

Rule No.	Previous Rule	Proposed Change	New Rule	Changed adopted by	Effective Date
Rule 3(1)	No previous definition	Definition of “review” added	“review” means the proceedings before the review board, including a hearing;	AGM Vote	Jan. 2013
Rule 3(1)	No previous definitions	Definitions of “stage 1 hearing” and “stage 2 hearing” added	“stage 1 Hearing” means a hearing where the review board considers whether the application for review may be fairly, properly and finally adjudicated based only on the application for review, the college record, and submissions or evidence, if any, from the applicant or complainant. No order to refer the matter back to the college under s.50.6(8)(b) or (c) or 50.54(9)(b) or (c) of the Act will be made at a stage 1 Hearing. Reasons are given only if the review board dismisses the complaint or registration review. No reasons are given if the review board determines that the matter requires adjudication in a stage 2 Hearing; however, the review board panel	AGM vote	June 2014

			<p>may request in a written referral to a stage 2 hearing that the parties address specified issues. (See Rule 44)</p> <p>“stage 2 Hearing” means a hearing where an adjudication is based on the application for review, the college record, and submissions or evidence, if any, from the applicant or complainant, the college and, where applicable, the registrant (See Rule 44).</p>		
Rule 3(1)	<p>“stage 1 Hearing” means a hearing where the review board considers whether the application for review may be fairly, properly and finally adjudicated based only on the application for review, the college record, and submissions or evidence, if any, from the applicant or complainant. No order to refer the matter back to the college under s.50.6(8)(b) or (c) or</p>	<p>“stage 1 Hearing” means a hearing where the review board considers whether the application for review may be fairly, properly and finally adjudicated based only on the application for review, the college record, and submissions or evidence, if any, from the applicant or complainant. No order to refer the matter back to the college under s.50.6(8)(b) or (c) or 50.54(9)(b) or (c) of the Act will be made at a stage 1 Hearing. Reasons are given only if the review board</p>	<p>“stage 1 Hearing” means a hearing where the review board considers whether the application for review may be fairly, properly and finally adjudicated based only on the application for review, the college record, and submissions or evidence, if any, from the applicant or complainant. (See rule 44)</p>	AGM Vote	Dec. 2022

	<p>50.54(9)(b) or (c) of the Act will be made at a stage 1 Hearing. Reasons are given only if the review board dismisses the complaint or registration review. No reasons are given if the review board determines that the matter requires adjudication in a stage 2 Hearing; however, the review board panel may request in a written referral to a stage 2 hearing that the parties address specified issues. (See rule 44)</p>	<p>dismisses the complaint or registration review. No reasons are given if the review board determines that the matter requires adjudication in a stage 2 Hearing; however, the review board panel may request in a written referral to a stage 2 hearing that the parties address specified issues. (See rule 44)</p>			
Rule 3(1)	No previous definitions	Definitions of “facilitated settlement process” and “resolution discussions” added	“facilitated settlement process” means any process set out in these rules, including mediation, whether undertaken voluntarily or required by the tribunal under these rules, the purpose of which, apart from the hearing or prehearing conference process, is to	AGM Vote	June 2016

			<p>resolve the dispute or narrow the issues needing to be addressed in a formal hearing;</p> <p>“resolution discussions” means a meeting or discussions, which may be in person, by telephone, internet connection, or in writing, as part of a mediation process;</p>		
Rule 3(1)	<p>“address for delivery” means a current postal address for purposes of delivery of any notices in respect of the review, and may include a fax number;</p> <p>“information sheet” means a document that is prepared by the review board and made available on its website to assist the parties and the public by providing general information or explanations on various parts of the review process</p>	<p>“address for delivery” means a current postal address for purposes of delivery of any notices in respect of the review, and may include an email address and/or a fax number;</p> <p>“information sheet” means a document that is prepared by the review board and made available on its website to assist the parties and the public by providing general information or explanations on various parts of the review process</p>	<p>“address for delivery” means a current postal address for purposes of delivery of any notices in respect of the review, and may include an email address and/or a fax number;</p> <p>“information sheet” definition removed</p>	AGM Vote	Dec. 2021

<p>Rule 3(1)</p>	<p>“address for delivery” means a current postal address for purposes of delivery of any notices in respect of the review, and include an email address and/or a fax number;</p>	<p>“address for delivery” means a current postal address for purposes of delivery of any notices in respect of the review, and may must include an email address unless the review board permits otherwise and/or a fax number;</p>	<p>“address for delivery” means a current postal address for purposes of delivery of any notices in respect of the review, and must include an email address unless the review board permits otherwise;</p>	<p>AGM Vote</p>	<p>Dec. 2022</p>
<p>Rule 5(3)</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</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"> 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? b) What was the length of the delay and was there a legitimate explanation for the delay? 	<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"> 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? b) What was the length of the delay and was there a 	<p>AGM Vote</p>	<p>Nov. 2019</p>

	to the request to extend the time.	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?	legitimate explanation for the delay? 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?		
Rule 5(4)	(4) Before granting the extension of time to make an application, the review board may give other parties an opportunity to be heard.	(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.	(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.	AGM Vote	Nov. 2019
Rule 9(4)		Summary: (from Annual Report) Amendment and clarification of the summary dismissal process to provide for early dismissal screening, and, where appropriate,	(4) Where the review board considers on its own initiative whether to summarily dismiss an application for review after hearing only from the	AGM Vote	Jan. 2014

