



## Practice Directives: Overview

This grid provides an overview of Practice Directives, summarizing the content of each one.

### General Rules of Procedure

Number	Title	Main Scope
1	<b>Filing and Service</b>	<ul style="list-style-type: none"><li>• Filing documents</li><li>• Written confirmation of filing</li><li>• Defective filings and defective service</li><li>• Urgent filing and directions about filing or service</li><li>• Service methods, effective service, and proof of service.</li></ul>
2	<b>Time Periods for Cases Before the Discipline Tribunal</b>	<ul style="list-style-type: none"><li>• Counting time</li><li>• Statutory deadlines</li><li>• Usual time periods for key procedural steps.</li></ul>
3	<b>Accessibility and Accommodations</b>	<ul style="list-style-type: none"><li>• Accessibility measures and accommodations that remove barriers to participation</li><li>• Accommodation requests and supporting information</li><li>• Confidential handling and implementation of accommodations</li><li>• Relationship to hearing management and hearing logistics</li><li>• Does not apply to protection orders under HPOA sections 183 to 186.</li></ul>
4	<b>Privacy, Confidentiality and Disclosure of Records</b>	<ul style="list-style-type: none"><li>• Confidential material, including confidential versions, public versions, redactions, and labels</li><li>• Confidentiality orders and related requests</li><li>• Access to and disclosure of hearing records</li><li>• Public access to records from a discipline proceeding</li><li>• Official recordings and transcripts.</li></ul>
5	<b>Persons with an Interest</b>	<ul style="list-style-type: none"><li>• Who is a person with an interest</li></ul>



		<ul style="list-style-type: none"> <li>• Requests for confirmation as a confirmed person with an interest</li> <li>• Participation in the discipline hearing process</li> <li>• Attendance, notices, hearing records, and other information.</li> </ul>
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**Intake and Commencement**

<b>Number</b>	<b>Title</b>	<b>Main Scope</b>
6	<b>Initial Request Submission Requirements</b>	<ul style="list-style-type: none"> <li>• Filing and formatting initial requests that start a Discipline Tribunal file</li> <li>• Portal filing and other filing directions for requests</li> <li>• Organization of requests, searchability, and redactions.</li> <li>• Discipline Tribunal's review for completeness and missing items.</li> </ul>
7 and 7A	<b>Requests for Citation and Registrar's Proposal for Allegations in the Citation</b>	<ul style="list-style-type: none"> <li>• Who may request a citation</li> <li>• Required contents of the request package, including details on proposals for allegations</li> <li>• Required records and information</li> <li>• Director review and decision outcomes</li> <li>• Fixing filing defects</li> </ul>
8	<b>Combined Request for a Section 139 Consent Resolution and Request for Citation</b>	<ul style="list-style-type: none"> <li>• Consent-resolution proposals filed with a request for citation</li> <li>• Filing requirements</li> <li>• Required contents of the proposal</li> <li>• Director review and decision</li> <li>• Resolution management conferences in this process</li> </ul>
9	<b>Consent Resolutions</b>	<ul style="list-style-type: none"> <li>• Consent resolutions after the Director has issued a citation</li> <li>• Requests to change the Consent Resolution Deadline</li> <li>• Filing before the Consent Resolution Deadline</li> <li>• Director review and resolution management conferences before the deadline</li> </ul>



		<ul style="list-style-type: none"> <li>Resolving a case after the Consent Resolution Deadline through the hearing process</li> <li>Factors relevant to a proposed consent resolution.</li> </ul>
10	<b>Approval of Orders Resolving Sexual Abuse Cases</b>	<ul style="list-style-type: none"> <li>Requests for approval of a proposed order resolving a complaint involving an allegation of sexual abuse before citation</li> <li>Filing and submission requirements</li> <li>Further information requests, updates after filing, and withdrawal</li> <li>Resolution management conferences in this process</li> <li>Decision factors and privacy or confidentiality considerations.</li> </ul>
11	<b>Mediation Process</b>	<ul style="list-style-type: none"> <li>Purpose and objectives of mediation</li> <li>Mediation principles</li> <li>Availability, format, and cost</li> <li>The Director's role and the effect of unsuccessful mediation</li> </ul>

**Case and Hearing Management**

<b>Number</b>	<b>Title</b>	<b>Main Scope</b>
12	<b>Case Management Process</b>	<ul style="list-style-type: none"> <li>Case management from citation to the Consent Resolution Deadline</li> <li>Case management conferences</li> <li>Requests for a case management conference or directions in writing</li> <li>Issues addressed, compliance, and transition to hearing management.</li> </ul>
13	<b>Setting, Changing and Adjourning Hearing Dates</b>	<ul style="list-style-type: none"> <li>Initial hearing dates</li> <li>Rescheduling before the Consent Resolution Deadline</li> <li>Hearing date changes after the Consent Resolution Deadline</li> <li>Adjournments during the hearing</li> <li>Required contents of requests and relevant factors</li> </ul>
14	<b>Hearing Management Conferences and Pre-Hearing Applications</b>	<ul style="list-style-type: none"> <li>Hearing management after the Consent Resolution Deadline</li> <li>Hearing management conferences</li> </ul>



		<ul style="list-style-type: none"> <li>• Requests for a hearing management conference or an order in writing</li> <li>• Pre-hearing applications</li> <li>• Issues raised during the hearing.</li> </ul>
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### Evidence and Hearing Conduct

Number	Title	Main Scope
15	<b>Evidence, Witnesses and Experts</b>	<ul style="list-style-type: none"> <li>• General evidentiary rules in a discipline proceeding</li> <li>• Exhibits and evidentiary issues</li> <li>• Witness lists, witness management, and remote testimony</li> <li>• Orders to compel attendance or production</li> <li>• Expert evidence requirements and management</li> </ul>
16	<b>Protection Orders</b>	<ul style="list-style-type: none"> <li>• Protection orders under HPOA sections 183 to 186</li> <li>• Statutory framework and mandatory considerations</li> <li>• Who may request a protection order and when</li> <li>• Required materials</li> <li>• Examples of protection orders</li> <li>• Public access and confidentiality implications</li> </ul>
17	<b>Sensitive Records</b>	<ul style="list-style-type: none"> <li>• Identifying and handling potential sensitive records</li> <li>• Applications for production orders under HPOA sections 188 and 189</li> <li>• Service, notice, and submissions</li> <li>• Determination, private review of records, and orders</li> <li>• Managing produced sensitive records.</li> </ul>
18	<b>Hearing Format and Remote Participation</b>	<ul style="list-style-type: none"> <li>• Hearing format directions from citation to completion of the discipline hearing</li> <li>• Deciding hearing format</li> <li>• Remote participation requirements</li> <li>• Hearing books and electronic exhibits</li> </ul>



		<ul style="list-style-type: none"> <li>• Non-standard or physical evidence</li> <li>• Technical failures, interruptions, and backup directions.</li> </ul>
19	<b>Public and Media Access to Discipline Hearings</b>	<ul style="list-style-type: none"> <li>• Open hearings and public attendance arrangements</li> <li>• Access orders</li> <li>• Expected conduct of observers and media representatives</li> <li>• Support persons and animals</li> <li>• Recording, broadcasting, live commentary, and electronic devices.</li> </ul>

### Outcomes and Post-Hearing

Number	Title	Main Scope
20	<b>Disciplinary Orders, Hearing Costs, Post-hearing Submissions and Corrections</b>	<ul style="list-style-type: none"> <li>• Disciplinary orders.</li> <li>• Hearing costs.</li> <li>• Post-hearing written submissions on liability and other issues.</li> <li>• Form of decision and reasons. • Corrections and clarifications under ATA section 53.</li> </ul>
21 and 21A	<b>Application for Review and Legal Decisions and Factual Findings by a Discipline Panel</b>	<ul style="list-style-type: none"> <li>• Applications for review under HPOA section 194</li> <li>• Filing, service, deadline, contents, and grounds for review</li> <li>• Requests for a stay</li> <li>• Preliminary dismissal and combining applications</li> <li>• Review record, process, and decision after review.</li> </ul>
22	<b>Publication of Requests for a Citation and Disciplinary Orders</b>	<ul style="list-style-type: none"> <li>• Publication of requests for a citation and disciplinary orders</li> <li>• Required publication content for different categories of disciplinary orders</li> <li>• Publication of a request for a citation</li> <li>• Related publication steps.</li> </ul>



## **Interim Practice Directive 1:**

### **Filing and Service**

#### **1. Purpose**

This practice directive explains how to:

- file documents with the Health Professions Discipline Tribunal (Discipline Tribunal); and
- serve documents on other parties and participants.

It explains:

- where and how to file documents;
- document format;
- how to serve documents, including when confirmation of receipt is required;
- when service takes effect;
- proof of service; and
- how the Discipline Tribunal addresses defective filings or defective service.

#### **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 to:

- parties (regulatory colleges and respondents); and
- complainants and other persons with an interest.

This practice directive applies at all stages of a case.

The Discipline Tribunal may give directions or issue an order on a case that is different from what this practice directive says. If that happens, the directions or order must be followed.



## **4. Filing**

### **4.1 How to file**

File documents through the Discipline Tribunal electronic filing portal.

If the portal is unavailable, email the Discipline Tribunal at [tribunal@hporoo.ca](mailto:tribunal@hporoo.ca) for filing directions.

### **4.2 File formats and technical standards**

File documents in a format that is easy to read, store, search, and print.

File documents as follows:

- **Written documents:** File as text-searchable PDF, where feasible.
- **Spreadsheets:** File as XLSX and PDF.
- **Audio or video:** File in a commonly used format.
- **Page numbers:** Number pages consecutively within each document.
- **Multi-document filings:** Include an index that identifies each document by name and date.

If a technical standard cannot be met, submit the best available version of the document for filing, with an explanation of the issue.

### **4.3 File naming**

Use file names that identify:

- the case number (if assigned);
- the filing party;
- the document type; and
- the date of the document (YYYY-MM-DD), if available.

### **4.4 Information to include with every submission for filing**

Include in every document or submission for filing:

- the case number (if assigned);
- the names of the parties;



- the name of the person filing and their role (for example, counsel for the respondent);
- the document title;
- the orders or directions requested, if the submission asks for an order or direction; and
- a clear confidentiality label and a brief explanation, if a document contains confidential or protected information (for example, "CONFIDENTIAL - health information").

Include service contact information (mailing address and email address) in the first submission filed in a case.

Include updated service contact information in any later submission if it has changed.

Provide a physical mailing address, not a post office box.

#### **4.5 Filing date and written confirmation of filing**

The Discipline Tribunal will send an automated confirmation of receipt when it receives a document or submission for filing. A submission received after 4:30 p.m. Pacific Time, or on a weekend or a day the Discipline Tribunal is closed, it is treated as received on the next day the Discipline Tribunal is open.

The Discipline Tribunal also sends written confirmation of filing when it accepts a submission as complete for filing. Written confirmation of filing is separate from an automated acknowledgment of receipt.

A document is filed on the filing date stated in the written confirmation of filing.

Keep the written confirmation of filing as proof of filing.

#### **4.6 Defective filings**

If a document submitted for filing does not comply with this practice directive, the Discipline Tribunal may:

- accept the document for filing and give further instructions; or
- refuse to accept the document for filing and require the party to re-file.



#### **4.7 Urgent filings**

If a document needs immediate attention due to a time-sensitive issue, contact the Discipline Tribunal before filing and explain why the issue is urgent.

#### **4.8 Directions about filing**

Email the Discipline Tribunal to request directions to vary filing requirements for a case, including where:

- there is an accessibility barrier;
- the filing method is impracticable in the circumstances; or
- varying the filing method is necessary to avoid unfairness or delay.

### **5. Service**

#### **5.1 General rules**

Service must be reliable and timely. Serve documents by delivering them using the methods described below in this practice directive, using formal service where required by the regulation (Health Professions and Occupations Regulation).

Serve by email when it is reasonably available. Work with the other parties to make sure service is effective.

#### **5.2 Documents the Discipline Tribunal serves**

The Discipline Tribunal serves documents it issues (for example, a citation, an order, directions, or a decision) on the parties and any other participants the Discipline Tribunal has recognized for the case.

#### **5.3 Service addresses and updates**

Provide service contact information (mailing address and email address) in the first submission filed in a case.

Notify the Discipline Tribunal and the other parties promptly about any change in contact information.

#### **5.4 Formal service**

Use formal service where the regulation requires it. The Discipline Tribunal will identify the document and person to be served and give any needed directions. Complete formal service by one of the following methods:



- personal delivery to the recipient;
- registered mail to the recipient's last known mailing address; or
- email to the recipient's last known email address.

Service is effective as follows:

- **Personal delivery:** Service is effective on delivery.
- **Registered mail:** Service is effective seven days after the date it is mailed.
- **Email:** Service is effective on the date the recipient confirms receipt by email.

Keep the confirmation as proof of service.

If confirmation is not received within 96 hours after sending, follow up to obtain confirmation.

A confirmation received more than 96 hours after sending still makes email service effective on the date it is received, if the recipient confirms receipt.

If confirmation is not received, complete formal service by personal delivery or registered mail.

### 5.5 Service for other documents

Serve other documents by one of the following methods:

- personal delivery to the recipient;
- registered mail to the recipient's last known mailing address;
- email to the recipient's last known email address; or
- another method the parties agree to in writing.

Service is effective as follows:

- **Personal delivery:** Service is effective on delivery.
- **Registered mail:** Service is effective seven days after the date it is mailed.
- **Email:** Service is effective seven days after the date it is sent.
- **Agreed method:** Service is effective as set out in the agreement.



### **5.6 Proof of service**

Keep proof of service.

File proof of service if the Discipline Tribunal requests proof.

Proof of service may include:

- a delivery receipt or tracking confirmation for registered mail;
- a statement of personal delivery; or
- an email chain showing the sent email and any confirmation of receipt, where applicable.

### **5.7 Directions about service**

Email the Discipline Tribunal to request directions to vary service requirements for a case, including where:

- a service method is impracticable in the circumstances;
- service creates a safety concern, or a person interferes with or obstructs service; or
- varying the method of service is necessary to avoid unfairness or delay.

### **5.8 Defective service**

If service does not comply with this practice directive, the Discipline Tribunal may:

- accept service and give directions to fix the defect;
- require a party to re-serve; or
- set terms to address unfairness caused by the defect.



## Interim Practice Directive 2:

### Time Periods for Cases Before the Discipline Tribunal

#### 1. Purpose

This practice directive sets out the usual time periods the Health Professions Discipline Tribunal (Discipline Tribunal) uses for key steps in discipline cases and reviews. It explains:

- how the Discipline Tribunal counts time;
- which time periods come from the Health Professions and Occupations Act (HPOA) and the Administrative Tribunals Act (ATA); and
- the usual time targets the Discipline Tribunal uses to manage cases and release decisions.

