



# **HEALTH PROFESSIONS REVIEW BOARD 2024 ANNUAL REPORT**

***COVERING THE REPORTING PERIOD FROM  
JANUARY 1 – DECEMBER 31, 2024***



# Health Professions Review Board

Suite 900, 747 Fort Street, Victoria BC V8W 3E9

Tel: (250) 953-4956

Website: [hprb.gov.bc.ca](http://hprb.gov.bc.ca)

Toll free: (888) 953-4986

Email: [hprbinfo@gov.bc.ca](mailto:hprbinfo@gov.bc.ca)

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July 31, 2025

The Honourable Niki Sharma  
Minister of Attorney General  
Room 232, Parliament Buildings  
Victoria, British Columbia  
V8V 1X4

Dear Minister Sharma:

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, 2024, to December 31, 2024.

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

### Applications for Review Received

The Review Board's mandate is to respond to applications for review made under part IV of the *Health Professions Act* (the Act).

#### *Applications for Review Received Overall*

Applications for review in 2024 continued to climb from a COVID pandemic low of 132 in 2021, to 214 applications received in 2024. This is a considerable increase over 2023 and is consistent with pre-COVID numbers.

Year	Applications received
2021	132
2022	157
2023	163
2024	214

#### *Applications for Review of Complaint Dispositions*

As is the norm, the Review Board received the largest number of applications for review in relation to complaint dispositions. Compared to last year, applications for review of complaint dispositions increased from 131 to 147. Of these, the majority were related to dispositions of the College of Physicians and Surgeons of BC, the BC College of Oral Health Professionals, and the BC College of Nurses and Midwives (the colleges with the largest numbers of registrants).

The number of complaint disposition review applications related to the College of Physicians and Surgeons remained stable in 2024, compared to previous years. The number for the BC College of Oral Health Professionals was the highest it has been in six years, but only four more than in 2023. The number for the BC College of Nurses and Midwives was more than double the norm in 2022, likely due to factors related to the COVID-19 pandemic. In 2023 the number dropped back to typical levels for that college; but interestingly, in 2024

the number of applications for review for dispositions of the College of Nurses and Midwives was even higher than 2022.

*Applications for Review of Complaint Dispositions - Three Largest Colleges*

Year	College of Physicians and Surgeons of BC	BC College of Oral Health Professionals	BC College of Nurses and Midwives
2020	100	11	8
2021	93	14	10
2022	103	12	23
2023	93	12	12
2024	94	16	27

Many of the smaller colleges amalgamated in 2024. The College of Complementary Health Professionals of BC combined the former Colleges of Chiropractors, Massage Therapists, Naturopathic Physicians, and Traditional Chinese Medicine Practitioners and Acupuncturists. The College of Health and Care Professionals of BC combined the former Colleges of Dietitians, Occupational Therapists, Opticians, Optometrists, Physical Therapists, Psychologists, and Speech and Hearing Professionals. While statistics for these new colleges are not informative in transition years, the Review Board will include statistics for these colleges in future.

*Applications for review of Registration Decisions*

In 2024 the Review Board received 46 applications for reviews registration decisions, up from 28 in 2023. This is consistent with numbers received pre-COVID (46 in 2019). As in previous years, about 2/3 of these (32 of 46) were for decisions of the BC College of Nurses and Midwives.

*Applications for Review of Delayed Investigations*

During the COVID-19 public health emergency declared under the *Public Health Act*, the requirement for colleges to send notices of delayed investigations to complainants and registrants was suspended. Because these notices trigger the right to apply for review, the number of applications dropped to near zero. However, on July 26, 2024, the Provincial Health Officer lifted the state of public health emergency, resulting in an immediate increase in applications for review of delayed investigations. In 2024, the Review Board received 21 applications for review of delayed complaint investigations, as compared to only 4 in 2023. Most applications related to the BC College of Oral Health Professionals (10)

and the College of Physicians and Surgeons of BC (9). As all colleges should now have resumed sending notices of delayed investigation to complainants and registrant, these numbers are expected to rise in 2025.

## Review Board Decisions Issued

### *Number of Complaint Disposition Reviews Issued – Outcomes by College*

College	Confirmed	Remitted	Total
BC College of Nurses and Midwives	8		8
College of Complementary Health Professionals of BC	3	3	6
BC College of Oral Health Professionals	11		11
College of Health and Care Professionals	3		3
College of Physicians and Surgeons of BC	55	7	62
Total	80	10	90

### *Number of Registration Decision Reviews Issued – Outcomes by College*

College	Confirmed	Remitted	Total
College of Nurses and Midwives	14	0	14
College Complementary Health Professionals of BC	1	0	1
College of Physicians and Surgeons of BC	3	0	3
Total			18

### *Internationally Educated Nurses –Registration Decisions Issued*

In 2024, the Review Board published 14 registration decision reviews overall from the BC College of Nurses and midwives, double the seven published in 2023. This increase is attributed to applications for review of decisions made under the college's streamlined application assessment process for internationally educated nurses (IENs). This process was established by the Minister of Health in 2022, as part of a number of initiatives to support IENs to join the province's healthcare system. In 2024, the Review Board published ten registration reviews that involved IEN applicants, compared to only two in 2023. The Review Board confirmed the registration decisions in all ten of these reviews.

### *Preliminary and interim decisions issued*

The *Health Professions Act* requires applications for review to be received by the Review Board within 30 days of the applicant or complainant receiving a college decision. However, the Review Board may extend the 30 days in special circumstances. In 2024, the Review Board issued 16 decisions on applications for extensions of times to apply – 6 were granted, and 10 denied.

There were three applications for the Review Board to receive information in confidence under Rule 18 (2 granted, 1 granted in part), and 2 decisions regarding jurisdictional issues (see details of decisions *Complainant v. British Columbia College of Nurses and Midwives (No. 1)*, 2024 BCHPRB 91 and *Complainant v. British Columbia College of Nurses and Midwives (No. 2)*, 2024 BCHPRB 114 on page 24 of this report).

### *Review Timelines*

It has taken a few years for the Review Board's case management system to accumulate enough data to reliably track this statistic and, in 2024, the hearing timeline numbers are still normalizing after the effects of the pandemic. The table below shows that it typically takes the Review Board five to seven months to complete a review (the review process is described on page 18 of this report).

Year	Average Days to complete Complaint Disposition Review Hearings	Average Days to complete Registration Decision Review Hearings
2022	202	254
2023	152	175
2024	183	158

## **Implementing the *Health Professions and Occupations Act***

### *Reviews of the Timeliness of Complaint Investigations*

The province has announced that the Review Board's new home statute, the *Health Professions and Occupations Act (HPOA)*, will come into force April 1, 2026. As noted in last year's Annual Report, under the *HPOA*, the Review Board's role of reviewing complaint dispositions and registration (referred to as "licensing" under the new Act) decisions will continue largely unchanged, but our role vis a vis delayed investigations ("timeliness" under the new Act) will evolve: the Review Board's timeliness reviews will examine whether a college conducted investigative processes in a "reasonably practicable" manner.

Currently, a complainant or registrant does not have a right to apply for review of a delayed investigation until at least 255 days after the complaint is made. Under the *HPOA*, it appears that applications for review of the timeliness of complaint investigations can be made at any time after a complaint is made to a college, subject to Review Board policy. The Review Board aims to have draft policy in this area ready for early 2026, in order to control a possible large number of applications for review.

### *Co-op student*

In summer of 2024, the Review Board was fortunate to hire Tony Kiyak, from the University of Victoria Law School, as a co-op student. Tony was tasked with statutory analysis of the steps needed to transition from the *Health Professions Act* to the *Health Professions and Occupations Act*. Tony helped the office to determine what to expect on a practical level when the new legislation comes into force, particularly in the area of timeliness reviews. He drafted new versions of forms and letters to assist Review Board staff in transitioning to the terminology and structure of the new legislation. It was a pleasure to work with Tony, and the Review Board wishes him well in his future endeavours.

### *Superintendent's Office*

In June 2024, the Province announced that Sherri Young will lead the new Office of the Superintendent of Health Professions and Occupations Regulatory Oversight, established under the *HPOA*. The Review Board must provide the Superintendent with a copy of any order made after a licensing decision, complaint disposition or timeliness review. The Review Board may also assist the Superintendent in establishing or adopting policies and guidance by making recommendations respecting transparent and fair licensing, investigation and discipline processes, including reasonable timelines for completing one or more complaint investigation steps. The Review Board Chair had initial meetings with the Superintendent and the new Director of Discipline in late 2024 to discuss communication between the offices.

### **New Review Board Members**

The Lieutenant Governor in Council appointed three new members to the Review Board in 2024. Benjamin Parkin, a retired lawyer of over 35 years experience in civil litigation in British Columbia, worked in leadership roles of increasing responsibility leading a team of litigation lawyers at the City of Vancouver Law Department and at the Legal Services Division of WorkSafeBC, retiring as General Counsel in 2025. Jonathan Chaplan, a retired



lawyer called to the Bar in Ontario and British Columbia, has had a varied career as a lawyer, mediator, facilitator, restorative justice practitioner, trainer and manager, and from 2018 to 2022 was Regional Director General responsible for the British Columbia Regional Office of the Federal Department of Justice. Dr. Kim Polowek is a Criminologist and Associate Professor with the Department of Criminology and Criminal Justice at the University of the Fraser Valley. Dr. Polowek is also a Board Member in the Appeal Division of the Immigration and Refugee Board, a Board Member with the British Columbia Review Board and an Independent Chairperson for the Correctional Service of Canada.

I am pleased to welcome these highly qualified new members, with their diverse skills and experience, who will complement the rich expertise and experience of the other members of the Review Board. The Review Board ended the year with 18 board members including the Board Chair, two members less than in 2023.

## **Review Board Operations**

### *Staffing update*

In 2024 and early 2025, the Review Board saw the retirement of two long-time case managers, Joanne Bos and Pam Bygrave. We wish them the very best as they move on to the next phase in their lives. The Review Board congratulates Angela Juneja and Sophia Kent, successful candidates for the Case Manager positions. Angela was a Litigation and Policy Analyst at the Ministry of Social Development and Poverty Reduction, and a Team Lead in the Crime Victims Assistance Program of the Ministry of Attorney General. Sophia holds a master's in history and has been with the Review Board since 2019. She previously worked as a lead paralegal at a social security/disability law firm in the United States. These two new case managers bring a wealth of experience and a fresh perspective to the Review Board Office.

### *Review Board Office Move*

In December of 2024, the Review Board Office moved from the space it had occupied since it was first established in 2009, to a co-located space with the Civil Resolution Tribunal. Being a paperless office, and well supported by the Ministry of the Attorney General, the move was efficient and pain free. Review Board staff were made to feel welcome and are doing well in their new work environment.

## *Strengthening Indigenous Relations*

At the end of 2023, Review Board staff met with representatives from the First Nations Health Authority who made recommendations for improving our forms and processes to be more sensitive to Indigenous culture. In 2024, the Review Board implemented the recommended changes including removing the term agent from all forms. Further changes to Review Board forms are ongoing as we continue to strengthen the relationship with the First Nations Health Authority.

