



NAME	Registration Appeals Policy		
TYPE	Registration		
STATUS	Final	VERSION	2
DATE APPROVED	March 29, 2017	DATE REVISED	

Background

This policy specifies how applicants who are not happy with the decision of the Registration Committee can appeal to the Health Professions Appeal and Review Board (HPARB). Applicants have 35 days from the date of the Registration Committee decision to file a notice of appeal to HPARB, indicating whether they wish to have a paper review or an oral hearing.

It is important to remember that if the Registration Committee determined to issue the applicant a certificate with terms, conditions or limitations, the applicant can still appeal the decision. The applicant (now member) will receive the certificate, and be allowed to practise, but the appeal will proceed.

Policy and Procedures

1. Once the panel of the Registration Committee has reviewed the application and submissions, it will render a decision and provide reasons to the applicant.
2. If the applicant is not satisfied with one of the following decisions, he/she can appeal the decision to HPARB.
 - a. Directing the Registrar to issue a certificate of registration if the applicant successfully completes examinations set or approved by the panel.
 - b. Directing the Registrar to issue a certificate of registration if the applicant successfully completes additional training specified by the panel.
 - c. Directing the Registrar to impose specified terms, conditions and limitations on a certificate of registration of the applicant and specifying a limitation on the applicant's right to apply under subsection 19 (1).
 - d. Directing the Registrar to refuse to issue a certificate of registration.
3. An applicant can require HPARB to either review (conduct a written review) or hold a hearing (an oral hearing) of his or her application for registration.

Notice of the Right to Appeal

4. An applicant will be notified by letter of his or her right to appeal the decision to HPARB at the same time as they are advised of the decision and reasons of the panel. The letter will provide contact information of HPARB.



Timing

5. An applicant will have 35 days from the date of the College's letter enclosing the decision and reasons to launch an appeal (this represents the 30-day window as set out in s. 21(2) of the Code plus a 5-day allowance for the letter to reach the applicant).

Provision of Information

6. Within 15 days of the College receiving notice of the appeal, the Registration Committee must give HPARB a copy of the decision being appealed, the reasons for the decision, and the documents upon which the decision was based. HPARB will then provide this to the Applicant.

HPARB Remedies

7. After the hearing or review, HPARB will make an order doing any one or more of the following:
 - a. Confirming the order made by the panel.
 - b. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant if the applicant successfully completes any examinations or training the Registration Committee may specify.
 - c. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant and to impose any terms, conditions and limitations HPARB considers appropriate.
 - d. Referring the matter back to the Registration Committee for further consideration by a panel, together with any reasons and recommendations HPARB considers appropriate.

HPARB contact information

Mail: Health Professions Appeal and Review Board

151 Bloor Street West, 9th floor

Toronto, ON M5S 2T5

Telephone: 416.327.8512

Fax: 416.327.8524

Website: www.hparb.on.ca



Legislative Context

Under the Regulated Health Professions Act (1991), Schedule 2:

Appeal to Board

21 (1) An applicant who has been given a notice under subsection 20 (1) of an order may require the Board to hold a review of the application and the documentary evidence in support of it, or a hearing of the application, by giving the Board and the Registration Committee notice in accordance with subsection (2).

Requirements of notice

(2) A notice under subsection (1) shall be a written notice, given within thirty days after the notice under subsection 20 (1) was given, specifying whether a review or a hearing is required.

Order, etc., to Board

(3) If the Registration Committee receives a notice that an applicant requires a hearing or review, it shall, within fifteen days after receiving the notice, give the Board a copy of the order made with respect to the application, the reasons for it and the documents and things upon which the decision to make the order was based.

When order may be carried out

(4) An order of a panel, notice of which is required under subsection 20 (1), may be carried out only when,

(a) the applicant has given the Registrar notice that the applicant will not be requiring a review or hearing;

(b) thirty-five days have passed since the notice of the order was given under subsection 20 (1) without the applicant requiring a review or hearing; or

(c) the Board has confirmed the order. 1991, c. 18, Sched. 2, s. 21.

Registration hearings or reviews

22 (1) This section applies to a hearing or review by the Board required by an applicant under subsection 21 (1). 1991, c. 18, Sched. 2, s. 22 (1).

Procedural provisions

(2) The following provisions apply with necessary modifications to a hearing or review:

1. Subsection 38 (4) (exclusion from panel).

2. Section 42 (disclosure of evidence).

3. Section 43 (no communication by panel members).

4. Section 50 (members of panel who participate).

5. Section 55 (release of evidence). 1991, c. 18, Sched. 2, s. 22 (2).



Idem

(3) The following provisions also apply with necessary modifications to a hearing:

1. Section 45 (hearings open).
2. Section 47 (sexual misconduct witnesses).
3. Section 48 (transcript of hearings). 1991, c. 18, Sched. 2, s. 22 (3).

Same

(3.1) The following provisions of the Statutory Powers Procedure Act also apply with necessary modifications to a review by the Board:

1. Section 21.1 (correction of errors).
2. Section 25.1 (rules). 1998, c. 18, Sched. G, s. 12.

Findings of fact

(4) The findings of fact in a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15, 15.1, 15.2 and 16 of the Statutory Powers Procedure Act. 1991, c. 18, Sched. 2, s. 22 (4); 2007, c. 10, Sched. M, s. 27 (1).

Idem

(5) The findings of fact in a review shall be based exclusively on the application and documentary evidence admissible or matters that may be noticed under sections 15, 15.1, 15.2 and 16 of the Statutory Powers Procedure Act. 1991, c. 18, Sched. 2, s. 22 (5); 2007, c. 10, Sched. M, s. 27 (2).

Disposal by Board

(6) The Board shall, after the hearing or review, make an order doing any one or more of the following:

1. Confirming the order made by the panel.
2. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant if the applicant successfully completes any examinations or training the Registration Committee may specify.
3. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant and to impose any terms, conditions and limitations the Board considers appropriate.
4. Referring the matter back to the Registration Committee for further consideration by a panel, together with any reasons and recommendations the Board considers appropriate. 1991, c. 18, Sched. 2, s. 22 (6); 2007, c. 10, Sched. M, s. 27 (3).



Idem

(7) The Board may make an order under paragraph 3 of subsection

(6) only if the Board finds that the applicant substantially qualifies for registration and that the panel has exercised its powers improperly. 1991, c. 18, Sched. 2, s. 22 (7).

Limitation on order

(8) The Board, in making an order under subsection (6), shall not require the Registration Committee to direct the Registrar to issue a certificate of registration to an applicant who does not meet a registration requirement that is prescribed as a non-exemptible requirement. 1991, c. 18, Sched. 2, s. 22 (8).

Parties

(9) The College and the applicant are parties to a hearing or review. 1991, c. 18, Sched. 2, s. 22 (9).