Except where a time period is set by the HPOA, the ATA, or another statute, the time periods in this practice directive are usual and not mandatory (ATA section 12). The Discipline Tribunal may set different time periods in a particular case.

#### 2. Authority

The Discipline Tribunal operates under the HPOA. When this practice directive mentions a section number, it refers to a section of 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 to all discipline cases before the Discipline Tribunal, from the initial request for citation through final orders and any review by the Director of Discipline (Director).

It does not change time limits set in statutes or court rules, including time limits for judicial review.

#### 4. Definitions

In this practice directive:

- **Day** means a day that is not:
  - Saturday or Sunday;



- a statutory holiday in British Columbia; or
- a day the Discipline Tribunal designates as a non-operating day.

If a time period ends on a calendar day when the Discipline Tribunal is closed, the deadline moves to the next day the Discipline Tribunal is open.

- **Month** means a consecutive calendar month. A month includes calendar days when the Discipline Tribunal may be closed.
- **Written confirmation of filing** means a written notice from the Discipline Tribunal (by email or another written method) confirming that it:
  - received the submission for filing; and
  - accepted it as complete for filing.

Written confirmation of filing is separate from any automated acknowledgment of delivery.

Where this practice directive measures time from written confirmation of filing, the period starts on the day after that confirmation is sent.

## **5. General principles about time periods**

### **5.1 Statutory time limits**

Some time limits in discipline cases come directly from the HPOA or the ATA. For example, the HPOA sets a 30-calendar day deadline for applying for a review of a discipline panel order.

The Discipline Tribunal cannot extend or waive statutory time limits through a practice directive.

### **5.2 Usual time periods set by this practice directive**

The usual time periods in this practice directive are targets. They guide case management, scheduling, and release of decisions.

### **5.3 Varying a usual time period**

The Discipline Tribunal may shorten or extend any usual time period in this practice directive:

- on its own initiative; or
- on the request of a party, a person with standing, or a regulatory college (College).



When deciding whether to vary a usual time period, the Discipline Tribunal may consider:

- fairness to all participants;
- the complexity and urgency of the case; and
- the Discipline Tribunal's duty to conduct proceedings fairly, timely, and efficiently.

## **A. Initial Review**

### **6. Initial review of documents and records submitted for filing - three days**

#### **6.1 Usual time period**

The Discipline Tribunal's usual period to check whether a submission is complete for filing is three days.

#### **6.2 When the period starts**

The period starts on the day after the Discipline Tribunal receives the submission.

#### **6.3 What happens in the initial review**

The Discipline Tribunal checks whether the submission includes the forms, documents, and records required by the HPOA, the regulations, and the practice directives.

After the initial review:

- if the submission is complete, the Discipline Tribunal sends written confirmation of filing;
- if the submission is incomplete, the Discipline Tribunal tells the person who filed it what is missing and how to fix it. The Discipline Tribunal sends written confirmation of filing only after it receives the missing items; and
- written confirmation of filing confirms the official filing date.

## **B. Requests for Citation or a Consent Resolution**

This section sets out the Discipline Tribunal's usual time periods for:

- deciding requests for citation under section 136(2)(b);
- deciding requests for a consent resolution after a College has requested a citation under section 139;
- deciding a College's proposal for consent resolution under section 139 where a College requests a citation at the same time (combined request); and



- responding to a College's request for a consent resolution in a sexual abuse case under section 154.

## **7. Request for citation (section 136(2)(b)) - 30 days**

### **7.1 Usual time period**

The Discipline Tribunal's usual time period to decide a request for citation under section 136(2)(b) is 30 days.

### **7.2 When the period starts**

The period starts on the day after the Discipline Tribunal sends written confirmation of filing of the request.

### **7.3 Pausing the period**

The Director may pause the 30-day period if, for example:

- the Discipline Tribunal has asked the College for additional information or records about the request;
- the Discipline Tribunal needs the College to revise the proposed citation; or
- a proposed change to an identity protection order must be addressed.

If the Director pauses the period, the period resumes on the day after the issue is resolved.

## **8. Request for consent resolution after request for citation (section 139) - 30 days**

### **8.1 Usual time period**

The Discipline Tribunal's usual period to decide a request for a consent resolution under section 139 is 30 days.

### **8.2 When the period starts**

The period starts on the day after the Discipline Tribunal sends written confirmation of filing of the request.

### **8.3 Pausing the period**

The Director may pause the 30-day period if, for example:

- the Discipline Tribunal has asked the College for additional information or records about the request; or



- the Director decides that a resolution management conference (RMC) is appropriate. In that case:
  - the Discipline Tribunal pauses the period when it reaches out to parties to schedule the conference; and
  - the period resumes on the day after the final resolution management conference ends.

## **9. Request for combined consent resolution (section 139) - 15 days**

### **9.1 Usual time period**

The Discipline Tribunal's usual time period to respond to a request for a combined consent resolution (where the College requests a citation at the same time it requests approval of consent resolution) under section 139 is 15 days for the consent resolution. If the consent resolution is not approved, the time period for considering the request for citation will be the usual 30 days.

### **9.2 When the period starts**

The period starts on the day after the Discipline Tribunal sends written confirmation of filing of the request.

### **9.3 Pausing the period**

The Director may pause the 15-day period if, for example:

- the Discipline Tribunal has asked the College for additional information or records about the request; or
- the Director decides that a resolution management conference is appropriate. In that case:
  - the Discipline Tribunal pauses the period when it reaches out to parties to schedule the conference; and
  - the period resumes on the day after the final resolution management conference ends.

## **10. Request for a resolution in a sexual abuse case (section 154) - 30 days**

### **10.1 Usual time period**

The Discipline Tribunal's usual time period to respond to a request for a resolution in a sexual abuse case under section 154 is 30 days.



### **10.2 When the period starts**

The period starts on the day after the Discipline Tribunal sends written confirmation of filing of the request.

### **10.3 Pausing the period**

The Director may pause the 30-day period if, for example:

- the Discipline Tribunal has asked the College for additional information or records about the request; or
- the Director decides that an RMC is appropriate. In that case:
  - the Discipline Tribunal pauses the period when it reaches out to parties to schedule the conference; and
  - the period resumes on the day after the final resolution management conference ends.

## **C. Consent Resolution Deadline and Pre-Hearing Timeline**

### **11. Consent Resolution Deadline (section 164(1)(c)) - six months**

Under section 164(1)(c), the Director specifies in the citation a date by which the parties may resolve the case by consent (Consent Resolution Deadline).

#### **11.1 Usual time period**

The Discipline Tribunal's usual period between the date the Director issues the citation and the Consent Resolution Deadline is six months.

#### **11.2 Changing the Consent Resolution Deadline**

The respondent or the College may ask the Director to change the Consent Resolution Deadline.

The Director may extend or shorten or change the deadline, taking into account:

- the complexity of the case;
- the stage of any consent resolution discussions; and
- the public interest in timely resolution.



## **D. Hearings and Decisions (Discipline Panels)**

This section sets out the Discipline Tribunal's usual time periods for scheduling hearings and releasing decisions.

### **12. Hearing date - eight months from the Consent Resolution Deadline**

#### **12.1 Usual time period**

The Discipline Tribunal's usual time period for a discipline hearing to begin is within eight months after the Consent Resolution Deadline.

### **13. Decision of discipline panel - six months**

#### **13.1 Usual time period**

The Discipline Tribunal's usual period for a discipline panel to issue its decision after a hearing is within six months after the last day of the hearing.

### **14. Disciplinary order hearing - three months**

If the discipline panel finds lack of competence or misconduct, it may hold a separate hearing to decide disciplinary orders.

#### **14.1 Usual time period**

The Discipline Tribunal's usual period to hold a disciplinary order hearing is within three months of the discipline panel's liability decision.

The Discipline Tribunal schedules the disciplinary order hearing with input from the parties, taking into account the need to collect any additional evidence.

### **15. Decision on penalty - 45 days**

#### **15.1 Usual time period**

The Discipline Tribunal's usual period for a discipline panel to issue its decision and reasons on the appropriate disciplinary order is within 45 days after the last day of the disciplinary order hearing.

## **E. Applications for Review of Disciplinary Orders (sections 194 to 196)**

This section applies to applications for review of orders made by discipline panels under section 191 of the HPOA.



## **16. Application for review - 30 calendar days (statutory)**

Under section 194(2):

- a respondent, a College, or a complainant may apply for a review of a discipline panel order; and
- an application may be made only once, and only within 30 calendar days after the date the applicant receives notice of the order.

This 30-calendar day deadline is set by the HPOA. The Discipline Tribunal cannot extend it through this practice directive.

## **17. Initial directions on an application for review - 60 days**

After the Discipline Tribunal sends written confirmation of filing of a complete application for review, the Director decides how the review will proceed.

### **17.1 Usual time period**

The Discipline Tribunal's usual time period for the Director to decide whether to:

- dismiss the application for review at a preliminary stage;
- combine different applications into one case;
- invite written submissions;
- hold an oral hearing on the review; or
- do both.

The usual time period is within 60 days after the day the Discipline Tribunal sends written confirmation of filing of a complete application.

## **18. Review process - six months**

### **18.1 Usual time period**

The Discipline Tribunal's usual time period to complete a review hearing, or another review process such as a written hearing, is within six months after the date the Discipline Tribunal receives the application for review.

This period includes time for scheduling, submissions, and any case management required for the review.



## **19. Final decision on an application for review - 90 days**

### **19.1 Usual time period**

The Discipline Tribunal's usual time period for the Director to issue a final decision and reasons on an application for review is within 90 days after:

- the last day of the review hearing; or
- the date the Discipline Tribunal receives the last written submission, if the review proceeds in writing.





## Interim Practice Directive 3: Accessibility and Accommodations

### 1. Purpose

This practice directive explains how the Health Professions Discipline Tribunal (Discipline Tribunal) addresses barriers to participation through accessibility measures and accommodations.

This practice directive also explains how the Discipline Tribunal manages:

- accommodation requests;
- confidentiality of accommodation information; and
- the interaction between accommodations and hearing management.

### 2. Authority

The Discipline Tribunal operates under the HPOA. When this practice directive mentions a section, it refers to a section of the HPOA, unless it says otherwise.

### 3. Scope and application

This practice directive applies to:

- parties (regulatory colleges and respondents);
- complainants and other persons with an interest under the HPOA; and
- witnesses and other participants, including support persons, where applicable.

This practice directive applies at all stages after the Director issues a citation.

This practice directive does not govern protection orders under sections 183 to 186 of the Health Professions and Occupations Act (HPOA). Those provisions address trauma-reducing measures for persons in vulnerable circumstances in the hearing process. Use this practice directive for accessibility measures and accommodations that remove barriers to participation and do not depend on that statutory framework.

### 4. Definitions

In this practice directive:

- **Accessibility measure / accommodation:** a procedural or logistical adjustment that addresses a barrier to a participant's meaningful participation.



- **Accommodation information:** information provided to support an accommodation request, including sensitive personal information.

## **5. Guiding principles**

The Discipline Tribunal implements accessibility measures and decides accommodation requests in a manner that:

- protects procedural fairness and the integrity of the proceeding;
- supports meaningful participation;
- respects dignity, privacy, and confidentiality;
- uses measures proportionate to the identified barrier; and
- supports a timely, just, and orderly hearing process.

## **6. Accessibility and accommodation requests**

The Discipline Tribunal receives and coordinates accommodation requests at any time after a citation is issued. The Discipline Tribunal addresses accommodation requests during case management (including through resolution management conferences and mediations) and hearing management. A discipline panel may give directions needed to implement an accommodation during the hearing.

### **6.1 When to raise accessibility needs**

A participant who requires an accessibility measure must notify the Discipline Tribunal as soon as the need is known.

The Discipline Tribunal may require parties to confirm, during case management and hearing management, whether any accessibility measures are required for upcoming steps, including conferences, application hearings, and the hearing.

### **6.2 How to request an accommodation**

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](mailto:tribunal@hporoo.ca) for filing directions.

Label the subject line or document title: "Accessibility / Accommodation Request".



The request must include:

- a brief description of the barrier to participation;
- the accommodation requested; and
- any timing or practical information needed to put the accommodation in place.

Provide supporting information only where reasonably necessary to explain the request.

The Discipline Tribunal may request additional information where necessary to make a decision.

### **6.3 Confidential handling of accommodation information**

The Discipline Tribunal treats accommodation information as confidential.

The Discipline Tribunal discloses accommodation information only if necessary to:

- put the accommodation in place; or
- allow another party to respond to a contested request.

Where disclosure is required, the Discipline Tribunal may:

- provide a summary of the request without disclosing medical or diagnostic details;  
or
- impose conditions on filing or disclosure, in accordance with Practice Directive 4: Privacy, Confidentiality and Disclosure of Records.

### **6.4 Determining and implementing accommodations**

The Discipline Tribunal may put in place accommodations that are not opposed, including:

- adjusting the schedule - for example, start times, breaks, or shorter hearing days;
- arranging access supports - for example, captioning or an interpreter;
- providing documents in accessible formats - for example, searchable PDFs or enlarged text; and
- arranging alternative ways to participate remotely - for example, through telephone or supported access to the hearing platform, where necessary to address a barrier to participation.

A discipline panel may give directions needed to implement an accommodation during the hearing.



## Interim Practice Directive 4:

### Privacy, Confidentiality and Disclosure of Records

#### 1. Purpose

This practice directive explains how the Health Professions Discipline Tribunal (Discipline Tribunal) protects privacy and confidentiality in discipline proceedings. It also explains how the Discipline Tribunal manages requests for access to documents, recordings, transcripts, and other Discipline Tribunal records.

#### 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.

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 proceedings before the Discipline Tribunal, including:

- consent resolutions and other pre-hearing, case-management, and hearing-management steps;
- discipline hearings where the discipline panel decides whether the allegations in a citation are proven;
- applications and procedural orders made during a proceeding; and
- requests for access to Discipline Tribunal records by parties, persons with an interest in a citation or a discipline hearing, and members of the public.

This practice directive does not set out processes for:

- sensitive records (HPOA sections 188–189); see Practice Directive 17: Sensitive Records;
- protection orders and other measures for a person in vulnerable circumstances; see Practice Directive 16: Protection Orders; or



- public and media attendance rules for discipline hearings; see Practice Directive 19: Public and Media Access to Discipline Hearings.

