lawyer (Ret)	Vancouver
William Cottick	Lawyer	Victoria
Brenda Edwards	Lawyer	Victoria
Celia Francis	Adjudicator	Victoria
Leigh Harrison	Lawyer (Ret)	Rossland
Roy Kahle	Lawyer (Ret)	Kamloops
Robert McDowell	Project Director	Vancouver
Nancy Merrill, Q.C.	Lawyer	Nanaimo
David Newell	Lawyer	Vancouver
John O'Fee, Q.C.	Lawyer/University Lecturer	Kamloops
John M. Orr, Q.C.	Lawyer	Victoria
Donald A. Silversides, Q.C.	Lawyer	Prince Rupert
Katherine Wellburn	Lawyer (Ret)	Vancouver
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:

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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:**

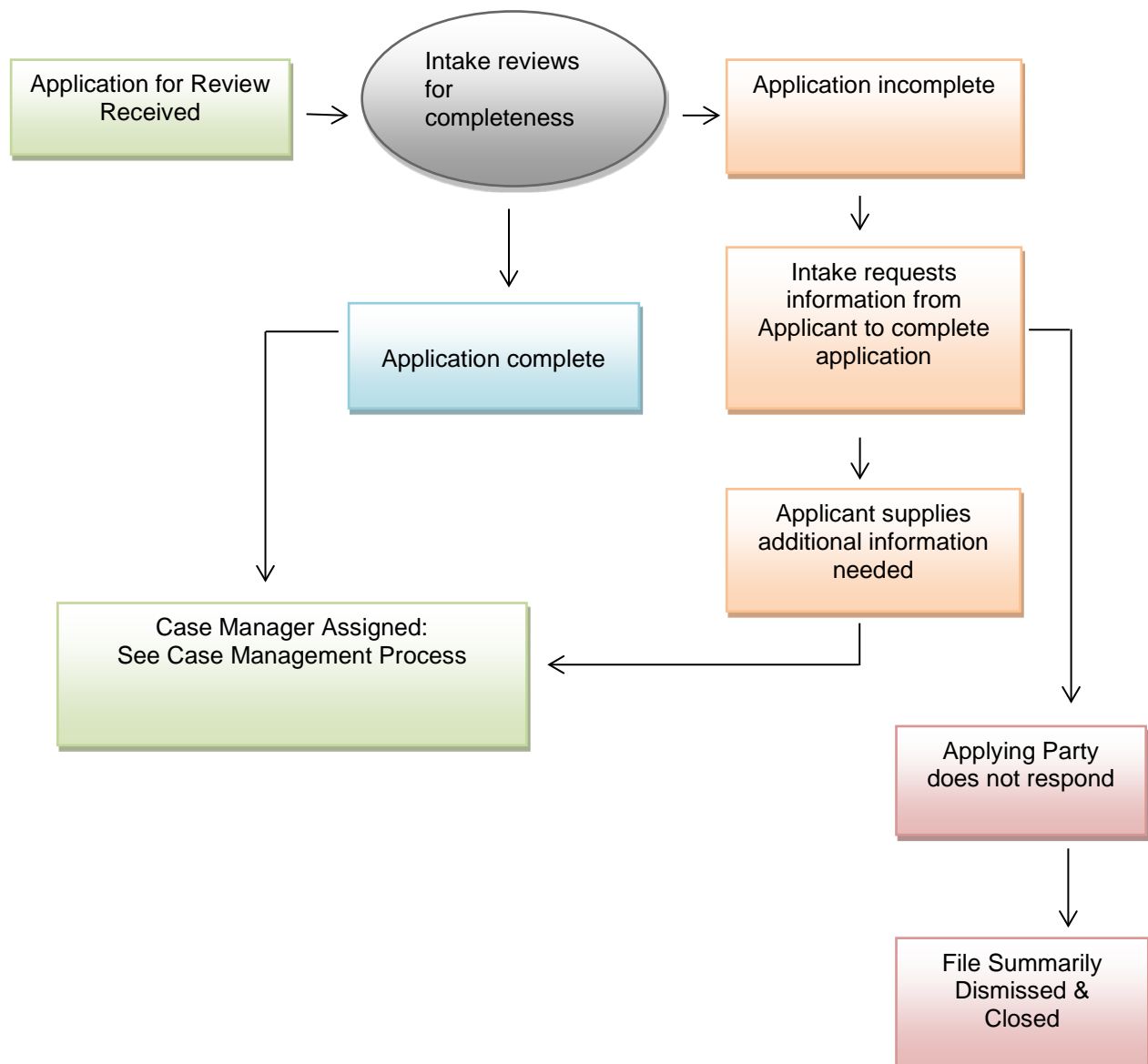
Health Professions Review Board  
PO Box 9429 STN PROV GOVT  
Victoria, BC V8W 9V1

