



HEALTH PROFESSIONS REVIEW BOARD 2025 ANNUAL REPORT

***COVERING THE REPORTING PERIOD FROM
JANUARY 1 – DECEMBER 31, 2025***



Health Professions Review Board

PO Box 9429 Stn Prov Govt, Victoria BC V8W 9V1

Tel: (250) 953-4956

Website: www.bchprb.ca

Toll free: (888) 953-4986

Email: hprbinfo@gov.bc.ca

July 31, 2026

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, 2025, to December 31, 2025.

This report is submitted as required by Section 323(1) of the *Health Professions and Occupations 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



Health Professions Review Board

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Message from the Chair

The Year in Review

Applications for Review Received

In 2025, the Review Board's mandate was to respond to applications for review made under part IV of the *Health Professions Act* (the *Act*). In the last three years, the overall number of applications received annually has almost doubled, going up by well over 100 from 2022-2025.

Applications for Review Received Overall

Year	Applications received
2022	157
2023	163
2024	214
2025	267

Applications for Review of Complaint Dispositions

In previous years, the Review Board's Annual Report provided year over year statistics for the three colleges with the largest number of registrants: College of Physicians and Surgeons of BC, the BC College of Oral Health Professionals, and the BC College of Nurses and Midwives.

In 2024, all government-contemplated college amalgamations were completed. The number of colleges decreased from over twenty, to six - while still regulating over twenty individual health professions. The Review Board will in future provide year over year statistics for all six colleges, rather than just the three largest.

Colleges Amalgamated in 2024

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

- Dieticians
- Hearing Instrument Practitioners
- Occupational Therapists
- Opticians
- Optometrists
- Physical Therapists
- Psychologists
- Speech-Language Pathologists

Applications for Review of Complaint Dispositions Received – Year over Year

Year	College of Physicians and Surgeons of BC (approx. 16,717 registrants)	BC College of Oral Health Professionals (approx. 16,000 – 17,000 registrants)	BC College of Nurses and Midwives (approx. 75,000 registrants)	College of Pharmacists of BC (approx. 7,400 registrants)	College of Complementary Health Professionals of BC (over 13,000 registrants)	College of Health and Care Professionals of BC (over 17,000 registrants)
2024	94	16	27	3	3	5
2025	82	15	43	1	4	14

While this chart shows significant variation in year over year numbers, it is important to recognize that 2025 was a transition year for health regulatory bodies, as it was for the Review Board. Most significantly, the amalgamation posed significant administrative challenges for the two new colleges: the College of Complementary Health Professionals of BC, and the College of Health and Care Professionals of BC. Moreover, all regulatory bodies were preparing for the implementation of the new *Health Professions and Occupations Act*, which received royal assent in 2022. These statistics should become more informative as they regularise over the next several years. That said, from 2024 to 2025, the number of applications for review for the College of Physicians and Surgeons went down by over ten percent; applications for review for the College of Nurses and Midwives increased about 35 percent; and numbers for the College of Oral Health Professionals remained stable.

Applications for Review of Registration Decisions

In 2025 the Review Board received only 10 applications for review of registration decisions, down from 46 in 2024. As in 2024, most of the applications (9 out of 10) were for decisions of the BC College of Nurses and Midwives, with the bulk of these being related to the provincial Internationally Educated Nurse program. The tenth application was for a registration decision of the College of Health and Care Professionals. Unusually, there were no applications for review of registration decisions of the College of Physicians and Surgeons.

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 2025, the Review Board received 98 applications for review of delayed investigations, as compared to only 21 in 2024. On average, pre-COVID, the Review Board received only about 25 applications for review of delayed investigations annually. As such, this workload suddenly quadrupled in 2025 over previous years, indicating that timeliness of complaint dispositions continues to be an issue in health professions regulation. This was a significant workload challenge for the Review Board, as the *Health Professions Act* provided for a time limit of 30 days for the Review Board to respond to delayed investigation review applications.

The applications related to the BC College of Oral Health Professionals (seven), the College of Physicians and Surgeons of BC (71), College of Health and Care Professionals (18), College of Nurses and Midwives (one) and College of Complementary Health Professionals (one).

Review Board Decisions Issued

Complaint Disposition Reviews Issued

Number of Complaint Disposition Reviews Issued – Outcomes by College			
College	Confirmed	Remitted	Total
BC College of Nurses and Midwives	15	1	16
College of Health and Care Professionals of BC	3	0	3
BC College of Oral Health Professionals	9	1	10
College of Pharmacists of BC	1	0	1
College of Physicians and Surgeons of BC	49	2	51
Total	77	4	81

Registration Decision Reviews Issued

Number of Registration Decision Reviews Issued – Outcomes by College			
College	Confirmed	Remitted	Total
College of Nurses and Midwives	14	1	15
College Complementary Health Professionals of BC	2	0	2
BC College of Oral Health Professionals	2	0	2
College of Physicians and Surgeons of BC	1	1	2
Total	19	2	21

Provincial Internationally Educated Nurse Registration Program – Registration Decision Reviews Issued

In 2025, of a total of 24 published registration decision reviews, 14 related to the College of Nurses and Midwives international nurse applicants. Thirteen of these were confirmed, and one remitted.

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 2025, the Review Board issued 10 decisions on applications for extensions of times to apply – four were granted, and six denied. This ratio is consistent with the previous year; in 2024, the Review Board issued 16 decisions on applications for extensions of times to apply – 6 were granted, and 10 denied.

There were seven applications for the Review Board to receive information in the record of investigation in confidence from a party under Rule 18: three were granted, 3 granted in part, and one denied. There was one decision regarding a jurisdictional issue. Again, as was the case for applications for extensions of time, the 2025 numbers were generally consistent with those of the previous year: In 2024, 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.

Delayed Investigation Reviews Issued

The Review Board issued close to one hundred delayed investigation review orders in 2025. However, since the Review Board began publishing these after August 2025, only 15 were posted on the CanLII website for 2025. Of these, three were brought by registrants and 12 by complainants. In all cases, the Review Board returned the matter back to the Inquiry Committee with directions.

Multiple colleges, including the College of Physicians and Surgeons of British Columbia and the British Columbia College of Oral Health Professionals cited high-volume workloads as a cause for delays. Of particular note were applications involving the College of Health and Care Professionals in British Columbia, which is an amalgamation in six previous professional colleges. The College explained it was experiencing delays attributable to the amalgamation including staffing shortages and other resource constraints; inspectors needing to learn new professional standards and scope of practices; high case loads inherited from the former colleges coupled with new complaints; and, simply, files getting “lost in the shuffle”.

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. The table below shows that it typically takes the Review Board five to seven months to complete a review. There appears to be a steady

increase in the time required to complete a review from 2023 to 2025. The Review Board speculates that this is in part related to staffing challenges the Review Board has faced in the last two years, and to volatility in health professions regulation due to new legislation. Of course, the rise in 2025 was also directly related to public service job action, which saw staff striking for over a month. However, staff also report a general increase, post-COVID, in the adversary nature and complexity of review applications.

Year	Average Days to complete Complaint Disposition Review Hearings	Average Days to complete Registration Decision Review Hearings
2023	152	175
2024	183	158
2025	209	175

Member Continuing Education

At the Review Board's Annual General Meeting, Members continued familiarizing themselves with provisions of the new *Health Professions and Occupations Act*, focusing in 2025 on the Act's purpose and value provisions.

The British Columbia Law Institute published its Guide to Trauma-Informed Legal Writing in February 2025. This timely publication was ably and enjoyably presented to the Review Board at its Annual General Meeting, held February 2025. For this, the Review Board sincerely thanks Karen Campbell, Executive Director, BC Law Institute and Canadian Centre for Elder Law, and Marie Ong, Staff Lawyer, BC Law Institute and Canadian Centre for Elder Law. The Review Board is also grateful to member Jennifer Khor, for her considerable contributions to this document.

Ombudsperson

The Ombudsperson Office reports that, in 2025, it concluded one enquiry, five complaints with no investigation, one complaint settled in consultation with the authority, and one complaint investigation regarding the Review Board.

In regard to the complaint investigation, a person submitted a review request by taking a picture of a completed Review Board application form. The Review Board does not accept pictures of forms for application, so the form was not accepted. The person appealed to the Ombudspersons Office, saying they had a disability which made the form difficult to complete and submit.

To determine whether the Review Board acted in a fair manner, the Ombudsperson Office reviewed records related to the complaint, information provided by the person, Review Board staff and executive director, and relevant policies. On the basis of this investigation, the Ombudsperson Office found that the Review Board provided timely and professional responses. Steps were taken to accommodate requests for assistance including emailing and mailing the form and attempting to assist the person to obtain a copy of the relevant decision to be reviewed. The person also did not advise the Review Board that sending the form by mail was a barrier for them. Despite that, the Review Board subsequently accepted the person's review request. The complaint investigation was settled, and the file closed.

Review Board Members

Review Board membership was stable in 2025. The Review Board is pleased to report that former Member Lorianna Bennett was appointed to the Supreme Court Bench in February of 2025. Madame Justice Bennett was a long-time and highly regarded member of the Review Board and completed over 100 decisions in the course of her appointment.

In other good news, Review Board Member Denese Espeut-Post was appointed as Chair of the Mental Health Review Board for a four-year term. The Review Board is fortunate that this highly regarded member has chosen to continue serving on the Review Board, in addition to her new appointment.

Review Board Operations

Publication of Delayed Investigation Reviews

In 2025, for the first time, the Review Board began publishing Delayed Investigation Review Orders. These are now anonymized and posted to the CanLII website along with complaint disposition reviews and registration decision reviews. This was a significant step forward for the Board. Making delayed investigation decisions accessible to the public adds to the transparency of Review Board processes and enhances college accountability for the timeliness of complaint investigations.

Staffing update

In January 2025, the Review Board Administrator was promoted to case manager, following retirement of a long-time staff member. The Administrator position remained unfilled in 2025 due to staff re-structuring, presenting a significant human resource challenge for the Review Board Office.

Public Service Job Action

Review Board staff are Public Service employees. As such, all unionized staff members were affected by BCGEU job action that began in September of 2025 and concluded in October. Review Board staff were on strike for four weeks. This severely impacted workload and review timelines. The Office continues to deal with backlog as a result.

Strengthening Indigenous Relations

In 2025, the Review Board continued its commitment to strengthen Indigenous relations. Invitees to the 2025 Annual General Meeting included Desiree Holmes, Quality & Safety Analyst, Vancouver Island Region, First Nation Health Authority and Krista Joseph, Senior Advisor, Cultural Safety and Humility, Vancouver Island Region, First Nation Health Authority. The Review Board sincerely thanks Ms. Holmes for her informative presentation on her first-hand experience as a navigator supporting Indigenous complainants in their contact with Health Professions Regulatory System.

Staff also continue to participate in continuing education on cultural safety and humility, in order to more sensitively serve Indigenous participants in the review process.

Thank you

In closing, I would like to recognize the Review Board members; our esteemed counsel Monique Pongracic-Speier, KC and the talented lawyers and staff of Ethos Law; 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

On September 10, 2025, Review Board members approved amendments to the Rules to address several incidents when a complainant sent review records to third parties (such as individual members of a college not part of the review process, or legal counsel no longer representing a party). These disclosures delayed the review, compromised the integrity of the review hearing, and posed a high privacy and confidentiality risk. The 2025 Rule changes required that a complainant, applicant or registrant only copy parties to the review in email and mail correspondence.

