



## **REGISTRATION PRACTICES ASSESSMENT GUIDE — FOR HEALTH REGULATORY COLLEGES**

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The Office of the Fairness Commissioner is an arm's-length agency of the Ontario government, established under the Fair Access to Regulated Professions and Compulsory Trades Act, 2006. Its mandate is to ensure that certain regulated professions and trades have registration practices that are transparent, objective, impartial and fair.

# REGISTRATION PRACTICES ASSESSMENT GUIDE — FOR HEALTH REGULATORY COLLEGES

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# INTRODUCTION

## Purpose

This guide presents registration practices for health regulatory bodies that are subject to Schedule 2 to the Regulated Health Professions Act, 1991 (RHPA). The guide enables staff of the Office of the Fairness Commissioner (OFC) to take a consistent and transparent approach to assessing a regulatory body's current registration practices and making recommendations for improvement. The guide is also a reference that the regulatory body can use to self-assess its registration practices.

This guide is a key part of the OFC's continuous improvement strategy. For information about the role that this guide plays in the strategy and an explanation of the regulatory body's legal obligations under Schedule 2 to the RHPA, see the [Strategy for Continuous Improvement of Registration Practices](#).

NOTE: Due to the differences in the legislation covering health regulatory colleges and the legislation for non-health regulatory bodies, two separate guides were developed. This guide is for assessing health regulatory colleges. For other regulatory bodies, see the [Registration Practices Assessment Guide — For Regulated Professions and Trades](#).

## Organization of This Guide

The rest of this guide is organized into sections that each list practices relating to a major element under Schedule 2 to the RHPA.

Practices listed in the specific-duty sections correspond to the regulatory body's specific duties identified in Schedule 2 to the RHPA. The regulatory body **must** demonstrate these practices in order to meet the specific duties identified under Schedule 2 to the RHPA.

The general duty is in a distinct section in Schedule 2 to the RHPA and is much broader than the specific duties. The general-duty section in Schedule 2 states that the regulatory body **must** provide registration practices that are transparent, objective, impartial and fair. The section does not include definitions or interpretations for transparent, objective, impartial and fair registration practices.

In the absence of this information and for the purpose of assessing registration practices in a consistent and transparent way, the OFC interprets the principles of transparency, objectivity, impartiality and fairness as follows.

**Transparency:** A process is transparent if it is conducted in such a way that it is easy to see what actions are being taken to complete the process, why these actions are taken, and what results from these actions. In the regulatory context, transparency of the registration process encompasses the following:

- Openness: having measures and structures in place that make it easy to see how the registration process operates
- Access: making registration information easily available
- Clarity: ensuring that information used to communicate about registration is complete, accurate and easy to understand

**Objectivity:** A process or decision is objective if it is based on formal systems, such as criteria, tools, and procedures that have been repeatedly tested during their development, administration and review and have been found to be valid and reliable. In the regulatory context, objectivity of systems encompasses the following:

- Reliability: ensuring that the criteria, training, tools and procedures deliver consistent decision outcomes regardless of who makes the decision, when the decision is made, and in whatever context the decision is made
- Validity: ensuring that the criteria, training, tools and procedures measure what they intend to

**Impartiality:** A process or decision is impartial if the position from which it is undertaken is neutral. Neutrality occurs when actions or behaviours that may result in subjective assessments or decisions are mitigated. Impartiality may be achieved by ensuring that all sources of bias are identified and that steps are taken to address those biases. In the regulatory context, impartiality encompasses the following:

- Identification: having systems to identify potential sources of bias in the assessment or decision-making process (for example, sources of conflict of interest, preconceived notions, and lack of understanding of issues related to diversity)

- Strategies: having systems to address bias and enable neutrality during the assessment and decision-making process (for example, training policies that address conflict of interest, procedures to follow if bias is identified, and using group deliberation and consensus strategies to come to decisions)

**Fairness:** A process or decision is considered fair in the regulatory context when all of the following are demonstrated:

- Substantive fairness: ensuring the fairness of the decision itself. The decision itself must be fair, and to be fair it must meet pre-determined and defensible criteria. The decision must be reasonable and the reasoning behind the decision must be understandable to the people affected.
- Procedural fairness: ensuring the fairness of the decision-making process. There is a structure in place to ensure that fairness is embedded in the steps to be followed before, during and after decisions are made. This structure ensures that the process is timely and that individuals have equal opportunity to participate in the registration process and demonstrate their ability to practise.
- Relational fairness: ensuring that people are treated fairly during the decision-making process by considering and addressing their perception about the process and decision.

There is flexibility in how a regulatory body might demonstrate that its registration practices are transparent, objective, impartial and fair. Practices listed in the general-duty sections are to be used as a guideline and are examples or illustrations of the way that regulatory bodies can practically apply the principles of transparency, objectivity, impartiality and fairness. A regulatory body can choose to demonstrate the practices listed or it can choose to explain what it does to ensure that its practices are transparent, objective, impartial and fair.