#### 4. Definitions

In this practice directive:

- **person with an interest** means a complainant or other person who has an interest in a citation or a discipline hearing (HPOA section 13(a)-(d)).
- **settlement information** has the meaning set out in the HPOA. It means information or a record exchanged between a regulatory college (College) and a respondent about a proposed order under the HPOA's consent-resolution or restorative-process provisions.
- **public version** means a version of a document suitable for public access with confidential information or other confidential material removed or anonymized.
- **confidential version** means a version of a document filed with the Discipline Tribunal and served on parties that contains confidential information or other confidential material and may include redactions made to comply with an order or statutory restriction.

#### 5. Handling confidential material

##### 5.1 File a confidential version and a public version

If a party files a document that contains confidential information or other confidential material, the party must:

- file a confidential version for use in the proceeding; and
- file a proposed public version that removes or anonymizes confidential information and other confidential material, unless the party cannot reasonably create one.

A confidential version:

- may include narrow redactions only to comply with an order or statutory restriction; and
- must include the information needed to prove or respond to an allegation.

A proposed public version:

- must remove or anonymize confidential information and other confidential material; and



- may use non-identifying references (for example, initials or role descriptors) for patients and other third parties.

Common public-version redactions include:

- personal health numbers;
- personal home addresses;
- personal phone numbers;
- personal email addresses;
- names of patients and other third parties; and
- details that would identify a witness protected by order.

### **5.2 Label confidential material**

Label any confidential version as required by Practice Directive 1: Filing and Service (see the heading "Information to include with every filing").

The label must include:

- a clear confidentiality label; and
- a brief explanation (for example, "CONFIDENTIAL - health information").

### **5.3 Public versions and Discipline Tribunal directions**

The Discipline Tribunal may revise, approve, or direct changes to a proposed public version before providing public access.

If a party cannot reasonably create a proposed public version, the party must:

- file the confidential version;
- file the best available proposed public version (if any); and
- explain the limitation.

The Discipline Tribunal may give directions, including directions about the form of any public version.

### **5.4 Service**

Serve the confidential version on the other parties as required by Practice Directive 1: Filing and Service and any order or direction.



Do not serve a proposed public version unless the Discipline Tribunal directs otherwise.

### **5.5 Redactions**

A party may redact confidential information or other confidential content where needed, including to comply with an order or statutory restriction.

If a party believes another party's redactions prevent a fair process, the party may bring an application asking for an order requiring disclosure of the unredacted information.

The application must include:

- which redactions create unfairness;
- why unredacted disclosure is necessary;
- any proposed alternatives to the redactions (for example, using initials instead of full anonymization); and
- any proposed conditions on access (for example, counsel-only).

The Discipline Tribunal may order unredacted disclosure if satisfied it is necessary for procedural fairness. The discipline panel may impose limits or conditions.

### **5.6 No public redistribution**

Parties must not publish, post, or otherwise share confidential versions of materials (including exhibits and hearing records) outside the discipline proceeding.

### **5.7 Settlement information**

A person must not disclose or be compelled to disclose settlement information for the purposes of a discipline hearing unless the College and the respondent consent.

If the Director receives a College notice about a respondent's refusal to consent to a resolution or a failure to comply in good faith with a restorative-process order, the Director may disclose it to the discipline panel for the discipline hearing. (HPOA sections 267(4), 181(3)).

## **6. When a confidentiality order is required**

Bring a request that requires a hearing chair or discipline panel order under the heading "Confidentiality orders" in section 7 of this practice directive.

Preparing and filing confidential and public versions under section 5 does not, by itself, require an order unless a dispute arises.



## **7. Confidentiality orders**

### **7.1 When an order is required**

A confidentiality order is required when a party or participant asks the hearing chair or discipline panel to restrict who may access specified information or material, or to impose conditions on its use or disclosure, beyond the standard practice of filing a confidential version for the proceeding and a public version for public access.

In deciding whether to make an order, the hearing chair or discipline panel uses the least restrictive measure that addresses the confidentiality concern and preserves procedural fairness.

### **7.2 Who may apply**

The following persons may apply for a confidentiality order:

- a party; or
- a person with an interest (including a complainant) who is participating in the proceeding, where the application relates to that participation.

### **7.3 Application requirements**

An application for a confidentiality order must be made in writing unless the hearing chair or discipline panel permits an oral application at a hearing management conference or during a hearing.

Bring a written application in accordance with Practice Directive 14: Hearing Management Conferences and Pre-hearing Applications, unless the hearing chair or discipline panel directs otherwise.

In addition to the materials required for an application under that practice directive, the application must include:

- the specific order or direction sought;
- the facts relied on;
- an explanation of why the order is needed; and
- an explanation of why a less restrictive option does not address the confidentiality concern.

Where relevant, include proposed wording for any public version and any proposed conditions on access, use, or disclosure.



File and serve application materials in accordance with Practice Directive 1: Filing and Service and any directions of the hearing chair or discipline panel.

If the hearing chair or discipline panel permits an oral application, the hearing chair or discipline panel gives directions about process and requirements, including any written materials to be filed.

## **8. Disclosure of hearing records (HPOA section 247)**

### **8.1 Hearing records**

Hearing records are the complaint and investigation materials the College gives the Director when the College asks the Director to issue a citation (sections 137 and 247).

Hearing records may include:

- the regulatory complaint;
- the investigation file, including key records such as the investigation committee's assessment notice, investigator reports, and any investigation orders with reasons; and
- any relevant identity protection order.

The registrar of the College must give copies of hearing records that the registrar considers necessary for the recipient's participation in the discipline hearing to:

- the respondent; and
- a complainant or other person with an interest in a citation or a discipline hearing, if the complainant or person requests copies.

### **8.2 Timing for hearing records packages**

The College must complete the steps set out in section 8.1 within 15 days after the citation is served. The College must also provide disclosure of any new information that forms part of a hearing record on an ongoing basis as they receive it.

### **8.3 Director authorization for disclosure of protected information**

If the hearing records that the College must give under section 8.1 include protected information other than investigation information described in section 247(3)(a), the College must request authorization for disclosure from the Director under section 247(4) within 15 days after the citation is served.



## **8.4 Extension requests**

The College may request in writing that the Director extend the 15-day period in section 8.2 or 8.3.

An extension request must:

- be sent before the 15-day period ends;
- state the reasons for the request; and
- propose the new deadline.

## **9. Public access to records from a discipline proceeding**

### **9.1 General approach**

This section addresses public access to public versions of records from a discipline proceeding. It does not create a right of access to hearing records.

The Discipline Tribunal may provide public access to records from a discipline proceeding in public versions, subject to:

- statutory restrictions on disclosure;
- orders and directions (including confidentiality orders and protection orders); and
- procedural fairness and the integrity of the process.

The Discipline Tribunal may refuse a request or postpone access until it can prepare or approve a public version.

### **9.2 Public requests for records from a discipline proceeding**

A member of the public seeking access to records from a discipline proceeding must send a request in writing to the Discipline Tribunal.

The request must include:

- the file number (if known);
- the hearing date(s) or date range, where relevant;
- a description of the record(s) requested (or the category of records, if specific titles are not known);
- the purpose of the request (if any); and



- contact information for follow-up.

### **9.3 How the Discipline Tribunal processes a request**

The Discipline Tribunal reviews the request. It may:

- provide readily available records (for example, public decisions);
- ask the requester to narrow or clarify the request;
- consult parties if privacy, confidentiality, or fairness concerns arise;
- refer the request to a discipline panel for directions;
- provide public versions of records from the proceeding;
- impose conditions on access; or
- refuse the request.

### **9.4 Typical records available on request**

Subject to any confidentiality order or statutory restriction, the Discipline Tribunal may provide public access to:

- notices of hearing and scheduling notices;
- procedural orders, decisions, and written reasons (public versions);
- public versions of written submissions and application materials; and
- public versions of exhibits entered into evidence, if available.

The Discipline Tribunal will not provide access under this practice directive to internal Discipline Tribunal working materials (for example, panel notes, draft reasons, or internal deliberation materials).

### **9.5 Requests under FOIPPA**

Documents held by the Discipline Tribunal that are not part of a proceeding record are normally covered by the Freedom of Information and Protection of Privacy Act (FOIPPA).

To request these types of documents, send an email, citing FOIPPA, to the Discipline Tribunal at [tribunal@hporoo.ca](mailto:tribunal@hporoo.ca).

FOIPPA governs the process for those requests, including timelines, fees, and review rights.



## **10. Recordings and transcripts**

### **10.1 Official recording and transcript**

The Discipline Tribunal may make an official audio recording of an oral hearing and may arrange for the preparation of an official transcript.

### **10.2 Requests for copies of recordings or transcripts**

A party, a person with an interest, or a member of the public seeking access to a recording or transcript must send a request in writing to the Discipline Tribunal.

The Discipline Tribunal may:

- provide access, with or without conditions;
- require payment of any applicable preparation or copying costs;
- require limits on use; or
- refuse access where the HPOA, another enactment, an order, or fairness considerations require.

### **10.3 Transcript not yet prepared**

If no transcript exists, a party may arrange and pay to have a transcript prepared, subject to any order or direction about confidentiality, access, use, or further disclosure.

Unless the Discipline Tribunal orders otherwise, a transcript prepared under this section is not the official transcript of the proceeding.



## 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](mailto: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](mailto: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.



## **Interim Practice Directive 6:**

### **Initial Request Submission Requirements**

#### **1. Purpose**

This practice directive explains how a regulatory college (College) files an initial request with the Health Professions Discipline Tribunal (Discipline Tribunal) and how to prepare and format the request.

#### **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.

#### **3. Scope and application**

This practice directive applies to any request a College files to start a case at the Discipline Tribunal, including (for example): requests for citation, requests for approval of a consent resolution, and any other initial request the Discipline Tribunal accepts as complete for filing. Refer to Practice Directive 7: Request for Citation; Practice Directive 7a: Registrar's Proposal for Allegations in a Citation; Practice Directive 8: Combined Request for a Section 139 Consent Resolution and a Request for a Citation; Practice Directive 9: Consent Resolutions; and Practice Directive 10: Approval of Orders Resolving Sexual Abuse Cases, as applicable, for details on what documents must be filed as part of a request.

This practice directive applies only to the request. After the Discipline Tribunal accepts the request as complete for filing, later filing and service processes follow Practice Directive 1: Filing and Service.

The Discipline Tribunal may vary or dispense with a requirement in this practice directive.

#### **4. Filing and formatting a request**

##### **4.1 Filing method**

All requests must be submitted through the Discipline Tribunal's web portal, unless otherwise directed by the Discipline Tribunal.

If the request cannot be filed through the web portal due to file size or technical limits, contact the Discipline Tribunal for filing directions. If compression is required, file a .zip package unless the Discipline Tribunal directs otherwise.



## **4.2 Formatting the request**

All requests must:

- for all written documents, be prepared in PDF format. Paper copies will not be accepted;
- be scanned at a minimum of 400 dpi;
- be unlocked, without password or other locking mechanism;
- be prepared with optical character (OCR or text) recognition so they are searchable;
- handwritten notes may not be responsive to OCR, but it is not necessary to transcribe them unless specifically requested;
- include any website links used in the investigation, active if possible (or include the full website address); and
- include any electronic material other than PDFs (for example, audio, video, or spreadsheets) in a format compatible with standard Microsoft Office software. The Discipline Tribunal will not accept CDs, DVDs, USB sticks, or other physical media.

If the College cannot meet a requirement in section 4.2 for a specific item:

- file the best available version and include a brief explanation with the request (for example, in the index or cover document); and
- the Discipline Tribunal may refuse to accept the request as complete for filing, or may give directions, including directions to re-file.

## **4.3 Organizing the request**

The request must be in electronic format, legible, organized, and sequentially page numbered:

- legible: the reader must be able to make out the information in the request. It may be necessary to adjust the darkness of scanned records;
- organized: the request must be organized to reflect the flow of the investigation by organizing the documents chronologically, beginning with the complaint; and
- page numbered: page numbers must be placed in the top right of every page in the request.



If the College files the request in more than one PDF:

- place page numbers in the top right of every page in each PDF and ensure page numbering runs consecutively across the PDFs.

#### **4.4 Index and bookmarks**

The request must be accompanied by an index, which includes bookmarks.

Bookmarks must correspond directly to the index and be accompanied by a brief description including the date of the material.

If the College files the request in more than one PDF:

- include bookmarks in each PDF and ensure the index identifies which PDF contains each bookmarked document.

Bookmarked documents may include:

- A summary or overview of the investigation;
- A copy of the regulatory complaint and any material provided with the complaint;
- Investigations records including the final reports made by the investigators, notes and other documents or recordings made by the investigators;
- Reports, documents and witness statements produced or compiled during the investigation;
- Disciplinary records relating to the respondent;
- Non-compliance notices issued under section 133 of the HPOA;
- Orders made against the respondent during the investigation and reasons for the orders;
- Notices issued to a respondent under section 267(4) of the HPOA regarding a respondent's failure to comply in good faith with a restorative processes order;
- Notice of an investigation committee's competency assessment and the reasons for the assessment;
- Material and submissions provided to the College by the respondent, the complainant, a witness, or any other interested party;
- Decisions or orders made by the Health Professions Review Board after a timeliness review;



- Information or material in the College's possession regarding other proceedings dealing with the substance of the allegation of misconduct or incompetence; and
- Other material in the College's possession that is relevant to the complaint made against the respondent.

#### **4.5 Confidential and public versions**

If the request contains confidential information or other confidential material, the College must:

- file a confidential version for use in the proceeding; and
- file a proposed public version that removes or anonymizes confidential information and other confidential material, unless the College cannot reasonably create one.

Label the confidential version in accordance with Practice Directive 1: Filing and Service.

Mark the proposed public version in the filename and on the first page as "PROPOSED PUBLIC VERSION."

A confidential version may include narrow redactions only to comply with an order or statutory restriction.

Identify the reason for each redaction in the index or in a separate summary.

If an identity protection order applies, the College must ensure that any proposed public version complies with that order.

See Practice Directive 4: Privacy, Confidentiality and Disclosure of Records for guidance on access to records, as well as filing confidential and public versions of subsequent submissions (after the request).

#### **4.6 Audio and video**

If the College relies on a recording:

- file the recording electronically through the web portal or another method the Discipline Tribunal directs;
- file a transcript; and
- identify each recording and transcript in the index.



If the transcript cannot be filed with the request:

- file an explanation and file the transcript as soon as possible, as directed by the Discipline Tribunal.

### **5. Intake screening and missing items**

The Discipline Tribunal checks whether the request meets the basic requirements in this practice directive.