Rule	Current	Proposed
Rule 3	Definitions "agent" means a person who is authorized by a party to act for or in place of the party; No current definition for "representative" "participant" means a party or intervener;	(1) In these rules: "agent" means a person who is authorized by a party to act for or in place of the party; "representative" means a person such as a friend, family member, advocate, agent or legal counsel of a participant, who is authorized by a participant to act on their behalf in all review matters, and to access and disclose information on behalf of the participant, including the participant's personal information; "participant" means a party or intervener;, unless a party or intervener has named a representative, then "participant" means the participant's or intervener's representative;
Rule 24	(7) If a participant delivers a document or communication to the review board, the participant must:	(7) If a participant delivers a document or communication to the review board, the participant must:

	a) include the names of the participants who will receive a copy of it; b) send a copy of the document or communication to each other participant to the review by a method of delivery set out in rule 25 on the same day as the document or communication is delivered to the review board; and c) not deliver a duplicate copy to the review board of that document or communication unless these rules require, or the review board directs that multiple copies be provided.	a) include the names of the participants who will receive a copy of it; b) send a copy of the document or communication to each other participant to the review by a method of delivery set out in rule 25 on the same day as the document or communication is delivered to the review board; and c) not send a copy of the document or communication to any person other than the review board or another participant; and e)d) not deliver a duplicate copy to the review board of that document or communication unless these rules require, or the review board directs that multiple copies be provided.
Rule 25	Delivering a document to parties in the process (1) The review board or a participant may deliver a document or communication to a participant by: a) emailing it to a participant's email address authorized by the review board; b) leaving a copy of it with a participant; c) mailing it to a participant's address for delivery by regular or registered mail; d) delivering it by hand or courier to a participant's address for delivery; e) faxing it to a participant's fax address for delivery; or	Delivering a document to parties in the process (1) If a participant has a representative, delivery of a document or communication must be made to the representative only. (1)(2) The review board or a participant may deliver a document or communication to a participant by: a) emailing it to a participant's email address authorized by the review board; b) leaving a copy of it with a participant; c) mailing it to a participant's address for delivery by regular or registered mail; d) delivering it by hand or courier to a participant's address for delivery; e) faxing it to a participant's fax address for delivery; or f) by any other means permitted by the review board that allows for proof of receipt.

f) by any other means permitted by the review board that allows for proof of receipt. (2) A document or communication that is delivered by fax must include a cover page with sufficient information to identify the sender, recipient, number of pages sent, date and time of transmission, and a telephone number to call if there are transmission problems. (3) If it is impractical to deliver a document or communication in accordance with rule 25(1), the review board may permit an alternate method of delivery to be used, may give directions for substituted delivery and where necessary, may dispense with delivery. 22 Health Professions Review Board Rules of Practice and Procedure (4) To apply for authorization to deliver a document or communication by an alternate method of delivery, a participant must deliver a written request to the review board that explains the reasons why it is not feasible to deliver a document or communication to the person by leaving a copy of it with them or by providing it in accordance with the person's address for delivery if they are a party or intervener.	(3) Delivery of documents or communication must not be made to anyone other than a participant, and the review board may reject documents or communication which do so. (2)(4) A document or communication that is delivered by fax must include a cover page with sufficient information to identify the sender, recipient, number of pages sent, date and time of transmission, and a telephone number to call if there are transmission problems. (3)(5) If it is impractical to deliver a document or communication in accordance with rule 25(1), the review board may permit an alternate method of delivery to be used, may give directions for substituted delivery and where necessary, may dispense with delivery. 22 Health Professions Review Board Rules of Practice and Procedure. (4)(6) To apply for authorization to deliver a document or communication by an alternate method of delivery, a participant must deliver a written request to the review board that explains the reasons why it is not feasible to deliver a document or communication to the person by leaving a copy of it with them or by providing it in accordance with the person's address for delivery if they are a party or intervener.
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Additional amendments consolidated references to "agent," "lawyer," and "legal counsel," under "representative." "Agent" was replaced by "representative" in Rules 4 (1)(d)(g), 6(5), 20(2), 22(2), 57(1)(2)(4); "Legal counsel" was replaced by "representative" in Rules 20(2) and 57(4); and "lawyer" was replaced with "representative" in Rule 22(2).

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 2025, 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 of any disclosures that it, its staff, or its members (past or present) are alleged to have committed any wrongdoing.

Review Board Mandate

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 to 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, 2025

Member	Profession	From
David A. Hobbs (Chair)	Lawyer	Vancouver
Shelley Ball	Lawyer	Vancouver
Shannon Bentley	Lawyer	Bowen Island
David Blair	Physician (Retired)	Victoria
Corrie Campbell	Civil Servant (Retired)	Victoria
Mimi Chang	Lawyer	Burnaby
Jonathan Chaplan	Lawyer	Vancouver

Gregory J. Cran	Academic Consultant	Lund
Douglas S. Cochran	Lawyer	Vancouver
Prab Dhaliwal	Adjudicator	Surrey
Charlotte Ensminger	Lawyer (Retired)	Victoria
Denese Espeut-Post	Lawyer	Summerland
Alana Hughes	Lawyer	Kamloops
Jennifer Khor	Lawyer	Vancouver
David Newell	Lawyer	Surrey
John O'Fee, K.C.	Lawyer/University Lecturer	Kamloops
John M. Orr, K.C.	Lawyer	Victoria
Benedict 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
- Three Case Managers
- One Intake and Administration Officer
- One 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

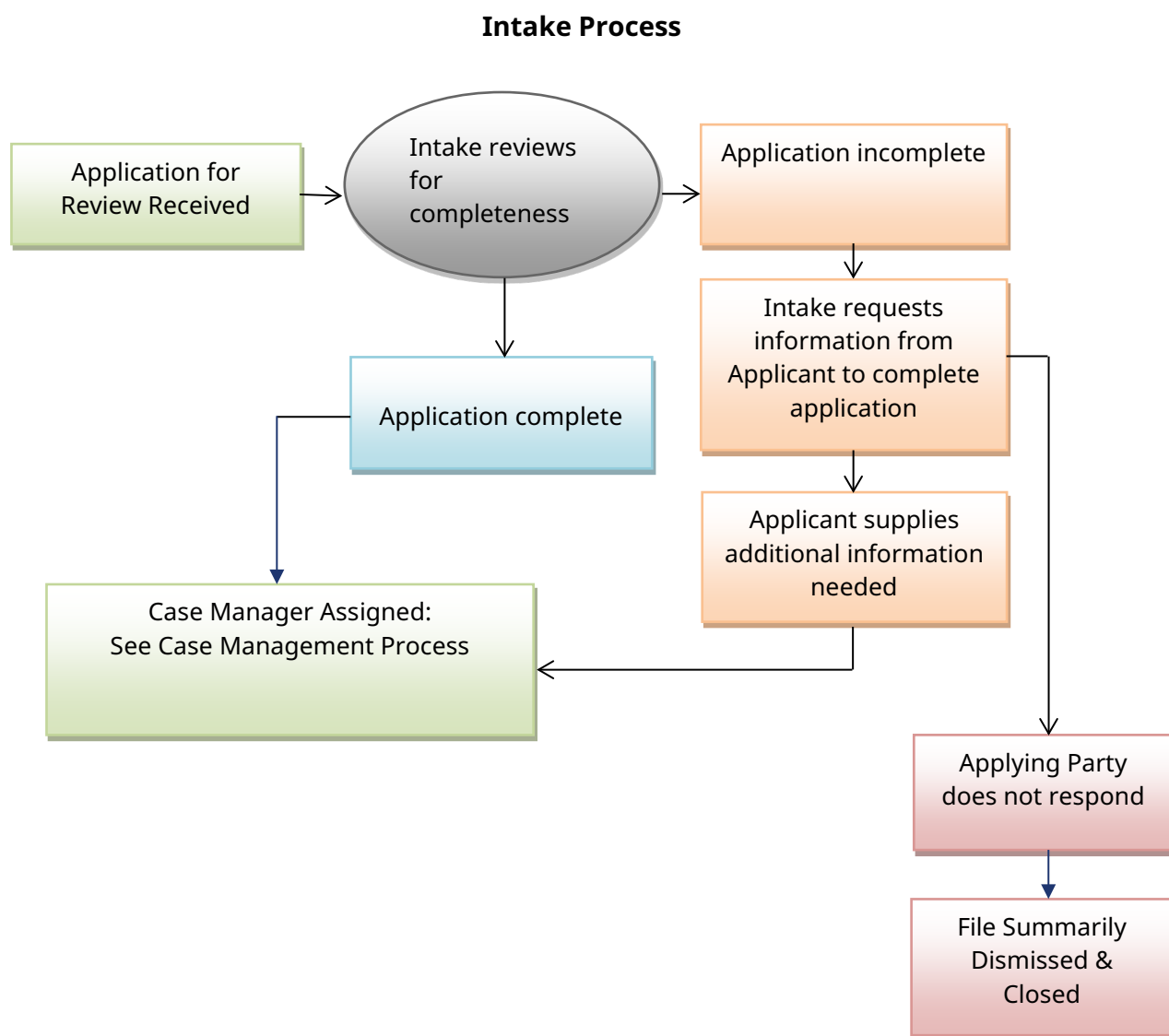
Telephone: 250-953-4956
Toll-free number: 1-888-953-4986

Website Address: www.bchprb.ca

The Review Process – Flow Charts

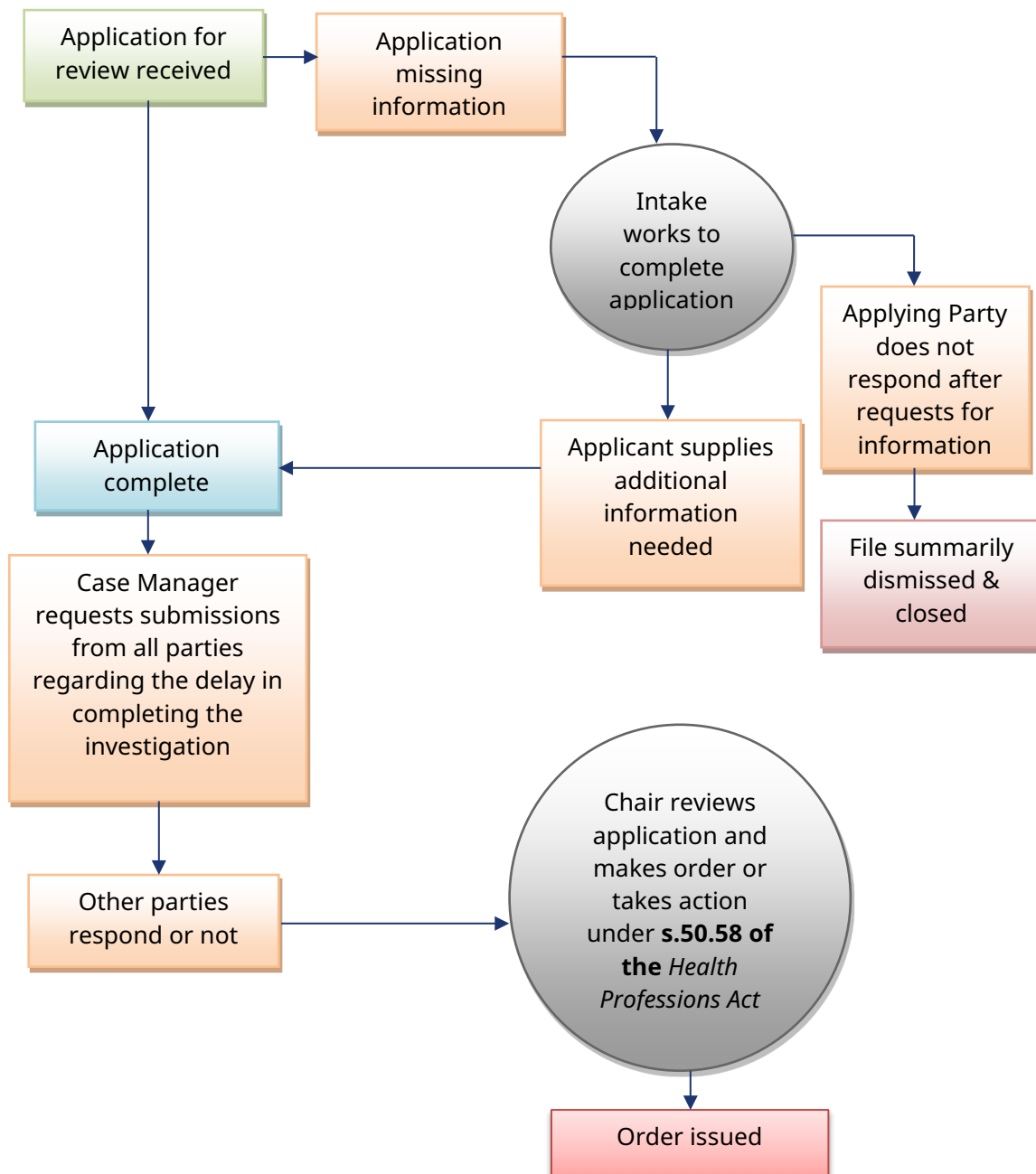
The following is a visual overview of the review process. For more detailed information, a copy of the Review Board's *Rules of Practice and Procedure* and other information can be accessed at the Review Board website or obtained from the Review Board Office.