		<p>deferral of summary dismissal application until the hearing of a matter at Stage 2. Note that a Stage 1 hearing, while not a summary dismissal proceeding, can perform a similar function if it is evident to the Stage 1 adjudicator that the application for review is frivolous, vexatious or otherwise “bound to fail.”</p>	<p>applying party and before the record is received, and the review board determines that all or part of an application for review is not at that stage appropriate for summary dismissal, no reasons will be given, and that determination is without prejudice to a fresh determination of any summary dismissal application based on the record and the submissions of the college or a registrant, subject to subsections (5) and (6).</p>		
Rule 9(5)	No previous section	<p>Summary: (from Annual Report) Amendment and clarification of the summary dismissal process to provide for early dismissal screening, and, where appropriate, deferral of summary dismissal application until the hearing of a matter at Stage 2. Note that a Stage 1 hearing, while not a summary dismissal proceeding, can perform a similar function if it is evident to the Stage 1 adjudicator that the application for review is</p>	<p>(5) The review board may decline to consider any summary dismissal application made by a registrant or the college until the review board has determined that the matter will proceed to a stage 2 Hearing.</p>	AGM Vote	Jan. 2014

		frivolous, vexatious or otherwise “bound to fail.”			
Rule 9(6)	No previous section	Summary: (from Annual Report) Amendment and clarification of the summary dismissal process to provide for early dismissal screening, and, where appropriate, deferral of summary dismissal application until the hearing of a matter at Stage 2. Note that a Stage 1 hearing, while not a summary dismissal proceeding, can perform a similar function if it is evident to the Stage 1 adjudicator that the application for review is frivolous, vexatious or otherwise “bound to fail.”	(6) In a stage 2 Hearing, the review board may, in its discretion, decline to decide a summary dismissal application until it issues its decision on the merits, and may decline to rule on the application at all if the review board considers it unnecessary to do so in view of its decision on the merits.	AGM Vote	Jan. 2014
Rule 10(3)(d)			(3) After reviewing a submission made under rule 10(2), the review board may: <ul style="list-style-type: none"> a) accept the application; b) refuse the application; c) request more information or further submissions; or d) dismiss the application. 	AGM Vote	Jan. 2013

Rule 13(1)	(1) Subject to paragraphs [2 - 4] below, and subject to Rule 15(3) and (4) below, the record, for the purposes of a registration review, consists of the registration committee's decision and the college's registration file, whether or not the registration file was placed before the registration committee when the decision under review was made.	(1) Subject to paragraphs subsections (2 to 4) below, and subject to Rule 15(3) and (4) below; the record, for the purposes of a registration review, consists of the registration committee's decision and the college's registration file, whether or not the registration file was placed before the registration committee when the decision under review was made.	(1) Subject to subsections (2 to 4) below, the record, for the purposes of a registration review, consists of the registration committee's decision and the college's registration file, whether or not the registration file was placed before the registration committee when the decision under review was made.	AGM Vote	Dec. 2021
Rule 15(1)	(1) A separate and distinct record must be prepared for each individual application for review unless the review board makes an order to the contrary.	(1) A The college must prepare a separate and distinct record must be prepared for each individual application for review unless the review board makes an order to the contrary.	(1) The college must prepare a separate and distinct record for each individual application for review unless the review board makes an order to the contrary.	AGM Vote	Dec. 2021
Rule 15(2)	(2) The record must be legible, organized and sequentially page numbered.	(2) The record must be legible, organized and sequentially page numbered. (2) The record must be:	(2) The record must be: (a) legible, organized and sequentially page numbered; (b) indexed, with the index identifying	AGM Vote	Dec. 2021

		<p>(a) legible, organized and sequentially page numbered;</p> <p>(b) indexed, with the index identifying</p> <ul style="list-style-type: none"> i. in the index those parts of the record that were before the inquiry committee or the registration committee that made the decision; ii. where any material described in Rule 15(3) is severed from the record <p>(c) accompanied by all relevant college bylaws, codes of conduct, standards, guidelines or other college reference material;</p> <p>(d) accompanied by a cover letter</p> <ul style="list-style-type: none"> i. certifying that the record is complete and accurate; ii. notifying the review board of any material that has been severed from the record in accordance with Rule 15(3); and 	<ul style="list-style-type: none"> i. those parts of the record that were before the inquiry committee or the registration committee that made the decision; ii. where any material described in Rule 15(3) is severed from the record <p>(c) accompanied by all relevant college bylaws, codes of conduct, standards, guidelines or other college reference material;</p> <p>(d) accompanied by a cover letter</p> <ul style="list-style-type: none"> i. certifying that the record is complete and accurate; ii. notifying the review board of any material that has been severed from the record in accordance with Rule 15(3); and 		
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		(e) prepared in accordance with the requirements of practice directive 2.	(e) prepared in accordance with the requirements of practice directive 2.		
Rule 15(3)			(3) Before the college produces the record to the review board, the college may sever from the record the home address, home phone number or private email account and identification or billing number or similar personal identifiers of a witness expert or party (unless, in the case of a party, the party has used that information as contact information for the review process). The college is to notify the review board in its covering letter if such severances have been made.	AGM vote	Jan. 2016
Rule 15(3)	(3) Before the college produces the record to the review board, the college may sever from the record the home address, home phone number or private email account and identification or billing		(3) Before the college produces the record to the review board, the college may sever from the record the home phone number or private email account and identification or billing number or similar personal identifiers of a witness	AGM Vote	July 2017