If something is missing or unclear, the Discipline Tribunal may:

- refuse to accept the request and require the College to re-file a complete request; or
- accept the request and set a deadline to fix the defect.

The filing date is the date stated in the written confirmation of filing, after the Discipline Tribunal accepts the request as complete for filing.



## Interim Practice Directive 7: Requests for Citation

### 1. Purpose

This practice directive explains:

- who may request a citation;
- what the regulatory college (College) must file with the request;
- how the Director of Discipline (Director) reviews the request and decides whether to issue a citation;
- what happens if the Director issues the citation; and
- what happens if the Director does not issue the citation.

### 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.

### 3. Scope and application

This practice directive applies to a request for citation made by a College and the steps that follow that request. If the College requests approval of a consent resolution at the same time it requests a citation, follow Practice Directive 8: Combined Request for a Section 139 Consent Resolution and a Request for a Citation for requirements in that circumstance.

### 4. Definitions

For this practice directive:

- **Citation:** a written citation issued by the Director under section 164.
- **Request for citation:** a regulatory college's request under section 136(2)(b) asking the Director to issue a citation.
- **Request package:** the documents and records filed with a request for citation under this practice directive.



## 5. Who may request a citation and how to file

### 5.1 Who may request a citation

Only a College may request a citation.

### 5.2 How to file

The College must file the request package in accordance with Practice Directive 6: Initial Request Submission Requirements.

## 6. What the College must file

When the College files a request for citation, the College must file a single request package that meets the filing requirements in Practice Directive 6: Initial Request Submission Requirements and includes:

- **Request for Citation:** a cover document that identifies the respondent, the College file reference (if any), the alleged misconduct with reference to the applicable section(s) of the HPOA, and reasons for the request.
- **Investigation Committee's assessment notice:** the investigation committee's assessment notice and any reasons directing the College to request a citation.
- **Proposed allegations:** the proposed allegations to be included in the citation following Practice Direction 7A: Registrar's Proposed Allegations.
- **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.
- **Overview:** an overview of the allegations and the key evidence the College relies on; and
- **Identity Protection Order:** whether an identity protection order exists - if so, identify the order.

If the College discovers an error or omission after filing, the College must file a corrected document or record promptly and clearly identify what it replaces.

## 7. Director review

### 7.1 Changes to the proposed citation

If the Director requires changes to the proposed allegations, the Discipline Tribunal gives directions to the College that set out:



- the required revisions; and
- the deadline to file a revised proposal.

### **7.2 Director may request additional information**

The Director may request additional information or submissions from the College, the respondent, the complainant, or another person who has an interest.

A person who receives a request under this heading must file the requested material by the deadline set by the Discipline Tribunal.

### **7.3 Timing and delay**

The Director may delay deciding whether to issue a citation if:

- the substance of the matter to be heard is the subject of another proceeding; or
- the Director decides a delay is necessary to address changes to the proposed citation or an issue about varying an identity protection order.

If the Director delays a decision, the Discipline Tribunal notifies the College in writing and, where practicable, identifies the next procedural step.

## **8. College updates after filing**

### **8.1 Summary protection orders and new evidence**

After the College files a request for citation:

- if a summary protection order is made, the College must give the Director a copy of the order and the reasons, as section 138(1) requires;
- if new evidence becomes available, the College must give the Director all information and records related to the new evidence, as section 138(2)(a) requires.

If the investigation committee directs the College to request that the Director cancel a citation based on new evidence, the College must file that request promptly under section 138(2)(b).

## **9. Decision outcomes**

### **9.1 Citation issued**

If the Director issues a citation, the Director prepares the citation in writing and includes the information required by section 164(1):



- the respondent's name;
- the allegations made against the respondent;
- the date after which section 139 proposals for consent resolution may no longer be made, also called the Consent Resolution Deadline;
- the hearing date, time, and location (if applicable), and information about the hearing process; and
- the information required by section 164(1)(e) about proceeding in the respondent's absence.

The hearing date may be changed after the citation is issued.

### **9.2 Citation not issued**

If the Director does not issue a citation, the Discipline Tribunal gives written notice to the College, the respondent, and to each person who has an interest in the discipline hearing.

## **10. Service and notices after a citation is issued**

### **10.1 Service on the respondent**

The Director serves the citation on the respondent in the prescribed manner, and as soon as reasonably practicable after giving a copy to the College.

Service methods and proof of service are addressed in Practice Directive 1: Filing and Service.

### **10.2 Notice to other interested persons**

After serving the respondent, the Director gives written notice to each person who has an interest in the discipline hearing, other than the respondent and the College, as section 165 requires.

The Director gives this notice after serving the respondent with the citation, and no fewer than 14 days before the hearing date.



## **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.



## 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.





## **Interim Practice Directive 9:**

### **Consent Resolutions**

#### **1. Purpose**

This practice directive explains how the parties seek to resolve a citation by consent resolution, including:

- before the consent resolution deadline (CRD) in the citation, by filing a consent resolution package and asking the Director of Discipline (Director) to approve the proposed orders and cancel the citation; and
- after the CRD, by bringing a proposed consent resolution through a pre-hearing application or during the hearing process.

This practice directive does not apply to:

- combined consent resolutions where the regulatory college (College) files a request for citation at the same time it requests approval of a consent resolution (see Practice Directive 8: Combined Request for a Section 139 Consent Resolution and a Request for a Citation); or
- consent resolutions in sexual abuse cases where the Director has not yet issued a citation (see Practice Directive 10: Approval of Orders Resolving Sexual Abuse Cases).

#### **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.

#### **3. Scope and application**

Use this practice directive if the Director issues a citation and:

- the College files a request for approval of a consent resolution before the CRD in the citation; or
- after the CRD, the parties seek to resolve the citation by consent resolution through a pre-hearing application or during the hearing.



Use Practice Directive 8: Combined Request for a Section 139 Consent Resolution and a Request for a Citation if the College files a request for approval of a consent resolution together with a request for citation, before the Director issues the citation.

#### **4. Definitions**

In this practice directive:

- **Parties** mean the regulatory college (College) and the respondent.
- **Consent resolution** means an agreement between the parties that proposes how to resolve a discipline case, including the orders the parties ask the Director or a discipline panel to make.
- **Consent resolution package** means the documents required by section 139(1)(a) (a copy of the proposed orders and the reasons for them), and any additional documents the Director requests to assess the consent resolution.
- **Consent resolution deadline (CRD)** means the date in the citation after which the parties may no longer make a consent resolution proposal (section 164(1)(c)).
- **Person with an interest** has the meaning set out in Practice Directive 5: Persons with an Interest.
- **Resolution management conference (RMC)** means a conference the Director convenes (or the Discipline Tribunal convenes on the Director's behalf) to manage steps needed to finalize or assess a consent resolution.

#### **5. Requests to change the consent resolution deadline**

##### **5.1 Changing the consent resolution deadline before the deadline**

Before the CRD, a party may ask the Director to change the CRD.

The Director may change the CRD if the Director considers the change likely to assist the parties in resolving the case.

#### **6. Filing a consent resolution request before the consent resolution deadline**

To request approval of a consent resolution, the College must file the consent resolution package with the Discipline Tribunal.

Unless the Director directs otherwise, the consent resolution package must include:

- **Proposed Orders:** the proposed orders resolving the case;



- **Consent:** a statement from the respondent indicating their consent to the proposed orders;
- **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

A party must not re-file documents already filed in the case unless the Director directs otherwise. Refer to the existing documents by title and filing date.

### **7. How the Director decides a request before the consent resolution deadline**

To decide the request, the Director may:

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

### **8. 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.

### **9. Director decision**

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

- approve the consent resolution 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 case continues from the stage the case management process had reached when the proposal was filed.



## **10. Resolving a case after the consent resolution deadline**

After the CRD, the parties may no longer use section 139 to ask the Director to approve a consent resolution and cancel the citation.

If the parties reach a proposed consent resolution after the CRD and before the first hearing day, they must bring it by pre-hearing application under Practice Directive 14: Hearing Management Conferences and Pre-hearing Applications.

If the parties reach a proposed consent resolution during the hearing, the discipline panel directs the process.

If the parties propose a consent resolution after the CRD, the discipline panel must decide whether the evidence proves lack of competence or misconduct, and then decide what orders (if any) to make.

Unless the hearing chair or discipline panel directs otherwise, the parties must provide:

- an agreed statement of facts and any admissions relied on;
- the proposed orders; and
- written submissions supporting the proposed orders.

## **11. Factors considered in a proposed consent resolution**

When assessing whether proposed orders under a consent resolution are appropriate, the HPOA sets out factors the decision maker must and may consider (sections 265 to 267).

The decision maker must consider the nature, scope, and gravity of the conduct. This may include:

- the HPOA's guiding principles for public protection and confidence (section 72(1));
- whether there was harm, significant risk of harm, or other adverse effects, and the respondent's intention;
- any advantage gained by the respondent;
- whether the conduct was repeated or formed a pattern;
- the respondent's disciplinary record and any patterns relevant to the conduct;
- the need to maintain public confidence in the integrity of the profession or occupation; and
- any prescribed factors set out in a relevant regulation.



The decision maker may also consider:

- rehabilitation or remediation, including acknowledgement and voluntary steps taken;
- other aggravating or mitigating circumstances; and
- the respondent's conduct during the investigation.

If the respondent is a licensee, the decision maker must also consider:

- disciplinary action taken in similar cases; and
- whether the proposed orders provide specific and general deterrence.

If the respondent is a licensee, the decision maker may also consider the additional factors in section 267.



## **Interim Practice Directive 10:**

### **Approval of Orders Resolving Sexual Abuse Cases**

#### **1. Purpose**

This practice directive explains how a regulatory college (College) requests the Director of Discipline (Director) to approve a proposed order that would resolve a complaint involving an allegation of sexual abuse.

This practice directive must be applied in a manner that recognizes the potential for trauma associated with allegations of sexual abuse, while maintaining procedural fairness for the parties and the integrity of the regulatory process.

#### **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.

#### **3. Application**

This practice directive applies if:

- a complaint includes an allegation of sexual abuse (sections 1 and 8(3)); and
- the College proposes to dispose of the complaint by an order under Division 14.

Section 154 requires the College to obtain the Director's written approval before making that order.

This practice directive applies to proposed orders under Division 14, including orders that dispose of a complaint:

- through summary dismissal or termination;
- after participation in a restorative process;
- with the respondent's consent; or
- without the respondent's consent.

This practice directive does not apply if the College has requested the Director to issue a citation.



#### **4. Filing and submission**

The College must file requests for approval and all supporting materials in accordance with Practice Directive 1: Filing and Service and Practice Directive 6: Initial Request Submission Requirements.

#### **5. Information the College must provide**

The College must provide the following information and records to the Director with its request for approval:

- **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).

#### **6. 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.

If new information becomes available after the request is filed and the information may be relevant to the Director's decision, the College must provide it to the Director as soon as reasonably possible.



## **7. Submission of materials**

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

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.

## **8. Resolution management conference**

The Director may hold a resolution management conference to discuss the proposed order(s), clarify issues, and identify any further information required. A resolution management conference is confidential and without prejudice.

## **9. 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. After decision**

If the Director approves the proposed order(s), the College may make the approved order(s).

If the Director does not approve the proposed order(s), the case returns to the College to decide how to proceed.

## **12. Timeline for decisions**

The Director will decide on a section 154 proposal within 30 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 30-day period is paused. The period resumes on the day after the final resolution management conference ends.

## **13. Privacy and confidentiality**

Requests for approval under this practice directive include sensitive personal information. The Discipline Tribunal keeps materials filed under this practice directive confidential and manages access and confidentiality in accordance with Practice Directive 4: Privacy,



Confidentiality and Access to Records. The Discipline Tribunal does not publish requests for approval filed under this practice directive.





## **Interim Practice Directive 11: Mediation Process**

### **1. Purpose**

This practice directive explains the mediation process for the Health Professions Discipline Tribunal (Discipline Tribunal).

### **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 to discipline proceedings before the Discipline Tribunal during case management and before the consent resolution deadline (CRD).

### **4. Objective of mediation**

Mediation at the Discipline Tribunal:

- provides an alternative to the adversarial hearing process;
- offers an opportunity to resolve a case without a hearing; and
- allows parties to reach agreement during mediation on factual, legal, or procedural issues to streamline the hearing process.

### **5. Principles of mediation**

- Participation in mediation is voluntary, and any party may withdraw at any time.
- Mediation is confidential and without prejudice. All discussions, proposals, and information exchanged during mediation must remain confidential and must not be disclosed outside the mediation unless all parties consent.
- Settlement information, including any terms discussed or proposed, must not be disclosed for the purposes of a discipline hearing unless both the regulatory college and the respondent consent, as set out in section 181.
- Parties must make an honest effort to resolve the case with the assistance of a neutral mediator.



- The process is flexible and may be adapted to meet the needs of participants, for example, through trauma-informed approaches.
- All participants must sign an Agreement to Mediate outlining expectations and terms.

## **6. Mediation availability and format**

- Parties may request mediation at any time up to the (CRD).
- The Director appoints a Discipline Tribunal member to conduct the mediation. If the case is not resolved in mediation, the appointed mediator will not sit on the discipline hearing panel.
- Mediations may be held in person, virtually, or in a hybrid format.
- Mediation is scheduled at the discretion of the Director.

## **7. Mediation cost**

- There is no cost for the mediator's time or services.
- If the mediation is virtual, the Discipline Tribunal is responsible for hosting the mediation.
- If the mediation is in person, the Discipline Tribunal may assist the parties in making arrangements for the location, but the parties are responsible for the cost.
- The parties are responsible for any additional mediation-related costs as agreed between them.

## **8. Role of the Director in mediation**

Because the Director is responsible for approving any proposed resolution under section 139(1), the Director is considered a party to the mediation process. The Director may, at the Director's discretion, participate in discussions with the parties during the mediation process.

The Director's interest in the mediation is to ensure that any resolution reached aligns with the guiding principles of the HPOA (section 14) and the factors in sections 265, 266 and 267.

## **9. Mediation outcome and Director approval**

Any resolution reached in mediation must be submitted to the Director for approval under section 139(1).



If the Director approves the proposed resolution, the Director cancels the citation, and the College makes the agreed-upon order.

If mediation does not resolve the case, it will continue in case management and move to hearing management once the CRD expires.





## **Interim Practice Directive 12: Case Management Process**

### **1. Purpose**

This practice directive explains how the Health Professions Discipline Tribunal (Discipline Tribunal) manages discipline proceedings from issuance of a citation to the Consent Resolution Deadline (CRD).