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.



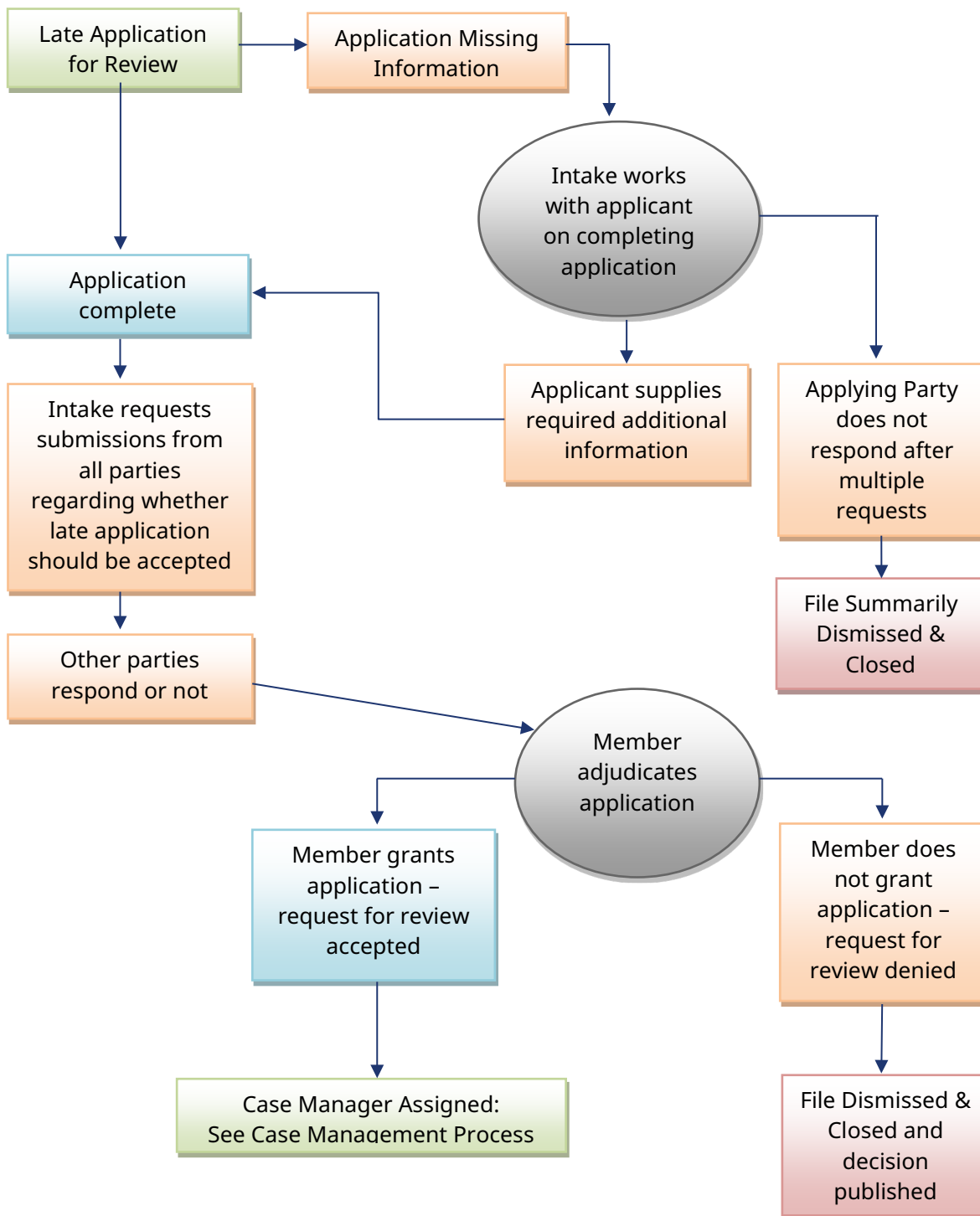
Process for Review of Investigations Not Completed within Statutory Deadlines (Delayed Investigations)

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.



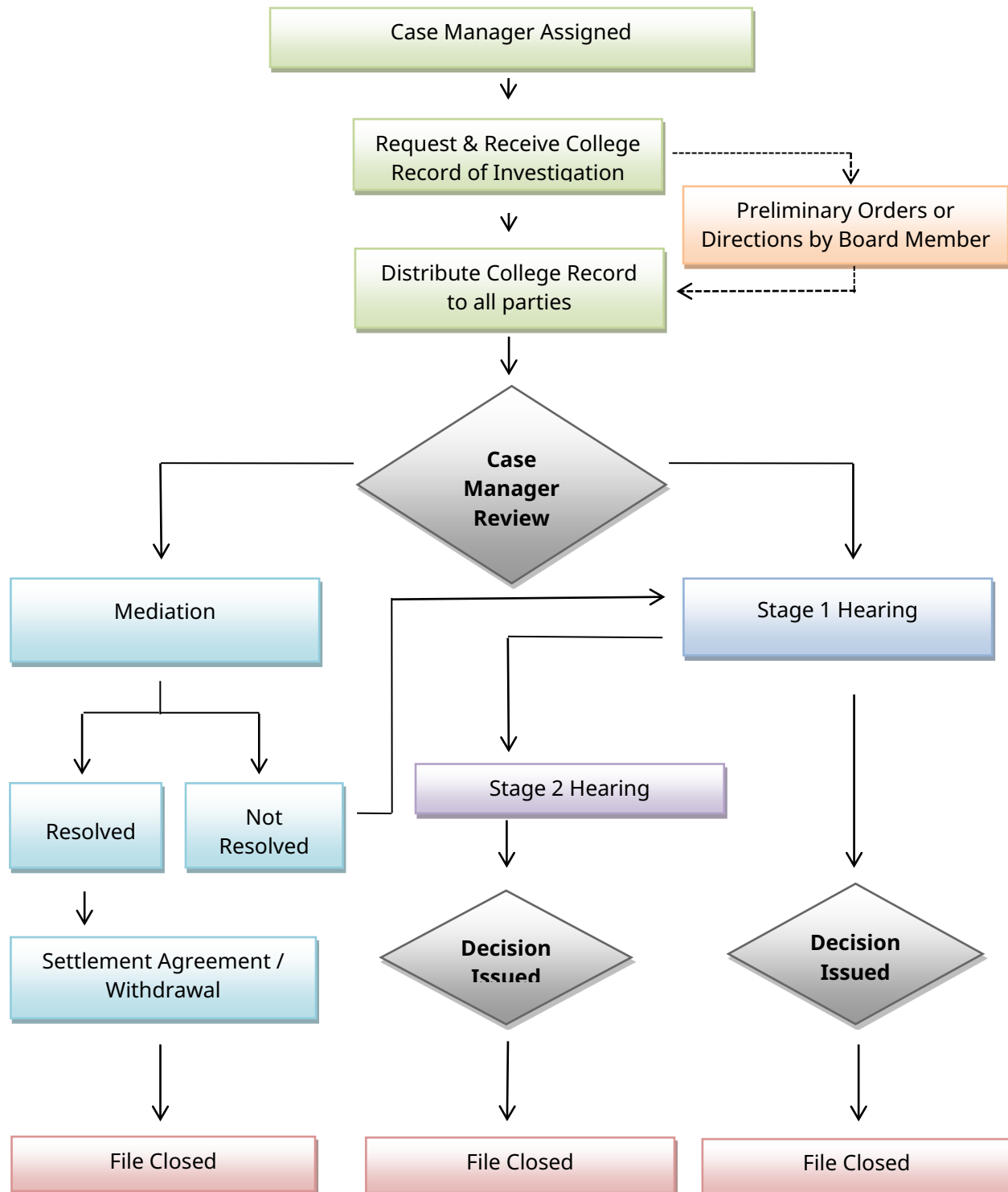
Process for Applications Submitted Outside Legislated Deadline

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.

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 2025.

A. Decisions confirming college complaint dispositions

Section 50.6 of the *HPA* provides that in 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 the reasonableness of the disposition.

Adequacy of the investigation

Five decisions issued in 2025 considered whether a college's failure to provide the complainant an opportunity to respond to all or part of a registrant's response undermined the adequacy of the college's investigation. Four of these found that the adequacy of the investigation was not compromised by the complainant not having an opportunity to reply.

- a. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 24 (HPRB-HPA-24-A057)***: The Complainant complained that the Registrant sexually assaulted her from the ages of 9 or 10 to 20 years old. She also complained that the Registrant made inappropriate comments to her and made incorrect entries in her medical records. During the College's investigation, counsel for the Registrant wrote two letters that were not provided to the Complainant. In the first, counsel for the Registrant submitted that the Complainant's description of the events at issue was unclear and based in fantasy, and that the Complainant may be suffering from health issues which impaired her perception of reality. The second letter was a response to a recording of a virtual interview of the Complainant conducted by the College. Counsel submitted that the interview appeared to be a repetition of information the Complainant had previously provided. Counsel also summarized evidence gathered by the College and made submissions on the College's Guide to Charge Approval Standard. The Panel Chair found that the College's failure to provide the letters to the Complainant did not render the investigation inadequate. The

College had an opinion from its own legal counsel, so it was not relying solely on the submissions of the Registrant. Further, the Complainant had previously advised the College that she may not look at material from the Registrant. On review, the Complainant did not indicate she had further information to provide that was relevant to the complaint.

b. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025***

BCHPRB 38 (HPRB-HPA-24-A139): The Complainant complained about care provided to his 10-month-old son in a community hospital emergency department. The College ultimately criticized the Registrant, finding the care provided “did not meet expectations”. The College directed the Registrant attend educational courses. During the College investigation, the Registrant made two submissions. The Complainant was given the opportunity to respond to the first, but not the second. The Panel Chair found the College’s investigation was nonetheless adequate because it uncovered sufficient information to enable the Inquiry Committee to understand the complaint, formulate a conclusion, and prescribe actions consistent with the goals of the investigation.

c. ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2025***

BCHPRB 119 (HPRB-HPA-24-A130): The Registrant and the Complainant’s son, who had died by suicide, had previously been in a romantic relationship. The Complainant alleged that on a telephone call, the Registrant advised the son on how to end his life. The Registrant denied the allegation. The College did not provide the Registrant’s submissions denying the allegation to the Complainant. The Review Board found that the College’s decision not to provide the submissions to the Complainant did not render the investigation inadequate: the Complainant was not a party to the telephone call and could not give evidence as to what was said during the call.

d. ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2025***

BCHPRB 57 (HPRB-HPA-24-A157): The Complainant complained that the Registrant vaccinated her 3-year-old son without consent. The College did not share the Registrant's response, which included answers to 16 questions posed by the College, with the Complainant. The Panel Chair found that this did not undermine the overall adequacy of the investigation because the Complainant was already aware of the Registrant's general position and had the opportunity to comment upon receiving the full record during the review process.

e. ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2025***

BCHPRB 138 (HPRB-HPA-24-A209): The Complainant was apprehended by the police under s.28 of the *Mental Health Act*, R.S.B.C. 1996, c. 288 (the "***Mental Health Act***") taken to a hospital emergency department, where he was attended by the Registrant, and involuntarily admitted and treated. The Complainant made a series of allegations, including that he was improperly chemically sedated and subjected to seclusion for over 22 hours without adequate food, water, or toilet paper. The College investigation consisted of gathering hospital records and a written response from the Registrant, which was not provided to the Complainant. The College submitted that providing the Registrant's response was optional and only a recommendation of the Review Board, not a requirement. The Panel Chair found that in this case, the Complainant provided an extensive statement of points on review, illustrating that it was important to seek a reply. The Panel Chair found that considering the information provided by the Complainant on review may have reduced the potential for an application for review. The Panel Chair concluded "[t]he absence of all the information from the Complainant in this case contributed to the inadequacy of the investigation."

f. In ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2025***

BCHPRB 48 (HPRB-HPA-24-A166), the Complainant complained about care his wife received from a Registered Nurse and a Licensed Practical Nurse. Neither Registrant was identified in the complaint. A College investigator was not able to identify either Registrant. The Inquiry Committee considered the complaint and concluded that the

investigator's efforts were reasonable and there were no further viable avenues left for the College to identify the Registrants. The matter was closed under s. 33(6)(a) of the *HPA*.

