



## **Interim Practice Directive 21A:**

### **Legal Decisions and Factual Findings by a Discipline Panel**

#### **1. Purpose**

This practice directive explains the how a discipline panel must make legal decisions and factual findings 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 to all discipline panels. It sets out the standards applied by the Director of Discipline (Director) on an application for review under sections 194 to 196.

#### **4. Legal decisions**

A discipline panel must correctly apply the law in its decisions. Discipline panel members must consider the HPOA and the ATA, as well as other relevant legislation, case law, and practice directives when making their decisions. They are expected to know the law and be familiar with relevant legal authorities and instruments.

#### **5. Findings of fact**

A discipline panel must make findings of fact supported by the evidence at the hearing.

#### **6. Procedural fairness**

A discipline panel must ensure that the proceedings in every case are procedurally fair. The requirements of procedural fairness are not the same in every case and are contextual. They depend on a consideration of the interests at stake within the procedural and factual context of each case.

#### **7. Disciplinary orders**

A discipline panel may only impose disciplinary orders that are available in the HPOA.



## **8. Impartiality and independence**

Discipline panel members must act impartially and must form conclusions using their own judgment, the law, and the evidence before them.