## Use of This Guide

To assess a regulatory body's practices using this guide, OFC staff record whether the regulatory body is demonstrating a practice and offer comments. They also identify opportunities for improvement and further discussion, and highlight commendable practices. Staff use this guide to generate a Registration Practices Assessment Report.

# 1. SPECIFIC DUTY — INFORMATION FOR APPLICANTS

Legislation: RHPA, Schedule 2, s. 22.3

*The College shall provide information on its website with respect to the requirements for registration, the procedures for applying for registration and the amount of time that the registration process usually takes.*

## Does the regulatory body demonstrate the following practices?

1. The regulatory body describes requirements for registration on its website, including the ways in which requirements may be met and/or the criteria that must be met for the requirements to be satisfied. [Transparency]
2. All the steps in the registration process are described clearly on the regulatory body's website, including any qualifications assessment processes. [Transparency]
3. The regulatory body provides information on its website about how long the registration process (including the time required for qualifications assessment) usually takes. [Transparency]

## 2. SPECIFIC DUTY — INTERNAL "REVIEW"<sup>1</sup> (REFERRAL TO REGISTRATION COMMITTEE)

Legislation: RHPA, Schedule 2, s. 15, s. 18, s. 19

*(Due to its length, the text of the applicable sections has been posted in the [Appendix](#).)*

### Does the regulatory body demonstrate the following practices?

1. If an application is rejected, applicants are given written reasons. The written reasons include the identification of any criteria that the applicant did not meet. [Fairness, Transparency]
2. If the regulatory body proposes to deny registration or to impose terms, conditions, or limitations on a certificate of registration, it provides an opportunity to the applicant to have the proposal or decision reviewed. [Fairness]
3. If an applicant is referred to the Registration Committee, the applicant is informed about the statutory grounds for the referral and about his or her right to make written submissions. [Fairness]
4. No one who acted as a decision-maker in a registration decision acts as a decision-maker in a "review" of that same registration decision. [Impartiality]

<sup>1</sup> In an internal "review," the Registrar has not made a decision but has made a proposal that results in the matter being reviewed and determined by the Registration Committee (or another committee that fulfils that role). (George M. Thomson, "Review of Appeal Processes from Registration Decisions in Ontario's Regulated Professions," November, 2005.)

### 3. SPECIFIC DUTY — INFORMATION ON APPEAL RIGHTS

Legislation: RHPA, Schedule 2, s. 20, s. 21, s. 22

*(Due to its length, the text of the applicable sections has been posted in the Appendix.)*

#### Does the regulatory body demonstrate the following practices?

1. The regulatory body informs applicants of their right to appeal to the Health Professions Appeal and Review Board (HPARB). [Transparency]

## 4. SPECIFIC DUTY — DOCUMENTATION OF QUALIFICATIONS

Legislation: RHPA, Schedule 2, s. 22.4(1)

*The College shall make information publicly available on what documentation of qualifications must accompany an application and what alternatives may be acceptable to the College if an applicant cannot obtain the required documentation for reasons beyond his or her control.*

### Does the regulatory body demonstrate the following practices?

1. The regulatory body provides information about the documents that must accompany an application to demonstrate qualifications. This information includes the following, if applicable:
  - a. required content of the documents
  - b. required format of the documents, including the translation format, if applicable
  - c. required mode of transmission of the documents (for example, some regulatory bodies require that transcripts be sent in a sealed envelope directly by the institution)
  - d. how to contact the regulatory body to explore what alternative documentation may be acceptable, if applicants cannot get the required documentation for reasons beyond their control

[Transparency]

## 5. SPECIFIC DUTY — ASSESSMENT OF QUALIFICATIONS<sup>2</sup>

Legislation: RHPA, Schedule 2, s. 22.4(2)

*If the College makes its own assessment of qualifications, it shall do so in a way that is transparent, objective, impartial and fair and, if it relies on a third party to assess qualifications, it shall take reasonable measures to ensure that the third party makes the assessment in a way that is transparent, objective, impartial and fair.*

### Does the regulatory body demonstrate the following practices?

1. Qualifications assessments are based on transparent criteria. [Transparency]
2. Qualifications assessment criteria are directly linked to the requirements/standards for entry to the profession. [Transparency]
3. Qualifications assessment criteria are applied consistently to all applicants. [Objectivity]
4. Information about educational programs used in qualifications assessment is current and accurate. [Fairness, Objectivity, Transparency]
5. Assessment methods are reviewed for objectivity, validity and reliability. [Objectivity]
6. The results of qualifications assessment are communicated to the applicant in writing (electronically or in hardcopy). [Fairness, Transparency]
7. Applicants have an opportunity to appeal the results of a qualifications assessment or to have the results reviewed. [Fairness]
8. On its website, the regulatory body informs applicants about the following items related to assessment of qualifications:
  - a. the criteria that qualifications assessments are based on
  - b. how those criteria are linked to the requirements/standards for entering the profession
  - c. the costs
  - d. opportunities to appeal the results of a qualifications assessment or have the results reviewed
  - e. any policies and procedures relating to special considerations<sup>3</sup>
 [Transparency, Fairness]
9. The regulatory body ensures that the following are done within a reasonable amount of time:
  - a. assessing the qualifications
  - b. communicating the results to applicants
  - c. providing reasons in writing for unsuccessful applications
 [Fairness, Transparency]