	number or similar personal identifiers of a witness expert or party (unless, in the case of a party, the party has used that information as contact information for the review process). The college is to notify the review board in its covering letter if such severances have been made.		expert or party (unless, in the case of a party, the party has used that information as contact information for the review process). The college is to notify the review board in its covering letter if such severances have been made.		
Rule 15(3)	(3) Before the college produces the record to the review board, the college may sever from the record the home phone number or private email account and identification or billing number or similar personal identifiers of a witness expert or party (unless, in the case of a party, the party has used that information as contact information for the review process). The college is to notify the review board in its covering letter if such	(3) Before the college produces the record to the review board, the college may sever from the record the home address, home phone number or private email account and identification or billing number or similar personal identifiers of a witness expert or party (unless, in the case of a party, the party has used that information as contact information for the review process); The college is to notify the Health Professions review board in its covering letter if such severances have been made.	(3) Before the college produces the record to the review board, the college may sever from the record the home address, home phone number or private email account and identification or billing number or similar personal identifiers of a witness expert or party (unless, in the case of a party, the party has used that information as contact information for the review process);	AGM Vote	Dec. 2021

	severances have been made.				
Rule 15(5)			(5) Before the college produces the record, the college may consult with the registrant and/or the complainant where the college believes that particular information or a particular document may raise an issue for that party under s. 42 of the ATA. See also Rules 18 and 19.	AGM vote	Jan. 2016
Rule 15(6)	(6) When the college produces the record to the review board, the college is to identify in the index those parts of the record that were before the inquiry committee or the registration committee that made the decision.	(6) When the college produces the record to the review board, the college is to identify in the index those parts of the record that were before the inquiry committee or the registration committee that made the decision.	15(6) Removed	AGM vote	Dec. 2021
Rule 15(7)	(7) The cover letter enclosing the record must contain the college's written certification that the record is complete and accurate.	(7) The cover letter enclosing the record must contain the college's written certification that the record is complete and accurate.	15(7) Removed	AGM vote	Dec. 2021
Rule 16(1)	(1) The college is required to produce four (4) copies of the	(1) Unless otherwise directed by the review board, the college is required to	(1) Unless otherwise directed by the review board, the college is	AGM Vote	March 2019

	record to the review board, together with any application under s.42 of the ATA, within 35 days from the date the college was notified of the application for review by the review board.	produce three (3) paper copies of the record to the review board, with one copy in electronic form , together with any application under s.42 of the ATA, within 35 days from the date of the review board's written request for the record.	required to produce three (3) paper copies of the record to the review board, with one copy in electronic form, together with any application under s.42 of the ATA, within 35 days from the date of the review board's written request for the record.		
Rule 16(2)	(2) If the record cannot be prepared within 35 days, the college must make a written request for an extension of time, copied to the other party or parties to the review.	(2) If the record cannot be prepared within 35 days, the college must make a written request for an extension of time, copied to the other party or parties to the review, and state the reason(s) for the extension and the length of the extension requested.	(2) If the record cannot be prepared within 35 days, the college must make a written request for an extension of time, copied to the other party or parties to the review, and state the reason(s) for the extension and the length of the extension requested.	AGM Vote	March 2019
Rule 16(3)	No previous rule	(3) Unless otherwise directed, where the review board grants an application for information or documents contained in the record to be considered by the review board to the exclusion of one or both parties under s. 42 of the ATA, the college is required to produce to the review board the redacted copy of the record for each party within 14 days from the	(3) Unless otherwise directed, where the review board grants an application for information or documents contained in the record to be considered by the review board to the exclusion of one or both parties under s. 42 of the ATA, the college is required to produce to the review board the redacted copy of the record for each	AGM Vote	Dec. 2021

		date of the review board's direction.	party within 14 days from the date of the review board's direction.		
Rule 17(1)			(1) Subject to any information or documents that the review board believes ought not to be disclosed to one or more parties under rules 18 and 19 and s.42 of the ATA, the review board will provide a complete copy of the record received from the college to all other parties to the review (i.e. to the applicant for registration or to the complainant and the registrant who is the subject of the complaint) to enable the parties to fairly and properly engage in resolution discussions and to make submissions to the review board at a hearing on the issues under review.	AGM Vote	June 2016
Rule 18(4)	(4) A complainant or registrant will have 14 days from the date they are provided with the Information Sheet titled "Preparing and Disclosing the Record" ¹² to make their	(4) A complainant or registrant will have 14 days from the date they are provided with the Information Sheet notice titled "Withholding Information in the Record from a Party" " Preparing and Disclosing the	(4) A complainant or registrant will have 14 days from the date they are provided with the notice titled "Withholding Information in the Record from a Party" ¹² to make an application under s.42 of	AGM Vote	Dec. 2021