The Complainant applied for review of both the adequacy of the investigation and reasonableness of the disposition. The Complainant argued, among other things, that the College's inability to identify the Registrants undermined the adequacy of the investigation. The Panel Chair dismissed the application, finding that a "failed" investigation is not necessarily an inadequate investigation:

[52] The inability of the College to identify the Registrants does not mean that the investigation was inadequate. On the contrary, the College submission illustrates an investigation that fully engaged in the key issues and made diligent enquiries. The investigation may have failed but that does not render it inadequate.

Subject matter jurisdiction in respect of complaints

Four complaint disposition reviews in 2025 raised issues concerning the college's subject matter jurisdiction.

- a. In ***Complainant v. College of Health and Care Professionals of British Columbia (No. 1)*, 2025 BCHPRB 78 (HPRB-HPA-24-A189)**, the Complainant complained about the Registrant's appearance, the cleanliness of the clinic, and the clinic's neighbourhood, which included low-income and homeless residents. The College concluded that such matters were outside its jurisdiction. The College's authority is to regulate registrants' conduct and practice. It does not extend to determining where a registrant practices, the conditions surrounding clinics, or registrants' appearance.

On review, the Complainant asked that the Review Board conduct a full review of the clinic's cleanliness and cleaning protocols. The Review Board dismissed the application for review, finding the investigation adequate and the disposition reasonable. The Panel Chair affirmed that the Complainant's concerns with respect to cleanliness and appearance were not within the College's authority.

- b. In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)***, **2025 BCHPRB 88 (HPRB-HPA-24-A186)**, the Complainant and the Registrant's patient were involved in a family law matter in court. The Registrant wrote a letter to the Court about the patient's medical and financial circumstances. The Complainant complained to the College that the Registrant overstepped professional boundaries. The Complainant also raised issues about accuracy of the information in the Registrant's letter. The Inquiry Committee determined that the complaint did not involve a matter within its regulatory mandate.

At the Review Board, the Complainant argued that the investigation was inadequate and the disposition unreasonable. The Panel Chair found that the investigation was sufficient to meet its goals of determining whether the complaint concerned a matter within the College's jurisdiction. With respect to reasonableness, the Panel Chair found that there may be situations where a physician's conduct ancillary to providing medical care may give rise to a professional conduct concern but deferred to the College's assessment of its jurisdiction over the allegations advanced in the complaint.

- c. In ***Complainant v. British Columbia College of Nurses and Midwives (No. 3)***, **2025 BCHPRB 92 (Grouped File: HPRB-HPA-25-G002)**, the Complainant, an inmate in a federal institution, complained about Registrant 1, the manager of health services, and Registrant 2, the chief of healthcare at the institution. The Complainant made general allegations that one or both of the registrants engaged in systemic abuse, criminal harassment, medical negligence, medical torture, intimidation, conspiracy, criminal breach of contract, and cruel and inhumane treatment. He also made a series of specific allegations, for example, that Registrant 2 ignored the Complainant's request for medical assistance in dying.

The College intake advisor sent the Complainant a letter stating that the complaint had been reviewed by the College's "Triage Team" who anticipated that the concerns raised in the complaint "would be dismissed by the Registrar for the reason that there

is a more appropriate forum”, namely the Office of the Correctional Investigator of Federal Corrections Canada.

The Complainant applied to the Review Board for review of the College’s letter. In two preliminary decisions, indexed as *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, the Panel Chair ordered, among other things, that the Inquiry Committee investigate the complaint as it deemed fit and issue a letter of disposition.

The College Registrar prepared a report, which was adopted by the Inquiry Committee, dismissing the Complaint pursuant to s.32(3)(a) of the *HPA*. The Registrar found, in the alternative, the Complaint should be dismissed under s. 32(3)(b) because the College does not have jurisdiction over institutional policies, operational issues, wrongdoings in prisons, or criminal offences. The College wrote that there was a more appropriate forum to resolve the complaint.

The Complainant applied for review of the disposition. The Panel Chair noted that the College cannot abdicate its primary duty under the *HPA* to serve and protect the public and superintend the profession. The Panel Chair concluded, however, that it was reasonable for the Registrar to dismiss the complaint pursuant to s.32(3)(a) of the *HPA*. The Panel Chair found that the general allegations were comprised of opinion and conjecture, and the specific allegations had been sufficiently answered in a letter from the Corrections Services of Canada, written by Registrant 1. Given these features, no investigation of the complaint was required.

- d. Finally, in ***Complainant v. British Columbia College of Oral Health Professionals (No. 1)***, **2025 BCHPRB 95** (HPRB-HPA-24-A114), the Complainant complained about care provided by the Registrant, including the Registrant’s hygiene practices, and pain treatment. She also complained about a billing dispute. The College identified issues with the Registrant’s recordkeeping and scope of practice and concluded the matter with a Letter of Agreement. The College informed the Complainant it did not have

jurisdiction over the billing dispute.

On review, the Complainant referenced the billing dispute. The Review Board affirmed that “the College has no jurisdiction to deal with financial disputes as it only has the ability to investigate complaints which may raise a competency or conduct issue.”

Remedies available on a complaint disposition review

The Review Board’s powers on the conclusion of a complaint disposition review are set out at s.50.6(8) of the *HPA*. The Review Board may do one of the following on completion of a review of an inquiry committee disposition:

- a. confirm the inquiry committee disposition,
- b. direct the inquiry committee to make a disposition that it could have made, or
- c. send the matter back to the inquiry committee to reconsider the matter with specific directions.

In ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2025 BCHPRB 70 (HPRB-HPA-24-A156)***, the Complainant complained about remote follow-up treatment he received after a kidney transplant during the COVID 19 pandemic. The Complainant asked the Review Board for a series of orders, including orders for compensation and a formal apology from the Registrant and the hospital. The Panel Chair affirmed that neither the College nor the Review Board has any authority to award compensation nor to require the Registrant or the hospital to make an apology. The Panel Chair noted that a regulatory complaint is not a negligence action.

B. Complaint dispositions remitted to the College

The Review Board remitted only three matters for reconsideration in 2025.

- a. In ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 43 (HPRB-HPA-24-A086)***, the Registrant treated a youth (the Patient) for depression. At the request of the Patient, the Registrant did not inform the

Patient's custodial parent about the treatment. The Patient later died by suicide, following which the parent complained to the College.

The Inquiry Committee found that the Registrant did not have a duty to involve the Complainant in the provision of care to the Patient. However, the College criticized the Registrant for suboptimal management of the Patient's depression; for the Registrant's clinical management and, more particularly, the failure to address, discuss and record the necessity for additional follow-up care and/or concurrent treatment, and to appropriately discuss safety planning for a suicidal patient; and for inadequate medical record keeping.

The College requested that the Registrant attend an interview to discuss the complaint, and consent to taking a medical record keeping course and education related to pediatric psychiatry. The Registrant did not agree with all points of the Inquiry Committee's criticism but consented to the education which the Inquiry Committee directed.

The Complainant sought review of the reasonableness of the disposition. The Review Board found the remedial action prescribed by the College was not reasonable. The Panel Chair found there were no reasons provided in the disposition indicating how the Inquiry Committee arrived at the remedial action ordered. Further, the remedial outcome did not meet the College's statutory duty to protect the public and were not proportional to the College's criticism of the Registrant.

The Panel Chair remitted the matter to the Inquiry Committee for reconsideration of the specific educational courses that it requested the Registrant complete. The College was directed to consider educational courses relating to pediatric psychiatry that were likely to improve the Registrant's ability to treat young people suffering from severe depression. The Review Board further directed the Inquiry Committee to consider the fact that the Registrant had apparently resisted the Inquiry Committee's criticism of his care.

- b. The second Review Board decision in which the Review Board remitted a college decision was ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2025 BCHPRB 93 (HPRB-HPA-23-A155)**. This is the Review Board's decision on judicial review in *The College of Physicians and Surgeons of British Columbia v. The Health Professions Review Board, Parvin Yavari, and Dr. Lena Osachiff*, BCSC No. S257777, Vancouver Registry, as described above.
- c. Lastly, in ***Complainant v. British Columbia College of Nurses and Midwives (No. 1)*, 2025 BCHPRB 138 (HPRB-HPA-24-A209)**, the Complainant was apprehended by the police under s.28 of the *Mental Health Act* and taken to the hospital emergency department where he was attended by the Registrant. He was subsequently involuntarily admitted following psychiatric assessment and provided with involuntary medical treatment.

The Complainant alleged the Registrant, among other things: gave the Complainant's house keys to the police against his wishes; refused to inform the Complainant of the reason for his detention; falsely charted that the Complainant refused medication; improperly used medication as a chemical restraint; failed to report that someone assaulted the Complainant during the administration of medication; did not record or care for an injury the Complainant sustained from the assault; refused to tell the Complainant what medications he was being given; and placed the Complainant in involuntary seclusion for more than 22 hours without explanation, adequate food, drink or toilet paper.

The College gathered hospital records and a written response from the Registrant. The Registrar dismissed the complaint under s. 32(3)(c) of the *Act*, with no regulatory criticism of the Registrant. On review, the Complainant disputed the Registrar's jurisdiction. He also challenged the adequacy of the investigation and the reasonableness of the disposition.

The Panel Chair found there was no jurisdictional error. It was open to the Registrar to determine that the allegations would not normally result in referral to the

Discipline Committee and disciplinary action as provided for in s.39(2)(b) to (e) of the *Act*.

The Panel Chair found the investigation was not adequate in that it failed to meet the basic investigative goal of gathering relevant information against which to assess the Registrant's nursing care. There was no evidence that the College had identified and considered professional rules, practice standards, statutory guidelines, employer policies or workplace procedures relevant to the allegations in the complaint. In addition, there was no evidence that the College had inquired about witnesses to the alleged assault or injuries, despite a lack of documentation about them.

The Panel Chair also found the disposition was not reasonable. The reasoning of the disposition was not transparent. The College failed to identify the rules, legislation, standards, policies and procedures against which the Registrant's conduct was assessed. The disposition failed to address the allegations that the Registrant gave the Complainant's house keys to the police without consent and contrary to his right to privacy, and the allegations that the Complainant was not told what medication he was being given, only the possible effect. The disposition was unclear as to whether the Registrar had made a finding about whether the Registrant failed to advise the Complainant of the reasons he was involuntarily admitted to hospital. The disposition also failed to reasonably address the allegations that the Complaint was subject to improper seclusion and chemical restraint. The Panel Chair remitted the matter to the Inquiry Committee, with directions, for reinvestigation and a new disposition.