## 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.

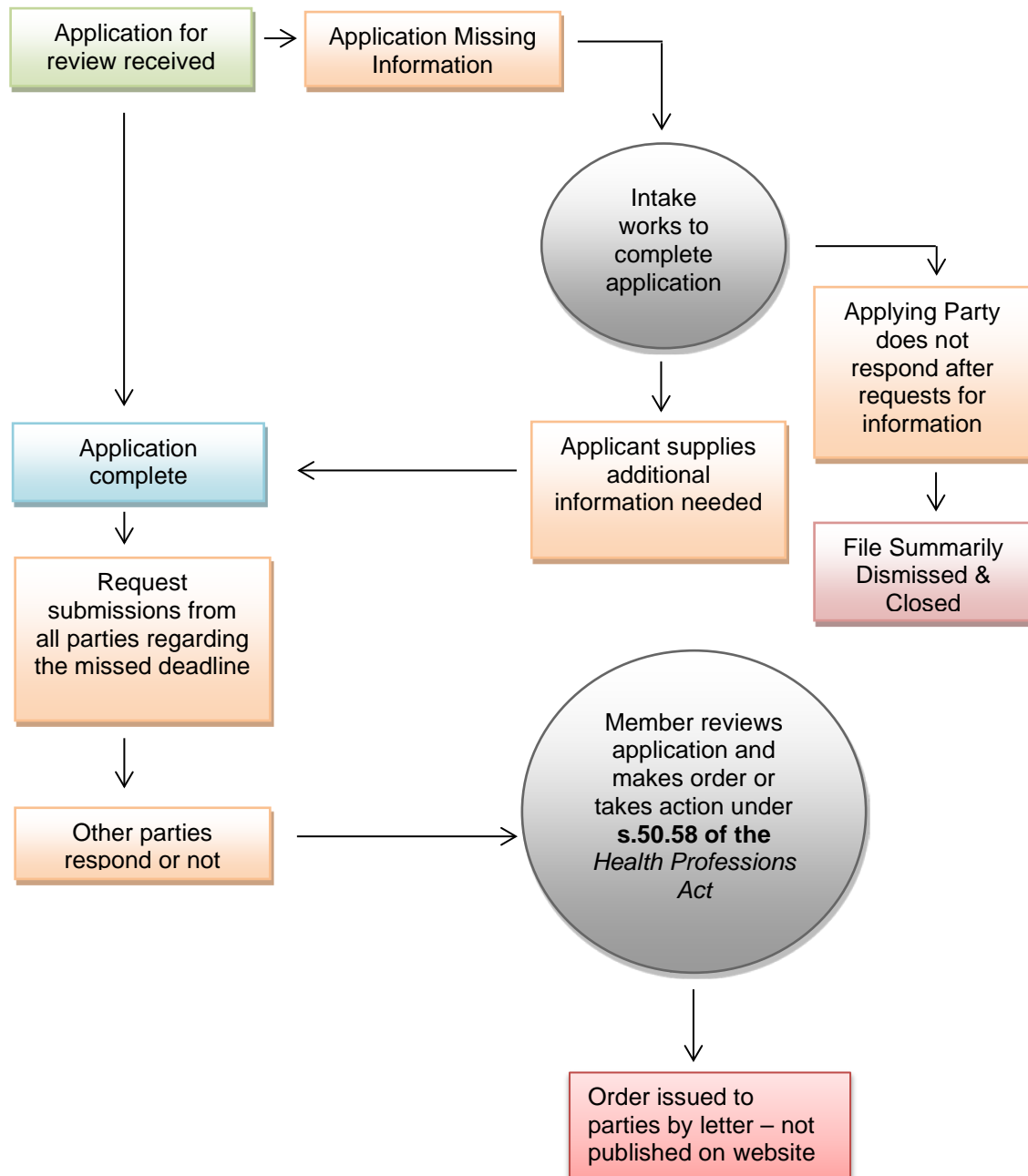
Few applicants who submit applications for review to the HPRB have had any exposure to administrative law or process. For that reason intake staff assist applicants to go through the steps necessary to “perfect” an application so that it meets the requirements of the *Health Professions Act* and the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