	<p>own application under s.42 of the ATA. A complainant or registrant who makes a s.42 application must:</p> <p>a) identify the particular document or information, if known, that raises the s.42 concern, or otherwise identify any special concerns they have which justifies a s.42 order based on their knowledge of the subject matter of the complaint; and</p> <p>b) notify the other party of their application and the basis for the application (without disclosing the actual information or document) unless such notice would</p>	<p>Record¹² to make an application under s.42 of the ATA. A complainant or registrant who makes a s.42 application must:</p> <p>a) identify the particular document or information, if known, that raises the s.42 concern, or otherwise identify any special concerns they have which justifies a s.42 order based on their knowledge of the subject matter of the complaint; and</p> <p>b) notify the other party of their application and the basis for the application (without disclosing the actual information or document) unless such notice would defeat the purpose of the application.</p> <p>Footnote 12</p> <p>See the Information Sheet The notice titled “Preparing and Disclosing the Record” “Withholding Information in the Record from a Party” which is provided to the</p>	<p>the ATA. A complainant or registrant who makes a s.42 application must:</p> <p>a) identify the particular document or information, if known, that raises the s.42 concern, or otherwise identify any special concerns they have which justifies a s.42 order based on their knowledge of the subject matter of the complaint; and</p> <p>b) notify the other party of their application and the basis for the application (without disclosing the actual information or document) unless such notice would defeat the purpose of the application.</p> <p>Footnote 12</p> <p>The notice titled “Withholding Information in the Record from a Party” is provided to the parties at the time the review board requests the record from the college and is</p>		
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	<p>defeat the purpose of the application.</p> <p>Footnote 12</p> <p>See the Information Sheet titled “Preparing and Disclosing the Record” which is provided to the parties under Practice Directive No. 3 at the time the requests to prepare the record is made to from the college. The information sheet is on the review board’s website.</p>	<p>parties under Practice Directive No. 3 at the time the review board requests to prepare the record is made to from the college. The and is appended to Practice Directive 3. information sheet is on the review board’s website.</p>	<p>appended to Practice Directive 3.</p>		
Rule 18(6)	<p>(6) If no application from a complainant or registrant under s.42 of the ATA is received within the 14 days from the date they were provided with the Information Sheet referred to in rule 18(4), they will be deemed to have no objection based on s.42, subject to their right to make</p>	<p>(6) If no application from a complainant or registrant under s.42 of the ATA is received within the 14 days from the date they were provided with the Information Sheet notice referred to in rule 18(4), they will be deemed to have no objection based on s.42, subject to their right to make submissions on any s.42 application by the college.</p>	<p>(6) If no application from a complainant or registrant under s.42 of the ATA is received within the 14 days from the date they were provided with the notice referred to in rule 18(4), they will be deemed to have no objection based on s.42, subject to their right to make submissions on any s.42 application by the college.</p>	AGM Vote	Dec. 2021

	submissions on any s.42 application by the college.				
Rule 19(5)			(5) Despite subsections (1)-(4), the college is not required to make a s.42 application to redact from the version of the record provided to the applicant reference forms the College obtained from a referee about the applicant during the registration process prior to the applicant's commencement of work in a BC health authority. However, the college must identify the redaction in the record index, and ensure that any withheld reference forms are included in the unredacted record provided to the review board on the review.	AGM Vote	July 2017
Rule 24(1)		Summary: (from Annual Report) This amendment allows for the delivery of documents electronically through the Review Board's website and by email. Amendments were also made to reduce the	(1) A document or communication may be delivered to the review board electronically or by mail, fax, hand, or courier to: Health Professions Review Board	AGM Vote	Jan. 2014

		number of duplicate copies of submissions received by the Review Board in order to eliminate unnecessary use of resources.	<p>Attn. Executive Director Physical Address: Suite 900-747 Fort Street Victoria, BC V8W 3E9</p> <p>Mailing Address: PO Box 9429 STN PROV GOVT Victoria, BC V8W 9V1</p> <p>Email: HPRBINFO@gov.bc.ca</p> <p>Fax: 250-953-3195</p>		
Rule 24(7)		<p>Summary: (from Annual Report) This amendment allows for the delivery of documents electronically through the Review Board's website and by email. Amendments were also made to reduce the number of duplicate copies of submissions received by the Review Board in order to eliminate unnecessary use of resources.</p>	<p>(7) If a participant delivers a document or communication to the review board, the participant must:</p> <p>a) include the names of the participants who will receive a copy of it; b) send a copy of the document or communication to each other participant to the review by a method of</p>	AGM Vote	Jan. 2014

			<p>delivery set out in rule 25 on the same day as the document or communication is delivered to the review board; and</p> <p>c) not deliver a duplicate copy to the review board of that document or communication unless these rules require, or the review board directs that multiple copies be provided.</p>		
Rule 25(1)	<p>(1) The review board or a participant may deliver a document or communication to another participant by:</p> <p>a) leaving a copy of it with such participant;</p> <p>b) mailing it to such participant's address for delivery by regular or registered mail;</p> <p>c) delivering it by hand or courier to such</p>	<p>(1) The review board or a participant may deliver a document or communication to another participant by:</p> <p>a) emailing it to the participant's email address authorized by the review board;</p> <p>a)b) leaving a copy of it with such participant;</p> <p>b)c) mailing it to such participant's address for delivery by regular or registered mail;</p> <p>e)d) delivering it by hand or courier to such</p>	<p>(1) The review board or a participant may deliver a document or communication to another participant by:</p> <p>a) emailing it to the participant's email address authorized by the review board;</p> <p>b) leaving a copy of it with such participant;</p> <p>c) mailing it to such participant's address for delivery by regular or registered mail;</p> <p>d) delivering it by hand or courier to such</p>	AGM Vote	Dec. 2021