This practice directive:

- explains the purpose and scope of case management;
- sets out what parties must do during case management; and
- sets out the Director of Discipline's role in managing the proceeding before the CRD.

### **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 from issuance of the citation to the CRD.

This practice directive:

- describes how parties identify and address procedural and scheduling issues before the CRD;
- describes how parties identify potential pre-hearing issues and applications that may need to be brought after the CRD; and
- explains how the Director may give directions to support fair and efficient preparation for hearing management after the CRD.

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)** means the date after which proposals may no longer be made under section 139. The citation states this date.
- **Case Management Conference (CMC)** means a conference the Discipline Tribunal schedules under this practice directive to manage the proceeding up to and including the CRD.
- **Parties** mean the regulatory college (College) and the respondent.

## **5. Purpose and scope of case management**

Case management supports fair, timely, and efficient progression of the proceeding before the CRD.

Case management focuses on:

- ensuring the parties understand the process and upcoming deadlines;
- promoting and supporting the resolution of a case before the CRD where possible;
- identifying and addressing procedural and scheduling issues and
- preparing the proceeding for hearing management after the CRD.

A party must raise an issue as soon as the party becomes aware of anything that may affect the fair, timely, and efficient progression of the proceeding before the CRD.

## **6. Case management conferences**

The Discipline Tribunal will schedule at least one CMC before the CRD and may schedule more if necessary. The first CMC is mandatory.

The Discipline Tribunal ordinarily schedules the first CMC within 45 days after service of the citation.

The Discipline Tribunal holds CMCs remotely unless another format is required to address accessibility, interpretation, participation supports, or procedural fairness.

### **6.1 Attendance and participation**

Each party must attend a CMC 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 interpretation, accessibility accommodations, or participation supports must make the request when the CMC is scheduled or as soon as practicable after the need becomes known. Make the request in accordance with Practice Directive 3: Accessibility and Accommodations.

### **6.2 Presiding over a CMC**

The Director of Discipline (Director) or their designate will preside at a CMC.

### **6.3 Matters addressed at a CMC**

At a CMC, the Director or their designate may:

- assist the parties in identifying and agreeing on a proposed resolution;
- order mediation following Practice Direction 12: Mediation;
- confirm service, notice, and compliance with citation requirements;
- amend the citation as required;
- set a new hearing date with the input of the parties;
- address hearing date scheduling or rescheduling before the CRD (see Practice Directive 13: Scheduling, Changing and Adjourning Hearing Dates for details);
- identify and provide directions on procedural, scheduling, disclosure, or hearing preparation issues
- set or adjust timelines for steps to be completed before the hearing;
- identify potential pre-hearing issues and any pre-hearing applications that may need to be brought; and
- address any other matter that may assist fair and efficient preparation for hearing management after the CRD.

### **6.4 Directions at a CMC**

After addressing matters under section 6.2, the Director or their designate may give case management directions to support fair and efficient progression of the proceeding before the CRD.



## **7. Requests for a CMC**

A party may request a CMC at any time before the CRD.

Before requesting a CMC, the requesting party must contact the other party to confirm the other party's position.

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

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

## **8. End of case management**

Case management ends on the CRD.

After the CRD:

- hearing management and pre-hearing applications proceed under Practice Directive 14: Hearing Management Conferences and Pre-hearing Applications; and
- requests to change a hearing date proceed under Practice Directive 13: Setting, Changing, and Adjourning Hearing Dates.



## Interim Practice Directive 13:

### Setting, Changing, and Adjourning Hearing Dates

#### 1. Purpose

This practice directive sets out how the Health Professions Discipline Tribunal (Discipline Tribunal) schedules and changes hearing dates.

#### 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.

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 proceedings where a discipline hearing date has been set.

This includes:

- before the Consent Resolution Deadline (CRD): the Director of Discipline (Director) manages scheduling and rescheduling of hearing dates, including contested requests;
- after the CRD: the hearing chair on the discipline panel's behalf ordinarily addresses requests to change hearing dates through the hearing management and pre-hearing application process, unless the discipline panel directs otherwise; and
- during the hearing: the discipline panel addresses applications to adjourn the hearing.

In this practice directive, **reschedule** refers to changing a hearing date before the CRD.

**Changing** a hearing date refers to changes after the CRD. **Adjournments** refer to adjourning a hearing during the hearing.

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.
- **Case Management Conference (CMC):** a conference the Discipline Tribunal schedules under Practice Directive 12: Case Management Process to manage the proceeding up to and including the CRD.

#### **5. Initial hearing date**

The Director sets an initial hearing date in the citation when issuing it.

Under the HPOA, the citation must include the CRD and the date, time and, if applicable, location of the discipline hearing, and information respecting the hearing process.

The initial hearing date is set early in the proceeding and may be set before the parties provide availability information. The Director will reschedule the hearing date during case management to accommodate the availability of the parties.

#### **6. Rescheduling before the CRD**

##### **6.1 Rescheduling at a CMC**

The Director may reschedule the hearing date at a CMC.

##### **6.2 Requests to reschedule before the CRD**

A party may request rescheduling of the hearing date at any time up to and including the CRD.

Rescheduling the hearing date does not change the CRD stated in the citation. A request to change the CRD is addressed under Practice Directive 9: Consent Resolutions.

A party must request rescheduling as soon as the party becomes aware of the need to change the hearing date.

##### **6.2.1 How to request rescheduling**

A request to reschedule must be made in writing, and in accordance with Practice Directive 1: Filing and Service unless directed otherwise at a CMC.



If the parties consent, the parties may file a joint request.

If the parties do not consent:

- the requesting party must file and serve its request on the other parties;
- the other party may file and serve a response within three days after being served with the request, unless the Director gives different directions;
- if the other party does not file a response within the time permitted, the Director may decide the request without further submissions; and
- the Director may decide the request in writing or schedule a CMC to address the request.

Time is calculated under Practice Directive 2: Time Periods.

### **6.2.2 What to include**

A request to reschedule a hearing must include:

- proposed alternative hearing dates and the parties' availability for those dates;
- the reason for the request and when the requesting party became aware of the issue;
- the other party's position (consent, oppose, or no position);
- either:
  - a proposed hearing plan that identifies key steps and timelines, including any anticipated pre-hearing applications, witness statements, expert reports, document exchange, and submissions; or
  - an explanation of why a hearing plan is not reasonably possible at this stage and the steps the party proposes to take to provide one;
- any expected impact on persons with an interest; and
- any documents the requesting party relies on to support the request, if available.

### **6.2.3 Factors the Director considers**

In deciding whether to grant a request to reschedule the hearing, the Director may consider the nature and circumstances of the request, including:

- the reason for the request and the diligence of the requesting party;



- the proximity of the existing hearing date and the proposed new hearing date;
- the impact of the requested change on the case management process and steps scheduled before the CRD;
- the impact of the requested change on each party's ability to prepare and participate fairly;
- the impact of the requested change on persons with an interest and the steps needed to provide updated notice;
- prior rescheduling requests and the overall procedural history;
- availability of discipline panel members and Discipline Tribunal hearing resources; and
- the public interest in the timely resolution of discipline matters.

#### **6.2.4 Directions**

If the Director grants a request to reschedule before the CRD, the Director may give case management directions to support a fair and timely proceeding, including directions that adjust timelines for procedural steps.

If the hearing date changes, the Director gives written notice of the new date, time and, if applicable, location to each person with an interest in the discipline hearing, as required by the HPOA.

The Director gives written notice to each person with an interest, other than the respondent and the College no fewer than 14 days before the hearing date.

### **7. Hearing date changes after the CRD**

After the CRD, a party who requests a change to the hearing date must bring the request by pre-hearing application under Practice Directive 14: Hearing Management Conferences and Pre-hearing Applications, unless the hearing chair or discipline panel directs another process.

File and serve the request in accordance with Practice Directive 1: Filing and Service.

Changes to the hearing date after the CRD are granted only in exceptional circumstances.

In deciding whether to grant a request, the hearing chair or discipline panel may consider the nature and circumstances of the request, including:

- the reason for the request and the diligence of the requesting party;



- any prior requests to change the hearing date;
- the impact of the requested change on each party's ability to prepare and participate fairly;
- the impact of the requested change on persons with an interest;
- the impact on Discipline Tribunal resources and the public interest in a timely hearing; and
- any other factor the hearing chair or discipline panel considers relevant.

If the hearing chair or discipline panel grants the request, the hearing chair or discipline panel may make orders and give directions authorized by the HPOA to support the fair and timely progression of the proceeding.

### **8. Adjournments during the hearing**

A party who requests an adjournment during the hearing must apply to the discipline panel as soon as reasonably possible.

The discipline panel may, on its own motion or on application by a party, adjourn the hearing only if an adjournment is required to permit an adequate hearing. An adequate hearing is one that gives each party a reasonable opportunity to prepare for, participate in, and respond to the case. The discipline panel applies the factors set out in section 39 of the ATA:

- the reason for the adjournment;
- whether the adjournment would result in unreasonable delay;
- the impact of refusing the adjournment;
- the impact of granting the adjournment on the other parties; and
- the public interest.

If the discipline panel grants an adjournment, the discipline panel may make orders and give directions authorized by the HPOA to support the fair and timely completion of the hearing.



## **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.



## **Interim Practice Directive 15: Evidence, Witnesses and Experts**

### **1. Purpose**

This practice directive explains:

- how parties present evidence in a discipline proceeding;
- how parties identify and manage witnesses and experts;
- how a party requests an order requiring a person to attend as a witness or produce records; and
- how the discipline panel manages evidence, witnesses, and experts to support a fair and efficient hearing.

### **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 of 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 a discipline proceeding from the time the Discipline Tribunal serves the citation through completion of the hearing.

This practice directive governs how parties present evidence and how the discipline panel receives and manages evidence in a discipline proceeding, including issues about exhibits, witnesses, orders requiring attendance or production, and expert evidence. It does not govern the technical or format requirements for hearing materials used at the hearing, including hearing books and electronic exhibits. Those are addressed in Practice Directive 18: Hearing Format and Remote Participation.

This practice directive also does not apply to accommodation requests, protection orders, or applications about sensitive records. See, respectively, Practice Directive 3: Accessibility and Accommodations; Practice Directive 16: Protection Orders; and Practice Directive 17: Sensitive Records.



The Discipline Tribunal manages all records filed under this practice directive in accordance with Practice Directive 4: Privacy, Confidentiality & Disclosure of Records.

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

#### **4. Definitions**

In this practice directive:

- **Discipline panel:** the panel appointed under the HPOA to hear and decide a citation, including the hearing chair, which is the discipline panel member designated by the Discipline Tribunal to manage hearing procedure and make procedural directions and orders on the discipline panel's behalf.
- **Parties:** the regulatory college and the respondent.
- **Pre-hearing application:** an application requesting a procedural or evidentiary order before the first day of the discipline hearing. See Practice Directive 14: Hearing Management Conferences and Pre-Hearing Applications for details.

#### **5. Evidence in a discipline proceeding**

##### **5.1 General approach to receiving evidence**

The discipline panel decides how evidence is received and used, including:

- what evidence the panel receives and accepts; and
- what weight, if any, the panel gives the evidence.

The discipline panel may consider any information, including hearsay, that helps it decide the issues, except privileged information. It may refuse information that is repetitive.

##### **5.2 How parties present documentary and physical evidence**

The parties must file and serve documentary and other exhibits (items the discipline panel receives as evidence) in the form, manner, and by the deadlines set in case management directions, an order made at a hearing management conference or on a pre-hearing application. The parties must present exhibits in an organized manner.

The discipline panel may give directions about the organization and use of exhibits in the proceeding, including whether the parties must prepare a joint hearing book and whether an exhibit list is required. Technical and format requirements for hearing books, exhibits,



and other hearing materials are addressed in Practice Directive 18: Hearing Format and Remote Participation.

### **5.3 Evidentiary issues and pre-hearing rulings**

A party who seeks an evidentiary ruling before the hearing must raise the issue at a hearing management conference or by pre-hearing application, as described in Practice Directive 14: Hearing Management Conferences and Pre-Hearing Applications.

### **5.4 Agreed facts, authenticity, and narrowing issues**

The parties must make reasonable efforts to narrow the issues, including agreed facts and document authenticity. The discipline panel may direct the parties to file one or both of the following:

- a statement of agreed facts; and
- a list describing any remaining authenticity issues.

## **6. Witnesses**

### **6.1 Witness lists and witness information**

The Director, through case management directions, and the discipline panel, through orders made at hearing management conferences or on pre-hearing applications, may set deadlines and requirements for:

- witness lists;
- witness statements; and
- time estimates for witness evidence.

The parties must each file and serve a witness list by those deadlines.

A witness list must identify each witness and summarize the evidence the witness will give, including:

- the name and role of the witness;
- the topics the witness will address;
- an estimate of the time required for direct examination and cross-examination;
- whether the witness requires interpretation or other accommodations; and
- whether a party seeks an order to compel attendance or production.



## **6.2 Oral evidence, written evidence, and adopting written statements**

Witness evidence is usually given orally. The discipline panel may permit or direct the use of a witness statement or affidavit for efficiency and fairness. A witness statement is not evidence only because it is filed or served.

If a party relies on a witness statement or affidavit as evidence of the facts asserted, the discipline panel may require the witness to attend for examination or cross-examination. A request to modify how a witness is questioned for protective reasons must be made under Practice Directive 16: Protection Orders.

## **6.3 Witness management**

The discipline panel may direct that witnesses:

- remain in the virtual waiting room, or leave the videoconference, until called; and
- not observe other witness testimony, including by livestream, recording, or other means.

## **6.4 Remote testimony protocol**

A witness giving evidence by videoconference must:

- confirm identity on the record;
- take an oath or affirmation on the record;
- remain alone while giving evidence, unless the discipline panel permits another arrangement, including for accommodation or a protection order; and
- not receive prompts, coaching, or off-camera assistance while testifying.

The discipline panel may direct how the witness uses documents during testimony, including whether the witness may refer to notes.

## **7. Orders to compel attendance and production**

This section applies to a request to require a person other than the respondent to attend as a witness, produce records, or both. A party may not prepare or serve a summons without a prior order of the discipline panel. If the discipline panel makes an order, the Discipline Tribunal may issue a summons or other document to give effect to the order.

This section does not apply to an application for production of a sensitive record under sections 188 and 189 of the HPOA. Those applications are addressed in Practice Directive 17: Sensitive Records.



### **7.1 Requesting an order (attendance and production)**

A party who seeks an order requiring a person to attend as a witness or produce records must file a pre-hearing application, or raise the issue at a hearing management conference if the discipline panel directs, that includes:

- the person's name and contact information, if known;
- what the party seeks (attendance, production, or both);
- the relevance of the anticipated evidence or records to a live issue;
- the date or dates when the person's attendance or production is required; and
- why voluntary attendance or production is not reasonably available.

