



Health Professions Review Board

Practice Directive 6

Stay Applications in Registration Decision Reviews (Provisional Registrants)

This Practice Directive sets out the case management procedures the review board will follow upon receipt of applications for review under s. 50.54 of the *Health Professions Act* (the “Act”) challenging registration decisions to cancel an applicant’s provisional registration and licensure, including where the applicant applies for a stay of the registration decision:

1. An application to review a registration decision cancelling a provisional registration and licensure will normally be processed on an expedited basis.
2. Upon receipt of the application for review, the applicant will be notified of s.50.62 of the Act which provides that “the commencement of a review under this Part does not operate as a stay or suspend the operation of the decision, investigation or disposition under review unless the review board orders otherwise.” In this Practice Directive, an application under s.50.62 is referred to as a “Stay Application.”
3. A Stay Application must be made in writing, and may be communicated as part of the application for review or in a separate document, including an email communication.
4. If the applicant applies for a stay, the review board will require the college to do the following within 7 days from the date of the review board’s communication:
 - (a) Advise the review board and the applicant whether it consents, opposes or takes no position on the Stay Application;
 - (b) Provide the review board with a copy of the applicant’s:
 - i) immediately past Certificate of Licensure (if applicable); and
 - ii) current Certificate of Licensure (if applicable); and
 - (c) Provide the review board with a copy of the registration committee’s decision or decisions relevant to the cancellation of the provisional registration.
5. If the college consents, the stay will be granted and the review board will either proceed with a mediation process or proceed directly to its Stage 1 and/or Stage 2 hearing process, in accordance with any directions issued by the review board or agreed to by the parties concerning the timing and conduct of the review.

6. If the college takes no position on the Stay Application, the review board may:
- (a) Decide the Stay Application if it concludes that it has sufficient information upon which to do so, or
 - (b) Decide the Stay Application after taking one or both of the following steps:
 - i) Requiring the applicant to provide to the review board, within 7 days from the date of the review board's communication, a written submission explaining why the stay should be granted.
 - ii) Requiring the college to provide to the review board, within 14 days from the date of the review board's communication, three copies of the college record in accordance with Rules 13 and 15, a copy of which record the review board will provide to the applicant. If the college intends to make an application under s. 42 of the *Administrative Tribunals Act* requesting that the review board receive certain record material to the exclusion of the applicant, the college must provide the review board with three clean copies and two redacted versions of the record pending the review board's decision on the s.42 application.¹ Pending the section 42 decision, the review board will provide the redacted version to the applicant for the purpose of the Stay Application.

7. If the college opposes the Stay Application, the review board will decide the Stay Application after communicating to the parties one or more of the following requirements, subject to any modifications that the review board considers necessary in the circumstances:

- (a) Requiring the applicant to provide to the review board, within 7 days from the date of the review board's communication, a written submission explaining why the stay should be granted.
- (b) Requiring the college:
 - (i) To provide to the review board, within 14 days from the date of the review board's communication, three copies of the college record in accordance with Rules 13 and 15, a copy of which the review board will provide to the applicant; and
 - (ii) To provide to the review board and the applicant its written submission explaining why it opposes the stay.

Note: If the college intends to make an application under s. 42 of the *Administrative Tribunals Act* requesting that the review board receive certain record material to the exclusion of the applicant, the college must provide the review board with three clean copies and two redacted

¹ Note: The College may, without making a section 42 application, redact from the version of the Record provided to the Applicant completed reference forms the College obtained from a referee in confidence about the applicant during the registration process prior to the Applicant's commencement of work in a BC health authority. However, the College must ensure that the withheld reference forms are included in the unredacted record directed to the Review Board on the review.

versions of the record pending the review board's decision on the s. 42 application (see footnote 1). Pending the section 42 decision, the review board will provide the redacted version to the applicant for the purpose of the Stay Application.

- (c) Requiring the applicant to provide to the review board, within 5 days from the date the review board distributes the record, any reply that the applicant wishes to make to the college's submission (the "applicant's reply").

8. The review board member assigned to decide the Stay Application will in the ordinary course issue the decision on the Stay Application (with reasons, or with reasons to follow) within 10 days from the date of the expiry of the applicant's reply. As part of or following the review board's decision on the Stay Application, the member will issue directions concerning the timing and conduct of the review, subject to any mediation process conducted by the review board.

9. Based on the urgency or complexity of an application, the review board may modify the process set out in this Practice Directive, or may establish any other process it considers appropriate, including a direction that a conference call be established on a specified date to hear oral evidence and submissions from the parties.

Note: Applicants should be aware that even if a stay is granted, a stay does not determine the ultimate outcome of the review. As a result, applicants are advised to continue to keep in mind key deadlines, including examination deadlines, set by the registration committee. A stay or an application for a stay should also not be taken as relieving a requirement or replacing any other action or steps that an applicant may, or should, take.



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July 31, 2017