	<p>participant's address for delivery; d) faxing it to such participant's fax address for delivery; or e) by any other means permitted by the review board that allows for proof of receipt.</p>	<p>participant's address for delivery; e) faxing it to such participant's fax address for delivery; or e)f) by any other means permitted by the review board that allows for proof of receipt.</p>	<p>participant's address for delivery; e) faxing it to such participant's fax address for delivery; or f) by any other means permitted by the review board that allows for proof of receipt.</p>		
Rule 26(1)	<p>(1) If a participant wishes to deliver or receive delivery of documents by email or other electronic means, the review board may authorize such delivery to or by one or more parties as the review board deems appropriate in the circumstances. Participants receiving documents or submissions electronically must confirm receipt.</p>	<p>(1) If a participant wishes to deliver or receive delivery of documents by email or other electronic means, the review board may authorize such delivery to or by one or more parties as the review board deems appropriate in the circumstances. Participants receiving documents or submissions electronically must confirm receipt.</p>	<p>(1) If a participant wishes to deliver or receive delivery of documents by email or other electronic means, the review board may authorize such delivery to or by one or more parties as the review board deems appropriate in the circumstances.</p>	AGM Vote	Dec. 2021
Rule 26(2)	<p>(2) Electronic communications to the</p>	<p>(2) Electronic communications to the</p>	<p>(2) Electronic communications to the</p>		

	Review Board may only be sent to HPRBINFO@gov.bc.ca unless otherwise permitted by the Review Board.	Review Board may only be sent to HPRBINFO@gov.bc.ca unless otherwise permitted by the Review Board.	Review Board may only be sent to HPRBINFO@gov.bc.		
Rule 26(3)	New section added	(3) When the Review Board directs that an electronic College Record is to be produced as required under Rule 16 the Review Board only accepts receipt of the of the electronic Record through the BC Government Secure File Transfer System.	(3) When the Review Board directs that an electronic College Record is to be produced as required under Rule 16 the Review Board only accepts receipt of the of the electronic Record through the BC Government Secure File Transfer System.	AGM Vote	Dec. 2021
Rule 26(4)	New section added	(4) The Review Board may authorize access to the BC Government Secure File Transfer System to a party for purposes of receiving and distributing electronic records.	(4) The Review Board may authorize access to the BC Government Secure File Transfer System to a party for purposes of receiving and distributing electronic records.	AGM Vote	Dec. 2021
Rule 27(4)	Section added	(4) A document or communication that is sent by email is deemed delivered on the day and time it is sent.	(4) A document or communication that is sent by email is deemed delivered on the day and time it is sent.	AGM minutes	Dec. 2021
Rule 28(1)	(1) If the review board requires proof of	(1) If the review board requires proof of delivery, a	(1) If the review board requires proof of delivery, a	AGM Minutes	Dec. 2021

	<p>delivery, a participant may prove delivery by:</p> <ul style="list-style-type: none"> a) an affidavit from the deliverer setting out the time, date and method of delivery; b) a copy of “Canada Post’s Certificate of Delivery Confirmation – Registered Mail”; c) Express Post or Priority Post tracking confirmation; d) a fax transmittal sheet; or e) having the deliverer testify under oath or solemn affirmation at a hearing as to the time, date, and method of delivery. 	<p>participant may prove delivery by:</p> <ul style="list-style-type: none"> a)an affidavit from the deliverer setting out the time, date and method of delivery; b)a copy of “Canada Post’s Certificate of Delivery Confirmation – Registered Mail”; c)Express Post or Priority Post tracking confirmation; d)a fax transmittal sheet; or e)having the deliverer testify under oath or solemn affirmation at a hearing as to the time, date, and method of delivery.; or f) forwarding the sent email 	<p>participant may prove delivery by:</p> <ul style="list-style-type: none"> a) an affidavit from the deliverer setting out the time, date and method of delivery; b) a copy of “Canada Post’s Certificate of Delivery Confirmation – Registered Mail”; c) Express Post or Priority Post tracking confirmation; d) a fax transmittal sheet; or e) having the deliverer testify under oath or solemn affirmation at a hearing as to the time, date, and method of delivery.; or f) forwarding the sent email 		
Rule 35(7)		Summary: (from Annual Report)	(7) Where the review board has made a direction in	AGM Vote	June 2017

		<p>Combining applications for Review (typically made by one complainant) made against multiple College dispositions involving multiple registrants. This amendment allows the Review Board to make the combining of applications a default process, with the proviso that there will be an opportunity for a party to object within a short time. This has saved time as there is no longer a need for the Review board to issue a separate preliminary decision solely on the combining issue.</p>	<p>respect of two or more applications for review under subsection (1), information or evidence from one review file must not be considered by the hearing panel in respect of another review unless:</p> <p>(a) the review applications are ordered to be combined or heard together under Rule 35(1)(a) or (b), taking into account the factors in subsection (4) or (5), depending on the nature of the review, or,</p> <p>(b) the review board has issued an order specifying the extent to which the information or evidence from one review may be used in the other review(s) and any other terms related to the use of such evidence.</p>		
Rule 36		<p>Summary: (from Annual Report) Requirement to participate in a mediation process. This</p>	<p>(1) An application will proceed to mediation unless the review board directs the matter into the</p>	AGM Vote	Jan. 2017