### **7.2 Serving the summons or order and proving service**

The party who requested the order must:

- serve the person named in the summons or order in accordance with Practice Directive 1: Filing and Service; and
- send a copy of the summons or order to the other party.

### **7.3 Enforcement**

If a person does not comply with an attendance or production order, the discipline panel may apply to the Supreme Court of British Columbia for an order directing compliance.

### **7.4 Witness expenses**

The party who requested the order must address witness expenses in the application materials if the issue is relevant; for example, a non-party witness who incurs travel costs. The discipline panel may give directions about logistics and expenses.

## **8. Experts**

### **8.1 Expert duty and independence**

An expert's role is to assist the discipline panel with opinion evidence within the expert's specialized knowledge. An expert's duty is to assist the discipline panel, not the party who retained the expert. An expert report must be independent and must not be advocacy.



## **8.2 Expert reports: content requirements**

An expert report must include:

- the expert's qualifications, including a current CV;
- the issues the expert addresses;
- the facts, assumptions, and instructions the expert relies on;
- the expert's opinions and reasons;
- any actual or potential conflict of interest;
- any limitations or qualifiers; and
- a list of the materials the expert reviewed or relied on.

## **8.3 Service and responding expert evidence**

The Director, through case management directions, and the discipline panel, through orders made at hearing management conferences or on pre-hearing applications, may set deadlines and requirements for:

- service of expert reports;
- responding expert reports; and
- expert meetings and joint statements.

The discipline panel may direct experts to meet and file a joint statement identifying what opinions, facts, and assumptions they agree on and what remains in dispute.

## **8.4 Calling experts to testify**

A party who relies on an expert opinion must:

- make the expert available for examination and cross-examination; or
- submit an application requesting the report to be admitted without the expert attending.

The discipline panel may limit cross-examination, including by setting time limits or restricting topics, once it has enough information to decide the issues and further questioning would not materially assist or impact fairness of the proceedings.



## **9. Remedies and consequences for non-compliance**

If a party does not comply with this practice directive, a case management direction, or an order made at a hearing management conference or on a pre-hearing application about evidence, witnesses, or experts, the discipline panel may:

- extend or shorten deadlines;
- require corrected materials, for example a revised witness list or compliant expert report;
- refuse to receive late evidence, in whole or in part, or give it reduced weight; and
- adjourn part or all of the hearing, if required for fairness.

A party seeking relief from a deadline or other requirement must file a request as soon as possible and include:

- the reason for non-compliance;
- the steps taken to mitigate prejudice; and
- the remedy sought.



## **Interim Practice Directive 16: Protection Orders**

### **1. Purpose**

This practice directive explains how the Health Professions Discipline Tribunal (Discipline Tribunal) considers and decides requests for protection orders under sections 183 to 186 of the Health Professions and Occupations Act (HPOA).

This practice directive sets out:

- when and how protection orders may be requested;
- the statutory factors a discipline panel must consider;
- the types of protection orders a discipline panel may make; and
- how protection orders affect procedural fairness, public access, and confidentiality.

### **2. Authority**

The Discipline Tribunal operates under the HPOA. When this practice directive mentions a section number, it refers to a section of the HPOA, unless it says otherwise.

### **3. Scope and application**

This practice directive applies after the Director issues a citation, and once a discipline panel is appointed to conduct the discipline hearing. Only a discipline panel may make a protection order.

This practice directive applies to:

- parties (regulatory colleges and respondents);
- complainants and other persons with an interest recognized under the HPOA; and
- witnesses and other participants in a discipline hearing.

A discipline panel may consider and make a protection order:

- during the hearing management process; or
- during the discipline hearing.

Requests for accessibility measures and accommodations are addressed under Practice Directive 3: Accessibility and Accommodations.



## **4. Definitions**

In this practice directive:

- **Protection order** means an order made by a discipline panel to reduce the risk of trauma to a person in vulnerable circumstances during a discipline hearing.
- **Person in vulnerable circumstances** means a person whose circumstances raise concerns about trauma in an adversarial hearing process.

## **5. Statutory framework**

Sections 183 to 186 of the HPOA set out the statutory framework for protection orders in a discipline hearing.

### **5.1 Consideration of vulnerable circumstances (section 183)**

A discipline panel must consider whether a person affected by the hearing is in vulnerable circumstances, and if so, consider:

- the person's circumstances and needs;
- whether a protection order is needed, having regard to the statutory factors in section 184; and
- submissions requested from affected persons or a person with an interest.

A discipline panel may give directions about how submissions on a proposed protection order are made to reduce potential trauma.

### **5.2 Statutory considerations (section 184)**

In deciding whether to make a protection order, the discipline panel must consider the factors set out in section 184 of the HPOA, including:

- whether the person directly experienced the alleged conduct, or is closely connected to someone who did;
- the trauma the person has suffered, assuming the allegations are true for this purpose, and the risk of further trauma if no order is made;
- whether and how the proposed order would reduce the risk of trauma; and
- how the proposed order would affect procedural fairness and the respondent's ability to present a full and reasonable defence.



Any protection order must be proportionate to the identified trauma risk and must not undermine the fairness or integrity of the proceeding.

### **5.3 Additional safeguards when excluding the respondent (sections 185 and 186)**

A discipline panel must not exclude a respondent from attendance because of a protection order unless:

- the respondent is represented by a lawyer or, if the respondent has no lawyer, by a person appointed by the discipline panel for that purpose; and
- the discipline panel is satisfied that the respondent is not unfairly prevented from presenting a full and reasonable defence.

## **6. Who may request a protection order and when**

A protection order request may be made by:

- the regulatory college; or
- a person in vulnerable circumstances.

A discipline panel may make a protection order on its own initiative.

File a protection order request as a pre-hearing application in accordance with Practice Directive 14: Hearing Management Conferences and Pre-hearing Applications, unless the discipline panel gives different directions or the need arises during the hearing.

File the request as soon as reasonably possible. If the request is filed close to the hearing date, include:

- an explanation of why the need arose late; and
- any impact on scheduled hearing dates.

## **7. Materials required for a protection order request**

A party or applicant filing a protection order request must include:

- the order sought;
- the facts supporting the request and the trauma risk the order is intended to address;
- whether the order applies to part or all of the hearing;



- any confidentiality restrictions sought for supporting materials; and
- the other party's position, if known, and, if contested, why the order remains necessary.

The discipline panel may request additional information needed to decide the request.

### **8. Types of protection orders (non-exhaustive)**

A discipline panel may make protection orders about attendance at the hearing, including:

- directing how a person participates in a remote hearing, for example by video, telephone, or audio only;
- excluding a person from all or part of the hearing, including from a virtual hearing room;
- using arrangements that limit visual or auditory contact between participants, for example separate virtual rooms or disabling video; and
- permitting a support person or companion animal to be present.

A discipline panel may control how a person is questioned at the hearing, including:

- requiring some or all cross-examination to be in writing;
- directing that cross-examination be conducted by a lawyer or another person appointed by the panel, instead of by the respondent personally;
- limiting questioning that is repetitive, abusive, or otherwise inappropriate, including ending the questioning where necessary; and
- admitting a sworn written statement or affidavit without requiring the person to be cross-examined.

### **9. Public access and confidentiality**

Discipline hearings are open to the public unless the discipline panel orders otherwise under the HPOA.

A protection order does not automatically restrict public access beyond what is necessary to reduce trauma and ensure fairness.

The discipline panel decides requests to restrict access to protection-order materials or supporting information in accordance with Practice Directive 4: Privacy, Confidentiality and Access to Records.



## Health Professions Discipline Tribunal

The Discipline Tribunal manages public and media access under Practice Directive 19:  
Public and Media Access to Discipline Hearings.





## Interim Practice Directive 17:

### Sensitive Records

#### 1. Purpose

This practice directive sets the process for identifying and managing potential sensitive records, and for requesting and deciding orders under sections 188 (orders about sensitive records) and 189 (relevance of sensitive records) of the Health Professions and Occupations Act (HPOA).

#### 2. Authority

The Health Professions Discipline Tribunal (Discipline Tribunal) operates under the 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 to:

- the parties (the regulatory college and the respondent);
- an affected person; and
- a record holder, if a discipline panel directs the record holder to provide a record to the Discipline Tribunal for private review (see section 5.6 of this practice directive).

This practice directive applies once a discipline panel is appointed to conduct the discipline hearing, including steps taken before the hearing begins. Only a discipline panel may make a production order 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:

- **affected person** means a person, other than the respondent, whose information is contained in a record.
- **potential sensitive record** means a record, or part of a record, that contains personal or confidential information about an affected person and attracts a reasonable expectation of privacy.



- **record holder** means the person or organization with possession or control of a record.
- **production order** means an order under section 188(4) that authorizes production of a sensitive record, in whole or in part, with or without conditions.

## **5. Process for addressing sensitive records, including production orders**

### **5.1 Identifying and handling potential sensitive records**

A party who identifies a potential sensitive record must:

- flag it as a potential sensitive record as soon as practicable;
- limit access to the record to the minimum required to prepare the application materials; and
- keep the record out of filed materials unless a discipline panel directs otherwise.

A party must not file, serve, or otherwise disclose a potential sensitive record, or its contents, except as authorized by a discipline panel order or direction.

### **5.2 Applying for a production order**

A party who seeks to have a sensitive record produced for the purposes of a discipline hearing (applying party) must apply for a production order before relying on the record in the discipline hearing.

The applying party must include:

- the exact order sought (full record, part of the record, or a summary/redacted version) including any conditions;
- a brief description of the record (what it is, who has it, and the date range or portion sought);
- the issue in the discipline hearing the record relates to, or how the record relates to a witness's competence;
- why the record, or the part sought, has a clear link to a specific issue in the discipline hearing or to witness competence (more than speculation);
- why production is required in the interests of fairness, addressing:
  - the affected person's privacy interest; and
  - the nature and purpose for which production is sought;



- any proposal to limit production (for example, redactions, time limits, summaries, or agreed facts);
- the other party's position, if known; and
- why the application relies on more than the assertions listed in section 189 (assertions that do not establish likely relevance on their own).

If the applying party does not have the record, the application must also include:

- a practical plan for secure delivery to the Discipline Tribunal for private review (for example, sealed delivery by the record holder, indexing, and any date limits sought) (see section 5.6 of this practice directive for more details).

A party must not attach the record unless a discipline panel directs otherwise.

A party must file and serve materials under this practice directive in accordance with Practice Directive 1: Filing and Service.

If a party files material under this practice directive that contains protected information or other confidential material, the party must file a confidential version and a proposed public version in accordance with Practice Directive 4: Privacy, Confidentiality and Disclosure of Records.

### **5.3 Service, notice, and affected-person submissions**

The applying party must serve the application on the other party.

If the applying party knows the identity and contact information of an affected person, the applying party must take reasonable steps to notify the affected person that:

- the applying party seeks a production order; and
- the affected person may request to make submissions to the discipline panel.

If an affected person requests to make submissions, the discipline panel must consider those submissions.

An affected person's submissions may address:

- the affected person's privacy interest in the record;
- the impact of production;
- the nature and purpose for which production is sought; and
- conditions that would mitigate privacy impacts if the panel authorizes production.



#### **5.4 Responses and reply**

A responding party may file a response within the time directed by the discipline panel or the Discipline Tribunal.

The applying party may file a reply only to address new matters raised in the response.

#### **5.5 Determination**

A discipline panel conducting a discipline hearing must consider whether records that may be produced for the purposes of the hearing are sensitive records and, if so, whether a production order under section 188(4) is required to authorize production (in whole or in part, with or without conditions).

A sensitive record must not be produced unless, in the opinion of the discipline panel, the record, or the part to be produced:

- is likely relevant to an issue in the discipline hearing or to the competence of a witness to testify; and
- must be produced in the interests of fairness, considering:
  - the affected person's privacy interest in the record; and
  - the nature and purpose for which a party seeks to have the record produced.

#### **5.6 Private review**

A discipline panel may receive a record in private for the limited purpose of deciding an application under this practice directive.

A discipline panel may give directions about secure delivery, indexing, and handling for private review, including directions to a record holder.

If a discipline panel directs a party or a record holder to provide a record for private review, the person providing the record must deliver it in the manner and format directed.

The person providing the record must not serve the record on any party unless the discipline panel directs otherwise.

#### **5.7 Orders and conditions**

A discipline panel may make a production order that authorizes production of a sensitive record, in whole or in part. A production order may include one or more conditions, including:



- limiting production only:
  - to the respondent's lawyer; or
  - if the respondent has no lawyer, to a person appointed by the discipline panel for that purpose;
- who may access the record and on what terms;
- copying, storage, and onward disclosure;
- redactions, summaries, or use of edited versions;
- how the record may be used in submissions and at the hearing;
- sealing and confidentiality markings; and
- return, retention, and destruction of copies.

### **5.8 Non-compliance**

If a party does not comply with this practice directive or a production order, a discipline panel may:

- refuse to receive the record;
- impose or vary conditions; or
- give any other directions necessary to protect fairness and privacy interests.

## **6. Managing produced sensitive records**

### **6.1 Discipline Tribunal handling**

The Discipline Tribunal must handle produced sensitive records in accordance with any production order, including any conditions about sealing and access.

A production order does not determine whether a record is available to the public. The Discipline Tribunal manages public access and public versions in accordance with Practice Directive 4: Privacy, Confidentiality and Access to Records.

### **6.2 Use in submissions and exhibits**

A party who relies on a produced sensitive record must:

- comply with the production order conditions; and
- use an edited or redacted version if the production order requires or permits it.



### **6.3 Return, retention, and destruction**

A party must comply with any production order condition about:

- retention periods;
- return of records to a record holder or another person; and
- destruction of copies and confirmation of destruction.





## Interim Practice Directive 18:

### Hearing Format and Remote Participation

#### 1. Purpose

This practice directive explains how the Health Professions Discipline Tribunal (Discipline Tribunal) manages hearing format and remote participation to support fair, timely, and orderly discipline proceedings.

#### 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 from the time the Director issues a citation through the completion of the discipline hearing.

This practice directive addresses:

- hearing format directions during case management, hearing management, and the hearing;
- requests about hearing format and remote participation;
- technology and platform requirements for participants;
- electronic hearing books, exhibits, and other hearing materials; and
- steps to address technical failures or interruptions.

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

#### 4. Definitions

In this practice directive:

- **Electronic exhibit** means an exhibit or proposed exhibit in digital form, including a document, photograph, audio file, video file, spreadsheet, data export, or other digital record.