### Intake Process



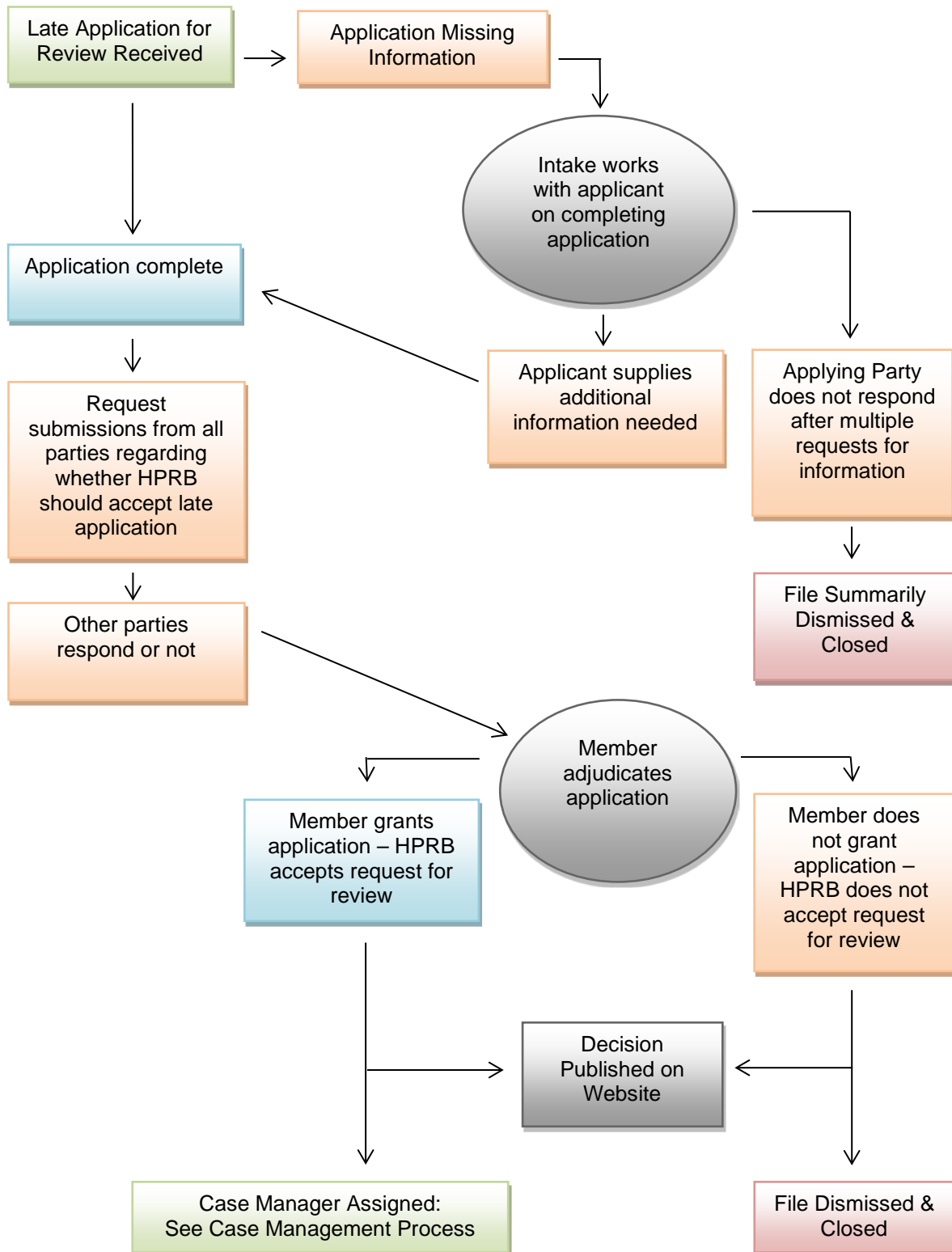
## Process for Review of Investigations Not Completed within Statutory Deadlines

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.



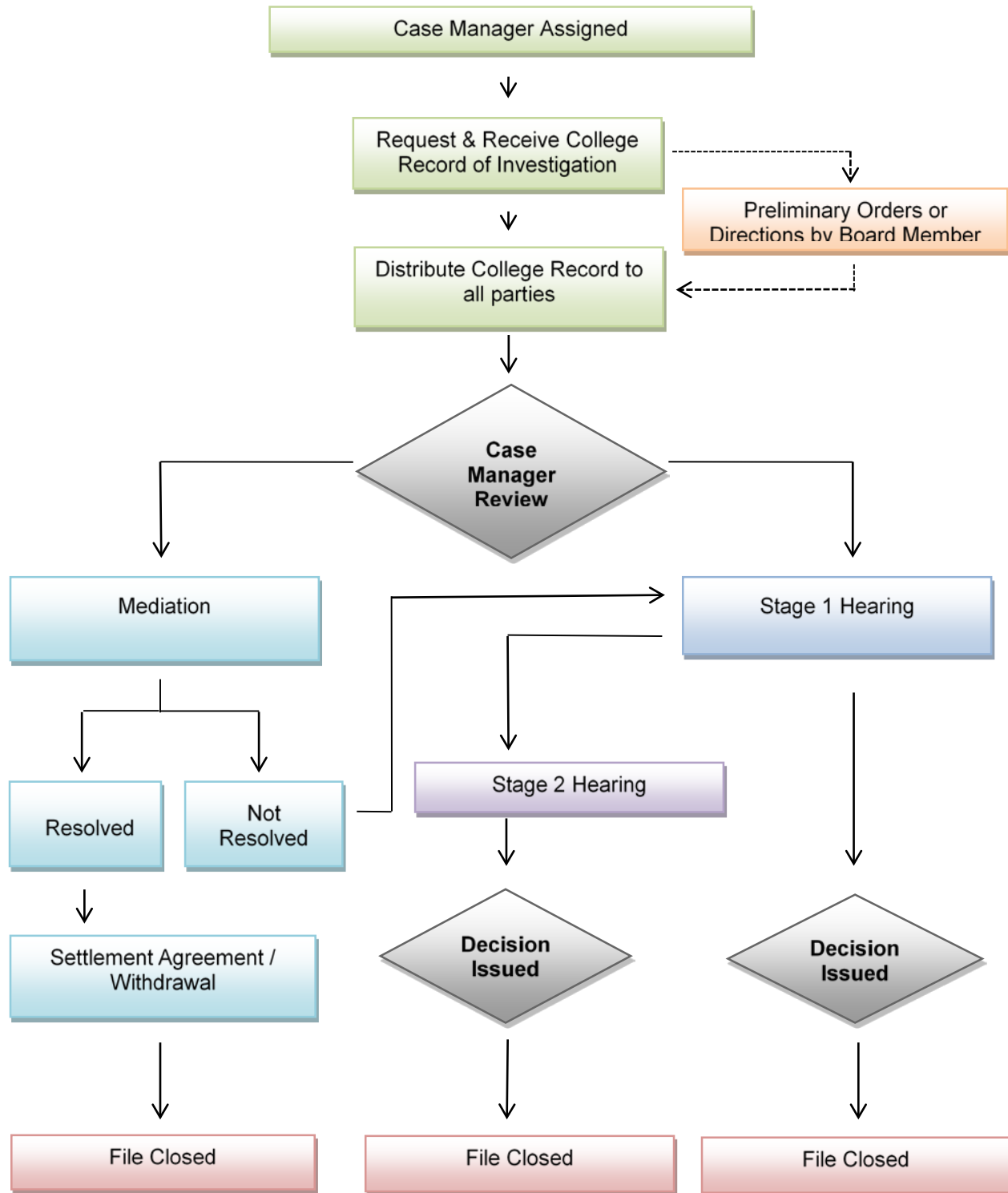
## Process for Applications Submitted Outside Legislated Deadline