## *New Legal Counsel*

In May 2024, the Review Board's legal counsel, Alison Latimer KC, was called to the bench. The Review Board was truly fortunate to have her and wishes her the best as she continues in her stellar career. The Review Board had the good fortune to secure Monique Pongracic-Speier KC as our new legal counsel. Monique has appeared as counsel in numerous administrative and judicial review proceedings, and as appellate counsel in British Columbia, Saskatchewan, the Federal Court of Appeal and at the Supreme Court of Canada. Monique is an administrative decision-maker with the Law Society/LSBC Tribunal. She was designated as Queen's Counsel in 2017 and, in 2024, received the Harry Rankin, QC Pro Bono Award from the BC Branch of the Canadian Bar Association for her work advancing equality rights and access to justice for British Columbians.

## **Thank you**

In closing, I would like to recognize the Review Board members, our esteemed counsel Monique Pongracic-Speier, KC, the staff of the Environmental Appeal Board which supports us in financial and administrative matters, and the dedicated team at the Victoria office for their work on behalf of the Review Board.



David Hobbs, Chair  
Health Professions Review Board

## Changes to Rules and Forms

In 2024, Rule 33 was changed by email vote in April.

Rule	Previous Rule	Proposed Change	New Rule
<b>Rule 33</b>	<p>Rule 33 Directions</p> <p>(1) At any time after an application is made, the review board may make directions requiring a participant to take action the review board considers may assist the conduct of the review or the matter being resolved, including directions on one or more of the following:</p> <p>a) to disclose documents;</p> <p>b) to produce lists of witnesses, including expert witnesses, and summaries of the anticipated evidence of witnesses;</p> <p>c) the joint appointment of expert witnesses by one or more of the parties;</p> <p>d) to prepare, exchange and deliver a statement of points; or</p> <p>e) to prepare, exchange and</p>	<p>Rule 33 Directions</p> <p>(1) At any time after an application is made, the review board may make directions requiring a participant to take action the review board considers may assist the conduct of the review or the matter being resolved, including directions on one or more of the following:</p> <p>a) to disclose documents;</p> <p>b) to produce lists of witnesses, including expert witnesses, and summaries of the anticipated evidence of witnesses;</p> <p>c) the joint appointment of expert witnesses by one or more of the parties;</p> <p>d) to prepare, exchange and deliver a statement of points; or</p> <p>e) to prepare, exchange and deliver written submissions.</p> <p>(2) Where a party reasonably requests an</p>	<p>Rule 33 Directions</p> <p>(1) At any time after an application is made, the review board may make directions requiring a participant to take action the review board considers may assist the conduct of the review or the matter being resolved, including directions on one or more of the following:</p> <p>a) to disclose documents;</p> <p>b) to produce lists of witnesses, including expert witnesses, and summaries of the anticipated evidence of witnesses;</p> <p>c) the joint appointment of expert witnesses by one or more of the parties;</p> <p>d) to prepare, exchange and deliver a statement of points; or</p> <p>e) to prepare, exchange and deliver written submissions.</p> <p>(2) Where a party reasonably requests an</p>

	deliver written submissions.	extension of time to fulfil the review board's directions, the review board may decide to give more time without asking the other parties for their positions.	extension of time to fulfil the review board's directions, the review board may decide to give more time without asking the other parties for their positions.
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## About the Review Board

The Health Professions Review Board has been in operation since 2009 and is the only province other than Ontario to establish an independent health professions regulatory 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. As of the end of 2024, there were 26 regulated health professions, of which 25 were governed by six regulatory colleges under the Act. The Review Board is responsible for conducting reviews of certain decisions of the Inquiry and Registration Committees of these six colleges. As such, the Review Board is an integral component of the health professions regulatory system in British Columbia. It is a 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 health-related 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:

- BC College of Oral Health Professionals (Dental Hygienists, Dental Surgeons, Dental Technicians, and Denturists)
- BC College of Nurses and Midwives
- College of Complementary Health Professionals of BC (Chiropractors, Massage Therapists, Naturopathic Physicians, Traditional Chinese Medicine Practitioners and Acupuncturists)

- College of Health and Care Professionals of BC (Dietitians, Occupational Therapists, Opticians, Optometrists, Physical Therapists, Psychologists, Speech and Hearing Professionals)
- College of Pharmacists of BC
- College of Physicians and Surgeons of BC

## PIDA Disclosures

The review board did not receive any disclosures as defined under the *Public Interest Disclosures Act* over the reporting period. The Tribunal is unaware about any disclosures of which it, its staff, or its members (past or present) is alleged to have committed any wrongdoing.

## The Mandate of the Review Board

Through its reviews and hearings, the Review Board monitors the activities of the colleges' complaint inquiry committees and registration committees, to help ensure they fulfill their duties in the public interest and as mandated by legislation. The Review Board provides an impartial body for members of the public seek review of health regulatory 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 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.bchrpb.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 s.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.

### Tribunal Members as of December 31, 2024

Member	Profession	From
David A. Hobbs (Chair)	Lawyer	Vancouver
Shannon Bentley	Lawyer	Bowen Island
David Blair	Physician (Retired)	Victoria
Dena Bryan	Lawyer (Retired)	Kamloops
Jonathan Chaplan	Lawyer	Vancouver
Gregory J. Cran	Academic Consultant	Lund
Douglas S. Cochran	Lawyer	Vancouver

Charlotte Ensminger	Lawyer (Retired)	Victoria
Denese Espeut-Post	Lawyer	Summerland
Jeanne Harvey	Judge (retired)	Victoria
Jennifer Khor	Lawyer	Vancouver
David Newell	Lawyer	Vancouver
John O'Fee, K.C.	Lawyer/University Lecturer	Kamloops
John M. Orr, K.C.	Lawyer	Victoria
Ben Parkin	Lawyer	Richmond
Kim Polowek	Legal Professor	Port Moody
Helen J. Roberts	Mediator	Vancouver
Katherine Wellburn	Lawyer (Retired)	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), which also provides administrative services to a number of other tribunals.

Review Board staff comprise:

- Executive Director
- 3 Case Managers
- 1 Intake and Administration Officer
- 1 Administrative Assistant
- Finance, Administration (provided by EAB/FAC)

The Review Board may be contacted at:

Health Professions Review Board  
PO Box 9429 Stn. Prov Govt  
Victoria, BC V8W 9V1

Telephone: 250-953-4956  
Toll-free number: 1-888-953-4986

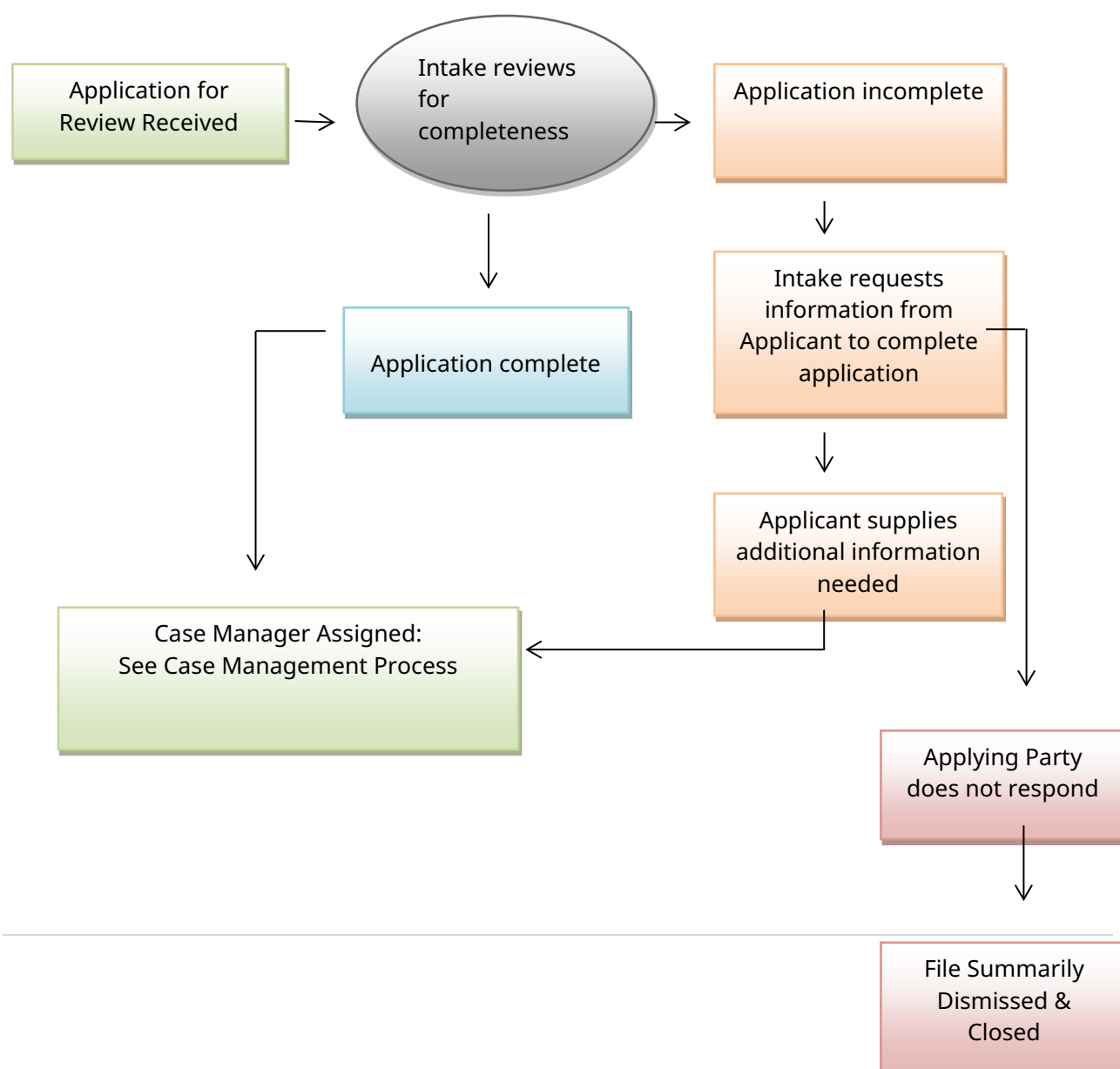
**Website Address:** [www.bchprb.ca](http://www.bchprb.ca)

## The Review Process – Flow Charts

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.

