



Oversight Process Policy

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Definitions

Discrimination is the unjust or prejudicial treatment of different categories of people or things, for example on the grounds of race, age, or sex¹.

Conduct includes issues related to behavior and compliance with laws, regulations, organizational standards and policies.

Oversight Process refers to either a general review, an audit, a review of an oversight complaint, an investigation or a systemic review as outlined in s.457 of the *Health Professions and Occupations Act* (the Act).

Oversight Report is a report prepared after conducting any of the oversight processes.

Performance includes the quality, quantity, and efficiency of work done, and the ability to meet organizational standards.

Performance Standards refers to the standards established or adopted by the Superintendent to evaluate regulator governance and performance.

Regulatory College refers to any of the six health professional regulatory bodies according to s. 342 of the Act: the B.C. College of Nurses and Midwives, the B.C. College of Oral Health Professionals, the College of Complementary Health Professionals of B.C., the College of Health and Care Professionals of B.C., the College of Pharmacists of B.C., and the College of Physicians and Surgeons of B.C.

¹ [Discrimination | BC's Office of the Human Rights Commissioner](#)

Introduction

The lands known today as British Columbia (B.C.) have been populated by Indigenous Peoples since time immemorial. They are home to more than 200 First Nations, Métis, Inuit, and urban Indigenous communities. The Health Professions and Occupations Regulatory Oversight Office (Oversight Office) recognizes the caretakers of these lands and honours their long tradition of supporting the health and safety of their peoples.

The Oversight Office is an independent office of government. One of the roles of the Oversight Office is to evaluate the performance and/or conduct of the province's health professional regulatory colleges (regulatory colleges) through audits, reviews and investigations called oversight processes. The Oversight Office also has oversight of the *Health Professions and Occupations Act* (the Act) and its regulations. The work of the Oversight Office is guided by the Act's Guiding Principles (s.14 and s.15), which speak to reconciliation and anti-discrimination.

Oversight processes encompass proactive monitoring (e.g. scheduled audits), as well as reviews and investigations to respond to issues that arise and to promote continuous improvement. Oversight processes can be initiated in response to a complaint received by the Oversight Office, on the Oversight Office's own initiative based on information gathered, on a scheduled basis, or at the direction of the Minister of Health (the Minister).

Oversight Process Authority

The *Health Professions and Occupations Act* is the primary legislation governing regulatory colleges in B.C. The Superintendent of the Oversight Office has powers pursuant to s.457 of the Act to carry out oversight processes.

Personal information collected under this policy is collected under s.26 (a), (c) and (e) of the *Freedom of Information and Protection of Privacy Act* for the purpose of assessing an external complaint or conducting oversight processes. If you have any questions about the collection of personal information under this policy, please contact the Director of Complaints and Investigations by email at info@hporoo.ca, by toll free telephone number at (236) 475-3059, or by mail at PO Box 9639 STN PROV GOVT, Victoria, BC V8W 9P1.

Purpose of this Policy

The purpose of this policy is to articulate the framework and principles governing oversight processes under the Act through General Reviews, Audits, Complaint Reviews,

Investigations and Systemic Reviews. The public and regulatory colleges are the audience of this policy.

Policy Statement

The Oversight Office will initiate an oversight process when justified by evidence, risk, public interest, or in response to a complaint received or direction from the Minister. Please see the Complaints Intake and Assessment Policy and Guidelines for more information on the complaint process.

The Oversight Office recognizes the disproportionate harms experienced by Indigenous Peoples in B.C. and works to support the elimination of Indigenous- specific racism through its policies and procedures.

Scope

This policy applies to all oversight processes within the mandate of the Oversight Office pursuant to s.457 of the Act.

Policy Guiding Principles

- **Fair:** All oversight processes are communicated and managed in a manner that is impartial and equitable.
- **Transparent:** Information on oversight processes is clearly defined and publicly available on the Oversight Office's website. Reports will not be made public if the Superintendent deems not in the public interest.
- **Respect for Privacy:** When carrying out an oversight process the Oversight Office will only collect personal information necessary to exercise its functions and duties under the Act while adhering to the *Freedom of Information and Protection of Privacy Act*.
- **Cultural Safety and Anti-Discrimination:** The Oversight Office must consider discrimination and cultural safety, particularly where Indigenous identity or practices are relevant to the oversight process.