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.



## 2019 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 2019:

1. The Complainant alleged that she was injured while being treated by the Registrant because he failed to properly explain his proposed treatment plan prior to beginning the treatment. The College investigated and concluded that, although there was an unexpected and undesirable outcome for the Complainant, the Registrant acted within the scope of his practice and did not violate the college's guidelines or rules. Following a Review Board facilitated tele-mediation, the matter settled when the Registrant wrote the Complainant an apology letter.
2. Tele-Mediations: There were 5 tele-mediations in 2019, 3 successful and 2 unsuccessful

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.

## 2019 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.

1. The Complainant had reconstructive breast surgery and was unhappy with outcome. She felt the surgery was not properly done and left her with physical and emotional scars. This matter did not proceed to formal mediation. However, the Panel Chair did not find that she could fairly hear the matter at Stage 1 without hearing from the College and Registrant. She moved the matter to Stage 2, and issued a letter requesting further information from College and the Registrant. The Registrant, through his counsel, acknowledged his role and apologized to the Complainant. The Complainant responded by saying she finally felt “heard”. Her application for review was dismissed with her consent and the consent of the other parties.

## 2019 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. For example:

*Applicants v. College of Physicians and Surgeons of British Columbia, 2019 BCHPRB 25*

### ***Inquiry Committee Disposition Decision Review – Summary:***

Stage 1 hearing of an application for review of a complaint Inquiry Committee (IC) disposition under s. 50.6 of the HPA – Disposition of the Inquiry Committee confirmed. Three years ago the Complainant wrote to the College that the Registrant, a physician, conducted himself inappropriately while examining his wife during a medical procedure. The College found that the while Registrant met the standard of care in some areas, he did not perform the examination in a sensitive manner. The College disposed of the complaint pursuant to s.33(6)(b) of the Act, and ordered the Registrant to meet with College staff to consider the matter. The Complainant then applied to the Review Board asking for a review of the College disposition. Subsequently the Review Board found that that the investigation was adequate, however the disposition was not reasonable. The matter was sent back to the Inquiry Committee for reconsideration with directions.

The Complainant was not satisfied with the Inquiry Committee's reassessment and wrote to the Review Board that the Inquiry Committee had failed to act on the directions of the Review Board by issuing a new disposition that essentially confirmed the finding of the initial disposition. The Complainant also stated that the second Disposition minimized his concerns as opposed to taking the matter seriously. In the Disposition the Inquiry Committee of the College advised the Complainant that the second investigation confirmed that the initial Disposition was appropriate. The Inquiry Committee concluded the matter on the basis that the meeting with the Registrant adequately addressed the issue. The Review Board found that following the reconsideration of the complaint, the Inquiry Committee's disposition and the reasons provided were transparent, intelligible and justifiable.