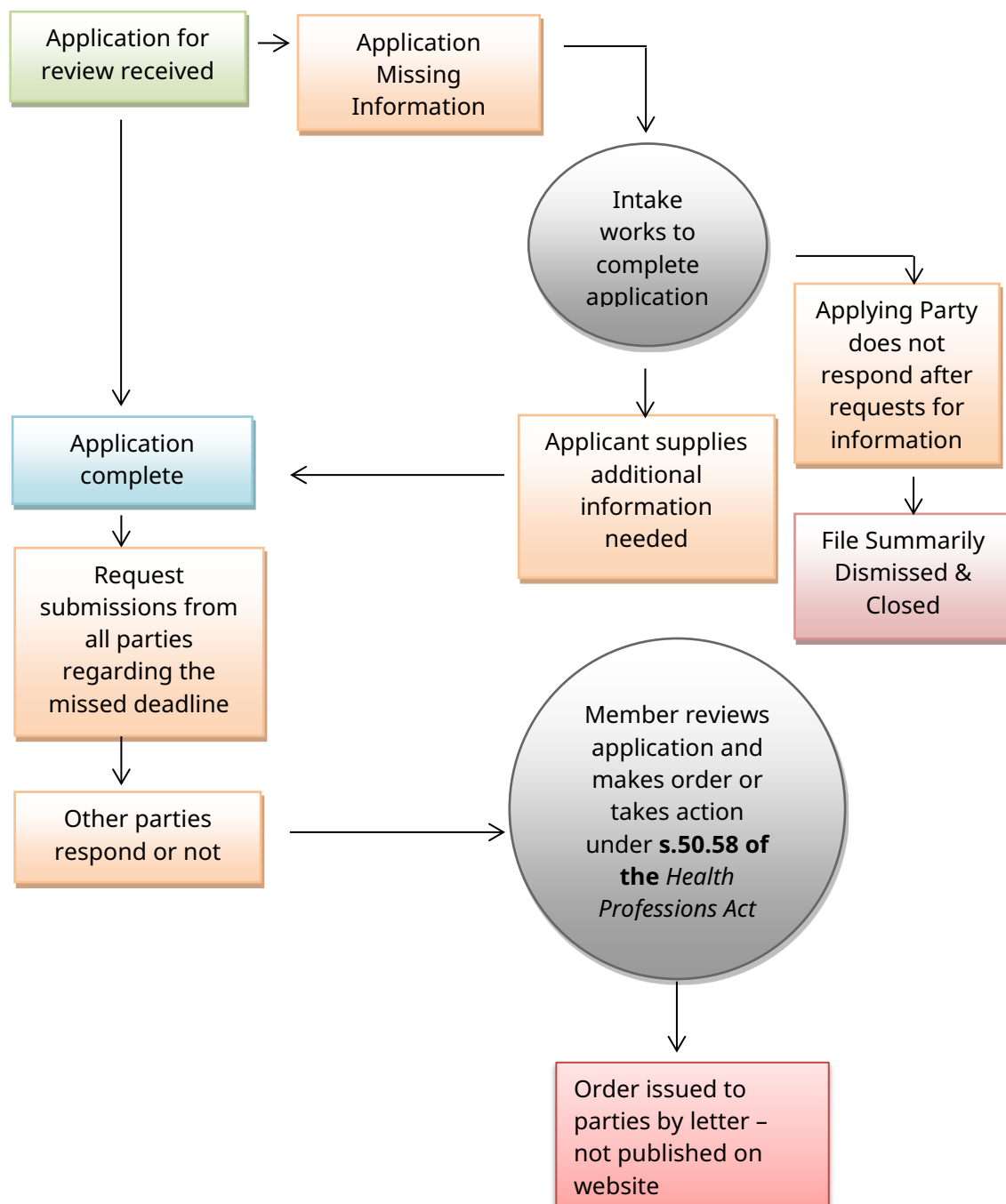
Few applicants who submit applications for review to the Review Board have had any exposure to administrative law or process. For that reason, intake staff assist applicants to go through the steps necessary to “perfect” an application so that it meets the requirements of the *Health Professions Act*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

### Intake Process



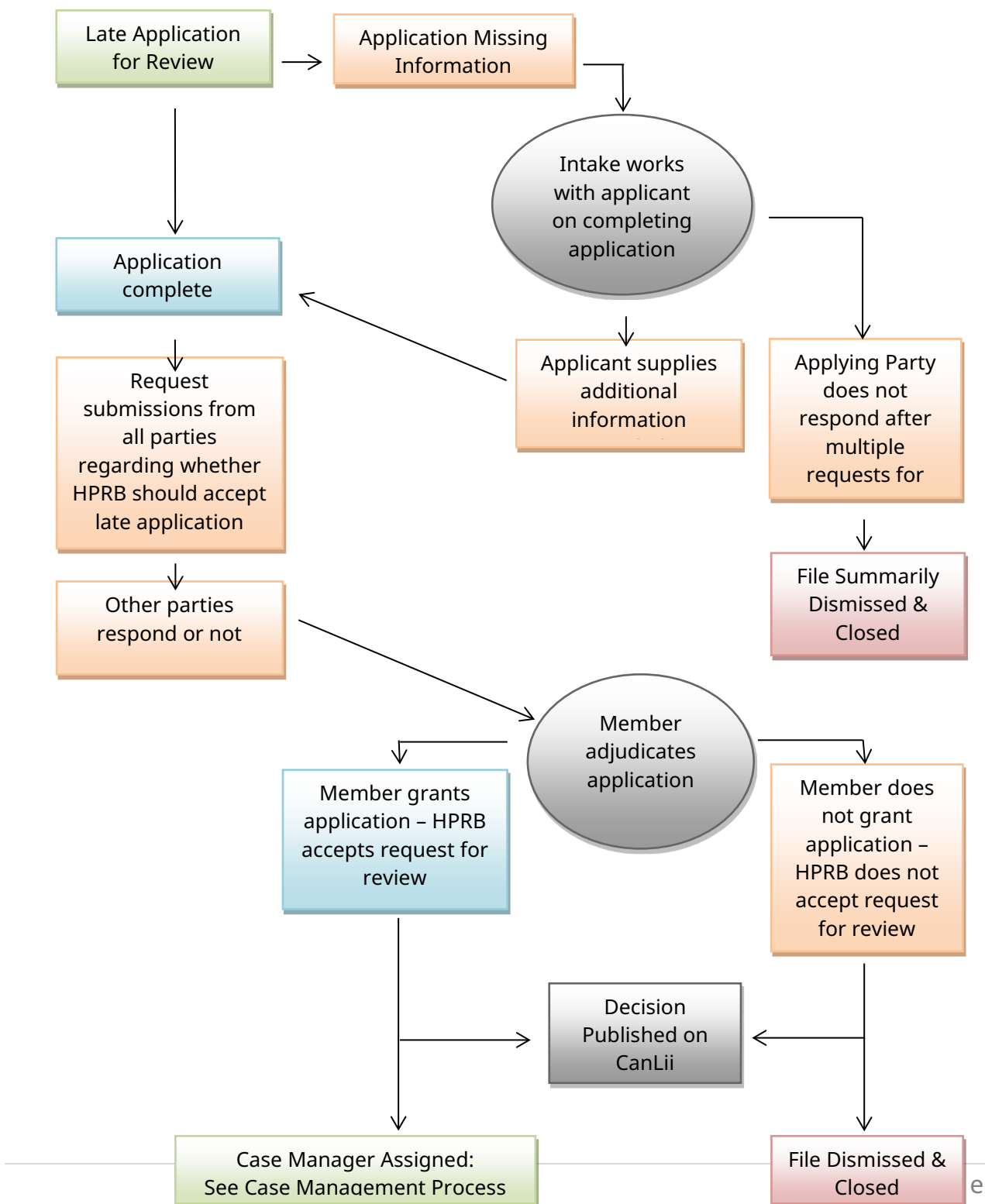
## Process for Review of Investigations Not Completed within Statutory Deadlines

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.



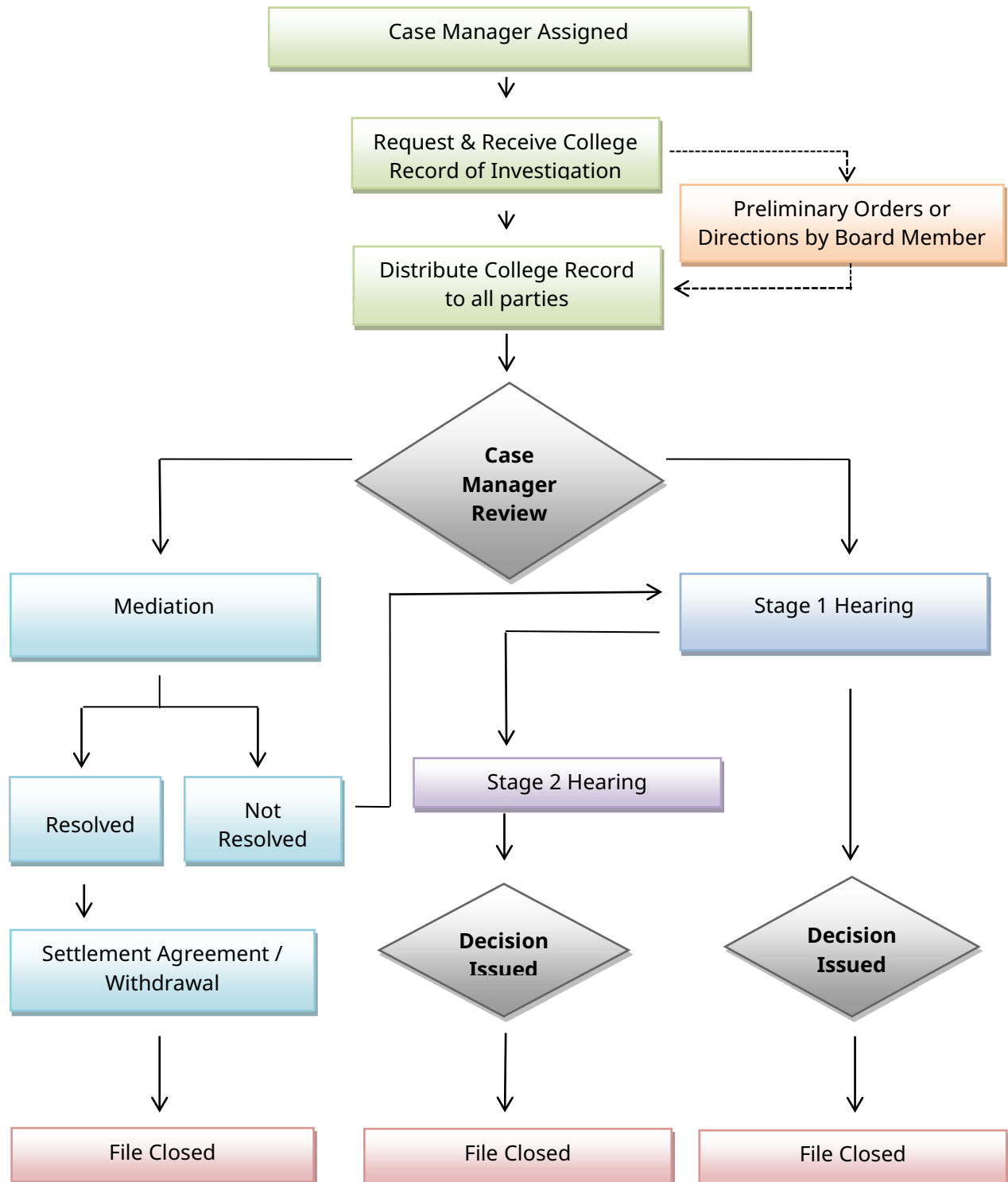
## Process for Applications Submitted Outside Legislated Deadline

The Review Board has authority under s.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.





## The Adjudication Process

The Review Board's written review process, which finds its authority in Part 4.2 of the Act and in the provisions of the ATA, is codified in the Review Board's *Rules of Practice and Procedure under the Health Professions Act*, R.S.B.C. 1996, c.185. These Rules provide for the efficient adjudication of questions that may arise at the beginning of a Review Board proceeding, such as:

- Does the Review Board have jurisdiction (legal authority) to hear this particular complaint?
- 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. What constitutes the "Record" is defined in the Rules.

