



Interim Practice Directive 7A:

Registrar's Proposal for Allegations in the Citation

1. Purpose

When a regulatory college (College) requests the Director of Discipline (Director) to issue a citation, the College registrar must propose the allegations against the respondent that are to be included in the citation.

This practice directive provides guidance on the form and content of the proposed allegations.

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 ATA to the extent it is incorporated by the HPOA or otherwise applies.

3. Scope and application

This practice directive applies when the College requests a citation under section 136 (see Practice Directive 7: Requests for Citation for the basic filing requirements). Section 136(2)(b) requires the College registrar to propose to the Director the allegations against the respondent that are to be included in the citation.

4. Purpose of allegations in the citation

The purpose of the allegations in the citation is to provide the respondent with enough information to understand the nature of the allegations against them.

The allegations set out the essential elements of the claim that the respondent either committed misconduct or lacked competence. Each allegation must be supported by evidence. At a hearing, the College must prove the allegations on a balance of probabilities.

The allegations in a citation do not replace full disclosure or a statement of particulars. Under section 247, a College registrar must provide the respondent with disclosure of the hearing record if a citation is issued (see Practice Directive 4: Privacy, Confidentiality and Disclosure of Records for specific requirements). In addition, the College may be required



to provide a more detailed statement of particulars later in the process. The allegations in the citation should not include the same level of detail as the hearing record or any statement of particulars.

5. Form of the proposed allegations

Each distinct allegation of misconduct or actionable conduct must be listed separately.

Each allegation must include the following information, as applicable:

- the date or date range of the alleged act of misconduct or other actionable conduct.
- the location of the alleged act of misconduct or other actionable conduct.
- the respondent's health profession and status as a licensee.
- a concise summary of the alleged misconduct or other actionable conduct.
- the specific provision in the HPOA alleged to have been breached.
- any applicable enactment, regulation, bylaw, or rule.
- the name of the affected person or subject of the alleged misconduct, unless covered by an identity protection order.
- any other information required under sections 8 to 12 of the HPOA to prove the allegation.

Each allegation must relate to a single instance of alleged misconduct or actionable conduct. Where multiple allegations are made, each must be set out separately. A single act or omission by a respondent may give rise to more than one allegation.

The proposed allegations must not include procedural details or a narrative description of the case. That information may be provided later in a statement of particulars or in the summary of the investigation included in the hearing record.

6. Reviewing the proposed allegations in the citation

Section 161 authorizes the Director to require a College to make changes to the proposed allegations in a citation. Any changes the Director requires will relate only to the form and content of the allegations to ensure the proposed allegations comply with this practice directive.