## 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 CanLII website.

## Decisions

A selection of significant decisions issued in 2019 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**

#### **Jurisdiction**

##### ***Complainant v. College of Physicians and Surgeons of British Columbia, 2019 BCHPRB 69***

Preliminary hearing of applications for review of a decision made by a Registration Committee under s.50.54 of the Act – Applications dismissed for lack of jurisdiction. The applicants submitted that the College effectively denied them and others who have studied medicine abroad the ability to apply for and obtain registration in the educational-postgraduate (resident) class by imposing certain conditions without authority to do so. The College submitted that their response to the applicants was not a registration decision and that no registration decision was made because neither of the individual applicants ever applied for, or requested, registration in any registration class. The Review Board noted that when conducting a review pursuant to s.50.54 of the Act, the Review Board may only make an order pursuant to s.50.54(9) with respect to a registration decision made by a Registration Committee. The Review Board may not review or make orders with respect to decisions made by the board of a college or the registrar of a college, except where the authority to make a registration decision has been delegated to the registrar and the registrar has made a registration decision. The Review Board concluded that none of the applicants applied for registration in any class of registration of the College and that no registration decision was made by the Registration Committee. Therefore, there was no basis on which the Review Board could conduct a review or make any order pursuant to s.50.54 of the Act and as such the applications were dismissed.

#### **Receiving information in confidence**

##### ***Complainant v. College of Physicians and Surgeons of British Columbia, 2019 BCHPRB 80***

Preliminary decision re. issue estoppel concerning the Review Board's order under s.42 of the *Administrative Tribunals Act* in a previous complaint to withhold from the Complainant certain personal medical information about the Registrant. In 2017 the Review Board remitted the disposition back to the

Inquiry Committee because it did not address four key elements of the Complainant's 2015 complaint against the Registrant. The Complainant now seeks review of the Inquiry Committee's new disposition dated January 31, 2019. In producing the Record of the Inquiry Committee's investigation for the current review the College relied on the Review Board's order in the previous review to withhold from the Complainant specified information concerning the Registrant. The Complainant objected. The Panel held that, despite the Complainant's objection, the issue of redaction of the specified information was decided fully and fairly between the Complainant and Registrant in the earlier s.42 application decision and the principle of issue estoppel dictates that this information should remain redacted as there is no basis to re-argue the same issue.

#### **Request for Extension of time and stay application**

##### ***Applicant v. College of Physicians and Surgeons of British Columbia, 2019 BCHPRB 26***

Preliminary decision: Request for extension of time to file an application for review of a registration decision, and concurrent application for stay of College cancellation of registration. The time extension is granted, and the stay application is denied. The applicant was a provisional registrant. He challenged Canada's Royal College exam, but received a severe fail, with patient safety concerns. In response, the College issued enhanced health authority supervision requirements. The health authority was unable to meet the increased supervision requirements, so withdrew their sponsorship of the applicant and the College consequently cancelled his license on January 10, 2019. The Review Board received the application for review and time extension February 14, 2019. The five-factor test in previous Review Board decisions was applied. The extension was granted because the applicant had a bona fide intention to appeal this decision and had exhausted all other avenues before proceeding, the applicant is severely impacted if a time extension is not granted, the conditions the College imposes upon its registrants must be fair, and in this instance cannot be satisfied by the health authority, and the College would not be prejudiced by a time extension, yet the applicant is severely impacted by the consequences of being deregistered. However, the criteria for the stay application is not met. The test in *RJR MacDonald Inc. v Canada* (Attorney General), 1994 CanLII 117 (SCC), [1994] 1 SCR 311 at 334 was applied; granting a stay without means of assuring an acceptable standard of practice compromises patient safety. The applicant did not argue, after his "severe failure" that the Committee's supervision was unreasonable and has not shown the harm done to him outweighs the potential harm to the public if the stay is granted.

## **2. Noteworthy 2019 final decisions reviewing Inquiry Committee dispositions**

### ***Complainant v. British Columbia College of Nursing Professionals, 2019 BCHPRB 95***

Stage 2 hearing of an application for review of an inquiry committee disposition under s.50.6 of the Act – matter sent back to the Inquiry Committee with direction that a new disposition be issued which addressed one specific aspect of the complaint; in all other aspects, the disposition is confirmed. The Complainant complained to the College alleging that the Registrant nurse failed to provide adequate care to his 84-year old father while he was hospitalized just prior to his death. After investigation the Registrar of the College concluded that the four complaint allegations were frivolous and vexatious, and no regulatory criticism was warranted against the Registrant which was confirmed by the Inquiry Committee. The Review Board found that there was a reasonable evidentiary basis on which the Registrar could reach the ultimate conclusions she did about Nurse E’s care. However, the Review Board determined that the Registrar glossed over the complaint about the oxygen mask and unreasonably lumped it in as part of the more extreme allegations of collusion and passive euthanasia. The Panel Chair noted that as distasteful as the Registrar clearly found the latter allegations, that was not justification to refuse to address a specific allegation of substandard nursing care. In the result the Review Board concluded that the disposition should be confirmed except insofar as the Registrar failed to address the “oxygen complaint.” The Review Board ordered that the matter be sent back to the Inquiry Committee with the direction that a new disposition be issued which addressed the oxygen complaint.

