



Health Professions Review Board

Practice Directive 6

Stay Applications in Licensing Decision Reviews (Provisional Licensees)

Background

This Practice Directive sets out the process for managing an applicant's application for an order of the Review Board to stay or suspend the effect of a licence committee's adverse application decision, pending the Review Board's review.¹ Such requests are typically made where a licence committee has decided not to extend the period of an applicant's provisional licence past a certain date, which date occurs sooner than the review might reasonably be expected to be completed.

Procedure

1. The Review Board will process an application for review of a decision to cancel a provisional license on an expedited basis, to the extent reasonably practicable.
2. Upon receipt of the application for review, the applicant will be advised of the possibility of a stay application.
3. An applicant who wishes to make a stay application may do so in writing.
4. Upon receiving a stay application, the Review Board will require the college to, within seven days, advise the Review Board and the applicant of its position (consent, oppose or take no position) on the request for stay.
5. If the college consents, the stay will be granted and the Review Board will proceed with the hearing process.
6. If the college takes no position on the application, the Review Board may decide the application if it concludes that it has sufficient information to do so.
7. If the college opposes or takes no position on the application, the review board may require one or more of the following, in less than its usual timelines in order to expedite consideration of the application:

1. Section 316 of the Health Professions and Occupations Act (the Act), which corresponds with s. 25 of the *Administrative Tribunals Act*, contemplates that the Review Board may order the stay or suspension of the operation of a matter that is the subject of a review.

- a. the applicant provide, within seven days, written reasons why the stay should be granted;
 - b. the college provide, within 14 days,
 - i. its written submission explaining why it opposes the stay; and
 - ii. the licensing record in accordance with Rules 13 and 15;

if the college requests that the review board receive information in the licensing record to the exclusion of the applicant (under s. 42 of the *Administrative Tribunals Act*), the college must at the same time provide a redacted version of the licensing record to the review board for distribution to the applicant, for the purposes of the stay application pending a decision on the s. 42 matter;
 - c. the applicant provide, within 5 days from the date the review board distributes the record, any reply that the applicant wishes to make to the college's submission.
8. Once the required information is submitted, a review board member will consider the stay application and may issue a decision with reasons, or with reasons to follow, within 10 days.
 9. Based on the urgency or complexity of an application, the review board may modify the process set out in this Practice Directive, or may establish any other process it considers appropriate.

Note: A stay or an application for a stay does not determine the ultimate outcome of the review, relieve an applicant of a requirement, or replace any other action that an applicant may, or should, take. Applicants should keep in mind key deadlines, including examination deadlines, set by the licensing committee.



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