

Complaints and Discipline Publication Policy

Background

CDSBC has an obligation to publish details of its complaints and disciplinary proceedings under certain prescribed circumstances, pursuant to section 39.3 of the [Health Professions Act](#) (the “HPA”).

The HPA mandates publication in certain situations, generally those involving an adverse finding against a registrant following a discipline hearing, a consent resolution with a registrant concerning a “serious matter” (as defined in the HPA), or cases in which restrictions are imposed on a registrant’s practice.

In other words, the HPA reserves mandatory public disclosure for the most serious outcomes. These are by far the least common types of complaints CDSBC receives. The HPA is silent on if and when regulatory colleges should provide public information, save in the limited circumstances described above.

CDSBC recognizes the trend in self-regulating professions, both locally and internationally, towards increased publication of information about complaints and disciplinary proceedings.

CDSBC views section 39.3 of the HPA as the *starting point*, rather than the end point, of public disclosure of information about complaints and disciplinary proceedings.

CDSBC believes that public disclosure beyond the mandatory provisions of the HPA will increase public confidence, as well as educate registrants and the public about appropriate conduct and the regulatory process - all of which promote an ethical and competent profession, and effective regulation.

CDSBC has adopted the common framework for publication of complaints and discipline information developed by the British Columbia Health Regulators (BCHR). A copy of the framework is attached to this policy and forms part of the policy.

Disclosure Policy

In consideration of the above, CDSBC publishes information about complaints and disciplinary proceedings as follows:

1. Publication will occur on the [CDSBC website](#) and will be posted generally for 10 years, or in accordance with the framework. A registrant’s discipline history can be accessed indefinitely by contacting the College.
2. CDSBC will continue to fully comply with the required disclosure provisions under section 39.3 (Public notification) of the HPA.



3. For a complaint summarily dismissed by the Registrar under section 32(3) of the HPA, CDSBC may publish information about the complaint anonymously (that is, without identifying the parties) if it will be useful in educating the public about complaints that are not appropriate for the regulator, or if it will be useful in educating the profession about circumstances that give rise to complaints.
4. For a complaint dismissed under section 33(6)(a) or a complaint settled by resolution under 33(6)(b) of the HPA, CDSBC may publish information about the complaint anonymously if the complaint represents a trend or if it otherwise provides an opportunity to educate the public or the profession.
5. For a complaint resolved by consent under section 36 (Reprimand or remedial action by consent) which does not *require* disclosure under the HPA, CDSBC will publish a summary of the complaint, usually anonymously. A bylaw will be adopted permitting CDSBC to name the registrant in the publication, which will occur only if it is deemed by CDSBC to be in the public interest.
6. CDSBC will publish a citation on the College's website two to four weeks prior to a hearing.
7. For a citation that was issued and subsequently cancelled pursuant to section 37(4) of the HPA, CDSBC will publish notice of the cancellation if notice of the hearing has already been published.
8. For a citation dismissed by the Discipline Committee pursuant to section 39 (Action by discipline committee) of the HPA, the dismissal order will be published. The dismissal notice will be anonymous, unless the registrant asks that his or her name be included in the publication.
9. A copy of the discipline decision will be provided to the Canadian Legal Information Institute (CanLII) for publication.
10. Named publication, if applicable, will occur promptly. Anonymous publication may occur quarterly, and quarterly anonymous publications may be archived after one year.
11. A statistical summary of all complaints received will be published annually. The summary will not include any particulars but will inform the public of how CDSBC is fulfilling its mandate by stating the number of complaints received, how many were disposed of, and by which means.
12. The CDSBC website will include a link to the [Health Professions Review Board decisions](#) concerning CDSBC complaint disposition reviews.

BC Health Regulators
PUBLIC NOTIFICATION FRAMEWORK FOR INQUIRY¹ RESULTS

REQUIRED
Health Professions Act (HPA) s. 39.3

Framework incorporates the principles of:

- Transparency and accountability
- Consistency across BC health regulators
- Education and deterrence of registrants
- Accessible jurisprudence

1. *Before citation*, of any limits or conditions which are imposed on the practice of X, of any suspension of registration by the registrar (with approval of the IC) or by the IC.
2. *Before citation*, where X has agreed via consent or undertaking in relation to a serious matter² and the IC accepts the agreement.
3. *After citation*, X puts forward a proposal to the IC admitting to the nature of the complaint and consents to an order by the IC.
4. After discipline hearing where the Discipline Committee makes a decision against X (see page 3).