Oversight Processes

1.1 REQUIREMENTS AND RESPONSIBILITIES

Key requirements and responsibilities of the Oversight Office with respect to oversight processes include but are not limited to:

- **Protecting the public from harm and discrimination** through the Oversight Office's specific duties according to the Act's Guiding Principles.
- **Notice of Oversight Process:** The Oversight Office must provide written notice to a board of a regulatory college when an oversight process is initiated, other than a General Review, and the reasons why it is being conducted.
- **Anti-discrimination:** The Oversight Office has a responsibility to promote anti-discrimination measures and to collaborate with Indigenous governing bodies or other Indigenous representatives when looking into issues that relate to Indigenous matters according to s.467 of the Act.
- **Reporting:** On completion of an oversight process the Oversight Office will prepare a report and detail any recommendations. The report may not be published if the Superintendent believes it would not be in the public interest.
- **Performance Standards:**
Performance standards and best practice guidance will be published to support regulatory colleges in meeting expectations.

1.2 TYPES OF OVERSIGHT PROCESSES

1.2.a General Review

The Oversight Office may carry out a General Review on their own initiative. The Oversight Office may review a regulatory college's policies, procedures and bylaws or rules, agreements and annual reports, or timelines from already published material.

1.2.b Audit

An Audit reports on whether regulatory colleges are meeting published performance standards for the conduct of governance activities, and best practices. Audit schedules and results will be posted on the Oversight Office's website. Prior to an Audit a regulatory college will be provided with details of the audit scope, process, timing and procedures.

1.2.c Complaint Review

A Complaint Review is a review of an eligible complaint made about the performance of a regulatory college, or about the Act or its regulations.

1.2.d Investigations

An Investigation examines the conduct of a regulatory college.

1.2.e Systemic Review

Systemic reviews are broad reviews of patterns or systems that are relevant to the overall regulatory performance of one or more of the regulatory colleges and the regulation of, or the state of practice of, one or more health professions or health occupations, whether designated or not.

1.3 CONDITIONS FOR THE INITIATION OF AN OVERSIGHT PROCESS

The Act creates two levels of authority for the Superintendent of the Oversight Office to initiate an oversight process:

1.3.a Mandatory Conditions

An oversight process must be initiated by the Superintendent when certain conditions occur in accordance with s.458 of the Act. These conditions include:

- a request of the Minister;
- a review of an oversight complaint (unless the complaint is dismissed under s.460 of the Act or transferred under s.461 of the Act);
- if the Superintendent has reasonable grounds to believe:
 - that a regulatory college has acted in a manner that contravenes the Act or its regulations;
 - there is a generalized failure, by one or more regulatory colleges, to meet performance standards;
 - the manner in which a designated profession or occupation is regulated is inadequate to meet one or more objectives of the Act;
 - the public is at risk of harm from the unregulated practice of a health profession or health occupation or, the manner by which a health service is or may be provided by one or more types of providers of health services.

1.3.b Discretionary Conditions

Actions the Superintendent is permitted but not required to take in accordance with s.459 of the Act. These conditions include:

- after receiving a complaint, if the allegations contained in the complaint if admitted or proven would warrant this, or the Superintendent is of the opinion on conducting a review of the complaint that a further oversight process is advisable;
- on request of the board of a regulatory college, or if the Superintendent has reasonable grounds to believe that a regulatory college is not meeting performance standards;
- if the Superintendent has reasonable grounds to believe that a regulatory college has acted in a manner that indicates a serious deficiency in the regulatory college's performance or that is otherwise not in the public interest;
- for any reason the Superintendent believes to be in the public interest.

1.4 CONDUCTING AN OVERSIGHT PROCESS

1.4.a Notice to the Board of a Regulatory College

When an oversight process is initiated, in accordance with s.464 of the Act and other than a general review, the Superintendent will provide written notice to the board of a regulatory college that it will be subject to an oversight process. The written notice will include:

- the reasons why the oversight process is being conducted.
- details on how the board of the regulatory college may request further information about the process.
- who the contact at the Oversight Office will be.
- a copy of the complaint received if applicable. The Oversight Office will not share personal information that may be included in a complaint unless consent to do so has been granted by the complainant.

1.4.b Collaboration and Indigenous Considerations

If Indigenous matters are involved in an oversight process, the Oversight Office will collaborate with one or more persons nominated by Indigenous governing bodies or bodies representing Indigenous people, pursuant to s.467 of the Act.

1.4.c Compelling of Information

When conducting an oversight process, other than a general review, the Superintendent may require a regulatory college to produce relevant information or records by a stated deadline including records that contain personal information or other types of confidential information pursuant to s.468 of the Act. Records containing personal or confidential information will be managed and retained in accordance with the *Freedom of Information and Protection of Privacy Act* and government records management protocols.

The Superintendent may also enter premises used by a regulatory college, require persons to attend a hearing to give evidence or produce records, or inspect and copy any records provided pursuant to s.469 of the Act.

