



Health Professions Review Board

Information Sheet

Complainant's Statement of Points for an Inquiry Committee Disposition Review

[Reference s.50.6 of the Health Professions Act](#)

1. Why does the review board ask for a statement of points?

All reviews of inquiry committee decisions start by giving the complainant a copy of the college's complete record of investigation.

Once the complainant has been provided with this information, the review board gives the complainant an opportunity to submit a statement of points responding to this new information which might contain records they have not seen before.

2. Do I have to do one?

No. But, it is an opportunity for you to respond to information in the inquiry committee's record of investigation. The statement of points can clarify what you want the review board to do. It helps the review board understand why it should not confirm the inquiry committee disposition and send the matter back to the inquiry committee instead.

If you do not want to do a statement of points let your case manager know.

3. How should it look?

There is no special form for the statement of points. It should be clear, well-organized and concise.

4. What is it used for?

The statement of points helps the review board understand what the applicant thinks is wrong with the inquiry committee's disposition.

5. What should it say?

The review board does not re-investigate the complaint or change the decision, and it cannot make monetary awards. Do not address these issues.

The statement of points should help the review board understand why the college's investigation of the complaint was not adequate and why the inquiry committee's disposition was unreasonable. The "disposition" includes the inquiry committee's decision letter that you attached to your application for review form, and anything else the inquiry committee decided to do about the complaint after the investigation.

- a. State the issues you want reviewed and your arguments on each issue.
- b. The application form for review of an inquiry committee disposition asks the complainant to choose what action the review board should take. The review board can confirm the disposition, direct the inquiry committee to make a decision that it could have made, or send the disposition back to the inquiry committee with directions. Now that you have considered the record of investigation, do you want to change your choice(s)? Do you want to specify more precisely what you want the review board to direct the inquiry committee to do?
- c. Explain why the investigation was not adequate. What is wrong with the steps taken in the investigation. Did the investigation focus on the correct elements of the complaint? Did the investigation focus on things that you were not concerned about? Did it follow up on all avenues of investigation that it should have, or did it miss some? What were they?
- d. What did the inquiry committee decide to do about the complaint that was not reasonable? Explain why you think so. Did the disposition make sense, considering what the investigation found out? What could have been decided instead, and why?
- e. Refer the review board to any legal authorities (legislation, regulations, by-laws, policy, court judgments) that support your case. You may want to look at past review board decisions to see how the review board decides whether an investigation was adequate, and whether a disposition was reasonable. These decisions are published on the [CanLII website](#).

6. Can I submit extra documents or information with my statement of points?

The review board can accept extra documents, but ONLY IF the review board decides that they are reasonably required for a full and fair disclosure of all matters related to the issues under review.

The documents must be attached to "Form 11: Additional Information". They cannot be duplicates of what is already in the record of investigation.

7. What to do with the finished statement of points

Send it to the college and registrant(s) (or their lawyer if they have one) and the review board at the same time.

8. Next steps

A review board panel will review your statement of points and the college record of investigation. It will:

- decide if the application for review can be fairly and appropriately adjudicated without further process, or if it will direct the college or registrant to make submissions (ex. answer specific questions, explain certain issues, or reply to your statement of points generally);
- If the review board panel requires submissions from the other parties, you will have an opportunity to make a final reply to the parties' submissions. The final reply cannot introduce new issues. It can only respond to issues in the other parties' submissions;
- complete its review - typically, a panel considers:
 - whether the inquiry committee acted in accordance with the principles of administrative fairness – ie. whether the inquiry committee conducted its investigation properly and made its decision fairly; and
 - what remedies, if any, it should order.

The review board panel chair will issue a decision that either confirms the decision, directs the inquiry committee to make a decision that it could have made, or sends the decision back to the inquiry committee with directions.