



Interim Practice Directive 2:

Time Periods for Cases Before the Discipline Tribunal

1. Purpose

This practice directive sets out the usual time periods the Health Professions Discipline Tribunal (Discipline Tribunal) uses for key steps in discipline cases and reviews. It explains:

- how the Discipline Tribunal counts time;
- which time periods come from the Health Professions and Occupations Act (HPOA) and the Administrative Tribunals Act (ATA); and
- the usual time targets the Discipline Tribunal uses to manage cases and release decisions.

Except where a time period is set by the HPOA, the ATA, or another statute, the time periods in this practice directive are usual and not mandatory (ATA section 12). The Discipline Tribunal may set different time periods in a particular case.

2. Authority

The Discipline Tribunal operates under the HPOA. When this practice directive mentions a section number, it refers to a section of the HPOA unless it says otherwise.

The Discipline Tribunal also applies the ATA to the extent it is incorporated by the HPOA or otherwise applies.

3. Scope and application

This practice directive applies to all discipline cases before the Discipline Tribunal, from the initial request for citation through final orders and any review by the Director of Discipline (Director).

It does not change time limits set in statutes or court rules, including time limits for judicial review.

4. Definitions

In this practice directive:

- **Day** means a day that is not:
 - Saturday or Sunday;



- a statutory holiday in British Columbia; or
- a day the Discipline Tribunal designates as a non-operating day.

If a time period ends on a calendar day when the Discipline Tribunal is closed, the deadline moves to the next day the Discipline Tribunal is open.

- **Month** means a consecutive calendar month. A month includes calendar days when the Discipline Tribunal may be closed.
- **Written confirmation of filing** means a written notice from the Discipline Tribunal (by email or another written method) confirming that it:
 - received the submission for filing; and
 - accepted it as complete for filing.

Written confirmation of filing is separate from any automated acknowledgment of delivery.

Where this practice directive measures time from written confirmation of filing, the period starts on the day after that confirmation is sent.

5. General principles about time periods

5.1 Statutory time limits

Some time limits in discipline cases come directly from the HPOA or the ATA. For example, the HPOA sets a 30-calendar day deadline for applying for a review of a discipline panel order.

The Discipline Tribunal cannot extend or waive statutory time limits through a practice directive.

5.2 Usual time periods set by this practice directive

The usual time periods in this practice directive are targets. They guide case management, scheduling, and release of decisions.

5.3 Varying a usual time period

The Discipline Tribunal may shorten or extend any usual time period in this practice directive:

- on its own initiative; or
- on the request of a party, a person with standing, or a regulatory college (College).



When deciding whether to vary a usual time period, the Discipline Tribunal may consider:

- fairness to all participants;
- the complexity and urgency of the case; and
- the Discipline Tribunal's duty to conduct proceedings fairly, timely, and efficiently.

A. Initial Review

6. Initial review of documents and records submitted for filing - three days

6.1 Usual time period

The Discipline Tribunal's usual period to check whether a submission is complete for filing is three days.

6.2 When the period starts

The period starts on the day after the Discipline Tribunal receives the submission.

6.3 What happens in the initial review

The Discipline Tribunal checks whether the submission includes the forms, documents, and records required by the HPOA, the regulations, and the practice directives.

After the initial review:

- if the submission is complete, the Discipline Tribunal sends written confirmation of filing;
- if the submission is incomplete, the Discipline Tribunal tells the person who filed it what is missing and how to fix it. The Discipline Tribunal sends written confirmation of filing only after it receives the missing items; and
- written confirmation of filing confirms the official filing date.

B. Requests for Citation or a Consent Resolution

This section sets out the Discipline Tribunal's usual time periods for:

- deciding requests for citation under section 136(2)(b);
- deciding requests for a consent resolution after a College has requested a citation under section 139;
- deciding a College's proposal for consent resolution under section 139 where a College requests a citation at the same time (combined request); and



- responding to a College's request for a consent resolution in a sexual abuse case under section 154.

7. Request for citation (section 136(2)(b)) - 30 days

7.1 Usual time period

The Discipline Tribunal's usual time period to decide a request for citation under section 136(2)(b) is 30 days.

7.2 When the period starts

The period starts on the day after the Discipline Tribunal sends written confirmation of filing of the request.

7.3 Pausing the period

The Director may pause the 30-day period if, for example:

- the Discipline Tribunal has asked the College for additional information or records about the request;
- the Discipline Tribunal needs the College to revise the proposed citation; or
- a proposed change to an identity protection order must be addressed.

If the Director pauses the period, the period resumes on the day after the issue is resolved.

8. Request for consent resolution after request for citation (section 139) - 30 days

8.1 Usual time period

The Discipline Tribunal's usual period to decide a request for a consent resolution under section 139 is 30 days.

8.2 When the period starts

The period starts on the day after the Discipline Tribunal sends written confirmation of filing of the request.

8.3 Pausing the period

The Director may pause the 30-day period if, for example:

- the Discipline Tribunal has asked the College for additional information or records about the request; or



- the Director decides that a resolution management conference (RMC) is appropriate. In that case:
 - the Discipline Tribunal pauses the period when it reaches out to parties to schedule the conference; and
 - the period resumes on the day after the final resolution management conference ends.