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. An oral hearing gives the parties an opportunity to present their information, evidence, and submissions to the Review Board in person. Reviews conducted by way of an oral hearing are generally open to the public unless the Review Board orders otherwise. Since 2018, all review board hearings have been written.

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.

The Chair of the Review Board designates one or more members of the Review Board to sit as a Panel for each individual hearing. After a written or oral review hearing, the Review Board will issue a written decision, deliver a copy to each party and as required by the Rules, post it to the CanLII website.

## Noteworthy Decisions

The following are a selection of noteworthy Review Board decisions issued in 2024.

### A. College dispositions as the subject of review

Part 4.2 of the *Act* gives complainants the statutory right of review to challenge any college disposition of a complaint short of a citation: *Act*, s. 50.53(1)(c); s. 50.6; s. 33(6)(a)-(c). For there to be a Review Board review, there must be a college disposition.

Two related decisions issued in 2024 addressed the question of what constitutes a college disposition: ***Complainant v. British Columbia College of Nurses and Midwives (No. 1)*, 2024 BCHPRB 91** and ***Complainant v. British Columbia College of Nurses and Midwives (No. 2)*, 2024 BCHPRB 114 (HPRB-HPA-24-A115 and HPRB-HPA-24-A116)**.

The complaint underlying the decisions concerned nurses who worked in a correctional facility. The College wrote a letter to the Complainant stating that the complaint had been reviewed by the College's "Triage Team," which determined the complaint would be dismissed by the Registrar because there was a more appropriate forum for the Complainant to raise concerns: the Office of the Correctional Investigator was such a forum. The Complainant applied for review of the College's decision.

At the Review Board, the College took the position that the letter was not a disposition because there was no investigation, and the College did not dispose of the matter. The College submitted that the letter to the complainant was not reviewable.

In ***Complainant v. British Columbia College of Nurses and Midwives (No.1)*, 2024 BCHPRB 91**, the Review Board found that ss.32 and 33 of the *Act* provide that the College has a statutory duty to address complaints. The *Act* does not provide a role for a triage team, intake team, or intake advisor. The Review Board concluded it was unclear whether the complaint was addressed in accordance with the *Act*. It directed the College to advise the Review Board

whether the College was investigating the complaint and considering making a disposition. If not, the Review Board directed the College to:

- a) Inform the Review Board, the Complainant, and Registrants of the disposition for the purposes of review, and provide the Record in accordance with the Review Board Rules; or
- b) bring an application for summary dismissal of the review.

The College proceeded with an application for summary dismissal under Rule 9(1)(a) and (f) of the Review Board *Rules of Practice and Procedure*, which provide.

(1) The review board may refuse or dismiss an application for review or part of an application for review, for one or more of the following reasons:

- a) the matter for review is not within the Review Board's jurisdiction;
- [...]
- f) there is no reasonable prospect the application will succeed.

The College argued there was no complaint because a registrant was not identified. The College also argued that the matter was not, in any event, within the Review Board's jurisdiction, as no disposition had been made.

In ***Complainant v. British Columbia College of Nurses and Midwives (No.2)***, 2024BCHPRB 114, the Review Board dismissed the College's application. The Panel found the complaint stated it was a formal complaint; it identified two registrants and the conduct in which they were alleged to have engaged. The Review Board directed the College to complete whatever investigation it considered appropriate and to dispose of the complaint, sending a copy of the disposition to the Complainant and the Review Board by January 21, 2025.

## **B. Adequacy & Reasonableness**

Section 50.6 of the Act provides that on receiving an application for review, the Review Board must consider one or both of the adequacy of the investigation conducted in respect of the complaint; and/or the reasonableness of the disposition.

### **Confirming college dispositions**

Four decisions confirming college dispositions are highlighted here. Three of these decisions concern the scope of the Review Board's jurisdiction.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024 BCHPRB 47 (Grouped File: HPRB-HPA-24-G001)***, the Complainant complained about care she received for multiple sclerosis. The Deputy Registrar investigated and dismissed the complaint. The disposition was approved and adopted by the Inquiry Committee.

On review, the Complainant asked that the Review Board remit the matter to the College with directions, including a direction that the Inquiry Committee include or consult a neurophysiologist. The Review Board found that it does not have the jurisdiction to address the composition of an inquiry committee, and that the makeup of the Inquiry Committee in this case was consistent with the College's Bylaws. The Review Board was unable to conclude the Deputy Registrar lacked sufficient medical expertise to assess the complaint. It would have been open to the Complainant to submit expert evidence for the Deputy Registrar's consideration.

In ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2024 BCHPRB 68 (HPRB-HPA-24-A018)***, and ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024 BCHPRB 85 (Grouped File: HPRB-HPA-24-G006)***, the Review Board addressed colleges' and the Review Board's ability to address systemic racism.

In ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2024 BCHPRB 68 (HPRB-HPA-24-A018)***, the Complainant's husband was an incarcerated Indigenous man. The Complainant alleged the Registrant racially profiled her husband by assuming he struggled with addiction because he was Indigenous. She raised concerns about systemic racism against incarcerated Indigenous people. The College dismissed the complaint, finding the Registrant's conduct was satisfactory and that the complaints about systemic racism were outside the College's authority.

The Complainant applied for review of the disposition, raising the same arguments made at the College level. The Review Board found the College properly focused on issues within its jurisdiction. The panel acknowledged the struggles facing Indigenous prisoners but found that the Review Board's authority is limited to reviewing the adequacy of the investigation and the reasonableness of the disposition.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No.1), 2024 BCHPRB 85(Grouped File: HPRB-HPA-24-G006)***, the Complainant himself was an Indigenous man who was incarcerated. He made a complaint against two registrants, alleging systemic racism. The College concluded with regulatory criticism of Registrant 1 in relation to record keeping and communication with the Complainant's family. The Inquiry Committee was not critical of Registrant 2. The Inquiry Committee directed that College Practice Standards concerning Indigenous Cultural Safety, Cultural Humility and Anti-racism be provided to both Registrants. The Inquiry Committee asked the Registrants to consider education on these standards and on trauma informed care, such as the San'yas Cultural Safety and Humility course.

On application for review, the Review Board found that the issue of systemic racism within the Correctional Service of Canada fell outside the College's authority. Nonetheless, given the growing knowledge of the historic impact of racism and discrimination against Indigenous Peoples, it was reasonable for the Inquiry Committee to ensure both Registrants were aware of and would comply with the standards, as well as trauma informed care, and to consider

education in both. As in *Complainant v. British Columbia College of Nurses and Midwives (No. 1)*, 2024 BCHPRB 68, the panel acknowledged anti-Indigenous racism in the justice system but emphasized the limitations of the Review Board's authority under the *Act*.

A final case of interest concerns a registrant acting as a college registrar. The Complainant brought a complaint (Complaint 2) against the registrar who had dismissed a previous complaint by the Complainant (Complaint 1). An application for review of the Registrar's decision in Complaint 1 had been dismissed. Complaint 2 alleged that the Registrar had not conducted a proper investigation in respect of Complaint 1.

The College found that the Registrar's role in Complaint 1 had already been decided by the Review Board and the Review Board's decision was final and conclusive. The College further found that the Registrar's exercise of power in Complaint 1. Such exercises of power are subject to administrative review (or, alternatively, judicial review), not the complaint process under the *Act*. The Inquiry Committee dismissed Complaint 2 on the basis that it was "trivial, frivolous, vexatious, or made in bad faith" within the meaning of s.32(3)(a) of the *Act*. The Review Board concluded that the Registrant had been exercising statutory powers to investigate and dispose of Complaint 1. Such exercises of power are subject to administrative review (or, alternatively, judicial review), not the complaint process under the *Act*. The Inquiry Committee dismissed Complaint 2 on the basis that it was "trivial, frivolous, vexatious, or made in bad faith" within the meaning of s.32(3)(a) of the *Act*.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No.1)*, 2024 BCHPRB 59(HPRB-HPA-24-A010)**, the Review Board confirmed the College's disposition. The Review Board found the disposition "clearly and transparently sets out the justification for dismissing the complaint." It was reasonable for the College to dismiss Complaint 2 and there was no need for an investigation.

## Remitting matters to the college

The Review Board remitted eight matters for reconsideration in 2024.

In ***Complainant v. College of Massage Therapists of British Columbia (No. 1), 2024 BCHPRB 32(HPRB-HPA-23-A054)***, the Complainant was a massage therapist employed by the Registrant at a clinic. When another massage therapist (Therapist A) was hired to work at the clinic, the Complainant advised the Registrant that Therapist A had previously sexually assaulted her. A conflict developed between the Complainant and the Registrant. The Complainant left the clinic on account of safety concerns.

The Complainant complained to the College about the Registrant's response to the situation with Therapist A. During an interview with a college investigator, the Complainant also made allegations concerning the Registrant's views on COVID, including that COVID was over blown and that masks are ineffective. The Complainant also alleged that the Registrant held anti-vaccine sentiments.

The College dismissed the complaint. It found that the evidence did not disclose conduct that would rise to the threshold for professional misconduct or unprofessional conduct. The disposition addressed the allegations related to the situation with Therapist A but did not address the COVID-related allegations.

On review, the Complainant challenged the adequacy of the investigation and the reasonableness of the disposition.

The College declined to provide a complete record of its investigation of the COVID allegations. It argued that it had commenced the complaint and investigation of the COVID allegations on its own motion. The College argued that the COVID issues were not within the scope of the review.



The Review Board allowed the review. The panel found that the COVID allegations were key issues arising in the complaint that needed to be investigated and addressed in the disposition. The panel affirmed that the College has a statutory duty to address complaints and cannot ignore a complaint brought by a complainant, in favour of initiating a complaint on its own motion. Without a complaint disposition, complainants are unable to seek review to the Review Board, which frustrates the statutory scheme. The College's failure to deal with the COVID allegations rendered the investigation inadequate and the disposition unreasonable.

The Review Board also found the investigation to be inadequate because the College did not send the complainant a copy of the Registrant's response or the investigation report. This deprived the Complainant of the opportunity to provide further relevant information to the College.

The disposition was also found to be unreasonable because it did not transparently explain whether Therapist A's own account of his interaction with the complainant raised reasonable and probable grounds to believe that Therapist A had engaged in sexual misconduct. The panel noted that if Therapist A's evidence raised reasonable and probable grounds to conclude there was sexual misconduct, this would trigger a duty to report the incident under s.32.4(1) of the *Act*, with or without the Complainant's consent.

The Review Board directed the Inquiry Committee to: ask the Complainant to provide her comments on the Registrant's submissions; ask the Complainant for any additional information she would like the Inquiry Committee to consider; issue a disposition that explains whether A's own account would raise reasonable and probable grounds to believe that A had engaged in sexual misconduct; and issue a disposition addressing the COVID Allegations.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024 BCHPRB 46 (HPRB-HPA-23-A099)***, the Complainant complained that the Registrant treated

her in a rude and unprofessional manner. She said she had a witness to the Registrant's behaviour. Issues about the Registrant's record keeping were also raised.

The Registrar concluded there was no evidence that the Registrant engaged in falsehoods, negligence, malpractice, abuse of authority, or unethical behaviour. The Registrar concluded without regulatory criticism of the Registrant.

On review, the Complainant argued that the investigation was inadequate because the College did not contact her witness, although it had indicated, in writing, that it would make inquiries with third parties or witnesses.