C. Additional Evidence in complaint disposition and registration reviews

Sections 50.6(4), (6) and (7) of the *HPA* require 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”.

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.

A party sought to introduce additional evidence in 19 cases in 2025. The Review Board refused to admit additional evidence in 13 of those cases:

- a. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 8 (Grouped File: HPRB-HPA-24-G004)***: The Complainant submitted photos of events that occurred 2 years before meeting the Registrant. The Panel Chair found the photos were not relevant.
- b. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 18 (HPRB-HPA-24-A093)***: The Complainant wrote in her statement of points that two documents in the Record she received were incomplete. The Complainant provided the missing pages along with a Form 11 seeking permission to provide those pages for the review. The missing pages were in fact in the record, however, in different places than would be expected. Therefore, it was not necessary to admit the missing pages.
- c. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 24 (HPRB-HPA-24-A057)***: The Complainant did not apply to adduce new evidence but referred in her submissions to medical records not in the record. The

Review Board found that further records were not required for full and fair disclosure.

- a. ***Applicant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 29 (HPRB-HPA-23-A156)***: The Applicant sought to introduce reference letters from fellow physicians. The Panel Chair found the record already supported the information in the reference letters, rendering the reference letters unnecessary.
- b. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 34 (HPRB-HPA-24-A074)***: The Complainant submitted a Form 11 with a reiteration and rearticulation of concerns set out in his submissions. The Panel Chair found the information was not necessary to the review.
- c. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 43 (HPRB-HPA-24-A086)***: The Complainant sought to introduce two letters, one by a medical expert and another from the Complainant's colleague speaking to the Complainant's parenting of the patient at issue. The Review Board did not admit the letters because they were not directly relevant to issues on review, namely, the reasonableness of the remedial action imposed by the College.
- d. ***Applicant v. British Columbia College of Oral Health Professionals (No. 1), 2025 BCHPRB 45 (HPRB-HPA-24-A203)***: The Applicant sought to introduce evidence of her experience, her educational background, and the steps she took to prepare for a registration examination. The Review Board found the additional information was not relevant to the issue under review in this case: whether the Registration Committee reasonably concluded that the Applicant's circumstances did not provide sufficient support for an appeal of her examination score.
- e. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 59 (Grouped File No.: HPRB-HPA-25-G004)***: The matter concerned the Complainant's detention under s. 4 of the *Mental Health Act*, RSBC 1996, c 288. The Complainant sought to introduce documents to establish her soundness of mind and

the "malicious and fraudulent nature" of her committal. The Review Board found the additional documents were already in the record or were otherwise irrelevant.

- f. ***Complainant v. British Columbia College of Oral Health Professionals (No. 1), 2025 BCHPRB 82 (HPRB-HPA-25-A043)***: The Complainant sought to introduce evidence from after the disposition was issued. The documents did not assist the Review Board in performing a review.
- g. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 2), 2025 BCHPRB 89 (HPRB-HPA-24-A090)***: The Complainant sought to introduce evidence on issues not raised before the College, that the Complainant had the opportunity to provide to the College, and which had no probative value, in any event.
- h. ***Complainant v. British Columbia College of Oral Health Professionals (No. 1), 2025 BCHPRB 95 (HPRB-HPA-24-A114)***: The complaint concerned care provided by the Registrant, including hygiene practices and pain treatment. She also referenced a dispute about billing and payment. The College found it did not have jurisdiction over the billing issue. On review, the Complainant sought to introduce documents about billing and insurance. The Panel Chair agreed with the College that the latter did not have jurisdiction over financial disputes. The investigation was instead about the Registrant's actions, not billing. The Panel Chair found the information the Complainant sought to introduce was not relevant.
- i. ***Complainant v. British Columbia College of Oral Health Professionals (No. 1), 2025 BCHPRB 117 (HPRB-HPA-24-A192)***: The Complainant complained about care provided by the Registrant, including that the Registrant did not treat the Complainant with dignity; did not obey applicable laws; did not maintain current knowledge and competency; did not provide appropriately timely care; and did not obtain informed consent. The Complainant sought to admit a series of documents, including: records about scheduling appointments; a photograph of the Registrant's assistant; records from the Complainant's family doctor; statements from witnesses; and pictures from a Cone Beam Computed Tomography ("CBCT") scan. The Panel Chair found none of

these documents assisted in deciding the application for review: scheduling of appointments was fully dealt with in the disposition; the photograph of the office administrator was clearly irrelevant; the records from the Complainant's family doctor were fully considered by the College; the witness statements were made after the disposition and did not add material information; and the CBCT scan did not add to evidence already provided by the Complainant in the College investigation.

- j. ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2025 BCHPRB 119 (HPRB-HPA-24-A130)***: The Registrant was previously in a relationship with the Complainant's son, who had died by suicide. The Complainant alleged the Registrant had a phone call with the son wherein the Registrant advised the son on a method of suicide. The Complainant sought to introduce documents that "[spoke] to the Registrant's motive" as well as financial information about the Registrant and the son buying property together. The Panel Chair found that some of the information the Complainant sought to introduce was submissions, not evidence, and no request to admit additional information was required. The Panel Chair refused to admit the remaining documents, finding that they provided circumstantial evidence not relevant to the questions at issue. The Panel Chair highlighted that it is not the role of the Review Board to reinvestigate the complaint or rehear evidence.

One application was granted in part:

- a. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 132 (HPRB-HPA-25-A083)***: The complaint concerned the Registrant's actions in relation to the Complainant's certification under the *Mental Health Act*. The Complainant sought to admit an "introduction", photographs, letters from the Complainant to the police and the Premier, documents related to an incident with the police (e.g. police reports), bible verses, and documents from a hearing at the Mental Health Review Board. The Panel Chair accepted the introduction and bible verses as argument, not evidence; admitted documents related to the police and Mental Health Review Board as providing context; and denied the remaining documents as

irrelevant or repetitive of material already submitted.

Five applications to adduce additional evidence were granted in 2025:

- a. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 30 (HPRB-HPA-24-A163)***: The Complainant was seen by Dr. A, a cardiologist, who recommended she have an echocardiogram and a Persantine MIBI scan. Dr. A then referred the Complainant to the Registrant, whose practice was closer to the Complainant's home. The Complainant alleged that the Registrant and his staff demonstrated bias against her as an older, unmarried, woman. The College dismissed the complaint. On review, the Complainant sought to admit the Persantine MIBI scan results. The Panel Chair found the results did not add materially to the information obtained by the College in its investigation but admitted them "for the sake of completeness."
- b. ***Applicant v. British Columbia College of Nurses and Midwives (No. 1), 2025 BCHPRB 37 (HPRB-HPA-24-A172)***: The Applicant, an Internationally Educated Nurse, sought to include her updated resume, certification of her registration as a Registered Professional Nurse in a state in the United States, a Credential Certificate, and evidence that she passed the National Council Licensure Examination for Registered Nurses. The Review Board found the evidence was relevant to whether the Applicant's knowledge, skills, and abilities were substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications required for registration.
- c. ***Applicant v. British Columbia College of Nurses and Midwives (No. 1), 2025 BCHPRB 55 (HPRB-HPA-24-A205)***: The Applicant applied to the College for registration as a registered psychiatric nurse. The Applicant was granted provisional registration and obtained a position at a long-term care facility for transitional practice experience ("TPE"). The Applicant did not satisfactorily complete the TPE. On review, the Applicant sought to admit a letter from the Clinical Nurse Educator who evaluated the Applicant

during his TPE. The letter explained the circumstances of the Applicant's TPE and the Clinical Nurse Educator's opinion that the evaluation was unfair because it did not provide the Applicant with many opportunities to demonstrate his psychiatric-specific nursing skills and knowledge. The Review Board found the letter was relevant to the issue in the review because the Registration Committee's decision turned primarily on the assessment of the Applicant's performance during the TPE. Further, admitting the additional evidence would not be unfair to any party and would provide greater context and a nuanced appreciation of the Applicant's TPE experience.

- d. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 58 (HPRB-HPA-24-A194)***: The Complainant complained about challenges she encountered while attempting to obtain assistance from the Registrant to complete a Disability Tax Credit form required by the Canada Revenue Agency. The Complainant sought to submit documents related to the Disability Tax Credit. The Panel Chair found that the documents were contextually relevant.
- e. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 83 (HPRB-HPA-25-A010)***: The Complainant complained about the process and costs of attempting to have government forms completed at the Registrant's clinic. The Complainant sought to introduce correspondence with a Better Business Bureau mediator; evidence of multiple requests by the Complainant to the clinic about completion of the forms, and a letter outlining the Complainant's concerns. The Review Board found these documents were relevant to the review.

D. Section 42 Applications

Ordinarily, all relevant evidence in a record must be disclosed to all parties to a review. Section 42 of the *Administrative Tribunals Act* allows the Review Board to make an order, grounded in the "proper administration of justice", that it will receive evidence in confidence, to the exclusion of a party to a review.

Seven s. 42 applications were brought in 2025. Three were granted:

- a. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 47 (HPRB-HPA-24-A187)***: The College sought to have excerpts from the Inquiry Committee meeting minutes and the disposition letter to the Registrant's legal counsel withheld from the Complainant. It also sought to have irrelevant portions of the Complainant's MSP claim history withheld from the Registrant. The Review Board found the information was either unconnected to the complaint or that withholding it would not prevent the proper determination of the review.
- b. ***Complainant v. College of Complimentary Health Professions of British Columbia (No. 1), 2025 BCHPRB 107 (HPRB-HPA-25-A109)***: The College applied to have information about the patient, the Complainant's adult son, excluded from the Complainant. In the absence of consent from the patient, the primary interest to be protected was the confidentiality of the patient's personal medical records.
- c. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 128 (HPRB-HPA-25-A124)***: The College applied to withhold portions of the Inquiry Committee minutes concerning matters involving the Registrant that were unrelated to the Complainant's complaint and that contained third party information. The Review Board granted the application in the interests of justice and to keep the review focused on the complaint under consideration.

Three s. 42 applications were granted in part:

- a. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 105 (HPRB-HPA-25-A075)***: The College sought to withhold information it described as personal and confidential information relating to the Registrant and unrelated to the complaint, as well as information related to other College matters that was not relevant to the complaint. The Panel Chair was not satisfied that the personal information raised a privacy issue that was sufficient to outweigh the presumption of disclosure. The Review Board denied the College's application with respect to that information. The Panel Chair allowed the application with respect to

information that related exclusively to other College matters.

- b. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 110 (Grouped File: HPRB-HPA-25-G007)***: The Complainant and the patient (the Complainant's landlord) were involved in a tenancy dispute. The Registrants provided letters that were used by the patient in a Residential Tenancy Branch hearing. On review, the College sought to have information about the patient withheld from the Complainant. The patient had not given permission for the College to disclose the information. The Panel Chair ordered that passages containing sensitive information and implicating privacy interests be withheld.

- c. ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2025 BCHPRB 131 (HPRB-HPA-25-A141)***: The Complainant complained on behalf of her employer. The Registrant applied to withhold from the Complainant the entire College record of investigation, including her responses to the College, which the College had not previously shared with the Complainant. The Registrant stated she was concerned disclosure would reveal information about other employees and would lead to retaliation against them. The Registrant was also concerned disclosure would impact ongoing litigation between the Registrant and the employer. The Review Board ordered that information that was not relevant to the Complaint proceeding would be withheld. The names, occupations, and other identifying information of third parties was also withheld to protect their privacy.

Finally, one s. 42 application was denied:

- a. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 1 (HPRB-HPA-24-A090)***: The Complainant complained about a hair transplant surgery performed by the Registrant. The College sought to exclude the personal information of a surgical technician who was not a party to the review. The Review Board found that the personal information was not private in nature and that no departure from the usual disclosure practices was warranted.