The Superintendent has the authority to apply to the Supreme Court with respect to a person who has failed to comply with an order pursuant to s.471 of the Act.

1.4.d Additional Powers

When conducting a review of a complaint with respect to the Act or its regulations, an investigation, or systemic review, the Superintendent may seek expert advice and conduct research and interviews pursuant to s.470 of the Act. For example:

1. Complex issues arise in an investigation that require additional information — such as matters requiring subject-matter expertise (e.g., profession-specific issues, governance, systems analysis). Consulting experts or conducting research can provide needed insight.

Type of complex issue:

The Oversight Office is reviewing a complaint about a regulatory college's English Language Proficiency Requirements policy. This review requires the Oversight Office to consult with experts on language proficiency assessments.

2. Complaint Reviews with respect to the Act or regulations requiring additional submissions or consultations.

Type of complaint review:

The Oversight Office has received multiple complaints about a specific section of the Act having unintended consequences for some health professionals. The Oversight Office consults on this topic with members of that health profession to determine whether to make any recommendations.

3. Systemic concerns are being evaluated where surveys or broader partner engagement may help identify patterns or contextual factors.

Type of systemic concern:

The Oversight Office is conducting a systemic review of the accessibility of complaint processes across regulatory colleges. This systemic review will include engagement with the colleges, as well as with community partners such as Disability Alliance and other experts on accessibility.

1.4.e Advice and Recommendations

At any time during the conducting of an oversight process, pursuant to s.472(1) of the Act, the Superintendent may give advice and recommendations to the board of a regulatory college and request that they report back on one or more of the following:

- the steps taken, in response to any advice or recommendations.
- reasons for not complying with advice or recommendations.

If the Superintendent is providing advice to the Minister or asking the Minister to take action, written notice of this will be provided to the board of the respective regulatory college, giving the board the opportunity to make submissions on the advice and take any remedial action.

1.5 PREPARATION AND DISTRIBUTION OF REPORT

Upon completion of an oversight process the Oversight Office will prepare and may distribute a draft of the report to the board of the regulatory college that is the subject of the oversight process. The report will summarize any findings, actions taken, advice and recommendations for feedback prior to finalising the report, according to s.474 of the Act.

The final report will be distributed to:

- the board of the regulatory college that is the subject of the oversight process.
- any other interested parties, for example a complainant or any Indigenous governing bodies or representatives consulted.
- the Minister, immediately if there is a significant risk of harm to the public or if in the public interest.

The Superintendent may choose not to publish a report if they believe it is not in the public interest to do so.

1.6 MINISTERIAL ACTION

After receiving a report upon completion of an oversight process, the Minister may issue direction or an order requiring regulatory colleges to take corrective actions, including consultation, bylaw amendments, policy adoption, or other actions pursuant to s.477 of the Act. If a regulatory college fails to comply with ministerial orders, the Minister may enact or amend bylaws directly which will be deemed enacted by the regulator. The Oversight Office will monitor any recommendations and ministerial orders.

Related Policies

Complaint Intake and Assessment Policy and Guidelines

Responsibilities

- **Office staff** are responsible for managing oversight processes including recommendations, interviews and report preparation.
- **Superintendent** makes the decision to initiate an oversight process and provides final approval of an oversight report content including any advice or recommendations.

Documentation and Transparency

- The regulatory college or colleges will be notified when an oversight process is initiated, except when carrying out a General Review, and will be provided with the reasons for the process and an opportunity to make submissions.
- Prior to preparing an oversight report, written notice of any advice and recommendations under consideration will be provided to the board of the respective regulatory college or colleges.
- Oversight activities will be reported annually in the Oversight Office’s annual report.

Concluding Statement

The Oversight Office is committed to continuous improvement of its policies and processes, and welcomes thoughts, feedback, or questions which can be directed to the Oversight Office by contacting info@hporoo.ca.

Frequently Asked Questions

1. What is the purpose of the Policy?

The Policy is intended to support a clearer understanding of when and how an oversight process is initiated and as well as what circumstances would justify the Superintendent’s use of any additional powers to compel information.

2. Who should I contact for assistance?

Please contact the Oversight Office at info@hporoo.ca, with the subject line “Policy Name – Support”.

3. I see areas where this policy can be improved. Who do I contact for suggestions?

To ask questions or provide feedback on the policy, please contact info@hporoo.ca, with the subject line “Policy Name – Suggestions”. Decisions on policy changes will be made jointly upon consideration with the governance team.

Version Control

Version	Date	Updates
1.0	April 1, 2026	Initial release of document