The Review Board found the issues related to record keeping and professionalism were not sufficiently investigated. The Registrar had conflicting information from the Registrant and the Complainant on these two issues. *The College of Physicians and Surgeons of British Columbia v. The Health Professions Review Board*, 2022 BCCA 10 provides that where the accounts of two witnesses diverge on a key issue and there is a third witness who was present but not interviewed, the failure to interview may constitute a functional deficiency in the investigation. The panel concluded that the Complainant had a reasonable expectation that the witness would be contacted, and that this step easily could have been taken.

The Review Board also found the disposition unreasonable. The Registrar did not address the major issue of the Registrant's alleged unprofessional behaviour towards the Complainant. Further, based on the investigation, the Registrar may have been missing significant evidence to assess the adequacy of the Registrant's record keeping.

The Review Board directed the College to interview the witness and consider: (a) whether the Registrant's record keeping met professional standards and (b) whether the Registrant's personal interactions with the patient would give cause for regulatory, professional or ethical criticism.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024***

**BCHPRB 49 (HPRB-HPA-22-A136)**, the Complainant's daughter was a post-secondary student who was treated by a psychiatrist at a student health services clinic. The daughter had bipolar disorder, had admitted to self-harm, and had refused medication. She died by suicide. The Complainant made a complaint against the medical director of the clinic. The medical director did not have a patient-physician relationship with the daughter. The Complainant alleged her daughter should have been more closely monitored. She sought "reconsideration of the *Personal Information Protection and Electronic Documents Act* when a serious mental illness is involved" and financial compensation.

The College dismissed the complaint against the Registrant. It also confirmed that the requests for reconsideration of legislation and financial compensation are beyond the authority of the College.

On review, the Review Board found the investigation was adequate, but the disposition was unreasonable. The disposition did not explain the standards by which the medical director's conduct was measured, to determine if her conduct met expectations. By not articulating the standards, the reasoning was not transparent.

The Review Board directed the College to issue a new disposition that clearly articulates the professional and community standards expected of a medical director in a university health services facility and explain how the Registrant's conduct was evaluated against those expectations.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No.1),2024***

**BCHPRB 65 (Grouped File: HPRB-HPA-22-G006)**, a patient visited a hospital emergency room her husband, the Complainant. Registrant 2, an emergency room doctor, examined the patient and asked Registrant 1, an internist, for a consult. A CT scan was also organized. Registrant 1 concluded the patient was having a heart attack and recommended blood thinners. These were administered by Registrant 2. The patient developed a brain bleed, a

known potential consequence of blood thinners. The patient was seen by Dr. B, a neurologist, who found that nothing could be done. The patient died.

The Complainant complained to the College that he had told Registrant 2 that the patient could not be given blood thinners, and that the blood thinners were administered while he was out of the patient's room and without consent. In addition, the patient had a primary care physician, Dr. A, who treated the patient's heart issues but was not consulted before the blood thinners were administered. The Complainant also raised an issue regarding the timing of the CT scan.

In their responses to the complaint, Registrants 1 and 2 said the patient and her husband had approved blood thinners. However, the records did not contain a signed consent form. The Inquiry Committee investigated the matter and disposed of the complaint without criticism of Registrant 1. The Inquiry Committee was, however, critical of Registrant 2 for failing to contemporaneously document a consent discussion with the Patient regarding the risks of blood thinners.

The Complainant sought review of the disposition. The review was adjourned for the College to reconsider the disposition. The College upheld its previous decision, and the review continued.

In deciding the review, the Review Board found that the investigation was inadequate because: the Inquiry Committee did not interview an ambulance attendant whose evidence may have uncovered the truth of the consent issue; the Inquiry Committee did not interview Dr. A; and the Inquiry Committee did not gather in and consider standards relevant to consent and the administration of blood thinners. The Review Board found the disposition was unreasonable because the Inquiry Committee did not explain the standards it applied in assessing the complaint or address the issue concerning the timing of the CT scan.

The Review Board returned the matter to the Inquiry Committee for reconsideration. It directed the College to further investigate to assess the quality of the Registrants' care of the patient, including by seeking to interview the ambulance attendant and Dr. A, and by collecting the relevant standards of practice. The Review Board directed the Inquiry Committee to issue a disposition that explains the outcome by reference to the relevant standards of practice and addresses the issues identified by the Review Board.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No.1)***, 2024

**BCHPRB 81(HPRB-HPA-23-A049)**, the Review Board remitted a disposition to the College for the second time.

The facts of the case were that the Complainant had a stillbirth and brought a complaint against three healthcare providers: Registrant 1, an obstetrician gynecologist; Registrant 2, a radiologist; and Registrant 3, a second radiologist. The Complainant submitted that ultrasounds should have detected danger to the fetus; Registrant 1 should have referred the Complainant to a high-risk pregnancy or perinatologist specialist; and that "violent" fetal hiccups towards the end of the pregnancy should have been recognized as a sign of Umbilical Cord Accident, requiring different treatment. The Inquiry Committee dismissed the complaint. The first time the matter came before the Review Board (*Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2022 BCHPRB 26), the Review Board found that the Inquiry Committee had sufficient information for an adequate investigation but that the disposition was not reasonable. The Review Board found there was little indication the Inquiry Committee seriously considered any of the information provided by the Complainant. The Panel returned the matter to the Inquiry Committee with directions to address the key issues raised by the Complainant. At the College for a second time, the College conducted further investigation and issued a new disposition, which concluded without regulatory criticism of the Registrants.

The Complainant sought review of the new disposition. The Panel found that extra investigation was not necessary since the adequacy of the investigation was not in issue. The

panel also found that the College's second disposition was unreasonable because the Inquiry Committee had still failed to grapple with the Complainant's submissions regarding fetal hiccups and that fetal movement should have changed the course of treatment. The Review Board remitted this matter to the Inquiry Committee for a second time, to grapple with the central arguments in the Complainant's submissions.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024 BCHPRB 82 (HPRB-HPA-23-A053)***, the patient, the Complainant's father, suffered a traumatic brain injury from a fall. The Complainant complained to the College about the Registrant's care of the patient, alleging the Registrant failed to provide for or communicate palliative care needs.

The College determined that aspects of the Registrant's conduct fell below the standards expected of the physician. The Registrant consented to participate in remedial education. The Complainant applied for review of the disposition, submitting that the Inquiry Committee failed to investigate the Complainant's concerns regarding the patient's rapid cognitive decline and possible overmedication.

The Review Board found that the investigation was inadequate, principally because the Registrant had provided a second response to the College which the College had not provided to the Complainant for reply. The Panel also found that the disposition was unreasonable because the College had failed to meaningfully grapple with issues central to the complaint. In particular, the disposition did not address whether the Registrant investigated the Patient's deterioration and standard of care, alleged overmedication and, if so, whether this aspect of the Registrant's care met the applicable standard of care.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No.2), 2024 BCHPRB 8(HPRB-HPA-22-A056)***, the Review Board issued directions as a follow up to its earlier decision, *Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2023 BCHPRB 61.

In the underlying complaint, the Complainant alleged that while she was training to become an operating room nurse and wearing a surgical mask, glasses and visor, the Registrant surgeon forcibly placed an oxygen mask on her, hurting her, restraining her and making it difficult for her to breathe. The Complainant further alleged the Registrant was physically intimidating and made offensive religious comments to her during the incident. The incident happened after the Registrant observed the Complainant placing an oxygen mask on a patient and took exception to her technique.

The Inquiry Committee accepted the Complainant's statement of events and characterized the Registrant's "lack of professionalism as abhorrent." The Inquiry Committee determined that the Registrant "demonstrated a lack of awareness in regard to the inappropriateness of helping a colleague 'mask up'." The Inquiry Committee resolved the complaint on the basis of the Registrant's commitment to complete education related to respectful team-based communication and professionalism, and to attend an interview with the Registrar's staff.

In *Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2023 BCHPRB 61, the Review Board found the investigation was adequate, but the disposition was unreasonable. There was no evidence the Registrant was assisting the Complainant to "mask up." The Panel found that this characterization trivialized the Registrant's physical interference with the Complainant. Further, the Inquiry Committee did not address what remedial measures were appropriate in light of the physical interference.

The Panel Chair resolved to return the complaint to the Inquiry Committee with directions, however, it sought submissions from the parties on the directions it ought to give.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 2)*, 2024 BCHPRB 8**, the Review Board released its directions: on reconsidering the matter, the Inquiry Committee must:

- a. address the Record and the factual findings already made by the Inquiry Committee including that the Registrant forcibly held an oxygen mask against the Complainant's face for more than a few seconds;
- b. consider the submissions of the parties including submissions, if any, about the appropriate remedial outcome in all the circumstances; and
- c. determine the appropriate remedial outcome in light of its factual findings and the legal constraints relevant to the decision-making process.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024***

**BCHPRB 19 (HPRB-HPA-23-A032)**, a pregnant patient and her partner, the Complainant, attended the hospital with concerns about decreased fetal movements. A nurse performed tests and relayed the results to the Registrant who was in surgery with another patient. The test results were normal; these were related to the Registrant and the nurse then the patient and the Complainant that they could go home. One week later, at a pre-planned appointment, the Registrant was unable to detect a fetal heart rate. The patient delivered a stillbirth baby the following day.

The Complainant complained to the College, seeking that the Registrant change her practice, acknowledge that the stillbirth was preventable, and personally apologize. The Complainant referred to guidelines on addressing decreased fetal movements. The Complainant also identified risk factors that suggested the patient's pregnancy was a moderate or high-risk pregnancy requiring closer surveillance.

The Inquiry Committee received conflicting evidence about whether the patient and Complainant were educated about fetal movements. The Complainant alleged that no education was provided. The Registrant stated she spoke to the Complainant and patient about fetal movement during prenatal visits and she knew the nurse would have spoken to the Complainant and patient about fetal movements again on while the Registrant had been in surgery.



The College was critical of the Registrant for inadequately documenting important aspects of the patient's obstetrical history and failing to document discussions regarding fetal movements. The College ordered the Registrant to complete remedial education.

The Complainant sought review of both the adequacy of the investigation and the reasonableness of the disposition. The Complainant asserted that the Inquiry Committee should have retained an external reviewer with a strong familiarity of current Society of Obstetricians and Gynaecologists of Canada guidelines. The Complainant also asserted that it was not clear how the Inquiry Committee reconciled the different recollections about fetal movement education. The Review Board found the investigation was inadequate. While it was not necessary for the College to include an external expert, the Inquiry Committee should have taken steps to determine if and how education on fetal movement was provided to the Complainant and the patient. The Panel also found that the Inquiry Committee should have obtained a statement from the nurse.

The Review Board found that the disposition was unreasonable. The Inquiry Committee failed to: grapple with issues central to the complaint; set out the standard of care and assess the Registrant's care against that standard; grapple with standards raised by the Complainant and the Registrant; and reconcile the accounts of the Complainant and Registrant with respect to fetal movement education.

The Review Board directed that the Inquiry Committee make reasonable efforts to collect information from the nurse and address the standard against which the Inquiry Committee measured the Registrant's care, including the standards referenced by the Registrant and Complainant.