		<p>amendment provided the Review Board with the explicit authority to direct parties to attend one or more mediation mediations with mediators in person or by telephone.</p>	<p>pre-hearing conference or hearing process stream.</p> <p>(2) The chair will appoint a member(s) of the review board and/or staff to conduct the mediation.</p> <p>(3) The review board may require some or all of the parties to participate in a mediation.</p> <p>(4) The review board may require a party to participate in a mediation even if that party does not consent.</p> <p>(5) The review board may require the parties to separately attend one or more pre-mediation meetings with the mediator(s) to be held in person or by telephone.</p> <p>(6) The review board will notify the parties, in writing, of the scheduled date of the mediation.</p>		
Rule 38		Summary: (from Annual Report)			Jan. 2014

		<p>Failure to attend mediation. The amendment of Rule 38(1) allows confidential discussions to take place where two of the parties are willing to participate in mediation, but the third party is not. The other amendment to Rule 38(3), (4), and (5) provided for meaningful consequences, in the appropriate case, where a party unreasonably refuses to mediate. The amendments to Rule 38 reflect the Review Board's emphasis on mediation as the first stage in our process.</p>			
Rule 38			<p>A. Failure by college or registrant to participate</p> <p>(1) If the college or registrant fails to participate in mediation the review board may proceed with mediation in the absence of that party.</p> <p>(2) If the member responsible for prehearing management of the application for review</p>	AGM vote	Jan. 2016

			<p>determines that the college or registrant without good reason failed or refused to participate in mediation, the member may do one or both of the following:</p> <ul style="list-style-type: none">a) direct the application into another process stream without notice to that party; andb) order that the application proceed with the new process stream in the absence of that party. <p>B. Failure by complainant or applicant to participate</p> <p>(1) If the review board determines that the complainant or applicant refused to participate in a mediation, the review board may do one or more of the following:</p> <ul style="list-style-type: none">a) direct the application into another process stream without notice to that party;		
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			<p>b) order that the application proceed with the new process stream in the absence of that party; or</p> <p>c) dismiss the application for review.</p> <p>C. Failure to attend mediation as required: possible award of costs</p> <p>(1) If a party required to attend mediation did not comply with that requirement:</p> <p>a) the mediator conducting the mediation may write a confidential memorandum to the case manager recording that fact;</p> <p>b) the case manager may disclose that confidential memorandum to the hearing panel only after the hearing panel</p>		
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			<p>has issued its decision to the parties; and c) the hearing panel, no later than 21 days after the hearing decision has been issued and irrespective of the outcome of the review, may write to the parties seeking submissions on whether the party who refused to attend should pay the costs of the other party or parties and part of the costs of the Review Board under Rule 54.1.</p>		
Rule 40(6)		<p>Summary: (from Annual Report) Settlement of an application. This amendment reflects the current practice where a matter can be considered settled solely after receipt of a withdrawal from the Complainant without the need for a settlement agreement.</p>	<p>(6) If the applicant or complainant withdraws all or part of the application for review and provides the withdrawal form to the review board, the review board will order that the application or part of it is dismissed under rule 41.</p>	AGM Vote	Jan. 2014
Rule 43			<p>(1) The review board may direct the matter to a hearing on its own initiative</p>		Jan. 2013

			<p>or at the written request of a party.</p> <p>(2) The review board may direct, on its own initiative or on the request of a party, that a review hearing be conducted in writing, in-person, or by using an electronic format such as video or teleconference or by internet, or any combination of these formats.</p> <p>(3) The review board will provide directions regarding the process and timeframe for submissions in the written hearing process.</p> <p>(4) Where the Review Board directs an oral hearing to be held, the review board has discretion to determine the location of the oral hearing.</p> <p>(5) The review board will inform the parties, in writing, of the form, date,</p>		
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			time and location of the oral hearing.		
Rule 44			<p>(1) Subject to the discretion of the Chair or the Chair's delegate to order otherwise, the review board will conduct a stage 1 hearing before determining whether to conduct a stage 2 hearing.</p> <p>(2) Where a stage 2 hearing is conducted, and the hearing proceeds in writing, subject to the panel's direction otherwise, the college and then, where applicable, the registrant, will be invited to provide submissions in response to those provided by the applicant or complainant at stage 1, and in relation to issues specified by the panel at the conclusion of the stage 1 hearing. The applicant or complainant will then have the final opportunity of reply.</p> <p>(3) At an oral stage 2 hearing, the panel may</p>		Feb. 2014

