



Health Professions Discipline Tribunal User Guide

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About this Guide

This guide explains the discipline process for regulated health professionals in British Columbia.

It is for [complainants](#), [respondents](#), [regulatory colleges](#), [witnesses](#), and other [persons with an interest](#) in a discipline proceeding.

This guide provides general information. The [Health Professions and Occupations Act \(the act\)](#), regulatory college (college) rules and by-laws, and the [Discipline Tribunal's practice directives](#) provide much more detail. If this guide says something different from the other documents, please follow what the other documents say.

Discipline Process Summary

The discipline process follows these steps:

1. A person makes a complaint to the appropriate college.
2. The [registrar](#) decides if the complaint should go ahead.
3. The investigation committee of the college investigates the complaint.
4. After the investigation, the investigation committee decides whether the complaint should be:
 - a. dismissed,
 - b. resolved by the college with or without a respondent's consent,
 - c. or sent to the Discipline Tribunal to:
 - i. ask for approval of a consent resolution or
 - ii. request that a citation be issued.
5. If a citation is issued, the case enters the Discipline Tribunal's case management process.
6. The Discipline Tribunal sets a deadline ([consent resolution deadline](#)) for the parties to agree to resolve the case.
7. If the parties cannot resolve the case before the Consent Resolution Deadline, the Discipline Tribunal prepares the case for a hearing.
8. A discipline panel hears the case and decides whether misconduct or incompetence has been proven.
9. If misconduct or incompetence is proven, the panel decides if/what disciplinary orders should be made.
10. If needed, the panel holds a penalty hearing and makes disciplinary orders.
11. After the hearing, there may be:
 - a. an application for review,
 - b. enforcement steps, or
 - c. publication requirements.

Guiding Principles

The Discipline Tribunal is committed to:

- protecting the public from harm and discrimination;
- promoting anti-discrimination measures;
- following the principles of procedural fairness;
- respecting the privacy of people who participate in regulatory processes; and
- supporting reconciliation with Indigenous peoples, by upholding the United Nations Declaration on the Rights of Indigenous Peoples and addressing Indigenous-specific racism.

Important Words Used in This Guide

Term	Plain language meaning
Citation	A document issued by the Director of Discipline. It starts a discipline proceeding at the Discipline Tribunal.
Complainant	The person or organization that makes a complaint to a regulatory college about a regulated health professional.
Consent Resolution	An agreement between the regulatory college and the respondent about how to resolve a discipline matter without a hearing.
Consent Resolution Deadline	The deadline for the parties to agree to resolve a case and cancel the citation after a citation has been issued.
Days	Means business days unless otherwise stated.
Director of Discipline	The head of the Discipline Tribunal. The Director of Discipline decides certain requests, including whether to issue citations and whether to approve some Consent Resolutions.
Discipline panel	A group of three Discipline Tribunal members who may hear and decide a discipline case. One member of the panel will be from the

	same regulated health profession as the respondent.
Expert witness	A person with expertise to provide opinion evidence on a relevant matter.
Hearing	A formal process where evidence is presented, witnesses may testify, and a discipline panel decides the case.
Person with an interest	Someone who has a legal interest in the case. This includes the respondent, the regulatory college, the complainant, or another person that the Discipline Tribunal decides has an interest.
Procedural Fairness	Means making decisions in a way that is fair to all the participants. Everyone involved must know the issues, have a chance to respond and make submissions, and to have the case decided an impartial decision-maker.
Registrar	The head of a regulatory college. In some cases, a registrar may make orders to resolve a discipline matter.
Regulatory college	One of the six organizations that regulate health professions in British Columbia.
Resolve	To bring a case to an end by reaching an agreement between the parties.
Respondent	The health professional the complaint is about.
Witness	A person who saw, heard, or directly experienced something related to the case.

The Role of the Discipline Tribunal in the Process

This guide will explain what role the Discipline Tribunal has during which parts of the process.

The discipline process starts when someone makes a complaint about a regulated health professional to a college. The college investigates the complaint and decides what action to take. The Discipline Tribunal does not receive or investigate complaints directly.

The Discipline Tribunal becomes involved only at certain points in the process. Its work includes reviewing some proposed consent resolutions, reviewing requests for citations, managing cases after a citation is issued, holding hearings, reviewing some decisions made after hearings, and making sure colleges publish certain discipline information.

A consent resolution is a voluntary agreement between a college and a regulated professional that sets out how they will resolve a discipline matter. A consent resolution results in discipline orders that will be published by the college.