E. Applications to Extend the Time to File an Application for Review

The *HPA* allows an applicant to request review of a registration decision or a complaint disposition within 30 days of when written notice of the decision or disposition is delivered to them. Pursuant to s. 50.61(4) of the *HPA*, the Review Board may extend the time for an applicant to file for review, if satisfied that special circumstances exist.

In *Complainant v. College of Psychologists of British Columbia (No. 1)*, 2020 BCHPRB 58, at para 29, the Panel Chair summarized four 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 12 applications for an extension of time brought in 2025, seven of which the Review Board denied:

- a. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2025 BCHPRB 15 (HPRB-HPA-24-A178)**: The Complainant applied for review 13 days past the 30-day deadline. The Review Board found it was evident from the disposition letter and application for review that the complaint was about interpersonal difficulties in the workplace unrelated to patient care or safety. While such concerns

do not necessarily fall outside the College's mandate, the Panel Chair found the College was justified in dismissing the complaint and the proposed review had no reasonable prospect for success.

- b. ***Applicant v. College of Pharmacists of British Columbia (No. 1), 2025 BCHPRB 20 (HPRB-HPA-24-A193)***: The Applicant applied for review 4 months after receiving the Registration Committee's disposition. The Applicant said she did not know about the 30-day deadline. The Panel Chair found this was not a legitimate reason for delay as the College had advised the Applicant of the right to seek review.
- c. ***Applicant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 21 (HPRB-HPA-24-A183)***: The Review Board received the Applicant's application for an extension one month after the 30-day deadline. No explanation was provided for the delay, although the Applicant informed the College of his intention to seek review the same day he filed for review. The Panel Chair found the review was unnecessary and bound to fail.
- d. ***Complainant v. College of Health and Care Professionals of British Columbia (No. 1), 2025 BCHPRB 52 (HPRB-HPA-25-A033)***: The Complainant applied for review 11 days past the 30-day deadline. The stated reasons for the delay were that the Complainant had sustained a brain injury in 2021; the College delayed in responding to an email from the Complainant stating she wanted the College to reconsider its decision; and the College misled the Complainant about her right to review. With respect to the brain injury, the Panel Chair found the applicant's health challenges and other disabilities may be taken into account when considering whether a legitimate explanation for delay has been provided. However, the Complainant's right to review and the 30-day deadline for doing so was clearly stated in the College disposition. In any event, the Complainant's application for review contained no evidentiary basis for challenging the disposition. The Panel Chair dismissed the application for an extension of time.

e. ***Complainant v. College of Physicians and Surgeons of British Columbia (No.1), 2025***

BCHPRB 62 (HPRB-HPA-25-A070; HPRB-HPA-25-A071; HPRB-HPA-A072):

The Complainant applied for review 1 year and 2 months beyond the 30-day deadline. He was delayed because he thought a community agency acting on his behalf had filed the application for review on time. The Panel Chair found the Complainant's reason did not fully account for the delay. Further, the review had no reasonable prospect of success.

f. ***Complainant v. British Columbia College of Oral Health Professionals (No. 1), 2025***

BCHPRB 84 (HPRB-HPA-25-A073): The Complainant received the disposition 3

months after the College sent it due to postal strike delays. However, the Complainant waited a further 48 days to apply for review. The Panel Chair found he could not determine whether the application was bound to fail, but it appeared to have little merit. The Panel Chair found justice was not served by granting the extension.

g. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025***

BCHPRB 104 (HPRB-HPA-25-A130; HPRB-HPA-25-A131): The Complainant filed for

review approximately 3 months after the 30-day deadline. The Complainant stated he left voice messages with the College within the deadline. The College submitted the Complainant emailed the College within the deadline to confirm receipt of the disposition and acknowledged he had 30 days to apply for review. The Panel Chair found that even if the application was not bound to fail, the Complainant's reason for challenging the disposition did not have sufficient merit to justify granting an extension of time.

In five applications, the Review Board found there were special circumstances warranting an extension of time:

a. ***Applicant v. College of Health and Care Professionals of British Columbia (No. 1),***

2025 BCHPRB 42) (HPRB-HPA-25-A049): The Applicant filed for review 12 days after

the 30-day time limit. The reason for delay was the Applicant lost both her parents during the application process. The Panel Chair found this was a reasonable explanation for the delay, the Applicant had a genuine intention to apply for review, and the application for review was not bound to fail.

- b. ***Complainant v. British Columbia College of Nurses and Midwives (No. 1), 2025 BCHPRB 64 (HPRB-HPA-25-A053; HPRB-HPA-25-A052; HPRB-HPA-25-A051; HPRB-HPA-25-A050)***: The Complainant filed for review 6-7 weeks late (depending on the document construed as the application for review). The Complainant stated she is a mother of three children while caring for a partner with a disability, her mother died unexpectedly, and the College disposition was emailed the week before Christmas. Further, the Complainant's lawyer retained a nursing expert to review her mother's care, and the report was not received before the expiry of the 30-day window. The Panel Chair found the reason of waiting to obtain legal advice particularly compelling. The Panel Chair wrote that legal advice can be of great assistance to an individual complainant and the Review Board scheme more broadly. The Panel Chair also observed that the death of a loved one is one of the most serious outcomes leading to an application for review and that associated trauma can impede a person's ability to act promptly. The Panel Chair found it could not be said the review was bound to fail.
- c. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 86 (HPRB-HPA-25-A125)***: The College disposition was sent out but returned to the College. The College then sent out the disposition again. The Complainant applied for review within 30 days of actually receiving the disposition. The Review Board found the delay was outside the Complainant's control.
- d. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 90 (HPRB-HPA-25-A115)***: The Complainant filed an application for review 6 days past the deadline. The Complainant had suffered a traumatic brain injury in 2022. The Panel Chair cited *R. v. Roberge*, 2005 SCC 48, for the proposition that the Court traditionally adopts a generous approach in granting extensions of time. The

Panel Chair found that neither the Registrant nor the College would suffer undue prejudice from an extension of time. She was also not able to say whether the application was bound to fail. The Panel Chair found it was in the interests of justice to grant the application.

- e. ***Complainant v. College of Physicians and Surgeons of British Columbia (No. 1), BCHPRB 102 (HPRB-HPA-25-A130; HPRB-HPA-25-A131)***: The Complainant's daughter died after receiving medical assistance in dying for a physical condition. The Complainant complained about the registrants' care of her daughter's psychological condition. The Complainant believed that if the registrants had provided her daughter with appropriate care for her psychological condition, her daughter would have been able to manage her physical condition and would not have opted to end her life. The Complainant applied for review 9 days after the deadline. She stated she was certain that she had sent the application within the deadline, but the loss of her daughter made it difficult to deal with day-to-day matters. The Panel Chair found the Complainant formed an intention to dispute the disposition within the 30-day deadline, the reasons for delay were legitimate, there was no undue prejudice, and it could not be determined whether the application was bound to fail.

F. Delayed investigations

On an application under s. 50.57, the Review Board may either send the matter back to the Inquiry Committee with directions to complete the investigation and dispose of the matter within a time period directed by the Review Board, or it may investigate and dispose of the matter under s. 33(6) of the *HPA*. In 2025, in all cases, the Review Board returned the matter back to the Inquiry Committee with the following directions:

- a. the Inquiry Committee was to complete its investigation and make a disposition no later than the date suggested by the College in its submissions to the Review Board;
- b. the Inquiry Committee was to communicate the results of the disposition to the parties and the Review Board within 30 days of the disposition;

- c. if unpredictable and/or exceptional circumstances arose, a party requiring further directions could apply to the Review Board no later than 5 days prior to the deadline set out in (a) above; and
- d. the Review Board would keep the file open pending confirmation from the Inquiry Committee that the investigation had been completed.

The causes for delay in the 2025 applications included: managing parties' responses; staff turnover; time required to receive medical records; adding another registrant to a complaint; an inspector not being assigned to the file as directed by the Inquiry Committee; a matter being placed in abeyance; a large volume of materials received from a complainant; and a registrant requesting additional time to respond to the complaint.

G. Interim Stay Orders

Section 50.62 of the *HPA* provides that the commencement of a review does not operate as a stay or suspend the operation of the decision under review unless the Review Board orders otherwise.

In 2025, there was one application for an interim stay. ***Applicant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 79 (HPRB-HPA-24-A128)*** concerned a registration decision. The Applicant's registration was due to lapse, and the College denied the Applicant's request for an extension of their registration. The Applicant sought a stay of the Registration Committee's decision pending review. The Applicant argued the stay should be granted because the College delayed production of the record in the review.

The Review Board denied the application, finding that the Applicant was effectively asking the Review Board to make a new registration decision authorizing the Applicant's medical practice beyond the time approved by the College. The authority to ensure that a person meets the conditions or requirements for registration rests with the Registration Committee, as set out in s.20(1) of the *HPA*, not with the Review Board. The Applicant did not provide an acceptable explanation for why the delays in the pending review application stop him from writing his exams and pursuing his professional designations.

H. Registration Reviews Decided on their Merits

In 2025, the Review Board decided 21 applications for review of registration decisions. Eighteen concerned applicants who were internationally trained and/or practiced overseas. Nineteen applications were confirmed by the Review Board. Two were remitted to a college, with directions.

One matter, ***Applicant v. British Columbia College of Nurses and Midwives (No. 1), 2025 BCHPRB 36 (HPRB-HPA-24-A124)***, was summarily dismissed. The College approved a Supervised Practice Experience with limits and conditions. The Applicant applied for review to the Review Board, the College's letter to the Applicant about the Supervised Practice Experience having mistakenly advised the Applicant that there was a right of review. On review, the Panel Chair found that the letter was not a "registration decision" within the meaning of s. 50.54 of the *HPA* and that the Review Board did not have jurisdiction. The fact that the College mistakenly advised the Applicant that there was a right of review did not give the Review Board authority to review the matter.

Applicant v. College of Physicians and Surgeons of British Columbia (No. 1), 2025 BCHPRB 29 (HPRB-HPA-23-A156) concerned a foreign trained physician who applied to the College for registration in the assessment - family class of registrants. The applicant had previously, in 2014, applied for licensure with the College of Physicians and Surgeons of Alberta ("CPSA"). The CPSA notified the College that there were inconsistencies in the Applicant's English language proficiency testing results in the 2014 application. The evidence before the College and in the review was that the Applicant had retained legal counsel to assist him with the Alberta application and, without his knowledge, the lawyer had submitted false testing results to the CPSA. Once the Applicant learned about this, he took steps to correct it. The Alberta lawyer was later disciplined by the Law Society of Alberta for submitting false results in relation to other clients. The College took the position that the applicant's total reliance on counsel during the Alberta application process raised serious concerns about a lack of good character and good professional conduct. The College denied registration.

The Panel Chair found the Applicant's reliance on counsel in Alberta was reasonable. The Applicant's character should not be questioned, and he should not be penalized, because of the lawyer's misdeeds. The Panel Chair returned the matter to the Registration Committee for reconsideration with directions that it not consider the Applicant's reliance on the lawyer as a negative factor. The Panel Chair also directed the Registration Committee to reconsider the Alberta lawyer's disciplinary record in connection with the Applicant's evidence that he had provided the correct language testing scores to support his registration application. Further, the Panel Chair directed the Registration Committee to reconsider the Applicant's letters of reference.

Applicant v. College of Health and Care Professionals of British Columbia (No. 1), 2025 BCHPRB 19 (HPRB-HPA-23-A036) was among the decisions confirming a registration decision. The case had a lengthy procedural history. The Applicant was a French-speaking speech and language therapist certified in another country. She accepted a job offer from a francophone school board in British Columbia, which was conditional on licensure with the College. The Applicant was denied registration because she did not meet the English language proficiency ("ELP") criteria. The Applicant requested an ELP exemption, wherein she would provide an undertaking to work only for British Columbia's French speaking school board and only in French. The Registration Committee denied the Applicant's request on the basis that it is not authorized to grant licences with specific conditions.