### ***Complainant v. College of Dental Surgeons of British Columbia, 2019 BCHPRB 91***

Stage 1 hearing of an application for review of an inquiry committee disposition under s.50.6 of the Act – disposition confirmed. The Complainant complained to the College alleging that the Registrant dental surgeon refused to provide him with full disclosure regarding the dental health and welfare of his children and he also contributed to the extreme dental neglect of the children by the mother. After investigation the College noted that it has no authority to intervene in matters before the court or to investigate the conduct of non-registrants. As a result, the investigation was limited to the access to records concern and the Inquiry Committee concluded with no regulatory criticism of the Registrant. During the Review Board hearing after the Complainant disclosed his submissions to many third parties the College made an application for an Order directing that any further information provided or received in the context of the review of the Complainant’s complaint about the Registrant be received in confidence, and not be disclosed to any other individual, media outlets or organizations not involved in the process. The Panel Chair determined that as the matter could be properly adjudicated at Stage 1 there would not be any further submissions that would attract the implied undertaking rule and the provisions of Rule 20.

Further, with respect to the submissions containing unfounded allegations already disclosed to third parties, it is for the parties and the children's mother to determine whether their privacy interests have been breached and whether they wish to seek remedies in the courts or elsewhere. As a result, the College's application for a non-disclosure order was dismissed. The Review Board was satisfied that the Inquiry Committee reasonably and fairly exercised its discretion to investigate the complaint and ensured that it had the information that it needed to understand the complaint, in context and considering the College's expectations of a dental surgeon presented with a request for disclosure of children's dental records. In short, the investigation was found to be adequate in the circumstances. It was noted in the disposition that the Registrant's conduct in delaying his release of the dental records, in the circumstances, was "appropriate" and this finding was supported by the Review Board. The Review Board was also satisfied that the Inquiry Committee's disposition had all the indicia of reasonableness. It addressed the key aspects of the complaint in a clear, transparent and intelligible manner.

***Complainant v. College of Psychologists of British Columbia, 2019 BCHPRB 8***

Stage 2 hearing of an application for review of a complaint Inquiry Committee disposition under s. 50.6 the Act – Matter remitted back to the Inquiry Committee with directions. The complaint to the College arose from two written opinions that the Registrant, a clinical psychologist, provided to an Alberta Court in the context of a high conflict parenting dispute involving the Complainant's 9-year old son. In addition, there was another opinion supplied to the BC court after the Alberta Court had determined that the Registrant's opinion(s) were inadmissible because of the process that the Registrant had used to reach them. Despite this ruling, without further meetings or information, the Registrant provided an opinion to the BC Court that was even more dire than that provided to the Alberta Court. The Complainant alleged that the Registrant, who had been retained by the mother, was unprofessional and unethical in her communications and assessment of the child related to the court proceedings. After investigation the Inquiry Committee did not identify any concerns about the Registrant's clinical practice, and the concerns identified were only in relation to an isolated engagement to perform an assessment outside the Registrant's actual area of practice. The Inquiry Committee concluded that the public interest was most effectively served by confirming the Registrant's voluntary agreement to self-limit her practice, without the need to require any public notification. The final disposition included a Resolution Agreement between the College and the Registrant. The Review Board determined that the investigation which included a review of Provincial Court transcripts was adequate. However, the Review Board determined that the Inquiry Committee's disposition was unreasonable as it failed to address a key issue as alleged in the complaint. Further it was found to be unreasonable for the Inquiry Committee to accept a resolution

agreement that was structured to keep the agreement private by triggering “limits” only if the Registrant chose to or was required to practice in that area in the future. The Review Board remitted the matter back to the Inquiry Committee with directions.

***Complainant v. College of Naturopathic Physicians of British Columbia, 2019 BCHPRB 34***

Stage 2 hearing of an application for review of a complaint Inquiry Committee disposition under s.50.6 of the Act – Matter remitted to the Inquiry Committee for reconsideration. The Complainant complained to the College about the care she received from the Registrant, primarily concerning the treatment protocol administered by the Registrant. The Complainant alleged that the Registrant misdiagnosed her symptoms, was not truthful about the Protocol, and improperly recommended increased dosages of the supplements as she began to experience severe adverse reactions, including suicidal thoughts. The Registrant administered the Protocol, which was subsequently described by the Inquiry Committee as “experimental,” with the intent of providing the Complainant with an alternative to the continued use of antidepressants. After nine months on the Protocol, the Complainant incurred nearly \$12,000 in costs. After reviewing the report of the College-appointed inspectors, the Inquiry Committee decided to take no further action under s.33(6)(a) of the Act, determining that the conduct of the Registrant was satisfactory and that there was insufficient evidence to establish a breach of the standards of practice or professional conduct. The Inquiry Committee did agree to caution the Registrant about investigating the costs of treatment and providing this information to the patient before obtaining their consent. The Review Board found the investigation adequate; when viewed as a whole, the process provided the Complainant with a fulsome opportunity to outline her complaint concerns. The Review Board concluded that the disposition was unreasonable. The failure of more traditional treatment methods was irrelevant as to whether the Registrant’s use of the “experimental” protocol was in accordance with professional standards. Additionally, professional standards cannot reasonably depend on the subjective belief of the Registrant. The reasons of the Inquiry Committee did not address the key allegations made by the Complainant and did not articulate the relevant professional standards. The Review Board remitted the matter back to the Inquiry Committee, directing the Inquiry Committee to provide a new disposition letter to the parties with reasons that address the complaint about the Registrant’s decision to use and continue the Protocol, and the issue of informed consent. The Review Board also directed that the reconsideration reasons include a description of the process that the Inquiry Committee followed prior to reaching its reconsideration decision.

