



Interim Practice Directive 5: Persons with an Interest

1. Purpose

This practice directive explains:

- who a person with an interest in a citation or discipline hearing is;
- how a person may make a request to be a confirmed person with an interest; and
- how persons with an interest receive notices, request records, and participate in a case.

2. Authority

The Health Professions Discipline Tribunal (Discipline Tribunal) operates under the Health Professions and Occupations Act (HPOA). When this practice directive mentions a section number, it refers to a section in the HPOA, unless it says otherwise.

The Discipline Tribunal also applies the Administrative Tribunals Act (ATA) to the extent it is incorporated by the HPOA or otherwise applies.

3. Scope and application

This practice directive applies when a citation is issued and throughout the rest of the discipline hearing processes.

4. Definitions

In this practice directive:

- **person with an interest** means (HPOA section 13(a) to (d)):
 - the respondent;
 - the regulatory college (College);
 - the complainant; or
 - a confirmed person with an interest.
- **party** means the respondent or a regulatory college (College).



- **confirmed person with an interest** means a person confirmed by the Director of Discipline (Director), in writing, on the discipline panel's recommendation (HPOA section 13(d)).

5. Requesting confirmation as a confirmed person with an interest

5.1 Alternatives to requesting confirmation

A person does not need to seek confirmation as a confirmed person with an interest for the discipline panel to hear their story.

Before filing a request under this practice directive, contact the College's representative or the respondent's representative to discuss whether the person's story can be provided by:

- being called as a witness; or
- a written statement or letter, if appropriate.

The Discipline Tribunal may provide contact information for the parties' representatives on request.

5.2 Who may request confirmation

Any person who believes they have an interest in the citation or discipline hearing may request confirmation as a confirmed person with an interest.

A party or the complainant may also request confirmation of another person as a confirmed person with an interest, with consent from that person.

5.3 Filing the request

File a written request with the Discipline Tribunal:

- through the Discipline Tribunal electronic filing portal; or
- if the portal is unavailable, email the Discipline Tribunal at tribunal@hporoo.ca for filing directions.

Include:

- the requesting person's name and contact information;
- the person proposed for confirmation (if different) and that person's contact information, including address for service (if known);
- the connection between the proposed person and the citation or discipline hearing;



- why confirmation is requested and why the person has an interest; and
- what participation is requested if the Director confirms the person, including any proposed limits or conditions (for example, issue-limited participation).

See section 6.2 of this practice directive if the request seeks orders or directions about participation in the discipline hearing process.

5.4 Service and responses

If the Discipline Tribunal accepts the request for filing, it provides the requesting person with service contact information for each party and directions for service.

The requesting person must serve the request on each party in accordance with Practice Directive 1: Filing and Service and keep proof of service.

The Discipline Tribunal may set time periods for responses.

If providing service contact information is not possible or creates a safety concern, the Discipline Tribunal may give directions for another method of service.

5.5 Recommendation and confirmation

If the discipline panel recommends confirmation, the Director may confirm the recommendation in writing and notify the person (HPOA section 13(d)).

The discipline panel may recommend confirmation with limits or conditions on participation.

6. Participation in the discipline hearing process

6.1 General limits

A complainant and a confirmed person with an interest are not parties.

The discipline panel controls its own processes for the discipline hearing and may make orders to facilitate a timely, just, and orderly hearing, on its own initiative or on request of a person with an interest.

A person with an interest, other than a party, may make submissions only if the discipline panel permits it (see section 6.2 of this practice directive). (HPOA sections 174(1), 176(1), 176(3)(b), 176(4); ATA section 38(1) as applied by HPOA section 182(1)).



6.2 Requests to the discipline panel about participation in a discipline hearing

A request for an order or direction about participation in a discipline hearing must be made in writing. File and serve the request in accordance with Practice Directive 1: Filing and Service.

Include:

- what the discipline panel is asked to decide (for example):
 - permit attendance for all or part of the hearing;
 - permit submissions on a specific issue;
 - set conditions on access to or use of records;
 - permit a person with an interest to propose questions for a witness; or
 - limit participation.
- the facts relied on (including relevant dates, record categories, and any prior directions or orders); and
- why the request is necessary, including the impact on fairness, privacy/confidentiality, the hearing schedule, or efficient management of the hearing (for example, avoiding delay, duplication, or disruption).

6.3 Attendance and observing hearings

A discipline hearing is open to the public, subject to an identity protection order and any other order that applies to the hearing.

If an order restricts attendance for all or part of a hearing, the discipline panel decides whether, and on what terms, a person with an interest may attend that portion.

For public attendance rules, observer and media conduct, and recording restrictions, see Practice Directive 19: Public and Media Access to Discipline Hearings.

6.4 Representation when giving evidence

A person with an interest may be represented by a lawyer when giving evidence.



7. Notices and information

7.1 Keeping contact information current

A person with an interest must keep their contact information current with the Discipline Tribunal.

Update contact information as follows:

- where portal access is available: update through the portal; or
- where portal access is not available: email the Discipline Tribunal at tribunal@hporoo.ca and follow the method the Discipline Tribunal directs.

The Discipline Tribunal sends notices and documents to the last contact information on file.

7.2 Notice of the discipline hearing

Each person with an interest, other than a party, will receive written notice of the date, time, and (if applicable) location of the discipline hearing.

7.3 Hearing records and other information

If a person with an interest needs hearing records or other information to participate, file a written request with the Discipline Tribunal, copying the College.

Include:

- the record(s) requested or the category of records requested (if specific titles are not known);
- why the records are needed; and
- any confidentiality concerns, including whether the request may involve protected information or an identity protection order.

If the existence or scope of records is unknown, describe what is sought and request a list of available hearing records.

For information on providing hearing records, including who provides them, what may be disclosed, how protected information is handled, and any conditions on access, use, redaction, or further disclosure, see Practice Directive 4: Privacy, Confidentiality and Access to Records.



7.4 Decisions and outcomes

A person with an interest is entitled to receive:

- a decision not to issue a citation or to cancel a citation (with reasons);
- a discipline panel's decision and orders (with reasons) and notice of any review process; and
- the Director's decision on a review (with reasons), if a review occurs.

If the Director confirms a person with an interest after the Discipline Tribunal issues a decision or notice, that person with an interest can file a request for a copy with the Discipline Tribunal under section 7.3 of this practice directive.