



HEALTH PROFESSIONS APPEAL AND REVIEW BOARD COMPLAINT REVIEWS

The Health Professions Appeal and Review Board ("the Board")...

is an independent adjudicative agency. It is independent of government. Board members are not Ontario government employees, and they are not allowed to be or to have ever been members of a regulated health profession or Health College.

Board members are appointed by the Lieutenant Governor-in-Council and most are part-time appointees. Further information about the Board's membership may be found at www.pas.gov.on.ca.

One of the Board's tasks is to review, when asked, decisions made by the *Inquiries, Complaints and Reports Committee* ("the Committee") of the Health College. Its powers and processes are as specified by the *Regulated Health Professions Act, 1991* and the *Veterinarians Act, 1990*. A review of this legislation may be found at www.e-laws.gov.on.ca.

Your request for review...

Your request for review should be made in writing; include your name and contact information, specify the College file number, list the name(s) of the health professionals that you would like to include in your review and include a copy of the College's decision(s).

The Board will not proceed...

with requests that it decides are "frivolous, vexatious, made in bad faith, or otherwise an abuse of the process." Nor can the Board proceed with a Review when its requestor withdraws the request and the other party(s) agree to the withdrawal.

After the Board receives a request to review a Committee decision...

it will provide you with a confirmation letter and direction on any further information it may require of you, together with instructions on next steps.

The College has a role to play

Prior to the Review, the College provides the Board with the Committee's record of the investigation of the complaint and all the documents and other materials upon which its Committee's decision was based. A copy will be provided to the parties, subject to the Board's decision whether to redact or sever some of the information for reasons it will state. Except in exceptional circumstances, the Board will not, disclose certain information of a personal nature, or that could jeopardize anyone's security or safety, or that could undermine the integrity of the complaints investigation or review process.

While the College is not a party to the Review, a College representative frequently attends Board Reviews. His or her role is to answer any questions the Board may have.

Except in exceptional circumstances, the Board provides copies to the parties...

of all written correspondence and material provided to the Board by you or by any party. All correspondence and material will also be shared with the Board's panel prior to the review. If you do not wish for certain information to be shared, do not include it in your correspondence.

Case Conference

Following the Board's disclosure of the Committee's record of investigation to the

parties, you may be required to participate in a Case Conference telephone call. This teleconference will be facilitated by a member of the Board. The purpose of this teleconference is to provide the parties with information about the Board's process, mandate and powers, and to consider:

- the settlement of any or all of the issues;
- the clarification of the issues;
- the Board's disclosure of the Committee's record of investigation;
- facts that may be agreed upon;
- the date the matter will proceed and its anticipated length
- any other matters related to the Board's processes.

You will be sent a written Notice setting out the dates and time of the Case Conference call. Participation in this teleconference and everything discussed in this call is confidential to the parties. In other words, a party does not waive or lose any rights at the main proceeding by participating. A written report will be issued to the parties following the teleconference but will not be provided to the panel hearing your Complaint Review.

Complaint Reviews are informal...

Parties may certainly attend the Board's Review, but they are not required to.

While parties do not need a legal representative in order to participate in the Complaint Review, they may decide to have someone (a legal representative, family member, friend or agent) act as their representative. Health professionals who are the subject of a complaint are often represented by a legal representative.

During the Review...

a panel of the Board, usually three members, will assess (1) the adequacy of the investigation and/or (2) the reasonableness of the Health College Committee's decision.

The party who requested the Complaint Review will be asked to comment on these two issues, and the other party will have an opportunity to

respond. The Board will likely have questions for the parties and for the College Representative.

Each party may comment on issues raised by the other party, but parties are not allowed to question each other. Parties may not call witnesses, and no transcript or recording of the Review is permitted.

Reviews are public...

The public is allowed to observe the Board's Reviews. If you feel that there are circumstances about your case that you do not want made public, you may request the Board to hold your review in private. After hearing from you, the Board will decide whether the public may attend your Complaint Review.

After the Review...

the Board will issue a written decision with reasons to the parties. The Board's decisions are public documents. To view past decisions, you may visit www.canlii.org/en/on/onhparb.

The Board's decision may be to...

- confirm the Committee's decision;
- refer the matter back to the Committee;
- require the Committee to do things it is legally capable of doing; and/or
- make recommendations to the Committee.

The Board may not...

- give treatment advice or health care information;
- provide legal advice to the parties;
- examine patients or make referrals to health care professionals;
- award money or damages; or
- conduct its own investigation once the Committee has issued its decision regarding a complaint.

For more information about the Board...

including its *Consolidated Rules of Practice and Procedure* ("the Rules") and related Practice Directions, please see the Board's website at www.hparb.on.ca, or by request directly to the Board.

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