



Health Professions Review Board

Practice Directive 8

The Review Process (Stage 1 and Stage 2) For Complaint Disposition Reviews and Licensing Decision Reviews

Written Hearing

Review board hearings take place entirely by written submissions and parties do not typically meet face-to-face with the review board.

At any time during the written hearing, the review board may seek clarification directly from parties on specific issues or ask the parties questions and direct them to answer the questions in their submissions or in a separate reply.

Stage 1 Review

1. The case manager initiates the Stage 1 review by sending the parties a letter commencing the written hearing and requesting the college record of investigation/licensing record.
2. The complainant/applicant is provided with the college record and invited to review it and submit a detailed written argument (submissions) to support the request for review. For more information, see:
 - a. Complainants submissions for a Complaint Disposition review
Model Submissions for Complainants for a Complaint Disposition review
 - b. Applicants Submissions for a Licensing Decision review
Model Submissions for Applicants for a Licensing Decision Review
3. Colleges and/or respondents are not required to make submissions at this stage.
4. The review board chair assigns a member of the review board (called the panel chair) to conduct the review. Typically, reviews are conducted by a single board member sitting as a panel of one.
5. The panel chair considers the application for review, the record of investigation/licensing record, and the complainant/applicant's submissions.

6. The panel chair may then decide to issue a Stage 1 order confirming the complaint disposition or licensing decision, without further process.¹ Once the order is issued, the hearing is finished, and the review is complete.

A panel chair cannot refer a matter back to the investigation committee or licence committee at Stage 1.² Many review board decisions confirm a college disposition at Stage 1, and never move to Stage 2.

Stage 2

1. If, after considering the review material, the panel chair determines that further information or submissions are needed in order to make a decision, they will send the parties a letter directing the matter to a Stage 2 hearing and asking the college and/or respondent for submissions on the application for review.
2. Colleges/respondents may apply for summary dismissal at this stage, but a determination on such an application may be postponed until the panel chair's final decision.
3. The panel chair will give the college and/or respondent an opportunity to respond to the complainant/applicant's submissions. Submissions proceed as follows:
 - a. the college and/or respondent will have the right to object to the admission of the complainant's documents;
 - b. the college will be asked to provide the review board and the other parties with its written submissions in response to the submissions and information provided by the complainant/applicant at Stage 1;
 - c. the respondent will be asked to provide the review board and the other parties their written submissions in response to the submissions and information provided by the complainant/applicant at Stage 1; and
 - d. the complainant/applicant will be given a right of final reply, but reply submissions can only respond to issues raised in submissions received from the college and/or the respondent (i.e. new issues cannot be raised in the final reply).
4. Once submissions are closed, the panel chair will consider the hearing material, and issue a final decision.



David Hobbs, Chair
October 5, 2022
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¹ In Stage 1 of a complaint disposition review, if the panel chair is satisfied that the investigation was adequate and the disposition was reasonable based on the information before them, they will issue a decision on the merits of the review, confirming the college disposition under s.319(1)(b)(i) of the *Health Professions and Occupations Act*. In a licensing decision review, if the panel chair is satisfied based on the information before them that the licensing decision ought to be confirmed, they will issue a decision on the merits confirming the licensing decision under s.318(1)(a) of the *Health Professions and Occupations Act*

² Rule 44 and Rule 3 (definition of stage 1 hearing) of the *Rules of Practice and Procedure for Reviews under the Health Professions and Occupations Act*, S.B.C. 2022, c. 43