			<p>alter the ordinary order of presentation, and allow the College to present first if the panel concludes that this is necessary owing to unique circumstances relating to the applicant or complainant, the complexity of the record or agreement of the parties. In such a case, the panel will ensure that the complainant or applicant is given a fair opportunity to respond to the evidence and submissions of the college and registrant.</p> <p>(4) At any time before or during a hearing, the review board, on the request of a party or on its own initiative, may:</p> <ul style="list-style-type: none">a) require the production of documents or other material;b) require the attendance of witnesses;c) make a determination as to		
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			<p>the admissibility of evidence;</p> <p>d) adjourn the hearing;</p> <p>e) proceed in the absence of a party who has had notice of the hearing;</p> <p>f) ask questions;</p> <p>g) require written submissions;</p> <p>or</p> <p>h) make any direction the review board considers necessary for the conduct of the review, or a just and timely resolution of the matter.</p>		
Rule 44	<p>(1) Subject to the discretion of the Chair or the Chair's delegate to order otherwise, the review board will conduct a stage 1 hearing before determining whether to conduct a stage 2 hearing.</p>	<p>(1) Subject to the discretion of the Chair or the Chair's delegate to order otherwise, the review board will conduct a stage 1 hearing before determining whether to conduct a stage 2 hearing.</p> <p>(2) The review board may confirm an inquiry committee disposition under s. 50.6(8)(a) or</p>	<p>(1) Subject to the discretion of the Chair or the Chair's delegate to order otherwise, the review board will conduct a stage 1 hearing before determining whether to conduct a stage 2 hearing.</p> <p>(2) The review board may confirm an inquiry committee disposition under s. 50.6(8)(a) or a registration</p>	AGM Vote	Dec. 2022

<p>(2) Where a stage 2 hearing is conducted, and the hearing proceeds in writing, subject to the panel's direction otherwise, the college and then, where applicable, the registrant, will be invited to provide submissions in response to those provided by the applicant or complainant at stage 1, and in relation to issues specified by the panel at the conclusion of the stage 1 hearing. The applicant or complainant will then have the final opportunity of reply.</p> <p>(3) At an oral stage 2 hearing, the panel may alter the ordinary order of presentation, and allow the College to present first if the panel concludes that this is necessary owing to unique</p>	<p>a registration decision under s. 50.54(9)(a) at a stage 1 hearing.</p> <p>(3) No order will be made under s.50.6(8)(b) or (c) [directing the inquiry committee to make a disposition that could have been made by the inquiry committee in the matter, or sending the matter back to the inquiry committee for reconsideration with directions] or s. 50.54(9)(b) or (c) [directing the registration committee to make a decision that could have been made by the registration committee in the matter, or sending the matter back to the registration committee for reconsideration with directions] of the Act at a stage 1 hearing.</p> <p>(4) If the review board determines to conduct a stage 2 hearing:</p> <ul style="list-style-type: none"> (a) the review board will notify the parties by letter; (b) the review board may request that the parties address specified issues or questions; and (c) no decision will be made until the stage 	<p>decision under s. 50.54(9)(a) at a stage 1 hearing.</p> <p>(3) No order will be made under s.50.6(8)(b) or (c) [directing the inquiry committee to make a disposition that could have been made by the inquiry committee in the matter, or sending the matter back to the inquiry committee for reconsideration with directions] or s. 50.54(9)(b) or (c) [directing the registration committee to make a decision that could have been made by the registration committee in the matter, or sending the matter back to the registration committee for reconsideration with directions] of the Act at a stage 1 hearing.</p> <p>(4) If the review board determines to conduct a stage 2 hearing:</p> <ul style="list-style-type: none"> (a) the review board will notify the parties by letter; (b) the review board may request that the parties address specified 		
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<p>circumstances relating to the applicant or complainant, the complexity of the record or agreement of the parties. In such a case, the panel will ensure that the complainant or applicant is given a fair opportunity to respond to the evidence and submissions of the college and registrant.</p> <p>(4) At any time before or during a hearing, the review board, on the request of a party or on its own initiative, may:</p> <ul style="list-style-type: none"> a) require the production of documents or other material; b) require the attendance of witnesses; c) make a determination as to the 	<p style="text-align: center;">2 hearing is concluded.</p> <p>(25) Where a stage 2 hearing is conducted, and the hearing proceeds in writing, subject to the panel's direction otherwise, the college and then, where applicable, the registrant(s), will be invited to provide submissions in response to those provided by the applicant or complainant at stage 1, and in relation to issues specified by the panel at the conclusion of the stage 1 hearing. The applicant or complainant will then have the final opportunity of reply.</p> <p>(3 6) At an oral stage 2 hearing, the panel may alter the ordinary order of presentation, and allow the college to present first if the panel concludes that this is necessary owing to unique circumstances relating to the applicant or complainant, the complexity of the record or agreement of the parties. In such a case, the panel will ensure that the complainant or applicant is given a fair opportunity to respond to the evidence and submissions of the college and registrant.</p>	<p>issues or questions; and</p> <p>(c) no decision will be made until the stage 2 hearing is concluded.</p> <p>(5) Where a stage 2 hearing is conducted, and the hearing proceeds in writing, subject to the panel's direction otherwise, the college and then, where applicable, the registrant(s), will be invited to provide submissions in response to those provided by the applicant or complainant at stage 1, and in relation to issues specified by the panel at the conclusion of the stage 1 hearing. The applicant or complainant will then have the final opportunity of reply.</p> <p>(6) At an oral stage 2 hearing, the panel may alter the ordinary order of presentation, and allow the college to present first if the panel concludes that this is necessary owing to unique circumstances relating to the applicant or complainant, the complexity of the record or agreement of the parties. In</p>		
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	<p>admissibility of evidence; d) adjourn the hearing; e) proceed in the absence of a party who has had notice of the hearing; f) ask questions; g) require written submissions; or h) make any direction the review board considers necessary for the conduct of the review, or a just and timely resolution of the matter.</p>	<p>(4 7) At any time before or during a hearing, the review board, on the request of a party or on its own initiative, may: a) require the production of documents or other material; b) require the attendance of witnesses; c) make a determination as to the admissibility of evidence; d) adjourn the hearing; e) proceed in the absence of a party who has had notice of the hearing; f) ask questions; g) require written submissions; or h) make any direction the review board considers necessary for the conduct of the review, or a just and timely resolution of the matter.</p>	<p>such a case, the panel will ensure that the complainant or applicant is given a fair opportunity to respond to the evidence and submissions of the college and registrant.</p> <p>(7) At any time before or during a hearing, the review board, on the request of a party or on its own initiative, may: a) require the production of documents or other material; b) require the attendance of witnesses; c) make a determination as to the admissibility of evidence; d) adjourn the hearing; e) proceed in the absence of a party who has had notice of the hearing; f) ask questions; g) require written submissions; or h) make any direction the review board considers necessary for the conduct of the review, or a just and timely resolution of the matter.</p>		
<p>Rule 45</p>			<p>(1) A hearing may be conducted by one or more members of the review board.</p>		<p>Jan. 2014</p>