### **3. Noteworthy 2019 final decisions reviewing Registration dispositions**

#### ***Applicant v. College of Physicians and Surgeons of British Columbia, 2019 BCHPRB 45***

Expedited hearing of an application for review of a registration decision under section 50.54 of the Act – Decision confirmed. The Applicant applied to the Review Board for review of a registration decision made on reconsideration by the College’s Registration Committee. The Review Board had previously directed the Committee to undertake a “full and fresh reconsideration of the Applicant’s continued licensure,” concluding that the initial registration decision was procedurally unfair. On reconsideration, the Committee advised the Applicant that he would remain provisionally licensed to provide him time to write the required exam, and that supervisor reports would be required on a more frequent basis. Due to the more onerous supervision requirements, the health authority withdrew their sponsorship for the Applicant’s clinical practice. On review, the Review Board found that the Committee erroneously and unreasonably described the Review Board’s order and had failed to comment on the supervisor reports beyond stating that they had been reviewed and that “no deficiencies were noted.” However, the Review Board found that the Committee’s decision fell within the ranges of reasonable outcomes. The Committee’s decision to place greater weight on the PER assessment over the supervisor reports was not an unreasonable exercise of its duty to protect the public interest. Additionally, the Committee’s decision was not unreasonable for failing to anticipate that the conditions it imposed would lead to a withdrawal of sponsorship. The Review Board concluded that the process was fair, and the outcome was reasonable, and confirmed the Committee’s decision.



## 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 Professions Review Board Robert David Fletcher, and Pearl Feldman, (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: Decision set aside, remitted back to the Review Board for reconsideration by a new panel.

Decision of the panel under reserve, anticipated to be issued in late 2020.

### 2. Petitions Discontinued

#### ***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.

### 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.

#### ***Ouimet 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 and the College of Chiropractors (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, Dr. Roderick Warren Bell, and David Dawson (Petition filed September 29, 2015)***

Summary: The College of Physicians and Surgeons applied 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 alleged 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 (2018 BCSC 2021). British Columbia Court of Appeal petition filed November 20, 2018 and petition argued August 17, 2019 and February 14, 2020 at the British Columbia Court of Appeal. Decision under reserve.

***Millman and Webb v. Health Professions Review Board, the College of Psychologists of British Columbia, and Dr. Andrea Welder (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.

***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.

**4. Petitions filed**

***Ooms, v. Health Professions Review Board, College of Physicians and Surgeons of British Columbia, and Dr. Abram Karrel, (Petition filed February 14, 2019)***

Petition: Petition challenge *Review Board Decision No. 2018-HPA-102(a)*

Status: Petition not yet set for hearing.

***Jacques v Health Professions Review Board, (Petition filed March 6, 2019)***

Petition: Petition challenges *Review Board Decision No. 2018-HPA-151(a)*

Status: Petition dismissed.

***Smith v. Health Professions Review Board, (Petition filed August 22, 2019)***

Petition: Petition challenges *Review Board Decision 2018-HPA-G11*

Status: Petition not yet set for hearing.

***Friesen v. Health Professions Review Board, College of Physicians and Surgeons of British Columbia, Dr. Campana, Dr. Kiri Simms, and Dr. Andrea Bardell, (Petition filed September 25, 2019)***

Petition: Petition challenges *Review Board Decision 2019-HPA-G09*

Status: Petition dismissed.