*see page 2

Publish content for 10 years

Name of registrant or the health profession corporation

Recommend:

- Full name of registrant or health profession corporation
- Include all names used by registrant
- Ensure correct registrant is identified using whatever identifier is necessary
 - Eg. Geographic location or place of practice (to avoid confusion with registrants with same/similar name)
 - A registration number is not required by legislation and including it may have privacy and security implications

Description of action taken

Recommend:

- Identify type of action (e.g. consent agreement/undertaking/limits/conditions/ suspension/cancellation)
- Specifically identify limits and conditions on practice as per definitions below
- Summarize associated remedial actions where relevant

Limits (on a registrant’s practice of the designated health profession):

- Means a reduction in the registrant’s ability to practice (eg. scope of practice or patient base)
 - examples: cannot prescribe certain drugs, do certain procedures, treat children or women; can only practice during certain hours

Conditions (on a registrant’s practice of the designated health profession):

- Means a requirement that needs to be in place or met before a registrant can practice
 - examples: under supervision, not a sole practitioner

Reasons for action taken

Recommend:

- Provide context for action taken and weave in relevant allegations and admissions (do not include allegations not referenced in the consent agreement)
- Provide information as succinctly as possible but enough to make clear that the action taken was appropriate for nature of complaint
- If possible, achieve agreement on wording of publication in consent agreement
- Third party information withheld where the IC has determined it is necessary to protect confidentiality as per HPA 39.3(3)

Recommend:

- Publish a follow-up notice when change of status (eg. lifting of limits/conditions/ suspension)
- In the section of the website that records public notification of IC actions, notices should be maintained for 10 years from the decision or after the termination of any limit, condition or suspension. Notices that have been published in accordance with this framework but that are no longer maintained on the College website are accessible indefinitely by the public upon request.

¹ HPA Section 39.3(7) provides that notification may be made by posting a notice on the College website. Recommendation: Immediate link from the homepage to ‘complaints/discipline’ for easy public access.
²“serious matter” (as defined in Section 26 of the HPA): means a matter which, if admitted or proven following an investigation under this Part, would ordinarily result in an order being made under section 39 (2) (b) to (e) (limits or conditions, suspension or removal from the register).

*There are several types of actions or decisions that require publication pursuant to section 39.3. They include:

#	HPA	Decision Maker	Process	Result	Circumstance
1.	32.2(4)(b)	Registrar, with prior approval of Inquiry Committee	Enters into agreement	Limit, condition, or suspension	Where report received from a registrant who has a duty to report on reasonable and probable grounds that the continued practice by X might constitute a danger to the public
2.	32.3(3)(b)	Registrar, with prior approval of Inquiry Committee	Enters into agreement	Limit, condition, or suspension	Where X has been admitted to a hospital for psychiatric care or treatment, or for alcohol or drug addiction treatment [but publication must be about action taken without disclosing personal health information, per s. 39.3(4)]
3.	33(2)	Inquiry Committee	Imposes after investigation	Limit, condition, suspension or cancellation	Where X has failed to authorize a criminal record check, or determination under the <i>Criminal Records Review Act</i> that X presents a risk of physical or sexual abuse to children, or risk of physical, sexual or financial abuse to vulnerable adults
4.	35(1)	Inquiry Committee	Imposes	Limit, condition, or suspension	To protect the public during the investigation of X or pending a hearing of the Discipline Committee
5.	36(1)	Inquiry Committee	Requests and receives X's undertaking	Not to repeat conduct; to take educational courses; consent to reprimand; or consent to any other action specified by the IC	Provided action is in relation to a serious matter (one likely to have resulted in the Discipline Committee imposing limits or conditions on X's practice, or suspension or cancellation of X's registration)
6.	37.1	Inquiry Committee	Receives and accepts X's proposal	Reprimand, limit, condition, suspension, cancellation and/or fine	Where X makes a proposal at any time before the commencement of a DC hearing admitting to the nature of the complaint and consenting to an order for one or more of the results
7.	38(8)	Discipline Committee	Imposes	Limit, condition, or suspension	Where necessary to protect public between the time a hearing is commenced and the time there is a final order
8.	39(1)	Discipline Committee	Determines after hearing	Determination	Where X has not complied with the Act, a regulation or bylaw; has not complied with a standard, limit or condition imposed under the Act; has committed professional misconduct or unprofessional conduct; has incompetently practiced; or suffers from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs their ability to practice
9.	39(2), (5), (8), (9)	Discipline Committee	Orders after hearing	Reprimand, limit, condition, suspension, cancellation, fine; costs; or conditions related to lifting suspension	Result of hearing, or pending appeal
10.	39.1(1)	Discipline Committee	Orders, without need for citation or hearing	Reprimand, limit, condition, suspension, cancellation or fine	Where another college established under the HPA or a body in another province or foreign jurisdiction that regulates a health profession has found X has committed an act that in the opinion of the DC constitutes unprofessional conduct, or X has admitted to same
11.	44(1) or 44(2)	Board	Orders after hearing	Revocation of permit issued to a health profession corporation; reprimand of a registrant shareholder; or fine of the corporation	Where the corporation, its officers, employees or agents have done something that if done by a registrant would be professional misconduct; or ceases to comply with a condition of its permit; or carried on a prohibited business

**BC Health Regulators
PUBLIC NOTIFICATION FRAMEWORK – DISCIPLINE**