The Applicant applied for review of the registration decision and sought a remedy under s. 50.54(9)(b) of the Act. The Applicant argued that the College had wrongfully fettered its discretion by blindly applying the ELP policy and that the method the College used to assess her ELP was unfair. The Applicant also raised human rights and Charter issues. The Applicant sought to practice in French until she achieved the required ELP scores.

The College applied for and was granted an abeyance to address the issues raised by the application for review. During the abeyance, the College created a new ELP policy providing that an applicant who cannot meet the ELP criterion may provide additional evidence that they are proficient in English. The College afforded the Applicant the opportunity to provide

such evidence. The Applicant submitted an English article published in a peer-reviewed scientific journal she had co-authored; an English research proposal in support of an application for funding; and a letter of support for the funding application from the Applicant's supervising professor in a PhD program at a university in British Columbia.

The Registration Committee was not satisfied that the Applicant had sufficient ELP to practice in British Columbia. The College offered the Applicant an opportunity to participate in a new oral assessment, which the Applicant accepted.

The Registration Committee then finally concluded that the Applicant lacked sufficient ELP. The Registration Committee considered the *Human Rights Code*. The Registration Committee also considered s. 23 of the *Charter* (which guarantees minority language education rights) and determined that it did not apply to the Applicant's registration issue.

The Applicant continued her review at the Review Board. The Panel Chair denied the application for three reasons. First, the Panel Chair determined that the Review Board did not have jurisdiction to direct the Registration Committee to register the Applicant on an undertaking and conditions because the Registration Committee did not itself have jurisdiction to grant this form of registration: the College bylaws did not provide for it. Second, the Registration Committee did not treat the Applicant unfairly. Third, the Registration Committee exercised its discretion reasonably. The narrow question before the Registration Committee was whether the Applicant met the College's ELP requirements. In deciding this question, the Registration Committee did not fetter its discretion. In addition to the New ELP Policy, the Registration Committee considered the evidence provided by the Applicant, the *Charter* and human rights issues raised by the Applicant, and an opinion from the Quality Assurance and Professional Practice department of the College as to the necessity of ELP in a francophone school environment.

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, 2025.

A. Proceedings Resolved in 2025

***Litzcke v British Columbia Health Professions Review Board, 2025 BCSC 2034* (petition filed October 18, 2024)**

The Petitioner, a member of the public, made a complaint to the College of Physicians and Surgeons based on her observations of a hearing of a court case. The case involved a teenager who sought gender-affirming healthcare which their father opposed. The complaint made several allegations against one of the teen's treating physicians, an endocrinologist, who gave evidence in the court case.

The College's Registrar dismissed the Complaint pursuant to s. 32(3) of the *Health Professions Act*, R.S.B.C. 1996, c. 183 ("HPA"). The Petitioner's application for review to the Review Board was dismissed: *Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2023 BCHPRB 88 (HPRB-HPA-23-A015).

The Petitioner sought judicial review on the basis that the Review Board: a) ignored evidence of threats to the well-being of patients; b) demonstrated bias against the Petitioner; c) made demonstrably wrong findings of fact; d) ignored evidence in the record before the College; e) misinterpreted s. 32(3)(c) of the HPA; and f) failed to consider the Petitioner's allegation respecting the Registrants general practice, aside from his treatment of the particular teenager

in the court case. The Court on judicial review found the Petitioner failed to show any patently unreasonable errors and dismissed the application for judicial review.

***Setterfield v. Health Professions Review Board*, BCSC No. 259304, Victoria Registry (petition filed January 13, 2025; discontinued February 28, 2025)**

The Petitioner complained to the College of Psychologists of British Columbia (now the College of Health and Care Professionals of British Columbia) about the Registrant's psychological assessment of the Petitioner's adult daughter, in connection with family law litigation. The complaint was resolved by a consent agreement between the College and the Registrant. The Petitioner sought review of the complaint disposition. The Review Board dismissed the review: *Complainant v. College of Health and Care Professionals of British Columbia (No. 2)*, 2024 BCHPRB 109 (HPRB"HPA-24-A024).

The Petitioner filed a late petition for judicial review on January 7, 2025, 63 days after the Review Board's decision. The Petitioner alleged, among other things, that the College conducted an inadequate investigation; breached its duty of procedural fairness to the Petitioner; and accepted "false testimony". On February 28, 2025, the Petitioner filed a notice of discontinuance, ending the proceeding.

B. Petition Proceedings continued in 2025

***Gong v Bloom*, BCSC No. 240387, Vancouver Registry (Requisition filed January 19, 2024)**

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. Accordingly, the Review Board has not taken any steps in this proceeding.

British Columbia College of Nurses and Midwives v. Health Professions Review Board, Victoria Weber, Euphemia Guttin, and Edith Artner, BCSC No. 241191, Vancouver Registry; and British Columbia College of Nurses and Midwives v. Health Professions Review Board, Victoria Weber, Euphemia Guttin, and Margaret Lavery, BCSC No. 241192, Vancouver Registry (both petitions filed February 20, 2024)

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 means of 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.

In August 2024, counsel for the College confirmed instructions to apply for sealing orders and related relief over an affidavit it had yet to file. A year later, in August 2025, counsel for the College wrote that it no longer intended to bring such an application.

On September 10, 2025, the College filed an affidavit and an amended petition in both matters. On October 29, 2025, the Review Board filed its responses to petition.

The College has advised that it will apply to the Court for the two petition proceedings to be joined for hearing. No hearing date has been set.

Girard v Health Professions Review Board, College of Physicians and Surgeons of British Columbia and Brian Francis Wall, BCSC No. 246103, Victoria Registry (petition filed June 7, 2024)

The Petitioner complained to the College about an interaction with the Registrant in a hospital emergency room during the COVID pandemic. The Petitioner had declined to wear a mask. 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 was verbally abusive to hospital staff. He 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: *Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2024 BCHPRB 9 (HPRB-HPA-23-A122).

The Petitioner applied for judicial review and served the Review Board and the College in June 2024. The Review Board and the College filed responses to petition in July and August 2024, respectively. The Petitioner purported to file and serve a reply. The matter has not been set for hearing, and no further steps have been taken.

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

The Petitioner complained to the College that the Registrant failed to provide information to RoadSafetyBC, resulting in the suspension of the Petitioner's drivers' licence. The complaint was dismissed by the College. The Petitioner applied for review to the Review Board outside the 30-day limitation period. His application for an extension of time was dismissed: *Complainant v.*

College of Physicians and Surgeons of British Columbia (No. 1), 2024 BCHPRB 92 (HPRB-HPA-24-A098).

The Petitioner petitioned for judicial review on December 2, 2024. The Review Board filed its response to petition on January 23, 2025. The matter has not been set for hearing.

Chow v Health Professions Review Board, College of Physicians and Surgeons of British Columbia and Dr. Riaz Sinawin, BCSC No. 194190, Victoria Registry (petition filed September 23, 2019)

The Petitioner complained to the College about the Registrant's conduct during an appointment and follow-up telephone calls. The College concluded the matter with a consent agreement. The agreement required that the Registrant be registered in the Conditional-Disciplined class of registration, included a reprimand, and required the Registrant to take educational courses. The Petitioner was unsatisfied with the disposition and sought review to the Review Board. The application for review was dismissed: *Complainant v. College of Physicians and Surgeons of British Columbia*, 2019 BCHPRB 55 (2016-HPA-199(d)). The Petitioner applied for judicial review.

The judicial review proceedings have a convoluted procedural history. While the petition was filed in September 2019, the pleadings did not close until May 2024. The proceeding went to hearing on September 2 to 5, 2025, with a continuation from January 19 to 21, 2026. A further continuation is scheduled for June 15 to 18, 2026.

Harun-ar-Rashid v College of Physicians and Surgeons of British Columbia, BSC No. 249768, New Westminster Registry (petition filed May 25, 2023)

The Petitioner applied to the Teacher Regulation Branch ("TRB") for certification as a teacher in British Columbia. The Registrant, a psychiatrist, produced a medical-legal report regarding the Petitioner's mental state. The report was written without the Petitioner's consent and was relied upon by the TRB in its decision to deny the Petitioner's application for certification.

The Petitioner complained to the College, alleging that the Registrant acted unethically and illegally, and as part of a conspiracy to destroy the Petitioner's career.

The College Registrar found the Registrant was qualified to issue the report. As the Petitioner did not make himself available for an in-person assessment, the Registrant was limited to preparing the report from a review of the material provided to him.

The Petitioner applied to the Review Board for review of the disposition. The Review Board found the investigation adequate and the disposition reasonable: *Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2023 BCHPRB 31 (HPRB-HPA-22-A107).

The Petitioner applied for judicial review of the Review Board decision. Pleadings closed in mid-2023. In July 2023, the Court declared the Petitioner a vexatious litigant in the context of another proceeding against the TRB. In spring 2024, the Petitioner advised the parties he no longer intended to proceed with the petition but wished to bring an application to convert the petition to an action in whole or part. In June 2024, the Review Board filed a notice of change of lawyer. The matter then laid dormant for a year and a half. In December 2025 and January 2026, the Petitioner advised that he intended to pursue a number of applications, including applications to: convert the petition to an action; have certain issues heard separately; join the petition proceeding with another matter to which the Review Board is not a party; and remove the Review Board as a party. On February 2, 2026, the Petitioner filed a notice of intention to proceed; he has yet to bring any applications.

***Maroney v Doctor Davis Lindsay et al*, BCSC No. 21573, Terrace Registry (Notice of Civil Claim filed October 3, 2022, and served February 15, 2023)**

In October 2022, the Plaintiff filed an action for personal injury against a registrant of the College of Chiropractors of British Columbia, some of the Registrant's staff, the College, and the Review Board.

The pleadings closed in March 2023. On March 31, 2023, the Court issued a default judgment against the individual Defendants. The judgment in default was set aside in June 2023. The Review Board filed a notice of change of lawyer on June 12, 2024. No further steps have been taken.

***Gong v Leung et al*, BCSC No. 225543, Vancouver Registry (petition filed July 11, 2022, and served July 10, 2023)**

The complaint concerned allegations that a registrant of the College of Physicians and Surgeons of British Columbia did not perform a colonoscopy and fabricated clinical records. The Petitioner also complained that she had attempted to contact the Registrant but did not receive a response. The Inquiry Committee was satisfied that the Petitioner had in fact undergone a colonoscopy and found no merit to the assertions that the Registrant had lied or fabricated records. The Inquiry Committee was, however, critical of the Registrant in the areas of communication and office management. The Review Board confirmed the disposition: *Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2022 BCHPRB 34 (HPRB-HPA-21-A127).

The Petitioner filed a petition for judicial review in July 2022 but waited a year to serve the petition on the Review Board. The Review Board filed a response and the Petitioner then set a hearing without notice. The hearing was adjourned by order of the Court. The Review Board filed a notice of change of lawyer on June 12, 2024. No further steps have been taken by any party.

***Gong v Chang*, BCSC No. 224918, Vancouver Registry (petition filed July 5, 2022)**

The petition challenges the decision in *Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2022 BCHPRB 31 (HPRB-22-A046), which refused an application for an extension of time to seek review.

The petition has not been served on the Review Board. No steps in the matter have been taken by the Review Board.

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, BCSC No. 222846, Vancouver Registry (petition filed April 4, 2022)

In *Applicants v. College of Physicians and Surgeons of British Columbia (No. 2)*, 2022 BCHPRB 6 (Grouped File: 2019-HPA-G23), the Review Board dismissed the review from a registration decision concerning the Petitioners Kostanski and Falconer. Kostanski and Falconer earned medical degrees at institutions outside of Canada or the United States and were not enrolled in post-graduate (residency) training through the Faculty of Medicine, University of British Columbia, as required by College bylaw 2-25 (now 2-27). The petition alleges that the Review Board acted ultra vires its jurisdiction and the decision is, in any event, patently unreasonable. The petition also alleges that the Review Board improperly declined jurisdiction to consider and balance Charter values, and that the decision-making process was procedurally unfair.

