



Interim Practice Directive 14:

Hearing Management Conferences and Pre-hearing Applications

1. Purpose

This practice directive explains how the Health Professions Discipline Tribunal (Discipline Tribunal) manages hearing processes after the case management process ends and before and during the discipline hearing.

This practice directive:

- sets out how the Discipline Tribunal conducts hearing management conferences;
- sets out how the hearing chair makes hearing management orders and directions; and
- sets out the process for pre-hearing applications.

2. Authority

The 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.

3. Scope and application

This practice directive applies after the Consent Resolution Deadline (CRD) and continues up to and including the discipline hearing.

This practice directive also:

- describes how parties identify potential pre-hearing issues and any pre-hearing applications that may be required after the CRD under Practice Directive 12: Case Management Process; and
- sets out the process for pre-hearing applications after the CRD.

A complainant or other person with an interest may participate in a hearing management conference or a pre-hearing application only to the extent permitted by the HPOA and any discipline panel directions.

Practice Directive 1: Filing and Service and Practice Directive 2: Time Periods for Cases Before the Discipline Tribunal apply to requests and submissions under this practice directive.



The Discipline Tribunal may vary the process set out in this practice directive in a particular case.

4. Definitions

In this practice directive:

- **Consent Resolution Deadline (CRD):** the date after which proposals may no longer be made under section 139. The citation states this date.
- **Hearing management conference (HMC):** a conference the Discipline Tribunal schedules under this practice directive to manage the case after the CRD and up to and including the discipline hearing.
- **Hearing chair:** the discipline panel member designated by the Director to conduct hearing management, including conducting HMCs and making interim orders and directions on the discipline panel's behalf.
- **Hearing plan:** the parties' plan for the discipline hearing, including estimated hearing length, hearing days, witness order, and other key hearing steps.
- **Parties:** the regulatory college (College) and the respondent.
- **Pre-hearing application:** an application requesting a procedural or evidentiary order before the first day of the discipline hearing.

5. Hearing management

The hearing management process focuses on:

- ensuring compliance with existing case management directions;
- identifying and addressing remaining procedural and legal issues;
- confirming hearing readiness and a workable hearing plan; and
- supporting fair and efficient use of Discipline Tribunal hearing resources.

Hearing management may assist the parties in narrowing issues and identifying possible areas of agreement.

For proposed consent resolutions after the CRD, use Practice Directive 9: Consent Resolutions. If the proposed consent resolution is reached before the first hearing day, the Discipline Tribunal ordinarily addresses it by pre-hearing application. If the proposed consent resolution is reached during the hearing, the discipline panel directs the process.



A party must raise an issue as soon as the party becomes aware of anything that may affect hearing readiness, the timely and efficient conduct of a scheduled conference or hearing.

Settlement information has the meaning in section 181. A party must not file or rely on settlement information except to the extent permitted by the HPOA, required for a consent resolution process, or necessary to explain a procedural request without disclosing the substance of a proposal or negotiations.

6. Hearing management conferences

The hearing chair conducts HMCs and may make orders and directions as required to ensure the fair, efficient and orderly conduct of the case.

6.1 Scheduling and format

The Discipline Tribunal holds an HMC in every case.

The Discipline Tribunal schedules the first HMC within 30 days after the CRD and, if practicable, no later than 90 days before the first scheduled hearing day.

The Discipline Tribunal may schedule additional HMCs at any time, including between hearing days.

The Discipline Tribunal holds HMCs remotely.

6.2 Attendance and participation

Each party must attend an HMC personally or through a person with authority to make procedural and scheduling commitments.

If a party is represented, their representative must attend.

A party requesting accommodations for accessibility reasons, including interpretation, must make the request when the HMC is scheduled or as soon as practicable after the need becomes known. Follow the process set out in Practice Directive 3: Accessibility and Accommodations.

6.3 Scope

The Discipline Tribunal uses an HMC to prepare the case for a fair, timely, and orderly hearing and does not address the merits of the citation.

At an HMC, the hearing chair may:

- confirm hearing readiness and the hearing plan;



- identify any remaining procedural, evidentiary, or legal issues that may affect the hearing;
- set or adjust schedules for remaining steps, including disclosure and hearing materials; and
- address hearing logistics, interpreters, and participation directions for complainants or persons with an interest.