Filing a Complaint

A complaint about a regulated health professional must be made to the college that regulates that professional. The Discipline Tribunal does not receive complaints directly.

Each college has its own complaint process. A person who wants to make a complaint should contact the correct college and follow that college's instructions.

Regulatory Colleges Covered by This Process

The Discipline Tribunal works with discipline matters involving six colleges in British Columbia:

- College of Physicians and Surgeons of BC;
- BC College of Nurses and Midwives;
- BC College of Oral Health Professionals;
- College of Pharmacists of BC;
- College of Complementary Health Professionals of BC; and
- College of Health and Care Professionals of BC

The College Reviews the Complaint

After the college receives a complaint, the registrar reviews the respondent's disciplinary record and assesses the complaint. The registrar can dismiss the complaint if they believe the complaint is frivolous or was brought in bad faith. Depending on the college's rules, the registrar may also resolve the complaint with the respondent's consent. In most cases, the registrar sends the complaint to the college's investigation committee.

The College Investigates the Complaint

After a complaint is sent to the investigation committee, the committee may decide they have enough information to resolve the case. If not, they may decide to investigate the complaint further. The purpose of the investigation is to gather information and decide whether there are reasonable grounds to believe that the health professional may be incompetent or may have engaged in misconduct.

An investigation may include reviewing clinical records, speaking with people involved in the matter, looking at workplace records or other relevant information, and getting expert opinions.

When the investigation is finished, the investigators report their findings to the committee. The committee then decides the next steps. It may dismiss the complaint, ask the registrar to resolve the matter with disciplinary orders, or instruct the registrar to request a citation from the Discipline Tribunal.

The College May Resolve the Matter

In some cases, the college may resolve the matter without sending it to the Discipline Tribunal. However, there are limits on what a registrar can do. With the health professional's consent, the registrar may dismiss all or part of the case with written advice or a warning to the health professional. The registrar may also make a disciplinary order through a consent resolution.

In some situations, a registrar may dismiss a complaint with written advice or a warning to the health professional, even without the health professional's consent.

Cases Involving Sexual Abuse Allegations

Complaints involving sexual abuse allegations are handled differently than other types of allegations. If a college proposes a consent resolution for a complaint involving sexual abuse allegations, the Director of Discipline must review and approve the proposed consent resolution before it can take effect.

Sexual abuse is when a respondent is accused of doing, or attempting to do, something sexual to a patient or in a patient's presence without their consent. It is also sexual abuse for a health professional to get a patient to consent to a sexual act or sexual relationship through exploitation, manipulation, or dishonesty.

The college must file a request for approval of a consent resolution following the applicable practice directive (Interim Practice Directive 10). If the college receives new

information after making its request, and that information could help the Director of Discipline make a decision, it must provide that information as soon as possible.

If the Director of Discipline approves the proposed consent resolution, the college may make the approved order or orders. If the Director of Discipline does not approve it, the college may submit a new proposed consent resolution or request that a citation be issued. If a citation has already been issued, the case continues from where it left off in the tribunal process.

For more information see [Interim Practice Directive 10: Approval of Orders Resolving Sexual Abuse Cases](#).

How a Matter Moves from the College to the Discipline Tribunal

A matter usually moves to the Discipline Tribunal when the college cannot resolve it or when the law requires the Discipline Tribunal to be involved. This may happen when the college requests the Director of Discipline to issue a citation or asks the Director of Discipline to approve a consent resolution.

The Discipline Tribunal's role depends on what the college requests. The Director of Discipline may review a proposed resolution or decide whether to issue a citation. If the Director of Discipline decides to issue a citation, the Discipline Tribunal manages the case through the next steps, which may include case management, mediation, preparing for a hearing, and a hearing.

Resolution Management Conferences

A Resolution Management Conference is a meeting led by the Director of Discipline or another Discipline Tribunal member. The purpose is to help review or finalize a proposed consent resolution.

At the conference, the Director of Discipline may clarify the proposed orders, confirm the facts that support the orders, identify a need for more information, and set deadlines for the next steps.

Combined Consent Resolution and Request for Citation

Sometimes the college and the respondent agree on a possible resolution, but it includes an order that must be approved by the Director of Discipline. In this situation, the college may need to submit both a proposed consent resolution and a request for a citation.