- **Hearing book** means a paper or electronic compilation of documents or exhibits prepared for use in a conference, application, or hearing.
- **Hybrid hearing** means a hearing, or part of a hearing, in which the Discipline Tribunal directs a combination of oral and written steps.

## **5. General principles**

Unless the Discipline Tribunal directs otherwise, discipline hearings, hearing management conferences, and case management conferences will proceed remotely.

The Discipline Tribunal may direct different formats for different parts of a proceeding, including different directions for:

- conferences;
- pre-hearing applications;
- witness evidence;
- legal submissions; and
- how hearing format may affect public access.

A party or participant who becomes aware of an issue that may affect hearing format, remote participation, technology or platform requirements, or electronic hearing materials must raise the issue as soon as practicable.

## **6. Deciding hearing format**

### **6.1 When hearing format may be decided or changed**

Before the Consent Resolution Deadline (CRD), the Director gives directions about hearing format during case management.

The Discipline Tribunal may change hearing format if it is necessary to support procedural fairness or the fair, timely, and orderly conduct of the proceeding.

### **6.2 Factors the Discipline Tribunal may consider**

In deciding hearing format, the Director, hearing chair, or discipline panel may consider:

- the nature of the issues to be decided, including whether live evidence is required;
- any relevant accessibility, accommodation or interpretation needs;



- any protection order, identity protection order, confidentiality order, or issue relating to protected information;
- the need for public access consistent with the HPOA and any applicable order;
- the likely effect of the proposed format on fairness, timeliness, cost, orderly conduct, hearing dates, and time estimates; and
- any prior directions made in the case.

### **6.3 Requests for a format direction or change**

A party who seeks a direction about hearing format or a change to an existing format direction must use the process set out in:

- Practice Directive 12: Case Management Process, if the request is made before the CRD;
- Practice Directive 14: Hearing Management Conferences and Pre-hearing Applications, if the request is made after the CRD and before the hearing begins; or
- directions of the discipline panel, if the request is made during the hearing.

In addition to any requirements in those practice directives, a request about hearing format must state:

- the format requested;
- whether the request applies to the whole hearing or only part of it;
- the reasons for the request;
- the other party's position, or efforts made to obtain that position;
- any effect on hearing dates, witness scheduling, public access, or hearing length; and
- any relevant accessibility, accommodation, or interpretation needs (see Practice Directive 3: Accessibility and Accommodations for more details).

## **7. Remote participation requirements**

### **7.1 General requirements**

A person who attends remotely must:

- use the platform and connection method directed by the Discipline Tribunal;



- join using their real name, unless the Discipline Tribunal directs another identifier for privacy, confidentiality, or protection reasons;
- attend from a location that is reasonably quiet, private, and free from avoidable interruption;
- use equipment and an internet connection that are reasonably capable of supporting participation;
- remain reachable during scheduled hearing times; and
- follow any directions about participation, including camera use, microphone muting, screensharing, messaging functions, waiting rooms, controlled admission, and security, privacy, confidentiality, or access restrictions.

The Discipline Tribunal may require a participant to:

- attend a test session before the hearing;
- log in early on a hearing day;
- use headphones or other equipment;
- relocate to another setting;
- use a backup connection method; or
- comply with any other direction the Discipline Tribunal considers necessary to support fair and orderly participation.

## **8. Hearing books and electronic exhibits**

### **8.1 General requirements**

Parties must comply with Practice Directive 1: Filing and Service for file format requirements. Parties must also comply with any case management direction, hearing management order or direction, or direction of the hearing chair or discipline panel about hearing books, exhibit numbering, exhibit lists, and other hearing materials.

### **8.2 What hearing materials must include**

Unless the Discipline Tribunal directs otherwise, a hearing book must include:

- an index;
- consecutive page numbers;



- tabs, bookmarks, hyperlinks, or another clear navigational structure, where practicable; and
- for each item, a description in the index that identifies the item by title and date, where available, and by version if more than one version exists.

A party filing electronic exhibits must:

- identify each exhibit clearly and consistently;
- avoid duplicate filing where a document has already been filed, unless the Discipline Tribunal directs otherwise;
- identify any confidentiality label that applies;
- file audio or video evidence in a compatible format and identify the relevant clip, time stamp, or segment relied on; and
- identify each recording and transcript in the hearing book index or exhibit list, as applicable, and provide any transcript, extract, description, or playback information reasonably needed to use the exhibit efficiently.

### **8.3 Joint materials and working copies**

The Discipline Tribunal may direct the parties to prepare:

- a joint hearing book;
- an agreed exhibit list;
- a book of authorities;
- a book with extractions for a witness or issue; or
- another working document that supports efficient hearing management.

The parties must cooperate to reduce unnecessary duplication and to identify agreed materials wherever reasonably practicable.

### **8.4 Non-standard or physical evidence**

A party who intends to rely on physical evidence, oversized documents, or electronic evidence that may require special handling must raise that issue as early as practicable.

The Discipline Tribunal may give directions about:

- how the evidence will be filed, stored, displayed, or played;



- whether a copy, excerpt, image, or transcript may be used instead of the original during the hearing; and
- any safeguards needed to preserve fairness, privacy, or the integrity of the evidence.

## **9. Technical failures, interruptions, and backup directions**

### **9.1 Immediate steps**

A participant who experiences a technical problem that may affect participation must notify the Discipline Tribunal and the other parties as soon as practicable.

If a technical problem arises during a hearing, the hearing chair or discipline panel may pause the hearing, direct a participant to reconnect or use another method of participation, adjust the order of witnesses or issues, or make any other direction necessary to support a fair and orderly hearing.

If a technical problem cannot be cured promptly and an adjournment is sought or appears necessary, the discipline panel will address the adjournment under Practice Directive 13: Setting, Changing, and Adjourning Hearing Dates.

### **9.2 Incomplete recording or disrupted connection**

A failure by the Discipline Tribunal to make a recording, an interruption in its recording, or an incomplete recording does not, by itself, invalidate the proceeding.

If an interruption or recording problem creates a fairness concern, the hearing chair or discipline panel may give directions to cure the problem, including by requiring part of the proceeding to be repeated, summarized on the record, replayed, or continued in another format.



## **Interim Practice Directive 19:**

### **Public and Media Access to Discipline Hearings**

#### **1. Purpose**

This practice directive explains how the Health Professions Discipline Tribunal (Discipline Tribunal) manages public and media access to discipline hearings. It sets out:

- the default rule that discipline hearings are open to the public;
- when and how a discipline panel may limit access to all or part of a hearing;
- expectations for observers and media attending remotely; and
- how the Discipline Tribunal manages recording, broadcasting, and use of electronic devices at hearings.

#### **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.

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:

- discipline hearings; and
- any other hearing or application that a discipline panel opens to the public.

This practice directive does not apply to:

- resolution management conferences, mediation, or other settlement processes; or
- case management conferences and other pre-hearing processes that the Discipline Tribunal conducts in private.

This practice directive addresses attendance at hearings. Requests for access to Discipline Tribunal records, including recordings and transcripts are addressed in Practice Directive 4: Privacy, Confidentiality and Disclosure of Records.



A discipline panel may vary the procedures in this practice directive to ensure a fair, timely, and orderly hearing.

#### **4. Definitions**

In this practice directive:

- **discipline hearing** means a hearing conducted by a discipline panel under Part 3, Division 16 of the HPOA.
- **observer** means a person who attends a discipline hearing and is not:
  - a party or a party representative;
  - a witness; or
  - Discipline Tribunal staff or contractors.
- **media representative** means an observer who attends a hearing to gather or report information for publication or broadcast, whether:
  - on behalf of a news organization; or
  - as an independent journalist or content publisher.
- **access order** means an order or direction that limits public or media access to all or part of a discipline hearing; for example, by excluding the public from information received at the hearing.

#### **5. Open hearings**

Discipline hearings are open to the public, subject to any identity protection order and any other order that may be made under the HPOA.

The Discipline Tribunal provides public access remotely, through a public gallery.

#### **6. Hearing lists**

The Discipline Tribunal maintains a public hearing list.

Subject to any identity protection order or other order, the public hearing list usually includes:

- the file number;
- the name of the regulatory college (College) and the respondent;
- the hearing type;



- the hearing dates and times; and
- the hearing format and any public access information the Discipline Tribunal decides to publish.

If an identity protection order applies, the Discipline Tribunal may:

- use initials, a pseudonym, or a general description; or
- omit identifying details from the public hearing list.

## **7. Public attendance arrangements**

The Discipline Tribunal may require observers and media representatives to take steps to attend a hearing, including:

- advance registration for the public gallery;
- agreeing to public gallery terms of use; and
- meeting any identity-protection requirements that apply to the hearing.

If it is not practicable to hold a hearing in a manner that is fully open to the public, the discipline panel may limit or decline public access to the public gallery through an access order.

## **8. Access orders**

A discipline panel may make an access order that includes one or more of the following:

- full exclusion: excluding the public (including media) from all information received at the hearing;
- partial exclusion: excluding the public (including media) from part of the hearing or specific information received at the hearing;
- conditions on attendance: allowing attendance subject to limits or conditions (for example, anonymizing identifying information, restricting republication of protected identities, or requiring observers to follow specific attendance directions); or
- limited attendance: permitting attendance only by specific persons or classes of persons.



## **9. Requesting an access order**

### **9.1 How to request**

A party who seeks an access order must make the request:

- in writing, filed with the Discipline Tribunal as early as practicable; or
- orally, at the earliest reasonable opportunity during the hearing.

File and serve any written request in accordance with Practice Directive 1: Filing and Service.

### **9.2 What the request must include**

A request for an access order must:

- identify the order requested and the scope of the request (all of the hearing, part of the hearing, or specific information);
- set out the facts relied on, including the harm or risk the request addresses;
- explain why the order is necessary, having regard to the open hearing principle;
- identify any less restrictive measures considered and explain why they do not adequately address the harm or risk; and
- propose any limits or conditions that could address the harm or risk if the panel declines full exclusion.

### **9.3 What the panel considers**

In deciding whether to make an access order, the discipline panel may consider:

- the ATA section 41 test, as applied by HPOA section 175, including whether limiting public access is justified because:
  - avoiding disclosure outweighs the open hearing principle; or
  - holding the hearing fully open to the public is not practicable;
- any applicable identity protection order or protection order;
- whether the request targets only what is necessary to address the harm or risk;
- whether limits or conditions can reasonably address the harm or risk; and
- the impact of the order on hearing fairness and the orderly conduct of the hearing.



## **10. Conduct expected of observers and media representatives**

An observer or media representative must:

- follow the discipline panel's directions;
- avoid disruption;
- not communicate with witnesses during their evidence; and
- not communicate with discipline panel members about the case.

The Discipline Tribunal may disable platform functions (including chat, reactions, or participant controls) for public gallery attendees.

A discipline panel may, for maintenance of order:

- disconnect a person from a remote public gallery;
- impose restrictions on continued attendance; or
- exclude a person from further attendance until the panel orders otherwise.

## **11. Support persons and animals**

A person who intends to participate in a hearing or give evidence with a support person or animal must advise the Discipline Tribunal in advance. Use the contact information on the hearing notice or any other method the Discipline Tribunal makes available for the case. This lets the Discipline Tribunal make any needed arrangements.

A discipline panel may give directions respecting support persons or animals, including confidentiality or non-disclosure requirements.

## **12. Identifying as media and media access**

A media representative who seeks to attend a hearing must:

- advise the Discipline Tribunal in advance, using the contact information on the hearing notice or any other method the Discipline Tribunal makes available for the case; and
- identify as media when registering for, or joining, the public gallery.

If the Discipline Tribunal limits public gallery capacity, it may:

- reserve some capacity for media representatives; and
- set pooling arrangements.



Media representatives must comply with all orders and legal restrictions, including identity protection and protection orders.

### **13. Recording, broadcasting, and electronic devices**

#### **13.1 Official recording by the Discipline Tribunal**

The Discipline Tribunal may record a discipline hearing. That recording becomes part of the record of the proceeding.

Access to official recordings and transcripts are addressed in Practice Directive 4: Privacy, Confidentiality and Disclosure of Records.

#### **13.2 Recording by Colleges and respondents**

A College or respondent may, with the prior approval of the discipline panel and at their own expense, record a discipline hearing (HPOA section 177(2) to (4)).

The discipline panel must grant approval unless the panel concludes compelling circumstances exist that cannot reasonably be remedied by imposing limits or conditions.

A request for approval to record must:

- be made as early as practicable;
- identify the type of recording proposed; and
- address any limits or conditions that would protect hearing fairness, privacy, and orderly process.

#### **13.3 Recording by observers and media representatives**

An observer or media representative must not:

- photograph, audio-record, video-record, or screen-capture any part of a hearing; or

This restriction applies unless the discipline panel grants permission and sets any limits or conditions.

#### **13.4 Broadcasting and live commentary**

An observer or media representative must not broadcast, live-stream, or use the hearing audio or video feed for live commentary unless the discipline panel gives permission and sets any limits or conditions.



## **Interim Practice Directive 20: Disciplinary Orders, Hearing Costs, Post-hearing Submissions and Corrections**

### **1. Purpose**

This practice directive explains:

- how a discipline panel manages disciplinary orders after liability is decided;
- how a discipline panel manages requests for hearing costs;
- when and how post-hearing written submissions may be filed; and
- how a party may request a correction or clarification of a final decision.

### **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 a discipline hearing and any related post-hearing steps where the discipline panel must decide one or more of the following:

- whether to dismiss the citation or make one or more disciplinary orders after finding that the respondent lacks competence or committed misconduct under section 191;
- whether to make a hearing costs order after the hearing under sections 191(4) and 272;
- whether to permit or require post-hearing written submissions on liability or another issue arising from the hearing; and
- whether to correct or clarify a final decision under ATA section 53 as applied by section 193 of the HPOA.



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

#### **4. Definitions**

In this practice directive:

- **party** means the regulatory college (College) or the respondent.
- **post-hearing submission** means a written submission that the discipline panel permits or directs after the close of evidence or after oral submissions.

#### **5. Disciplinary orders**

##### **5.1 Orders under section 191**

If the discipline panel decides the respondent lacks competence or committed an act of misconduct, it must do one of the following under section 191:

- dismiss the citation, if a disciplinary order is not appropriate in the circumstances; or
- make one or more disciplinary orders described in Division 4 of Part 5.

The discipline panel may address disciplinary orders:

- immediately after deciding liability;
- on one or more later hearing dates; or
- through written submissions, with or without further oral submissions.