After addressing matters at an HMC, the hearing chair may make orders or give directions to implement the hearing plan and manage the hearing process.

7. Requests for an HMC or an order in writing

7.1 Requesting an HMC

A party may request an HMC at any time after the CRD.

Before requesting an HMC, the requesting party must contact the other party to confirm the other party's position.

A party requesting an HMC must file and serve the request under Practice Directive 1: Filing and Service. The request must include:

- the issue to be addressed;
- the order or direction requested;
- the other party's position (consent, opposed, or no position), or efforts made to obtain that position;
- proposed dates and a time estimate; and
- background information necessary to schedule and conduct the HMC.

7.2 Request an order in writing

The hearing chair may make an order or direction in writing on the discipline panel's behalf, either on the hearing chair's own initiative or after receiving a written request.

A party requesting an order or direction in writing must file and serve the request under Practice Directive 1: Filing and Service. The request must include:

- a description of the proposed order;
- the facts and evidence relied on; and



- the other party's position, or efforts made to obtain that position.

The hearing chair may:

- issue an order or direction;
- request further submissions; or
- schedule an HMC.

8. Pre-hearing applications

8.1 Pre-hearing issues identified before the CRD

Before the CRD, the parties must identify potential pre-hearing issues and any pre-hearing applications that may be required after the CRD under Practice Directive 12: Case Management Process.

The Director of Discipline (Director) may address hearing-preparation issues through case management directions under Practice Directive 12: Case Management Process and may set a schedule for any pre-hearing application to be brought after the CRD.

8.2 Notice of new pre-hearing application

If a party identifies a new pre-hearing application after the case management process ends, the party must promptly file and serve a notice identifying:

- the issue;
- the order or direction requested; and
- the time sensitivity, if any.

After receiving the notice, the hearing chair may give directions about scheduling, materials, and next steps.

A party who brings a pre-hearing application must file and serve the application under Practice Directive 1: Filing and Service and using any directions given by the hearing chair.

8.3 Timing, abridgment, and urgent scheduling

A party who files a pre-hearing application within two months of the first scheduled hearing day must include:

- an explanation of why the application could not reasonably have been brought earlier; and



- a proposed timetable that preserves procedural fairness.

The hearing chair may:

- refuse to hear the application, in whole or in part;
- set an abridged timetable;
- convert the application to an issue to be addressed at an HMC or during the hearing; or
- give other directions.

If a party requires urgent scheduling or an abridged timetable, the party must file and serve a request for urgent scheduling under Practice Directive 1: Filing and Service. The request must include:

- the reason urgency is claimed;
- the prejudice that will result without urgent consideration; and
- a proposed timetable, including the shortest timeline that still permits procedural fairness.

The hearing chair may give directions on what materials are required at the time of the urgent scheduling request.

8.4 Application materials and page limits

A pre-hearing application must include:

- a notice of application that states the relief sought;
- the facts and evidence relied on, including any supporting documents;
- a draft order in Word format; and
- written submissions that set out the issues, the applicable law, and how the requested order is supported by the evidence and law.

Written submissions must not exceed:

- 10 pages for the application;
- 10 pages for the response; and
- five pages for any reply.



These page limits apply to written submissions only and do not include the notice of application, draft order, exhibits, or authorities.

8.5 Timelines for service, response, and reply

Unless the Discipline Tribunal gives different directions, the filing party must serve a complete copy of any application, response, or reply on the other party at the same time as filing or as soon as practicable after filing.

A response may be filed and served within seven days after receipt of the application materials.

A reply may be filed and served within three days after receipt of the response. A reply may address only new facts or legal issues raised in the response.

The hearing chair may set different response and reply timelines.

8.6 Managing and deciding a pre-hearing application

The hearing chair ordinarily hears and decides a pre-hearing application on the discipline panel's behalf, unless the discipline panel decides that the application should be heard by the whole panel.

A pre-hearing application may be decided in writing or in a remote hearing. An in-person hearing will only be held in exceptional circumstances.

9. Issues raised during the hearing

A party who brings an application during the hearing must bring it to the attention of the discipline panel at the earliest opportunity.

An application brought during the hearing must relate to matters that arise from evidence or issues that occur during the hearing.

If the discipline panel determines the application concerns issues known before the hearing, or issues addressed in a previous application, the discipline panel may dismiss it.