The application for judicial review is joined for hearing with a companion proceeding, *The Society for Canadians Studying Medicine Abroad et al. v. College of Physicians and Surgeons of British Columbia et al.*, BCSC No. 1810320, Vancouver Registry, which impugns the legality and constitutionality of the residency scheme for graduates of medical schools outside of Canada and the United States. The Review Board was originally named as a respondent in that proceeding, but the relief sought against the Review Board was dismissed, by consent, on October 17, 2024. The two petitions are scheduled for hearing from March 2 to 13, 2026. Petition proceedings commenced and served in 2025

C. Petitions Proceedings Commenced and Served in 2025

Setterfield v. Health Professions Review Board, BCSC No. 259304, Victoria Registry (petition filed January 13, 2025)

The Petitioner filed a petition for judicial review in January 2025. As noted above, he filed a notice of discontinuance in February 2025.

Katterhagen v. the College of Physicians and Surgeons of British Columbia, the Health Professions Review Board, and Dr. Eric Cadesky, BCSC No. VLC-S-S-250557, Vancouver Registry (petition filed January 24, 2025)

The Petitioner complained to the College, alleging that the Registrant misdiagnosed the Petitioner's workplace injury; disregarded the Petitioner's subsequent concerns; and improperly disclosed inaccurate information to the Workers' Compensation Board. The College dismissed the complaint pursuant to s. 32(3) of the HPA. The Petitioner applied to the Review Board for review. During the review, the College sought and was granted an adjournment to further investigate the complaint. On reconsideration, the College again dismissed the complaint without criticism of the Registrant. The Petitioner continued his review to the Review Board, expanding the review to include the reconsideration decision. The Review Board dismissed the Petitioner's application for review: *Complainant v. College of Physicians and Surgeons British Columbia (No. 1)*, 2024 BCHPRB 117.

The Petitioner filed a petition for judicial review on January 24, 2025. The pleadings closed on March 20, 2025. The judicial review is set for hearing in April 2026.

Rai v. Health Professions Review Board, the College of Physicians and Surgeons of British Columbia, and Dr. Jagtar Rai, BCSC No. S255801, Vancouver Registry (petition filed August 20, 2025)

The Petitioner and the Registrant had previously been married and operated a clinic together. After the relationship ended, the Petitioner alleged to the College that the Registrant had committed a boundary violation in relation to the clinic office manager, who was also a former patient. The College had already addressed two other complaints involving the Petitioner, the

Registrant, and the office manager. The College dismissed the Petitioner's complaint as frivolous, vexatious and an abuse of process, pursuant to s. 32(3)(a) of the HPA. The Petitioner's application to the Review Board for review of the disposition was dismissed: *Complainant v. College of Physicians and Surgeons of British Columbia* (No. 1), 2025 BCHPRB 51.

The Petitioner sought judicial review. The pleadings closed on August 26, 2025. A hearing has not yet been scheduled.

The College of Physicians and Surgeons of British Columbia v. The Health Professions Review Board, Parvin Yavari, and Dr. Lena Osachiff, BCSC No. S257777, Vancouver Registry (petition filed October 17, 2025)

The Complainant's mother was admitted to, and later died in, hospital. The Complainant alleged the Registrant: ordered excess enemas and IV hydration; resisted specialists' advice; and was dismissive of the Complainant. The Inquiry Committee dismissed the complaint without criticism of the Registrant, finding that a transcription error led to the over administration of enemas. The Complainant applied for review of the disposition. The Panel Chair found the disposition unreasonable because the Inquiry Committee did not explain in the disposition how the Registrant's met the standard of care or how a transcription error led to the over administration of enemas. The Panel Chair remitted the matter to the Inquiry Committee for reconsideration (*Complainant v. College of Physicians and Surgeons of British Columbia* (No 1), 2023 BCHPRB 9).

On remittance, the Inquiry Committee invited new submissions from the Complainant and Registrant. The Inquiry Committee again concluded without regulatory criticism of the Registrant. For a second time, the Complainant applied for review to the Review Board. The Complainant argued that the Inquiry Committee ignored or refused to follow the Panel Chair's directions and the College reiterated the Inquiry Committee's first decision. The Complainant also raised Charter issues.

The Review Board considered both the adequacy of the College's reconsideration investigation and the reasonableness of the reconsideration disposition. The Panel Chair found that the investigation was adequate but that the reconsideration disposition was not reasonable. The Panel Chair did not find it necessary to address the Charter issues. The Panel Chair ordered the matter be remitted to the Inquiry Committee anew. The College filed a petition for judicial review. The pleadings closed November 14, 2025. The matter has not yet been scheduled for hearing.

Other proceedings involving the Review Board in 2025

Office of the Information and Privacy Commissioner Proceeding: Chow

In 2021, Mr. Chow, the applicant in a Review Board proceeding commenced in 2016, made a freedom of information request for Review Board records. Records were produced, with redactions pursuant to various provisions of the Freedom of Information and Protection of Privacy Act, RSBC 1996, c 165 ("FIPPA") and s. 61 of the Administrative Tribunals Act, SBC 2004, c 45 ("ATA"). Not satisfied with the records disclosed, in 2022, Mr. Chow made a complaint to the Information and Privacy Commissioner. The complaint was mediated in 2023 but not resolved.

In September 2024, the Office of the Information and Privacy Commissioner ("OIPC") convened a written inquiry into Mr. Chow's complaint, to determine whether certain records are not subject to production pursuant to s. 3(3)(e) of the FIPPA or s. 61 of the ATA; whether the Review Board is required to withhold disclosure of information in records pursuant to s. 22 of the FIPPA; and whether the Review Board may withhold information in records pursuant to ss. 13 or 14 of the FIPPA. The Review Board filed its submissions in the inquiry on October 25, 2024. Mr. Chow responded on February 18, 2025. The Review Board filed a reply on March 4, 2025.

On August 26, 2025, the OIPC sought supplemental submissions regarding the Review Board's claims to solicitor-client privilege over communications made or documented in some of the records, and whether the Review Board should be required to produce unredacted records to the OIPC for review. The parties completed their submissions on November 7, 2025, and are awaiting the OIPC's decision on whether documents subject to claims of solicitor-client privilege will be ordered produced to the OIPC for consideration of the privilege claims.

Review Activity Statistics

For the reporting period from January 1, 2025 – December 31, 2025

Figure 1: Number of Applications, by type and month

Month, Year	Complaints (IC)	Delayed Investigation (DI)	Registration (REG)	Total # of Applications	%
January, 2025	8	18	0	26	10%
February, 2025	6	4	3	13	5%
March, 2025	23	3	3	29	11%
April, 2025	29	5	0	34	13%
May, 2025	8	9	0	17	6%
June, 2025	12	8	0	20	7%
July, 2025	6	15	0	21	8%
August, 2025	7	2	0	9	3%
September, 2025	22	6	2	30	11%
October, 2025	16	4	1	21	8%
November, 2025	9	8	0	17	6%
December, 2025	13	16	1	30	11%
Total	159	98	10	267	
% of Total Applications	60%	37%	4%		100%

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

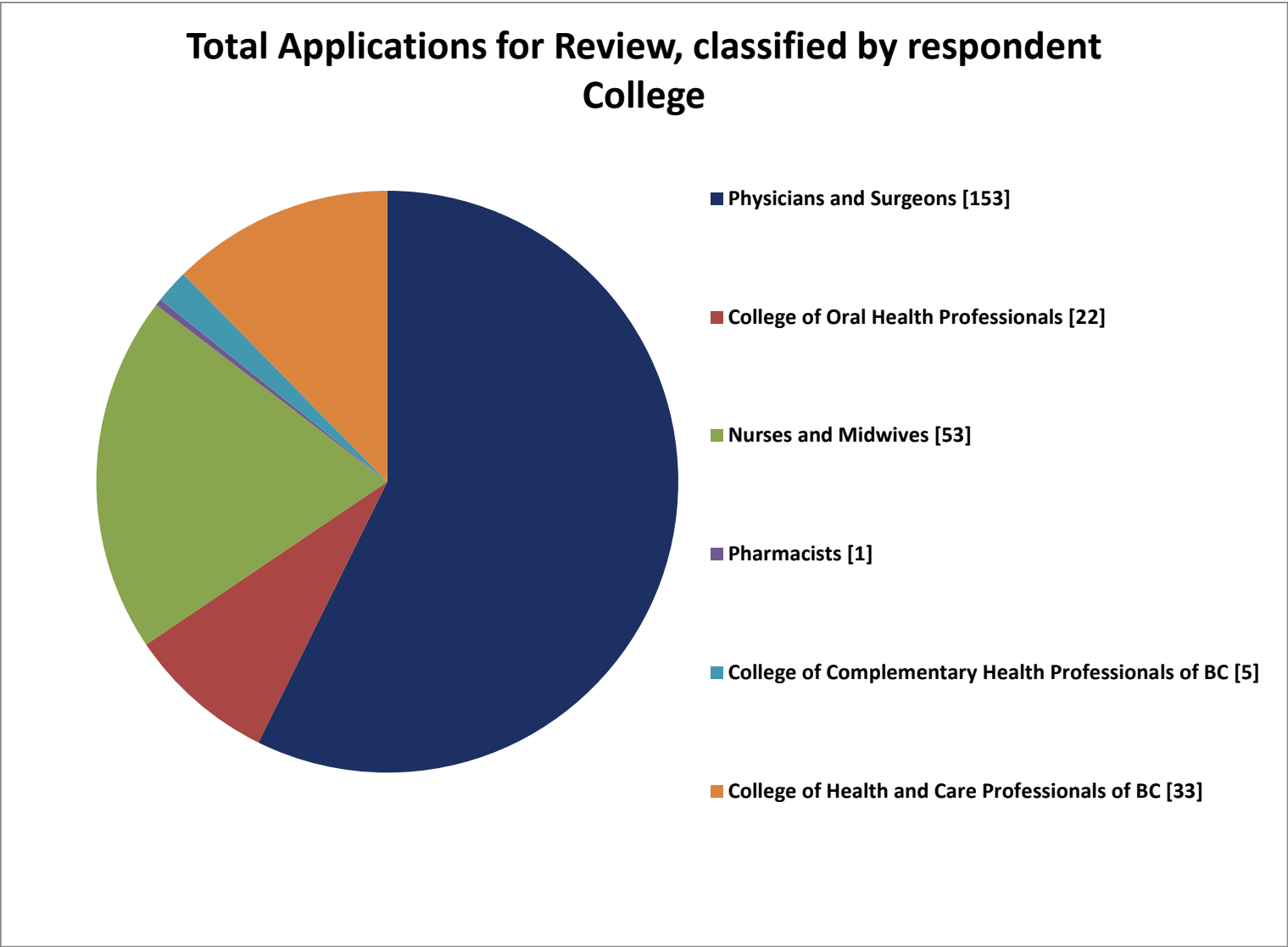


Figure 3: Applications for Review, by college and type

Respondent College	Complaints (IC)	Delayed Investigation (DI)	Registration (REG)	Total # of Applications	%
BC College of Nurses and Midwives	43	1	9	53	20%
BC College of Oral Health Professionals	15	7	0	22	8%
College of Complementary Health Professionals of BC	4	1	0	5	2%
College of Health and Care Professionals of BC	14	18	1	33	12%
College of Pharmacists of BC	1	0	0	1	0%
College of Physicians and Surgeons of BC	82	71	0	153	57%
Total	159	98	10	267	
% of Total Applications	60%	37%	4%		100%

Financial Performance

2025/2026 Fiscal Year Expenditures

Health Professions Review Board

Operating Costs - April 1, 2025 – March 31, 2026

Salary & Benefits	\$ 571,433
Operating Costs	\$ 839,258
Other Expenses	\$ 0
Total Operating Expenses	\$1,410,691

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 keeps 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.