



# Health Professions Review Board

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## Practice Directive 7

### Notices of Delayed Investigations under the *Health Professions Act* (the Act)

#### Timeliness of Complaint Investigations \*

The Act requires colleges to advise complainants and registrants when a complaint investigation takes longer than 120 days.<sup>1</sup>

- The first notice specifies a date (within 60 days of the date the notice is delivered<sup>2</sup>) when the investigation is expected to be finished.
- If the investigation cannot be finished by the expected date, a second notice is sent; it specifies a new date (within 45 days of the date the notice is delivered) when the investigation is expected to be finished. This notice must be copied to the review board.<sup>3</sup>
- If the investigation cannot be finished by the new date, the investigation is suspended<sup>4</sup> and a third notice<sup>5</sup> is sent, also copied to the review board, triggering the parties' rights to apply for a review of the delayed investigation.

This directive addresses the second and third notices.

#### Notices of delay should

1. be sent for both investigations initiated by a complaint under s. 32 of the Act and college "own motion" investigations under s. 33 of the Act;
2. be sent to the review board, the complainant (if any) and the registrant in one letter which is sent to all recipients on the same date;
3. contain the full names of the parties and/or a college file number, for tracking purposes;
4. for the third notice:
  - a. advise the complainant and registrant(s) of their right to apply for review;
  - b. provide the phone number, email and postal address of the review board;

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<sup>1</sup> Act, s. 50.55(2) and Health Professions General Regulation s. 7(1)

<sup>2</sup> Health Professions General Regulation s. 7(2)

<sup>3</sup> Act, s.50.55 (4) (a) (b) and (c)

<sup>4</sup> Act, s. 50.56

<sup>5</sup> Act, s.50.55 (6) (a) (b) and (c)

- c. advise of the requirement to suspend the investigation until an application has been filed or 30 days have passed;
  - d. ask the parties whether, in the interests of speedy resolution, they consent to the investigation proceeding during the suspension period (optional); and
5. not be sent to the review board unless they are the second and third notices (ex. if notifying the parties of recommencement of the investigation after the 30 day period of suspension, do not copy the review board).



David Hobbs, Chair

April 27, 2022

***\*\*July 26, 2024 - Colleges to resume issuing delayed investigation notices***

*The Notice Declaring COVID-19 Public Health Emergency – March 17, 2020, declared under s. 52 (2) of the Public Health Act, was [rescinded on July 26, 2024](#).*

*As such, timelines for issuing notices of delayed complaint investigations resumed running on July 26, 2024, and colleges must resume sending delayed investigation notices to parties in complaint investigations at the applicable intervals.*

*This legislative framework for addressing timeliness of complaint investigations will continue until the new Health Professions and Occupations Act (which will have a different scheme for addressing timeliness of complaint investigations) comes into force.*