			<p>(2) If two or more members of the review board are designated to conduct the hearing, the hearing will be chaired by the member designated as such by the chair of the review board. In the case of a tie, the decision of the chair of the panel governs.</p> <p>(3) A member of the review board who has conducted a mediation in a review or was involved in a pre-hearing conference in a review where settlement discussions took place will not be designated to conduct a hearing of the matter unless all parties consent.</p>		
Rule 46		<p>Order of presentation. These amendments introduce Stage1 and Stage 2 hearings to Review Board process. They provide an avenue to deal with a significant number of applications in an efficient and fair manner and lessen the burden on the parties by requiring submissions only</p>	<p>(1) Unless otherwise directed by the review board, oral hearings are open to the public.</p> <p>(2) Where sensitive personal information is to be presented in evidence at an oral hearing, a party may request the hearing</p>	AGM vote	Jan. 2014

		<p>when there is an identified need. For example, no submissions from the college or registrant are sought in a Stage 1 hearing. No order to refer a matter back to the College under ss. 50.6(8)(b), or (c) of the Act will be made after a Stage 1 Hearing. If a matter is referred to Stage 2 (meaning that it cannot be fairly adjudicated at Stage 1 based only on the application, the Record, and the submissions, if any from the applicant or complainant, then submissions are sought from the College and Registrant.</p>	<p>panel to exclude the public from the hearing and/or to keep the information confidential.</p> <p>(3) Unless otherwise decided by the review board, the review board will not record the hearing. If the hearing is to be recorded by the review board the parties will be so advised in advance of the hearing.</p> <p>(4) In any case where a hearing is recorded and a participant wishes to obtain transcripts of the hearing, the participant will be required to pay the costs of transcription and copying. Arrangements for transcription and copying must be made by that participant directly through the recording service used to officially record the hearing.</p> <p>(5) If the review board makes a tape recording of the hearing, or causes the</p>		
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			<p>hearing to be recorded, the recording will form part of the official record of the proceeding. The proceeding is not invalidated as a result of a malfunction of the recording equipment, the failure to record the whole or part of the hearing, or the destruction of the recording.</p> <p>(6) Participants and any other person in attendance at the hearing may not record the hearing or any portion of the hearing except with the express consent of and on the terms set by the review board. A recording made by a participant or other person under this rule is not part of the official record of the proceedings.</p> <p>(7) The review board will not provide public access to a transcript or tape recording of an oral hearing.</p>		
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Rule 48			<p>(1) At any time, the review board, on its own initiative or on the request of a party, may adjourn a review and may set a date for the review to resume.</p> <p>(2) Except in extenuating circumstances, the review board will give other parties an opportunity to be heard before granting a request to adjourn a review.</p> <p>(3) Any party or intervener receiving a copy of a request for adjournment may deliver to the review board any submissions they may have on the adjournment request within three (3) days of the date of receipt of the request.</p> <p>(4) In considering whether to grant the request to adjourn a review, the review board will have regard to the following factors:</p>	Member vote	Jan. 2013
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			<p>a) the reason(s) an adjournment is required;</p> <p>b) whether the adjournment would cause unreasonable delay;</p> <p>c) the impact of refusing the adjournment on the parties;</p> <p>d) the impact of granting the adjournment on the parties;</p> <p>e) the impact of the adjournment on the public interest.</p> <p>(5) If a review is adjourned, the review board may order any terms and conditions respecting rescheduling, attendance at a pre-hearing conference, production of documents or reports, or in respect of any other matters which may assist with the fair and efficient conduct of the review.</p>		
Rule 50		Summary: (from Annual Report)	Portion of the rule removed	AGM minutes	Jan. 2014

		Expedited hearing provisions repealed. This rule was not used in practice and for most purposes is now redundant with the advent of Stage 1 and Stage 2 Hearings.			
Rule 54(4)	(4) All written decisions concluding a matter before the review board will be made available to the public by posting the decision on the review board's website not less than seven (7) days after the decision is provided to the parties.	(4) All written decisions concluding a matter before the review board will be made available to the public by posting the decision on the national CanLII review board's website not less than seven (7) days after the decision is provided to the parties.	(4) All written decisions concluding a matter before the review board will be made available to the public by posting the decision on the national CanLII website not less than seven (7) days after the decision is provided to the parties.	AGM Vote	Dec. 2021