



## Interim Practice Directive 8:

### Combined Request for a Section 139 Consent Resolution and Request for Citation

#### 1. Purpose

This practice directive sets out an approval process for proposals for consent disciplinary orders that are combined with a request for a citation. This occurs when the parties have agreed to a resolution that requires approval from the Director of Discipline (Director).

The objective is a fast, fair, and transparent resolution process that protects the public while avoiding unnecessary hearings.

#### 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, it refers to a section in the HPOA, unless it says otherwise.

#### 3. Scope and Application

This directive applies to proposals for consent disciplinary orders that require approval of the Director, including:

- requiring a respondent to take anti-discrimination measures (section 269(d)(ii));
- requiring a respondent to undergo a clinical or other assessment for competency (section 269(d)(iv));
- post-suspension limits or conditions on a respondent's practice authority (section 270(1)(c));
- revocation of practice authority (section 270(1)(d));
- limits or conditions on a restatement eligibility (section 270(1)(e));
- monetary penalties or refunds (section 271).

This practice directive does not apply if the Director has already issued the citation. In that case, see Practice Directive: Consent Resolutions.

#### 4. Filing requirements

The registrar of the regulatory college (College) must file:

- **Investigation Committee's assessment notice:** the investigation committee's assessment notice and any reasons directing the College to request a citation.



- **Section 137 documents and records:** all documents and records described in section 137(1), and any identity protection order and reasons that section 137(2) requires.
- **Proposed Orders:** the proposed orders resolving the case;
- **Consent:** a statement from the respondent indicating their consent to the proposed orders and any further information the respondent has provided;
- **Reasons:** an analysis of the factors that the Director must consider under section 265 (mandatory factors), section 267 (2), and any relevant factors under sections 266 (discretionary factors) and 267 (3); and
- **Other Information:** any other information in the College's possession that is relevant to the proposed order(s).

The registrar is not required to file the proposed allegations to be included in the citation unless the Director notifies them that the consent resolution is not approved.

## **5. Further information**

The Director may request further information or particulars, including information about:

- the evidentiary foundation for the proposed order(s);
- the views of the complainant or other effected persons; and
- the reasons the proposed order or orders address public protection and public confidence.

Any new and relevant information to the proposal that comes into the possession of the College after filing must be provided to the Director immediately.

## **6. Submission of materials**

All materials must be submitted through the Discipline Tribunal's web portal unless the Director orders otherwise.

## **7. Review of Section 139 Proposal First**

The Director will review the Section 139 proposal first and will pause the consideration of the Request for Citation.



## **8. How the Director decides a request for a consent resolution**

To decide the request, the Director may:

- request additional submissions or records from a party or a person with interest;
- hold a resolution management conference (RMC).

## **9. Resolution management conferences**

The Director may convene an RMC to:

- clarify the proposed orders or the reasons for them;
- confirm the factual basis for the proposed orders;
- identify additional information required; and
- set steps and timelines needed to decide the request before the CRD.

If a party does not attend an RMC, the Director may proceed in that party's absence and decide the request based on the record available.

## **10. Factors considered**

In deciding whether to approve the proposed order(s), the Director considers whether the proposed order(s) appropriately addresses the nature, scope, and gravity of the alleged conduct, maintains public confidence in the profession and the regulatory process, and is appropriate to the circumstances and position of the respondent as provided for in section 265, 266 and 267 of the HPOA.

## **11. Director decision**

After considering the consent resolution package and any submissions received, the Director may:

- approve the consent resolution in writing and cancel the citation (section 139(3)); or
- not approve the consent resolution (section 139(4)).

If the Director approves the consent resolution, the College issues the approved orders.

If the Director does not approve the consent resolution, the parties will be notified. The College must then provide the proposed allegations to be included in the citation, and the Director will proceed to consider the Request for Citation following Practice Directive 7: Request for a Citation.



## **12. Timeline for decisions**

The Director will decide on an expedited section 139 proposal within 15 days after the Discipline Tribunal sends written confirmation that the submission is complete.

If the Director requires a resolution management conference or series of conferences, this 15-day period is paused. The period resumes on the day after the final resolution management conference ends.