##### **5.2 Record for disciplinary orders**

Unless the discipline panel directs otherwise:

- evidence already received in the hearing becomes part of the record for disciplinary orders; and
- a party must not re-file material already in the hearing record.

Unless the discipline panel directs otherwise, a party must not disclose the respondent's discipline history (including past disciplinary outcomes) to the discipline panel until the discipline panel has decided liability.



### **5.3 Directions about disciplinary orders**

The discipline panel may give directions about disciplinary orders, including directions about:

- whether any further evidence may be filed;
- the timing and sequence of evidence and submissions;
- whether authorities or prior decisions on the appropriate disciplinary order are required;
- whether the issue will be addressed orally, in writing, or both; and
- whether a complainant or other person with an interest may provide written views, and on what terms.

### **5.4 Documents and submissions for disciplinary orders**

If the discipline panel needs further documents or submissions to decide disciplinary orders, it may direct a party to file and serve some or all of the following:

- the exact order(s) sought, with the statutory basis identified;
- written submissions on the factors the decision maker must or may consider under sections 265 to 267;
- references to the evidence already in the hearing record that supports the proposed order(s); and
- authorities or prior decisions on the appropriate disciplinary order.

If a party seeks to submit new evidence for disciplinary orders, it must explain why it is relevant and why it was not tendered earlier.

File and serve material under this section in accordance with Practice Directive 1: Filing and Service.

### **5.5 Types of disciplinary orders**

Depending on the case, disciplinary orders may include one or more of the following (sections 268 to 271):

- a warning or advice, an undertaking not to repeat the conduct, or a reprimand;



- remedial or restorative orders, including education, training, anti-discrimination measures, assessments, or a restorative process order where the HPOA requires consent and the required consent has been obtained;
- orders affecting practice authority, including limits or conditions on practice authority, suspension (and post-suspension limits or conditions), revocation of practice authority, or limits or conditions on eligibility to apply for reinstatement; and
- a monetary penalty or refund order.

## **6. Hearing costs**

### **6.1 Hearing costs orders (section 272)**

Hearing costs are not automatic.

The discipline panel may make a hearing costs order only in the circumstances authorized by section 272.

Section 272 authorizes the following hearing costs orders:

- respondent pays all or part of the College's hearing costs under section 272(2)(a);
- respondent pays all or part of a person with an interest's hearing costs, if the discipline panel is of the opinion that the respondent's conduct has been improper, frivolous, vexatious, or abusive under section 272(2)(b); and
- the College pays all or part of the respondent's or a person with an interest's hearing costs, if the discipline panel is of the opinion that the College's conduct has been improper, frivolous, vexatious, or abusive under section 272(3).

### **6.2 Request requirements**

A person who seeks hearing costs must raise the request:

- during the hearing, if practicable; or
- by the deadline the discipline panel sets.

Unless the discipline panel directs otherwise, a request for hearing costs must include:

- the order sought;
- the statutory basis relied on;
- the amount sought, if known;



- an itemized summary of the costs claimed, if the amount is sought at that stage;
- a concise explanation of the basis for the request; and
- if the request is based on improper, frivolous, vexatious, or abusive conduct, the conduct relied on.

File and serve a request under this section in accordance with Practice Directive 1: Filing and Service.

### **6.3 Determining hearing costs**

The discipline panel may decide hearing costs:

- together with disciplinary orders or separately; and
- in two stages, by deciding entitlement first and amount later.

The discipline panel may direct a person seeking hearing costs to file further documents, including a bill, summary, or schedule of costs, supporting records or affidavits, and submissions on entitlement, amount, or both.

The discipline panel may refuse or reduce a claim that is excessive, insufficiently supported, or outside section 272.

### **7. Post-hearing written submissions on liability and other issues**

The discipline panel may permit or require post-hearing written submissions on liability or another issue arising from the hearing.

Unless the discipline panel directs otherwise:

- a post-hearing submission must address only the issues identified by the discipline panel; and
- a reply must address only new matters raised in the prior submission.

If a party does not file a post-hearing submission by the deadline set, the discipline panel may proceed to decide the issue based on the record before it.

### **8. Form of decision and reasons**

The discipline panel may issue:

- a single written decision that addresses liability, disciplinary orders, and hearing costs; or



- separate written decisions or supplementary reasons dealing with different issues in the hearing.

The usual time periods for issuing decisions and reasons are set in Practice Directive 2: Time Periods for Cases Before the Discipline Tribunal.

## **9. Corrections and clarifications (ATA section 53)**

### **9.1 Who may apply**

Only a party may apply for a correction or clarification of a final decision; a complainant or other person with an interest who is not a party may not do so.

### **9.2 Corrections**

A party may request a correction of a final decision only to correct one or more of the following:

- a clerical or typographical error;
- an accidental or inadvertent error, omission, or similar mistake; or
- an arithmetical error made in a computation.

### **9.3 Clarifications**

A party may apply for clarification of a final decision within 30 days after being served with it.

The discipline panel may grant the application only if it is satisfied the requested change will clarify the final decision.

### **9.4 How to apply**

File and serve a written request for a correction or clarification that includes:

- the specific passage, paragraph, calculation, or order in the final decision the party seeks to correct or clarify;
- the wording the party proposes;
- a concise explanation of how the request fits within ATA section 53; and
- the other party's position, or the steps taken to obtain that position.

Attach a marked copy of the final decision showing the proposed change, if helpful.

File and serve the request in accordance with Practice Directive 1: Filing and Service.



### **9.5 Limits**

Do not use a request under this heading to:

- reargue the merits of the case;
- challenge findings of fact or credibility;
- seek a different disciplinary outcome because the party disagrees with the result;
- introduce new evidence; or
- seek review of the decision under section 194.

A request under this heading does not replace an application for review under section 194 and does not extend the 30-calendar-day statutory deadline for review.



## **Interim Practice Directive 21: Application for Review**

### **1. Purpose**

This practice directive sets the process for:

- applying for review of one or more orders made by a discipline panel; and
- requesting a stay of one or more orders while the review is underway.

### **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 of 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 to Discipline Tribunal proceedings.

### **3. Scope and application**

This practice directive applies to an application for review under section 194. Section 194 allows the respondent, a regulatory college, or the complainant to apply to the Director of Discipline (Director) for review of an order a discipline panel makes under section 191 after a discipline hearing. These include an order dismissing the citation, disciplinary orders, and any hearing costs order.

This practice directive applies to:

- the respondent (respondent);
- the regulatory college (College); and
- the complainant (complainant).

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

This practice directive does not replace the correction and clarification process under section 53 of the ATA. See Practice Directive 20: Disciplinary Orders, Hearing Costs, Post-hearing Submissions and Corrections for details on that process.



## **4. Review process**

### **4.1 Who may apply and what may be reviewed**

A respondent, a College, or a complainant may apply for review of an order made by a discipline panel under section 191.

An application for review may request review of more than one order.

### **4.2 Deadline**

An applicant must file the application for review within 30 calendar days after the date the applicant receives notice of the order.

Time is calculated under Practice Directive 2: Time Periods for Cases Before the Discipline Tribunal. This deadline is set by the HPOA and cannot be extended.

### **4.3 Filing and service**

An applicant must file and serve the application for review in accordance with Practice Directive 1: Filing and Service.

Upon receiving an application for review, the Discipline Tribunal may give directions to the applicant to serve the documents on other parties.

### **4.4 Contents of the application for review**

The application must:

- state each order under review;
- include a brief explanation of the reasons for the review; and
- state the outcome the applicant seeks.

If the application relies on new information, it must include:

- a copy of the documentation that includes the new information;
- an explanation of why the new information is material and relevant;
- an explanation of why the new information was not available, or could not reasonably have been discovered through due diligence, before the discipline panel made the order; and
- a description of the change in circumstances and why, because of the change, the order is no longer appropriate;



- any other documents the applicant relies on that are not already part of the hearing record.

#### **4.5 Grounds for review**

The Director considers only the grounds listed below. An application for review must identify one or more of these grounds under section 381(3):

- the discipline panel made the order contrary to the HPOA or to any applicable regulation, bylaw, or rule;
- the discipline panel did not follow the principles of procedural fairness when it made the order; or
- new information is available that is material and relevant and that:
  - was not available, or could not reasonably have been discovered through due diligence, before the order was made; or
  - relates to a change in circumstances since the order was made and, because of the change, the order is no longer appropriate.

#### **4.6 Request for a stay**

An application for review does not stay the order being reviewed. The College may proceed to enforce the order.

An applicant may request that enforcement of an order be stayed or delayed. The applicant must include this request in the application for review.

A stay request must:

- identify the specific order or orders, or specific parts of an order, the applicant seeks to stay; and
- explain why a stay is appropriate in the circumstances.

Unless the Director orders otherwise, the stay request must not exceed five pages, not including attachments.

If the Director permits a stay, the Director may impose interim limits or conditions on the respondent's practice authority until the review is concluded.

A complete application for review must be filed within the 30-calendar-day statutory deadline.



#### **4.7 Preliminary dismissal**

The Director may dismiss an application for review at any time if the Director is of the opinion that the application is trivial, frivolous, vexatious, an abuse of process, or made in bad faith.

#### **4.8 Combining applications**

If more than one application for review is made in relation to the same discipline hearing, the Director may consider the applications together.

#### **4.9 How the review proceeds**

After the Discipline Tribunal accepts a complete application for review, the Director sets the review process and issues directions.

The Director may conduct the review by one or both of the following means:

- written submissions from the respondent, the College, and the complainant; and
- an oral hearing.

If the Director invites written submissions, the Director's directions will set:

- who may file written submissions;
- the deadline for submissions and any reply;
- page limits; and
- any additional documents the parties may file for the review.

If the Director directs a review hearing, the Director's directions will set:

- the hearing format, whether oral, written, or a combination of both;
- the date, time, and hearing platform;
- the issues the parties must address; and
- any additional documents the parties may file for the review.

Unless the Director orders otherwise, any oral hearing is virtual.

#### **4.10 Decision after review**

The Director must decide whether to:

- dismiss the application and confirm the order under review;



- grant the application for review and confirm, vary, rescind, or terminate the order under review;
- grant the application for review and rescind the order under review and substitute a new order; or
- grant the application for review and refer the matter back to the discipline panel for reconsideration, with or without directions.

#### **4.11 Notice of outcomes**

The Director gives notice of the review process, and of any decision on an application for review, to persons with an interest in a citation or a discipline hearing, in accordance with section 248(1)(b)(ii) and (c).



## **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.





## Interim Practice Directive 22:

### Publication of Requests for a Citation and Disciplinary Orders

#### 1. Purpose

A registrar of a regulatory college (College) must publish all disciplinary orders in a case, as well as any request for a citation. This practice directive provides guidance on what information must be included.

#### 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.

#### 3. Scope and application

This practice directive applies when a College publishes a disciplinary order or request for a citation as required by section 256(1).

#### 4. Publication of disciplinary orders issued by a registrar under sections 157, 158, and 159

A registrar must include the following information when the College publishes a copy of, and the reasons for, a disciplinary order made under sections 157, 158, and 159:

- the name of the respondent;
- the date the order was made;
- a summary of the order made against the respondent;
- whether the order was made with the consent of the respondent; and
- a reference to the relevant factors in section 265 and, if applicable, sections 266 and 267.

A College must notify the Discipline Tribunal by email to [submissions.tribunal@hporoo.ca](mailto:submissions.tribunal@hporoo.ca) when the College publishes a disciplinary order made under sections 157, 158, and 159. After reviewing the notice, the Director of Discipline (Director) may direct that a College publish further information.

A College may seek prior approval to publish a disciplinary order in accordance with this practice directive.



## **5. Publication of disciplinary orders approved by the Director under section 139(3)**

A registrar must include the following information when the College publishes a copy of, and the reasons for, a disciplinary order proposed by the College and the respondent and approved by the Director under section 139(3):

- the name of the respondent;
- the date the order was made;
- a summary of the allegations against the respondent;
- a summary of the admissions made by the respondent;
- a summary of the order made against the respondent; and
- a reference to the relevant factors in section 265 and, if applicable, sections 266 and 267.

A College must notify the Discipline Tribunal by email to [submissions.tribunal@hporoo.ca](mailto:submissions.tribunal@hporoo.ca) when the College publishes a disciplinary order approved under section 139(3). After reviewing the notice, the Director may direct that a College publish further information.

A College may seek prior approval to publish a disciplinary order in accordance with this practice directive.

## **6. Publication of disciplinary orders approved by the Director under section 154**

If the disciplinary order approved by the Director under section 154 could have, but for section 154, been made by the College under sections 157, 158, and 159, the requirements for publication are the same as for a disciplinary order made under those sections.

Otherwise, the requirements for publication of a disciplinary order approved by the Director under section 154 are the same as if it had been approved under section 139(3).

A College may seek prior approval to publish a disciplinary order in accordance with this practice directive.

## **7. Publication of disciplinary orders made by a discipline panel**

Subject to any orders made by a discipline panel, a registrar must include the following information when the College publishes a copy of a disciplinary order made by a discipline panel:

- the name of the respondent;
- the date the order was made;



- a summary of the allegations against the respondent;
- the discipline panel's reasons for the order.

A College must notify the Discipline Tribunal by email to [submissions.tribunal@hporoo.ca](mailto:submissions.tribunal@hporoo.ca) the College publishes a disciplinary order made by a discipline panel. After reviewing the notice, the Director may direct that a College publish further information.

A College may seek prior approval to publish a disciplinary order in accordance with this practice directive.

### **8. Publication of a request for a citation**

A College must include the following information when they publish a copy of a request for a citation:

- the name of the respondent;
- the date of the request;
- the date on which the regulatory complaint was received by the College; and
- a summary of all orders made against the respondent during the course of the investigation.

A College must notify the Discipline Tribunal by email to [submissions.tribunal@hporoo.ca](mailto:submissions.tribunal@hporoo.ca) when they publish a request for a citation. After reviewing the notice, the Director may direct that a College publish further information.

A College may seek prior approval to publish a request for a citation in accordance with this practice directive.

### **9. Prior approval process**

The Discipline Tribunal will review requests for prior approval of publication when requested by the College. The request must be filed through the Discipline Tribunal electronic filing portal. See Practice Directive 1: Filing and Service.

The College must provide:

- a copy of the disciplinary order or request for a citation;
- the reasons for the order;
- the proposed notice; and
- any other material referenced in the notice.



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The Discipline Tribunal will conduct an initial review of the request and either send written confirmation of filing or request more information within three days. See Practice Directive 2: Time Periods for Cases Before the Discipline Tribunal.

If the request is complete, the Discipline Tribunal will review it and, within 15 days, either approve the proposed publication or request further information.