The college should submit the two requests at the same time or one immediately after the other. The Director of Discipline will decide any combined request within 15 days after the Discipline Tribunal confirms in writing that the submission is complete. If one or more resolution management conferences are needed, that 15-day timeline is paused, and resumes after the final conference ends.

For more information see [Interim Practice Directive 8: Combined Request for a Section 139 Consent Resolution and a Request for a Citation](#).

Requests for a Citation

A citation is the formal document that starts a discipline proceeding at the Discipline Tribunal. Only a college may request a citation.

The Director of Discipline reviews the college's request and will issue the citation unless there are reasons not to. Reasons for not issuing the citation may include: not enough evidence, procedural fairness issues that cannot be fixed, or because it would not be in the public interest to issue a citation.

If the Director of Discipline does not issue the citation, the Discipline Tribunal sends a written explanation to the college, the respondent, and anyone else who has an interest in the citation.

The Director of Discipline decides the request for citation within 30 days after the Discipline Tribunal confirms in writing that the request is complete. If the Director of Discipline issues a citation, they also set a deadline for submitting a proposed consent resolution. This is called the **Consent Resolution Deadline**, which is usually six months after the citation is issued.

For more information see [Interim Practice Directive 7: Requests for Citation](#).

If a Citation Is Issued

If the Director of Discipline issues a citation, the Discipline Tribunal gives a copy to the college and then serves it on the respondent.

The citation is in writing. It includes the respondent's name, the allegations against the respondent, the Consent Resolution Deadline, the hearing date, time and location, information about the hearing process, and what may happen if the respondent does not attend the hearing.

The law requires the Discipline Tribunal to set a hearing date when the citation is issued. After consulting with the parties about their schedules and availability, the Discipline Tribunal may change the hearing.

After receiving a citation, the respondent must tell the college and the Discipline Tribunal whether they have a lawyer or will represent themselves. If the respondent has a lawyer, they must provide the lawyer's contact information.

Getting Legal Help

People involved in a discipline matter may choose to represent themselves or may choose to hire a lawyer. A lawyer is not required, but legal advice will be helpful because discipline matters can involve legal rights, deadlines, evidence, and formal hearings.

If a person decides to hire a lawyer, they are responsible for their own legal fees.

Persons with an Interest

A person with an interest in a disciplinary matter is someone who has a legal interest in the case. This includes the respondent, the college, the complainant, or another person who the Discipline Tribunal decides has an interest.

The complainant is automatically considered a person with an interest. Other people may have an interest in the case, but they must apply to the Discipline Tribunal.

A request to participate in a discipline hearing from a person with an interest must explain the reasons for making the request and what facts they are relying on to support their request. This may include explaining how the request relates to fairness, privacy, confidentiality, the hearing schedule, or the way the hearing is managed.

Persons with an interest receive written notice of the date, time, and location of the discipline hearing.

A person with an interest may ask to participate in limited aspects of the hearing. The discipline panel must approve any request. For example, they may ask to attend all or part of the hearing, make submissions on an issue, request conditions on access to or the use of records, or propose questions for a witness.

A person with an interest who gives evidence at the hearing may have a lawyer represent them while giving that evidence.

For more information see [Interim Practice Directive 5: Persons with an Interest](#).

Disclosure

Disclosure is when the college provides the respondent with the documents and any other evidence it is going to rely on in the hearing.

The college must provide Disclosure to the respondent within 15 days of the respondent receiving the citation.

Disclosure is important for fairness. It allows the respondent to understand the case against them and prepare for the hearing. If a respondent believes that the college has information that is necessary for their defence and it has not been disclosed, they must tell the college in writing. If the college and the respondent cannot agree about what needs to be disclosed, either party may raise the issue with the Discipline Tribunal. After hearing from both parties, the Discipline Tribunal will decide what material must be disclosed.

Case Management Conferences After a Citation

Once a citation is issued, the case enters the Discipline Tribunal's case management process. Case management helps the parties agree to resolve the case and keeps the case moving forward fairly and efficiently.

The Discipline Tribunal usually schedules the first case management conference within 45 days after the citation is served on the respondent. A case management conference is a meeting led by the Director of Discipline or another Discipline Tribunal representative and is required when a citation is issued. Additional case management conferences may be scheduled as needed.

At a case management conference, the Discipline Tribunal may work with the parties to explore whether the case can be resolved, consider changes to the citation, support the parties' participation in mediation, confirm or change the hearing date, address any other outstanding issues, and narrow the issues in dispute.