9. Request for combined consent resolution (section 139) - 15 days

9.1 Usual time period

The Discipline Tribunal's usual time period to respond to a request for a combined consent resolution (where the College requests a citation at the same time it requests approval of consent resolution) under section 139 is 15 days for the consent resolution. If the consent resolution is not approved, the time period for considering the request for citation will be the usual 30 days.

9.2 When the period starts

The period starts on the day after the Discipline Tribunal sends written confirmation of filing of the request.

9.3 Pausing the period

The Director may pause the 15-day period if, for example:

- the Discipline Tribunal has asked the College for additional information or records about the request; or
- the Director decides that a resolution management conference is appropriate. In that case:
 - the Discipline Tribunal pauses the period when it reaches out to parties to schedule the conference; and
 - the period resumes on the day after the final resolution management conference ends.

10. Request for a resolution in a sexual abuse case (section 154) - 30 days

10.1 Usual time period

The Discipline Tribunal's usual time period to respond to a request for a resolution in a sexual abuse case under section 154 is 30 days.



10.2 When the period starts

The period starts on the day after the Discipline Tribunal sends written confirmation of filing of the request.

10.3 Pausing the period

The Director may pause the 30-day period if, for example:

- the Discipline Tribunal has asked the College for additional information or records about the request; or
- the Director decides that an RMC is appropriate. In that case:
 - the Discipline Tribunal pauses the period when it reaches out to parties to schedule the conference; and
 - the period resumes on the day after the final resolution management conference ends.

C. Consent Resolution Deadline and Pre-Hearing Timeline

11. Consent Resolution Deadline (section 164(1)(c)) - six months

Under section 164(1)(c), the Director specifies in the citation a date by which the parties may resolve the case by consent (Consent Resolution Deadline).

11.1 Usual time period

The Discipline Tribunal's usual period between the date the Director issues the citation and the Consent Resolution Deadline is six months.

11.2 Changing the Consent Resolution Deadline

The respondent or the College may ask the Director to change the Consent Resolution Deadline.

The Director may extend or shorten or change the deadline, taking into account:

- the complexity of the case;
- the stage of any consent resolution discussions; and
- the public interest in timely resolution.



D. Hearings and Decisions (Discipline Panels)

This section sets out the Discipline Tribunal's usual time periods for scheduling hearings and releasing decisions.

12. Hearing date - eight months from the Consent Resolution Deadline

12.1 Usual time period

The Discipline Tribunal's usual time period for a discipline hearing to begin is within eight months after the Consent Resolution Deadline.

13. Decision of discipline panel - six months

13.1 Usual time period

The Discipline Tribunal's usual period for a discipline panel to issue its decision after a hearing is within six months after the last day of the hearing.

14. Disciplinary order hearing - three months

If the discipline panel finds lack of competence or misconduct, it may hold a separate hearing to decide disciplinary orders.

14.1 Usual time period

The Discipline Tribunal's usual period to hold a disciplinary order hearing is within three months of the discipline panel's liability decision.

The Discipline Tribunal schedules the disciplinary order hearing with input from the parties, taking into account the need to collect any additional evidence.

15. Decision on penalty - 45 days

15.1 Usual time period

The Discipline Tribunal's usual period for a discipline panel to issue its decision and reasons on the appropriate disciplinary order is within 45 days after the last day of the disciplinary order hearing.

E. Applications for Review of Disciplinary Orders (sections 194 to 196)

This section applies to applications for review of orders made by discipline panels under section 191 of the HPOA.



16. Application for review - 30 calendar days (statutory)

Under section 194(2):

- a respondent, a College, or a complainant may apply for a review of a discipline panel order; and
- an application may be made only once, and only within 30 calendar days after the date the applicant receives notice of the order.

This 30-calendar day deadline is set by the HPOA. The Discipline Tribunal cannot extend it through this practice directive.

17. Initial directions on an application for review - 60 days

After the Discipline Tribunal sends written confirmation of filing of a complete application for review, the Director decides how the review will proceed.

17.1 Usual time period

The Discipline Tribunal's usual time period for the Director to decide whether to:

- dismiss the application for review at a preliminary stage;
- combine different applications into one case;
- invite written submissions;
- hold an oral hearing on the review; or
- do both.

The usual time period is within 60 days after the day the Discipline Tribunal sends written confirmation of filing of a complete application.

18. Review process - six months

18.1 Usual time period

The Discipline Tribunal's usual time period to complete a review hearing, or another review process such as a written hearing, is within six months after the date the Discipline Tribunal receives the application for review.

This period includes time for scheduling, submissions, and any case management required for the review.



19. Final decision on an application for review - 90 days

19.1 Usual time period

The Discipline Tribunal's usual time period for the Director to issue a final decision and reasons on an application for review is within 90 days after:

- the last day of the review hearing; or
- the date the Discipline Tribunal receives the last written submission, if the review proceeds in writing.