In ***Complainant v. College of Complementary Health Professionals of British Columbia (No. 1)***, **2024 BCHPRB 96 (HPRB-HPA-23-A138)**, the Review Board remitted the complaint to the College for a second time. The patient was involuntarily hospitalized under the *Mental Health Act*. While out on day passes, the patient visited the Registrant who administered intravenous

vitamin therapy. Following one such outing, the patient was found dead outside of hospital. His death was caused by pulmonary embolism due to or as a consequence of deep vein thrombosis.

The Complainant, the patient's mother, complained to the College. The complaint was dismissed.

On review to the Review Board for the first time (*Complainant v. College of Naturopathic Physicians of British Columbia (No. 1)*, 2021 BCHPRB 118), the Review Board found a series of issues with the College's investigation, including that the College failed to gather sufficient evidence to ground its finding, and that the College investigated and determined the wrong question. As a result of the numerous investigatory issues, the Review Board found the disposition was unreasonable.

On remittance, the Inquiry Committee disposed of the complaint by reminding the Registrant of the importance of contemporaneous charting but dismissed the complaint without further action.

The Complainant applied for review of the fresh disposition. For a second time, the Review Board found that the investigation was inadequate and the disposition unreasonable. The Review Board found there was no evidence that the Registrant complied with the College's Practice Standard on Informed Consent, and it was incumbent on the College to make enquiries to gather evidence relevant to this question. Further, the College disposition was internally inconsistent: the Inquiry Committee purported to dispose of the complaint without taking action, under s. 33(6)(a) of the *HPA*, but issuing a warning constitutes action.

The Review Board directed the College to, among other things: obtain evidence from the Registrant about discussions she had with the patient about his mental capacity; consider BC's legislation on consent; and determine whether it has sufficient evidence to measure the Registrant's conduct against the Practice Standards.

### C. Additional Evidence

The *Act* requires that a review be “a review on the record” subject to the Review Board’s discretion to “hear evidence that is not part of the record as reasonably required by the HPRB for a full and fair disclosure of all matters related to the issues under review”: *Act*, ss. 50.6(4), (6), (7).

The test articulated in previous Review Board decisions for whether new evidence ought to be admitted is “whether the information is relevant to the matters at issue in this review, whether it would be fair to all parties to admit it, and whether it renders the disclosure more full or complete to allow [the Panel] to render a full, fair, and proper decision.” “Relevance” is determined in relation to the issues on review. In a complaint review, the issues are usually the adequacy of the investigation and the reasonableness of the disposition.

Five applications were brought in 2024 seeking to include additional evidence:

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024***

**BCHPRB 95 (HPRB-HPA-24-A026)**: The College and the Complainant each sought to introduce new evidence. The Complainant submitted evidence about medical problems and treatment not included in the original complaint. The Review Board found it was not fair to admit this evidence at the review stage and the proposed new evidence would not add any substantial information that would assist the panel to render a proper decision. The College submitted information that the Registrant had completed a remedial program. The Review Board found this information was relevant and accepted it as a supplement to the record.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024***

**BCHPRB 100 (Grouped File: HPRB-HPA-24-G002)**: The Review Board declined to accept new evidence from the Complainant. The evidence repeated information already in the Record and referred to care the Complainant received from physicians other than the Registrant, during a period of time not at issue in the complaint.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024 BCHPRB 112 (Grouped File: HPRB-HPA-24-G00)***: The Complainant sought to introduce a series of emails between the Complainant and a Review Board staff member concerning the process for filing an application for the review in a different matter. The Review Board found the new evidence was not relevant.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 2), 2024 BCHPRB 119 (HPRB-HPA-24-A059)***: The Complainant sought to admit information that was more in the style of submissions than evidence. The Review Board received the information but treated it as submissions, rather than evidence.

In ***Complainant v. College of Massage Therapists of British Columbia (No. 1), 2024 BCHPRB 32 (HPRB-HPA-23-A054)***: The Review Board admitted new information from the College and partially allowed new information from the Complainant. This included evidence from the College about why it did not deal with one aspect of the underlying complaint. The Review Board allowed information that the Complainant shared or tried to share with the College investigator. The Panel did not admit new information about the impact of the Registrant's conduct on the Complainant, the Registrant's current employment, or details of a possible additional complaint against the Registrant. The Review Board found this information was not relevant.

#### **D. Section 42 Applications**

Ordinarily, all relevant evidence in a record must be disclosed to all parties to a review. Section 42 allows the Review Board to make an order, grounded in the "proper administration of justice," that it will consider certain evidence without the evidence being disclosed to a party.

Seven s. 42 applications were brought in 2024.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024***

**BCHPRB 5 (HPRB-HPA-23-A072)**: The Review Board granted applications by the College and the Registrant to withhold medical records and personal information of third parties to the complaint. The third parties included the Complainant's son and ex-wife, who figured in, but did not bring or consent to, the complaint.

In ***Complainant v. British Columbia College of Oral Health Professionals (No. 1), 2024 BCHPRB***

**31 (Grouped File No. HPRB-HPA-23-G010)**: The complaint concerned two registrants who provided care to the patient, the Complainant's adult child. The College requested that: the patient's medical records be received by the Review Board in confidence; each registrant only be provided with information pertaining to the investigation about himself; and that the registrants not be provided with the other registrants' names. The registrants consented to the College's application and the Complainant did not respond to the application.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024***

**BCHPRB 66 (HPRB-HPA-22-A146)**: The Complainant complained about the Registrant who treated his ex-wife and his daughter (the Patient). The Complainant did not have legal authority to represent the patient or have access to the patient's information. Private information, such as the content of appointments, were withheld from the Complainant.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024***

**BCHPRB 53 (HPRB-HPA-23-A145)**: The Complainant (a psychologist) was retained to assist the Registrant (a psychiatrist) and his wife with custody matters involving their children. The Complainant complained the Registrant harassed her. The harassment led to a conviction for criminal harassment. The College asked that the Review Board withhold the Registrant's health records and documents related to the criminal harassment proceedings. The Review Board withheld documents whose disclosure created third party privacy concerns. The College also sought to withhold documents from the Registrant related to the police investigation and preparation for trial. The Review Board ordered that documents that

disclosed matters involving public security and safety concerns of the Complainant would be withheld.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024***

**BCHPRB 103 (HPRB-HPA-23-A130)**: The Complainant was previously the power of attorney for her father (the patient). The College sought to withhold the patient's medical records, which the Complainant did not have consent to view. The Review Board required the College to disclose the documents, or parts thereof, that addressed the Registrant's qualifications and experience.

In ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2024 BCHPRB 22***

**(HPRB-HPA-23-A075)**: The Complainant complained of care he received from the Registrant at a mental health hospital. The College sought to withhold from the Complainant the Registrant's response and portions of the Registrar's Report, which referenced the Registrant's response and contained the Complainant's mental health records from the Mental Health and Substance Use Services. In refusing the application, the Review Board found there was no evidence that the Complainant had reacted inappropriately during the proceedings or posed a threat of harm to the Registrant, nursing staff, the public or anyone else.

In ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2024 BCHPRB 28***

**(HPRB-HPA-23-A076)**: The Complainant complained of care he received from the Registrant at a mental health hospital. The College sought to withhold the Registrant's response from the Complainant. The Review Board was not satisfied that the case was an exceptional case requiring departure from the general principle of fairness.

## **E. Applications for disclosure**

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024***

**BCHPRB 97 (HPRB-HPA-24-A015)**, the Complainant sought documents that were not part of

the record, including a report from the College's legal counsel to the College, and email correspondence containing legal advice between the College's legal counsel, the College investigator, the Deputy Registrar and the Registrar.

The Review Board denied the application. The Panel found that Rule 15(4)(c) of the *Health Professions Review Board Rules of Practice and Procedure* and s. 40(3) of the *Administrative Tribunals Act* protect solicitor-client privileged documents from disclosure. In determining whether a document is protected by solicitor-client privilege, the Review Board asks whether the College's legal counsel was acting in their capacity as a lawyer in the documents at issue. The Review Board found that the communications in the documents requested were cloaked by solicitor-client privilege, and that these communications could not be severed from the documents as a whole.

#### **F. Applications to Extend Time to File Application for Review**

The *Act* confers a statutory right of review to the Review Board if that right is exercised within 30 days. Where a party misses the 30 day "as of right" period, the Review Board has discretion to grant an extension of time if there are special circumstances (*HPA*, s. 50.61(4)).

In *Complainant v. College of Psychologists of British Columbia (No. 1)*, 2020 BCHPRB 58, at para 29, the Panel Chair summarized 4 questions for determining whether there are "special circumstances:"

- a. Did the applicant show or communicate an intention to challenge the College disposition before the expiry of the 30-day limitation period?
- b. What is the length of the delay and has the applicant provided a legitimate explanation for the delay?
- c. In addition to the impact on finality if an extension of time is granted, is there any special prejudice to either respondent?

d. Having regard for the Review Board's mandate, and taking into account the fact that the College Record has not been produced, can it be said with confidence that the application for review is bound to fail?

How much weight will be given to any of these factors depends on the circumstances of each case.

There were 14 applications for an extension of time in 2024.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024 BCHPRB 20 (HPRB-HPA-24-A011, HPRB-HPA-24-A012)***: The Complainant applied for review four months past the deadline. He claimed he had not received the College's letter with the disposition. The Review Board noted the Registrant was entitled to peace of mind and to move forward. The Review Board further found the review was bound to fail because the disposition fell within the range of acceptable and rational solutions that met the reasonableness test.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024 BCHPRB 25 (HPRB-HPA-24-A020, HPRB-HPA-24-A021)***: There was a significant delay of 16 months with no reasonable or credible explanation. The Review Board found there was no patent defect in the College disposition and that it would likely be dismissed, although it was not necessarily bound to fail. The Review Board observed that significant time and resources were spent on a reasonably thorough and detailed disposition.

In ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2024 BCHPRB 30 (HPRB-HPA-24-A025)***: There was a two-month delay in filing, without reasonable or credible explanation. The Review Board found the College disposition was coherent, rational and based on a thorough investigation. The Panel was unable to say the review was bound to fail without the record but found that the College and the Registrant deserved finality.



In ***Applicant v. British Columbia College of Nurses and Midwives (No. 1), 2024 BCHPRB 62 (HPRB-HPA-24-A055)***: The Complainant filed for review 18 days past the deadline. She argued she needed time to decide what would be best for her. The Review Board found this was not a reasonable explanation. The complainant did not communicate her intention to apply for review to the College within the 30-days after receiving the College disposition. The chances of success of the application for review were characterized as remote.

***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2024 BCHPRB 63 (HPRB-HPA-24-A061)***: The Complainant was one week late in filing for review. He acknowledged receiving the disposition which set out the 30-day limit for review but submitted he was unaware he could request a review. The Review Board found the application was bound to fail and the Registrant was entitled to finality.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024 BCHPRB 92 (HPRB-HPA-24-A098)***: The Complainant was 7 months late in applying for review. The Complainant attributed this delay to misunderstanding the College and Review Board processes. He expressed his intention to seek review to the College but did not advise the Registrant. The Review Board found the application was bound to fail: the application took issue with the fact that the complaint was dismissed by the Registrar, as opposed to the Inquiry Committee. The Registrar has jurisdiction to do so under s. 32(3) of the *HPA*.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024 BCHPRB 105 (HPRB-HPA-24-A131)***: The application for review was filed 262 days late. The Complainant said he had legal matters to attend to, and that health matters had delayed his application. The Review Board noted that many of these matters occurred six months after receipt of the College disposition. The Complainant wanted the Inquiry Committee to consider new evidence and for the Registrant's licence to be cancelled. However, the proposed new evidence would have no value, and the outcome of cancelling registration would be extreme. The Review Board noted prejudice to the College in terms of time and effort, and stress for the Registrant.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024 BCHPRB 113 (HPRB-HPA-24-A147, HPRB-HPA-24-A148, HPRB-HPA-24-A149, HPRB-HPA-24-A150)***: The Complainant filed an application for review six months past the 30-day deadline. Her reasons for delay were that she lost confidence in the College's investigation, she was busy, and some evidence was difficult to get. The Review Board could not see how the application would succeed and noted prejudice to the College and Registrant.