## 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

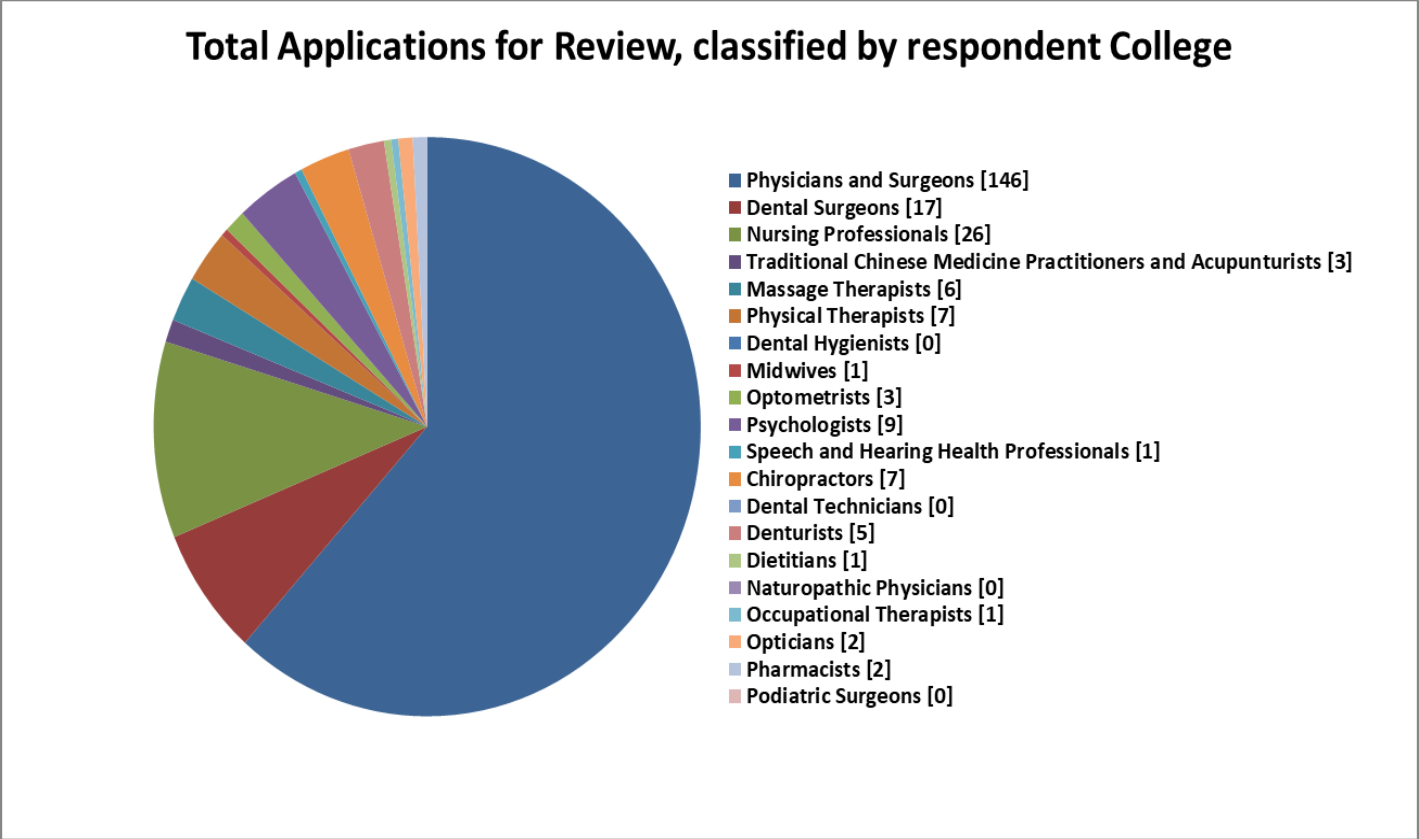
## Review Activity Statistics

For the reporting period from January 1, 2019 – December 31, 2019

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

Month	Complaint Dispositions	Delayed Investigations	Registration Decisions	Total Number of Applications	%
January	11	3	3	17	7%
February	15	7	2	24	10%
March	15	0	1	16	7%
April	4	1	2	7	3%
May	6	3	3	12	5%
June	12	5	4	21	9%
July	14	3	2	19	8%
August	16	4	8	28	12%
September	14	5	6	25	11%
October	18	3	7	28	12%
November	10	2	2	14	6%
December	18	2	6	26	11%
<b>Total</b>	<b>153</b>	<b>38</b>	<b>46</b>	<b>237</b>	
<b>% of Total Applications</b>	65%	16%	19%		100%

**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	%
Nursing Professionals	11	1	14	26	11%
Chiropractors	6	0	1	7	3%
Dental Surgeons	14	3	0	17	7%
Denturists	4	0	1	5	2%
Dietitians	0	0	1	1	0%
Massage Therapists	2	3	1	6	3%
Midwives	0	1	0	1	0%
Occupational Therapists	1	0	0	1	0%
Opticians	0	1	1	2	1%
Optometrists	3	0	0	3	1%
Pharmacists	2	0	0	2	1%
Physicians and Surgeons	101	23	22	146	62%
Physical Therapists	2	2	3	7	3%
Psychologists	4	4	1	9	4%
Speech and Hearing Professionals	1	0	0	1	0%
Traditional Chinese Medicine Practitioners and Acupuncturists	2	0	1	3	1%
<b>Total</b>	<b>153</b>	<b>38</b>	<b>46</b>	<b>237</b>	
% of Total Applications	65%	16%	19%		100%

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

Applications for Review	Number
Number of applications open at January 1, 2019 (Case Management in Progress)	152
Number of applications for review received in 2019	237
Applications closed in 2019	195
Number of applications open at December 31, 2019 (Case Management in Progress)	194



## Financial Performance

### **2019/2020 Year Expenditures**

This reporting period covers the 2020 fiscal year of operation for the Review Board.

Following is a table showing the expenditures made by the Review Board during its 2019/2020 fiscal year.

### **Health Professions Review Board**

Operating Costs - April 1, 2019 – March 31, 2020

Salary & Benefits	\$ 550,437
Operating Costs	\$ 940,242
Other Expenses	\$ 0
Total Operating Expenses	\$ 1,490,679

### **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.