A party may ask for another case management conference before the Consent Resolution Deadline. The request should be made as soon as the party becomes aware of an issue that could affect the fair or timely progress of the case. The request for a case management conference must explain the issue, the decision or direction being requested, and the other party's position on the request (or the efforts to obtain that position).

For more information see [Interim Practice Directive 12: Case Management Process](#).

Mediation

Mediation may help the parties resolve the case without a hearing. In mediation, the parties work with a mediator to explore whether an agreement can be reached. All parties and the Discipline Tribunal must agree that mediation is a good idea in a case.

Mediation is confidential. This means that if settlement is reached, none of the discussions or documents from the mediation can be shared or used.

Mediation can help to resolve a case faster than at a hearing. Even if the whole case is not resolved, mediation may still help the parties narrow the issues. They may also use the mediation process to agree on certain facts, legal issues, or how to make the hearing run more smoothly.

The parties may ask the Discipline Tribunal to set a mediation with a mediator provided by the Discipline Tribunal. There is no charge for the mediator, but the parties must pay other costs. Mediation may take place in person or virtually or both.

Mediations include the mediator, college and respondent, and may include any interested parties. The Director of Discipline must approve any resulting consent resolution; therefore, the Director of Discipline may also take part in discussions during the mediation if it would help the parties reach an agreement.

The mediator is a member of the Discipline Tribunal. If the case is not resolved, and continues in the tribunal process, the mediator will not be part of the discipline panel that hears the case.

Either party may ask for mediation at any time before the Consent Resolution Deadline. Mediation dates are set by the Discipline Tribunal based on the parties' availability.

For more information see [Interim Practice Directive 11: Mediation Process](#).

Consent Resolutions

A consent resolution is an agreement between the college and the respondent to resolve a discipline case without a hearing.

To seek approval from the Director of Discipline after a citation has been requested, the college must submit a consent resolution package. The package must include the proposed orders, a statement saying that the respondent agrees to those orders, and an explanation of why the agreement meets the terms of the Act.

After a consent resolution is proposed, the Director of Discipline may ask for more information from a party or person with an interest, or schedule a resolution management conference.

If the Director of Discipline agrees to the proposed consent resolution, the college makes the order, and if a citation has been issued, it is cancelled.

If the consent resolution is not agreed to, the case continues through the Discipline Tribunal process.

For more information see [Interim Practice Directive 9: Consent Resolutions](#).

The Consent Resolution Deadline

The consent resolution deadline is an important date in the discipline process. It is usually six months from the date the citation is issued. Before this deadline, the parties may propose a resolution to Director of Discipline.

After the deadline, the parties may still propose a resolution; however, it must be approved by a discipline panel at a hearing.

Because obtaining approval is easier before the consent resolution deadline, the parties should submit any proposed consent resolution before the deadline whenever possible.

Hearing Management After the Consent Resolution Deadline

After the consent resolution deadline, only a discipline hearing panel can make orders that resolve a citation or deal with all or part of the case.

A hearing management conference is a meeting scheduled by the Discipline Tribunal after the consent resolution deadline and before the discipline hearing. The purpose is to ensure the case is ready for the hearing.

At a hearing management conference, the hearing panel chair may confirm whether the parties are ready for the hearing, finalize the hearing plan, identify outstanding issues, set or adjust schedules, and address logistical hearing details, including any accommodations required. These details may include whether the hearing will be virtual or in person, how technology will be used, whether interpreters are needed, and how complainants or other participants will take part.

The discipline panel chair may also give directions about deadlines, hearing materials, witnesses, expert evidence, hearing procedures, logistics, time and page limits, and technology requirements.

For more information see [Interim Practice Directive 14: Hearing Management Conferences and Pre-hearing Applications](#).

Discipline Hearings

A hearing is conducted by a panel of three Discipline Tribunal members. One member of the panel must be from the same regulated health profession as the respondent.

Hearings are usually held by video. However, the panel may decide that some or all the hearing should take place in person, or through written submissions only.

Members of the public can usually attend discipline hearings. However, the discipline panel may decide that some parts of the hearing should be held in private. Documents and evidence used in the hearing are generally public, unless they include sensitive personal information or other material that the panel decides should not be public.

For more information see [Interim Practice Directive 19: Public and media access to discipline hearings](#).

At a hearing, both parties will have the opportunity to present their case to the hearing panel. They may provide documents and other relevant evidence, call witnesses, ask questions of the other party's witnesses, and make arguments about what the evidence shows and what decision the panel should make.