In ***Applicant v. British Columbia College of Nurses and Midwives (No. 1), 2024 BCHPRB 121 (HPRB-HPA-24-A142)***: There was a one-week delay. The Applicant said she was out of the country for more than a month and could not check her email due to poor connection. The Review Board found the application was bound to fail. Although there would be little prejudice to the College and the Registrant, cost, effort, and stress were noted as factors militating against allowing the application.

In ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2024 BCHPRB 124 (HPRB-HPA-24-A153)***: The College sent the disposition to the Complainant by mail on August 21, 2024. The disposition could not be delivered, and notices were left on August 23, and 28, 2024. The disposition was eventually returned undelivered. The College emailed the disposition on September 12, 2025. The parties disagreed as to the start of the 30-day limitation period. The Review Board found the disposition was delivered on or before August 28, 2024, putting the application for review outside the 30-day period. There was no legitimate explanation for the Complainant failing to pick up the disposition. It was unclear whether the application was bound to fail but that the Registrant would experience prejudice without finality.

In ***Applicant v. British Columbia College of Nurses and Midwives (No. 1), 2024 BCHPRB 39 (HPRB-HPA-24-A029)***: The Applicant filed six days late. She submitted that when she received the College's disposition denying her registration, she felt devastated and unsure about the College's requirements. The Review Board found it was reasonable for the applicant to take time and to do research before filing an application for review.

In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2024 BCHPRB 74 (HPRB-HPA-24-A059)***: The application for review was filed 32 days late. The College disposition was sent to the Complainant's legal counsel, who did not share it with the Complainant. The Panel concluded that this was a reasonable explanation for the delay.

In ***Complainant v. British Columbia College of Oral Health Professionals (No. 1), 2024 BCHPRB 79 (HPRB-HPA-24-A082)***: The Review Board released a decision remitting a complaint disposition to the College for reconsideration. While reconsidering, the College advised the Complainant it had exceeded its timeline, and that the Complainant could apply to the Review Board for a timeliness review within 30 days. The Complainant told the College to continue with its investigation. She also asked for clarification on the College process and for updates on the investigation. The College did not provide such updates. The Complainant applied for review seven months past the 30-day limit. The Review Board found the lack of communication from the College legitimately explained the delay.

In ***Applicant v. British Columbia College of Nurses and Midwives (No. 1), 2024 BCHPRB 111 (HPRB-HPA-24-A121)***: Within 30-days of receiving the College's decision denying her registration, the Applicant emailed the College seeking advice about pursuing registration. The College responded two days after the 30-day deadline past. The Applicant applied for review to the Review Board the next day. The Review Board found the Applicant had a genuine intention to apply for review within the 30-day period and she was delayed by waiting for the College to respond to her inquiry.

## **Registration Reviews**

In 2024, the Review Board received and dismissed 14 applications for review of Registration Committee dispositions. Thirteen of the 14 applications concerned applicants who were internationally trained and/or practiced overseas. The Review Board found that on an appropriately deferential standard, the Registration Committees' decisions were reasonable.

In one of these decisions, ***Applicant v. British Columbia College of Nurses and Midwives, (No. 1), 2024 BCHPRB 3 (HPRB-HPA-24-A029)***, the Registration Committee outlined the steps the Applicant could take to become registered, including writing an exam after completing additional education. The Applicant applied for review to the Review Board, seeking an order that the Registrant could take the exam without the additional education. The Review Board dismissed the application, finding the relief sought was not available under the *Act*.

In the sole application unrelated to international training and practice, ***Applicant v. British Columbia College of Nurses and Midwives (No. 1), 2024 BCHPRB 123 (HPRB-HPA-24-A069)***, the Applicant had given up her registration pursuant to Agreement of Undertaking in 2015. The Applicant did not reinstate her registration or fulfill the terms of the Agreement in 2015, and the College deemed the Agreement of Undertaking to be dormant. 136. In 2016, the Applicant applied for reinstatement. The College determined the Applicant had demonstrated unprofessional communications and conduct, and an inability to act in accordance with the College's Professional Standards.

In 2023, the Applicant again applied for reinstatement. The College found the Applicant had not met the requirements for registration and declined to grant her registration, citing concerns about the Applicant's ability to demonstrate satisfaction of the College's Competence, Good Character and Fitness to Practice requirements. The Registration Committee set out the steps necessary for the Applicant to qualify for reinstatement. The Applicant sought review of this disposition and an order that the College grant her registration.

The Review Board found the Registration Committee disposition had the hallmarks of a reasonable decision. It was grounded in evidence, provided a thoughtful analysis, was transparent, and was grounded in objective criteria. The Review Board further found it could not order reinstatement as there was no evidence in the record that the disposition was arbitrary or made in bad faith, made for an improper purpose, or based entirely or predominantly on irrelevant factors.

## 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. The below information is current to December 31, 2024.

### 1. Judicial Decisions Since Last Annual Report

#### ***Macdonald V. Health Professions Review Board, 2024 BCSC 2051***

The Petitioner petitioned for judicial review of the dismissal of her application for an extension of time to seek review of a decision of the College of Physicians and Surgeons. The Review Board had dismissed the application, finding that the Petitioner did not have a legitimate explanation for the 123-day delay in applying for review and, in any event, review was bound to fail.

The application for judicial review was dismissed. The issues were: 1) whether the Review Board failed to afford the petitioner procedural fairness by not holding an in-person hearing; 2) whether the composition of the hearing panel was procedurally unfair because the member was an employee of the Community Legal Assistance Society ("CLAS"), which purportedly restricted the petitioner's ability to secure low cost or free legal services from CLAS; and 3) whether the Review Board decision was patently unreasonable. The Court affirmed that an in-person hearing was not required for the proceedings to be procedurally fair. The Court dismissed the claim that the composition of the panel was procedurally unfair, finding that there was no evidence to show that the identity of the panel chair impacted the petitioner in any way. Finally, the Review Board's decision was not patently unreasonable.

## 2. Petitions Discontinued

***The Society of Canadians Studying Medicine Abroad, Kostanski, and Falconer v. The College of Physicians and Surgeons of British Columbia, Her Majesty the Queen in Right of the Province of British Columbia, The Canadian Resident Matching Service, The Association of Faculties of Medicine of Canada, and the Health Professions Review Board*** (Petition filed September 26, 2018)

Summary: Petition challenges the decisions in Review Board files 2018-HPA-145, 2018-HPA-149, and 2018-HPA-150. Specifically, it seeks to overturn the decision made on July 27, 2018, denying that the Review Board had authority over the application for Review.

Status: This is a companion proceeding to *Society For Canadians Studying Medicine Abroad, Oliver Kostanski, and Harris Falconer v. Health Professions Review Board and College of Physicians and Surgeons, Minister of Health, University of British Columbia*, BCSC No. 222846, Vancouver Registry, discussed below. The Review Board was named as a respondent to both proceedings. It remains a party to BCSC No. 222846. On October 17, 2024, the Supreme Court dismissed the proceeding in BCSC No. 1810320 as against the Review Board, by consent and without costs.

## 3. Petitions Outstanding

***Chow v Health Professions Review Board, College of Physicians and Surgeons of British Columbia, and Dr. Riaz Sinawin*** (petition filed September 23, 2019)

Summary: Petition challenges Review Board decision 2016-HPA-199(d)

Status: The Review Board was not served until a year after this petition was filed. At that time, the counsel for the petitioner indicated he was seeking instructions about whether to amend the petition. He agreed the Review Board could hold off filing a response until that was resolved. In June 2021, the petitioner delivered a notice of intention to proceed and an incomplete application for substitutional service. On March 24, 2023, the petitioner filed a notice of application to renew the petition. This order was granted on April 18, 2023. On July

13, 2023, the petitioner applied under the slip rule to correct an issue with the order pertaining to alternative service. No further steps have been taken in this matter.

***The Society for Canadians Studying Medicine Abroad, Oliver Kostanski and Harris Falconer v The Health Professions Review Board and the College of Physicians and Surgeons*** (petition filed April 4, 2022)

Summary: Petition challenges Review Board Decision 219-HPA-G23

Status: Court filings are complete. No hearing date has been set.

***Maroney v Doctor David Lindsey et al*** (Notice of Civil Claim filed October 3, 2022, and served February 15, 2023)

Summary: A Notice of Civil Claim was filed in October 2022 and served in February 2023. The Plaintiff had communicated with Review Board Staff in March 2022 and was told that if she wished to pursue an application for review in respect of a decision of the inquiry committee of the College of Chiropractors of British Columbia, she would need to apply for an extension of time. The plaintiff did not apply for an extension of time and made no further communications with the Review Board. The plaintiff pleads assault, battery, professional misconduct and negligence against a registrant of the college and/or the registrant's staff and/or the college and seeks to hold the Review Board vicariously liable for the alleged conduct. The plaintiff pleads the Review Board was negligent.

Status: The Review Board was served in February 2023 and filed its response in March 2023. The plaintiff refiled in March 2023. A registrar of the British Columbia Supreme court issued default judgement against the individual defendants on March 31, 2023. The individual defendants brought an application to have the order set aside. The Review Board will bring an application to strike this claim against it.

***Harun-ar-Rashid v College of Physicians and Surgeons of British Columbia*** (petition filed May 25, 2023)

Summary: Petition challenges Review Board Decision HPRB-HPA-22-A107. In this case, the Complainant applied to the Teacher Registration Branch (TRB) for certification as a teacher in British Columbia. The Registrant, a psychiatrist, wrote a medical-legal report regarding the Complainant's mental state. The report was made without the Complainant's knowledge or consent and was used by the TRB in its decision to deny the Complainant's application. The Complainant alleged that the Registrant acted unethically and illegally, as part of a conspiracy to destroy the Complainant. The Registrar found the Registrant was qualified to issue the Report. The Complainant did not make himself available for an in-person assessment; therefore, the Registrant was limited to preparing the Report from the materials provided to him. On review, the Review Board found that many of the Complainant's assertions both with respect to the adequacy of the investigation and the reasonableness of the disposition were illogical, outlandish, and baseless. The Complainant's Statement of Points with respect to the disposition was lengthy, convoluted, and difficult to follow. The Review Board found the investigation adequate and the disposition reasonable.

Status: The Review Board was served in May 2023 and filed its response to the petition in June 2023. The petitioner filed an amended notice of civil claim in June 2023. The Review Board filed an amended response to the petition in July 2023 raising a claim that the petitioner is a vexatious litigant. The petitioner filed a response in July 2023. The petitioner attempted to set the matter down for a hearing at the end of 2023 but was unable to secure a date. No further steps have been taken in this matter.

