



## Publication

### Board & Governance Policy

#### Scope/Purpose

1. Under section [16\(1\)](#) of the [Health Professions Act, RSBC, 1996, c. 183](#) (the “Act”), the College has a duty to serve and protect the public and to exercise its powers and discharge its responsibilities under all enactments in the public interest.
2. Section [39.3](#) of the Act requires the College to notify the public of certain actions taken by inquiry or discipline committee under [Part 3](#) of the Act (“Actions”). Section [39.3\(7\)](#) of the Act permits the College to satisfy this requirement by posting notices on its website (“Public Notices”).
3. Section [53\(1\)\(b\)](#) of the Act permits the College to disclose confidential information to the public, if the Board authorizes the disclosure as being in the public interest.
4. The BC Health Regulators (“BCHR”) created a “Framework for Public Notification” to: “develop a framework for public notification; build a common approach for public protection; and promote consistent practice across BC’s health profession regulatory bodies”<sup>1</sup>. The College is a member of BCHR and the Board adopted this framework in 2014.
5. The College can discharge its duties to serve and protect the public and to act in the public interest by ensuring that the Actions are transparent and that the Public Notices are (internally and externally) consistent.
6. This policy sets out how the College will notify the public of the Actions as required under section [39.3](#) and permitted by section [53\(1\)\(b\)](#) of the Act.

#### Policy

##### How Notices Will Be Posted

7. The College’s website will include a web page titled “Discipline & Other Public Notices” (or equivalent) and will, subject to the archiving and retiring of notices under this policy, include public notices (or links to such notices) in a form and with content complying with section [39.3](#) of the Act and with any directions made under that provision, concerning the following actions:

##### *Actions Pending Resolution*

- A. Action by the Inquiry Committee under section [33\(2\)](#) of the Act, accompanied by the following language or equivalent:

*The Inquiry Committee is empowered and required to investigate certain kinds of matters and, in appropriate circumstances, to impose immediate limits or conditions on, or to suspend or cancel, the registration of a registrant under section 33(2) of the Act. Measures taken under section 33(2) of the Act pertain to matters which are and remain unproven*

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<sup>1</sup> <http://bchealthregulators.ca/policies/>



*unless admitted by a registrant or determined by the Discipline Committee. Actions under section 33(2) of the Act are subject to appeal by the registrant to the court.*

- B. Action by the Inquiry Committee under section [35\(1\)](#) of the Act, or by the Discipline Committee under section [38\(8\)](#) of the Act, accompanied by the following language or equivalent:

*Limits, conditions and suspensions ordered by the Inquiry Committee under section 35(1) of the Act, or by the Discipline Committee under section 38(8), are made to protect the public during an investigation, pending a hearing, or during a hearing. Measures taken under sections 35(1) or 38(8) of the Act pertained to matters which are and remain unproven unless admitted by a registrant or determined by the Discipline Committee. Actions under sections 35(1) and 38(8) of the Act are subject to appeal by the registrant to the court.*

### *Consent Resolutions*

- C. Agreements, undertakings and/or consents made, given or granted under:
- i. section [32.2\(4\)\(b\)](#) of the Act – Duty to report registrant;
  - ii. section [32.3\(3\)\(b\)](#) of the Act – Duty to report respecting hospitalized registrant with consideration given to ss. 39.3(4) and (5); or
  - iii. section [36\(1\)](#) of the Act – Reprimand or remedial action by consent (in relation to a serious matter).

### *Discipline Orders*

- D. Orders made under:
- i. section [37.1](#) of the Act – Consent orders;
  - ii. sections [39\(2\)](#), [\(5\)](#), [\(8\)](#) or [\(9\)](#) of the Act – Action by discipline committee;
  - iii. section [39.1](#) of the Act – Unprofessional conduct in another jurisdiction, etc.; and
  - iv. sections [44\(1\)](#) or [\(2\)](#) of the Act – Revocation of corporation permits.

### **When Notices Will Be Posted**

8. The Registrar will make reasonable efforts to post a public notice on the College’s website within 30 days of the direction of the Inquiry Committee or the Discipline Committee to provide public notice of a matter under section [39.3](#) of the Act.

### **Notice of Citations**

9. The “Discipline & Other Public Notices” page will include summaries of citations issued at the direction of the Inquiry Committee under section [37\(1\)](#) of the Act, unless a citation has been cancelled under section [37\(4\)](#) of the Act or otherwise resolved, and the summaries will be accompanied by the following language or equivalent:

*Citations issued by the Inquiry Committee under section 37(1) of the Act involve allegations which are and remain unproven unless admitted by a registrant or determined by the Discipline Committee after conducting a discipline hearing.*



10. Where citation summaries are published, the Registrar may publish hearing dates relating to any given citation and its summary, but if hearing dates are being published, they will be accompanied by the following language or equivalent:

*The College endeavours to keep any hearing dates listed on its website up-to-date, but persons interested in attending any hearings should confirm each hearing date, and that the hearing is open to the public, before attending. The Discipline Committee is empowered to hold all or any part of a hearing in private at the request of a complainant, or as may be appropriate in any given case.*

### **Notice of Resignation During Investigation or Discipline Hearing**

11. The “Discipline & Other Public Notices” page will include notices of resignation made by registrants who were: being investigated by the Inquiry Committee in relation to a “serious matter” (as defined in section [26](#) of the Act); or were to be cited; or have had a citation issued, for a disciplinary hearing under [Part 3](#) of the Act. The notice will be accompanied by the following language or equivalent:

*Resignation is not an admission of allegations made in a complaint or in a citation. Allegations remain unproven unless admitted by a registrant or determined by the Discipline Committee after conducting a discipline hearing.*

### **Archiving and Retiring Notices**

12. Public notices may be moved to a webpage titled “Archive” (or equivalent), accessible from the “Discipline & Other Public Notices” page, after having been posted on the “Discipline & Other Public Notices” page for at least one year.
13. Subject to section 15, archived public notices may be removed from the “Archive” page after having been posted on the “Archive” page for at least nine years.
14. Public notices that relate to conduct for which the registration of a registrant has been cancelled under section [21\(3\)\(d\)](#) of the Act will remain on the “Archive” page until the registrar of the [Criminal Records Review Act](#) has determined that the registrant no longer presents a risk to children or vulnerable adults.

### **How Notices Are Organized**

15. Public notices on the College’s website will be organized alphabetically, by registrants’ surnames, then by date of action taken.
16. Where a public notice includes the name of the registrant or health profession corporation respecting whom or which action was taken, links or references to that notice will contain the registrant’s or corporation’s name to facilitate electronic searches or the website or web pages for particular names.

Board & Governance Policy: **06**

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