The discipline panel considers the evidence and arguments presented by both parties before making its decision.

Typical issues before the hearing panel are whether the factual allegations have been proven, and whether they amount to misconduct or a lack of competence under the law. This is called the liability decision.

For more information see [Interim Practice Directive 15: Evidence, witnesses and experts](#).

Disciplinary Orders and Penalty Hearing

After a hearing, the discipline panel decides whether the respondent is not competent or has engaged in misconduct.

If the panel finds misconduct or lack of competence as defined by the law, it must decide what disciplinary orders, if any, are appropriate. The panel may address this at the end of the discipline hearing or schedule a separate penalty hearing.

The law sets out the types of orders that may be made and the factors to be considered when making those orders.

If the panel does not make a finding that supports a disciplinary order, it may dismiss the citation.

The panel may decide to hold a penalty hearing to determine what, if any, penalty to order on the respondent. If there is a penalty hearing, it is usually held within three months after the discipline panel issues its liability decision. The Discipline Tribunal schedules the penalty hearing with input from the parties.

The discipline panel will normally issue its written decision and reasons within 45 days after the last day of the penalty hearing.

Once the panel makes a disciplinary order, any previous orders made during the investigation no longer apply unless the panel orders otherwise. This may include suspension orders and orders requiring parties to provide records or information.

For more information see [Interim Practice Directive 20: Disciplinary Orders, Hearing Costs, Post-hearing Submissions, and Corrections](#).

After Panel Makes Orders

After the discipline panel makes disciplinary orders, the college is responsible for making sure the respondent follows the orders.

If the respondent does not follow a disciplinary order, the college may take steps to enforce it. The college may ask the registrar to enforce the order under the Act or may file a copy of the order with the Supreme Court of British Columbia and apply for an injunction. If the court grants an injunction, a judge enforces the order. An injunction is a court order requiring a person to do something or stop doing something.

Application for Review

In some cases, a party or complainant may ask the Director of Discipline to review orders made by a discipline panel. A review is only available if the hearing panel issued a disciplinary order. A decision to dismiss the case or not make an order cannot be reviewed through this process.

An application for review must be submitted within 30 calendar days after the applicant receives notice of the order. Applying for review does not automatically pause, or “stay,” the order. If a party seeks to stay the order(s) while the panel’s decision is being reviewed, they must submit a separate request.

If an application is accepted for review, the Director of Discipline may hold a review hearing, confirm or change the discipline panel’s order, issue a new order, or refer the case back to the discipline panel.

If there is a review hearing, the Director of Discipline will issue a final decision and reasons within 90 days after the last day of the review hearing. If the review is done in writing, the decision will be issued within 90 days after the Discipline Tribunal receives the final written submission.

For more information see [Interim Practice Directive 21: Application for Review](#).

Publication of Orders and Requests for Citation

Colleges must publish certain information about discipline matters. This includes disciplinary orders against a respondent and requests for citation made during the discipline process.

When publishing a request for citation, the college registrar must include the respondent's name, the date of the request, the date the college received the complaint, and a summary of all orders made during the investigation.

The registrar must notify the Discipline Tribunal in writing when it publishes disciplinary orders or a request for citation. After reviewing the notice, the Director of Discipline may direct the registrar to publish further information.

A registrar may also seek the Director of Discipline's approval before publishing disciplinary orders or a request for citation under the applicable Practice Directive.

For more information see [Interim Practice Directive 22: Publication of Requests for Citations and Disciplinary Orders](#).

Accessibility/Accommodation Requests

The Discipline Tribunal is committed to supporting all participants in the discipline process.

If a change, accommodation, or other support would allow you to participate in the tribunal process, please let the Discipline Tribunal know as soon as possible so that appropriate arrangements can be considered. This could include an interpreter, communication support, or permission to have a support person assist you.

For more information see [Interim Practice Directive 3: Accessibility and Accommodations](#).

Closing

The discipline process may involve several steps, different decision-makers, and important deadlines. The steps required may be different depending on the type of complaint, whether the matter can be resolved by agreement, and whether a citation has been issued.

Anyone involved in a discipline matter should carefully read all notices, directions, Practice Directives, and communications they receive. Missing a deadline or not providing required information may affect how the case moves forward.

The Discipline Tribunal's role is to manage the matters that come before it fairly, independently, and in a way that supports public protection, procedural fairness, privacy, and respect for everyone involved.

