

**Health Profession Regulators of BC
PUBLIC NOTIFICATION FRAMEWORK FOR INQUIRY¹ RESULTS**

**REQUIRED
Health Professions Act (HPA) s. 39.3**

Framework incorporates the principles of:

- Transparency and accountability
- Consistency across health profession regulators of BC
- Education and deterrence of registrants
- Accessible jurisprudence

1. *Before citation*, of any limits or conditions which are imposed on the practice of X, of any suspension of registration by the registrar (with approval of the IC) or by the IC.
2. *Before citation*, where X has agreed via consent or undertaking in relation to a serious matter² and the IC accepts the agreement.
3. *After citation*, X puts forward a proposal to the IC admitting to the nature of the complaint and consents to an order by the IC.
4. After discipline hearing where the Discipline Committee makes a decision against X (see page 3).

*see page 2

Publish content for 10 years

Name of registrant or the health profession corporation

Recommend:

- Full name of registrant or health profession corporation
- Include all names used by registrant
- Ensure correct registrant is identified using whatever identifier is necessary
 - Eg. Geographic location or place of practice (to avoid confusion with registrants with same/similar name)
 - A registration number is not required by legislation and including it may have privacy and security implications

Description of action taken

Recommend:

- Identify type of action (e.g. consent agreement/undertaking/limits/conditions/ suspension/cancellation)
- Specifically identify limits and conditions on practice as per definitions below
- Summarize associated remedial actions where relevant

Limits (on a registrant's practice of the designated health profession):

- Means a reduction in the registrant's ability to practice (eg. scope of practice or patient base)
 - examples: cannot prescribe certain drugs, do certain procedures, treat children or women; can only practice during certain hours

Conditions (on a registrant's practice of the designated health profession):

- Means a requirement that needs to be in place or met before a registrant can practice
 - examples: under supervision, not a sole practitioner

Reasons for action taken

Recommend:

- Provide context for action taken and weave in relevant allegations and admissions (do not include allegations not referenced in the consent agreement)
- Provide information as succinctly as possible but enough to make clear that the action taken was appropriate for nature of complaint
- If possible, achieve agreement on wording of publication in consent agreement
- Third party information withheld where the IC has determined it is necessary to protect confidentiality as per HPA 39.3(3)

Recommend:

- Publish a follow-up notice when change of status (eg. lifting of limits/conditions/ suspension)
- In the section of the website that records public notification of IC actions, notices should be maintained for 10 years from the decision or after the termination of any limit, condition or suspension. Notices that have been published in accordance with this framework but that are no longer maintained on the College website are accessible indefinitely by the public upon request.

¹ HPA Section 39.3(7) provides that notification may be made by posting a notice on the College website. Recommendation: Immediate link from the homepage to 'complaints/discipline' for easy public access.
² "serious matter" (as defined in Section 26 of the HPA): means a matter which, if admitted or proven following an investigation under this Part, would ordinarily result in an order being made under section 39 (2) (b) to (e) (limits or conditions, suspension or removal from the register).

*There are several types of actions or decisions that require publication pursuant to section 39.3. They include:

#	HPA	Decision Maker	Process	Result	Circumstance
1.	32.2(4)(b)	Registrar, with prior approval of Inquiry Committee	Enters into agreement	Limit, condition, or suspension	Where report received from a registrant who has a duty to report on reasonable and probable grounds that the continued practice by X might constitute a danger to the public
2.	32.3(3)(b)	Registrar, with prior approval of Inquiry Committee	Enters into agreement	Limit, condition, or suspension	Where X has been admitted to a hospital for psychiatric care or treatment, or for alcohol or drug addiction treatment [but publication must be about action taken without disclosing personal health information, per s. 39.3(4)]
3.	33(2)	Inquiry Committee	Imposes after investigation	Limit, condition, suspension or cancellation	Where X has failed to authorize a criminal record check, or determination under the <i>Criminal Records Review Act</i> that X presents a risk of physical or sexual abuse to children, or risk of physical, sexual or financial abuse to vulnerable adults
4.	35(1)	Inquiry Committee	Imposes	Limit, condition, or suspension	To protect the public during the investigation of X or pending a hearing of the Discipline Committee
5.	36(1)	Inquiry Committee	Requests and receives X's undertaking	Not to repeat conduct; to take educational courses; consent to reprimand; or consent to any other action specified by the IC	Provided action is in relation to a serious matter (one likely to have resulted in the Discipline Committee imposing limits or conditions on X's practice, or suspension or cancellation of X's registration)
6.	37.1	Inquiry Committee	Receives and accepts X's proposal	Reprimand, limit, condition, suspension, cancellation and/or fine	Where X makes a proposal at any time before the commencement of a DC hearing admitting to the nature of the complaint and consenting to an order for one or more of the results
7.	38(8)	Discipline Committee	Imposes	Limit, condition, or suspension	Where necessary to protect public between the time a hearing is commenced and the time there is a final order
8.	39(1)	Discipline Committee	Determines after hearing	Determination	Where X has not complied with the Act, a regulation or bylaw; has not complied with a standard, limit or condition imposed under the Act; has committed professional misconduct or unprofessional conduct; has incompetently practiced; or suffers from a physical or mental ailment, an emotional disturbance or an addition to alcohol or drugs that impairs their ability to practice
9.	39(2), (5), (8), (9)	Discipline Committee	Orders after hearing	Reprimand, limit, condition, suspension, cancellation, fine; costs; or conditions related to lifting suspension	Result of hearing, or pending appeal
10.	39.1(1)	Discipline Committee	Orders, without need for citation or hearing	Reprimand, limit, condition, suspension, cancellation or fine	Where another college established under the HPA or a body in another province or foreign jurisdiction that regulates a health profession has found X has committed an act that in the opinion of the DC constitutes unprofessional conduct, or X has admitted to same
11.	44(1) or 44(2)	Board	Orders after hearing	Revocation of permit issued to a health profession corporation; reprimand of a registrant shareholder; or fine of the corporation	Where the corporation, its officers, employees or agents have done something that if done by a registrant would be professional misconduct; or ceases to comply with a condition of its permit; or carried on a prohibited business

**Health Profession Regulators of BC
PUBLIC NOTIFICATION FRAMEWORK – DISCIPLINE**