#### **4. Petitions filed**

***Gong v Bloom*** (Requisition filed January 19, 2024)

Summary: Ms. Gong filed a requisition seeking an order to waive fees. The requisition was not served on the Review Board. On January 24, 2024, Ms. Gong filed a notice of application



seeking an extension of time to file a petition for judicial review. Ms. Gong named the Review Board but did not identify a decision of the Review Board. The Review Board has not been served.

Status: No steps have been taken by the Review Board.

***British Columbia College of Nurses and Midwives v. Health Professions Review Board, Victoria Weber, Euphemia Guttin, and Edith Artner, and British Columbia College of Nurses and Midwives v. Health Professions Review Board, Victoria Weber, Euphemia Guttin, and Margaret Lavery***, (both petitions filed February 20, 2024)

Summary: The College of Nurses and Midwives investigated four complaints against two registrants. The complaints related to the care the Registrants provided to disabled adults at residential care facilities on Vancouver Island. The College disposed of the complaints in a single disposition, by consent agreements with the Registrants. The consent agreements provided for suspensions from practice and other measures. Parents of two of the disabled people whose care was at issue sought review of the disposition. The applications for review were heard together and allowed: *Complainant v. British Columbia College of Nurses and Midwives*, 2023 BCHPRB 50 (HPA-21-G010) and *Complainant v. British Columbia College of Nurses and Midwives*, 2023 BCHPRB 51 (HPA-21-G011). The Review Board directed the College to issue citations against the registrants: *Complainant v. British Columbia College of Nurses and Midwives*, 2023 BCHPRB 99 (HPA-21-G010) and *Complainant v. British Columbia College of Nurses and Midwives*, 2023 BCHPRB 100 (HPA-21-G011). In February 2024, the College filed and served petitions for judicial review of the Review Board's decisions.

Status: In April 2024, the Review Board and the College agreed to each prepare affidavits, following which the College would amend the petitions to better particularize the issues, and the Review Board would file petition responses. In mid-2024, the College and the Review Board exchanged, but did not file, the affidavits, pending consideration by the College of applications for sealing orders. In August 2024, counsel for the College confirmed instructions to apply for sealing orders and related relief. The application materials have not yet been filed

but it is anticipated that they will be filed shortly. The College will also apply for the two petition proceedings to be joined for hearing.

***Litzcke v British Columbia Health Professions Review Board*** (petition filed January 2024)

Summary: the petition challenges the decision in *Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2023 BCHPRB 88 (HPRB-HPA-23-A015). The petitioner complained to the College of Physicians and Surgeons about a registrant who provided gender affirming care to a young person unconnected to the Petitioner. The College dismissed the Petitioner's complaint. The Petitioner applied to the Review Board for review of the College's disposition. The Review Board dismissed the application for review.

Status: The Petitioner served the petition for judicial review on the Review Board in January 2024. The Review Board filed its response to petition in February 2024. In October 2024, the Petitioner filed an amended petition. The Review Board filed its amended response to petition in November 2024. The College responded to the amended petition in January 2025.

In December 2024, the Review Board applied for and was granted an order to seal affidavit evidence. The sealing order was sought to protect the identity of one of the young person's healthcare providers, as that person's identity is the subject of a publication ban ordered in other proceedings. The Petitioner is currently seeking a hearing date in the petition proceedings.

***Girard v Health Professions Review Board, College of Physicians and Surgeons of British Columbia and Brian Francis Wall***, (petition filed June 7, 2024)

Summary: the petition challenges the decision in *Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2024 BCHPRB 9 (HPRB-HPA-23-A122). The Petitioner complained to the College about an interaction he had with the Registrant in a hospital emergency room during the COVID pandemic, after the Petitioner had declined to wear a mask due to a facial pain. The Registrant referred the Petitioner to a colleague, explaining that he had vulnerable family members and could not risk exposure to the COVID 19 virus. The

Petitioner took exception to the referral, became agitated and verbally abusive to hospital staff and was eventually removed from the hospital grounds. He returned and saw a different physician the next day. The Petitioner alleged that the Registrant denied him health care and discriminated against him because of a physical disability. The Registrar disposed of the complaint without criticism of the Registrant. The Petitioner's application for review of the disposition was dismissed.

Status: The petition for judicial review was served in June 2024. The Review Board and the College filed responses to petition in July and August 2024, respectively. The Petitioner served a reply. No further steps have been taken in the proceeding.

***In the Matter of John Harvey and the Health Professions Review Board, BCSC No. 248350, Vancouver Registry*** (petition filed December 2, 2024)

Summary: The petition challenges the decision in *Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2024 BCHPRB 92 (HPRB-HPA-24-A098). The Petitioner complained to the College that the Registrant failed to provide information to RoadSafetyBC, resulting in the Petitioner's drivers licence being suspended. The College dismissed the complaint. The Petitioner applied for review to the Review Board outside the 30-day limitation period. His application for an extension of time was dismissed.

Status: The pleadings in this matter are closed. The Review Board filed its response to petition on January 23, 2025. The matter has not been set for hearing.

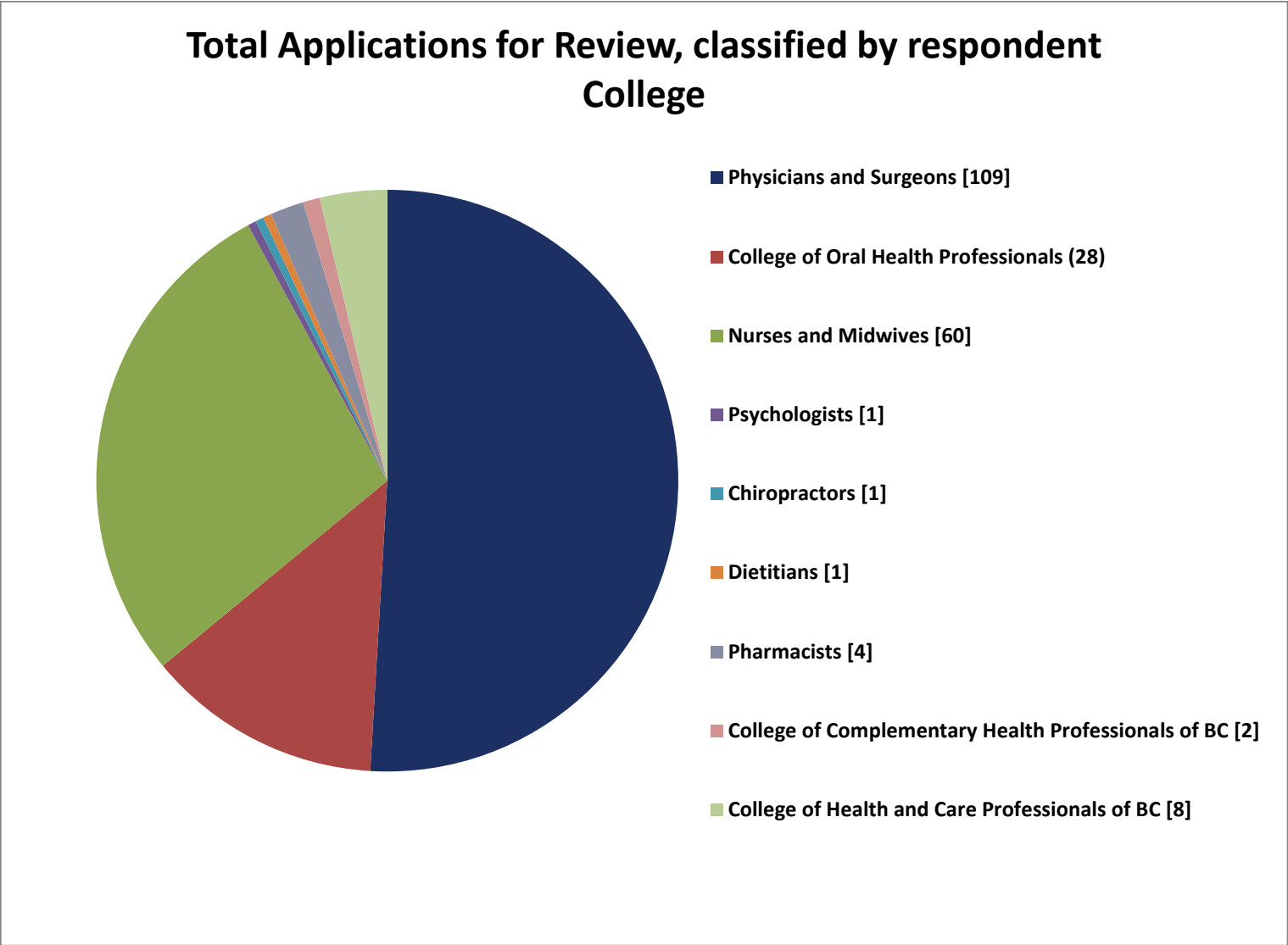
## Review Activity Statistics

For the reporting period from January 1, 2024 – December 31, 2024

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

Month, Year	Complaints (IC)	Delayed Investigation (DI)	Registration (REG)	Total # of Applications	%
January, 2024	13	0	2	15	7%
February, 2024	8	2	1	11	5%
March, 2024	10	0	4	14	7%
April, 2024	8	1	4	13	6%
May, 2024	15	2	3	20	9%
June, 2024	16	2	1	19	9%
July, 2024	7	0	4	11	5%
August, 2024	15	1	7	23	11%
September, 2024	12	0	6	18	8%
October, 2024	19	6	4	29	14%
November, 2024	15	7	3	25	12%
December, 2024	9	0	7	16	7%
<b>Total</b>	<b>147</b>	<b>21</b>	<b>46</b>	<b>214</b>	
<b>% of Total Applications</b>	<b>69%</b>	<b>10%</b>	<b>21%</b>		<b>100%</b>

Figure 2: Total Applications for Review, classified by respondent College



**Figure 3: Applications for Review, by college and type**

Respondent College	Complaints (IC)	Delayed Investigation (DI)	Registration (REG)	Total # of Applications	%
BC College of Nurses and Midwives	27	1	32	60	28%
BC College of Oral Health Professionals	16	10	2	28	13%
College of Chiropractors of BC	1	0	1	1	1%
College of Complementary Health Professionals of BC	2	0	0	2	1%
College of Dietitians of BC	0	0	1	1	0%
College of Health and Care Professionals of BC	4	1	3	8	4%
College of Pharmacists of BC	3	0	1	4	2%
College of Physicians and Surgeons of BC	94	9	6	109	51%
College of Psychologists of BC	1	0	0	1	0%
<b>Total</b>	<b>148</b>	<b>21</b>	<b>46</b>	<b>214</b>	
<b>% of Total Applications</b>	<b>69%</b>	<b>10%</b>	<b>21%</b>		<b>100%</b>

## Financial Performance

### **2024/2025 Year Expenditures**

This reporting period covers the 2024 fiscal year of operation for the Review Board.

Following is a table showing the expenditures made by the Review Board during its 2024/2025 fiscal year.

### **Health Professions Review Board**

Operating Costs - April 1, 2024 – March 31, 2025

Salary & Benefits	\$ 688,708
Operating Costs	\$ 970,795
Other Expenses	\$ 20
Total Operating Expenses	\$1,659,523

### **Shared Services Administrative Support Model**

Administrative support for the 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.