10. Regulatory bodies that rely on third-party assessments take measures to ensure that the third-party assessments are transparent, objective, impartial and fair. [Fairness, Transparency, Objectivity, Impartiality]

<sup>2</sup> Practices 1–9 refer to qualifications assessments that are conducted by the regulatory body itself. Only practice 10 refers to assessments conducted by third parties. Qualifications assessment includes assessment of the following: academic credential/educational programs, work experience, language, exams, prior learning assessment, and (in some cases) currency of qualifications.

<sup>3</sup> Where it is impossible to remove barriers without undue hardship to the regulatory body, special arrangements must be made so that all individuals can fully participate. This accommodation may include, but is not limited to: accommodation for special needs, providing and accepting communication in multiple formats, mechanisms to allow flexibility in demonstrating competencies or ways to meet requirements, and providing flexibility and/or offering multiple dates for applicants participating in assessments.

## 6. SPECIFIC DUTY — TRAINING

Legislation: RHPA, Schedule 2, s. 22.4(3)

*The College shall ensure that individuals assessing qualifications and making registration decisions or reviewing decisions have received training that includes, where appropriate,*

*(a) training on how to assess such qualifications and make such decisions;*

*(b) training in any special considerations that may apply in the assessment of applications and the process for applying those considerations.*

### Does the regulatory body demonstrate the following practices?

1. The regulatory body ensures that training is provided for individuals who:

- a. assess qualifications
- b. make registration decisions
- c. review decisions

[Objectivity]

2. Where appropriate, training includes the following:

- a. training on how to assess qualifications and make registration and review decisions
- b. training in any special considerations that may apply in the assessment of applicants and the process for applying those considerations. Examples of special considerations may include, but are not limited to, the following: accommodation of special needs, providing and accepting communication in multiple formats, providing mechanisms to allow flexibility in demonstrating competencies or ways to meet requirements, and providing flexibility and/or offering multiple dates for applicants participating in assessments.

[Objectivity, Fairness]

## 7. SPECIFIC DUTY — ACCESS TO RECORDS

Legislation: RHPA, Schedule 2, s. 16

*(1) The Registrar shall give an applicant for registration, at his or her request, all the information and a copy of each document the College has that is relevant to the application.*

*Exception*

*(2) The Registrar may refuse to give an applicant anything that may, in the Registrar's opinion, jeopardize the safety of any person.*

### Does the regulatory body demonstrate the following practices?

1. Subject to limitations indicated in legislation, applicants have access to their records. Records include all the documents that relate to the application. [Fairness, Transparency]

Documents may include, but are not limited to, the following: documents provided by the applicant; documents that describe the regulatory body's rationale for its decision; documents related to an applicant's assessment of qualifications, such as exam results or credential assessment results; and documents related to accommodation requests, review requests, and appeals.

# GENERAL DUTY

Legislation: RHPA, Schedule 2, s. 22.2

*The College has a duty to provide registration practices that are transparent, objective, impartial and fair.*

## Does the regulatory body demonstrate the following practices?

### TRANSPARENCY

1. Registration policies and criteria are well-documented. Registration policies and criteria are well-defined and unambiguous. There are no unwritten policies. For example:
  - a. Policies and criteria are readily available to registration staff and decision-makers.
  - b. Policies and criteria are regularly reviewed and updated.
  - c. All registration staff and decision-makers who are responsible for implementing policies and criteria are promptly informed of changes to policy.
2. The regulatory body provides information about the requirements that may be satisfied through acceptable alternatives.
3. The regulatory body provides information about all requirements that are subject to exemptions.
4. If a regulatory body has any requirements for personal attributes such as “good character,” it describes the criteria that are used to assess these requirements.
5. The regulatory body makes available a fee scale that shows all registration fees that are under the regulatory body’s control.
6. The regulatory body identifies other costs associated with the registration process, including third-party assessments. This enables the applicant to approximate the total cost of the registration process.
7. Applicants can see that the documented policies have been followed in their case.
8. If there is a fee for making records available, the regulatory body gives applicants an estimate of this fee. The amount of the fee does not exceed the amount of reasonable cost recovery.
9. The regulatory body communicates the following to applicants:
  - a. the way that an applicant can ask for records (for example, in person, by email, or by completing and submitting a written form)
  - b. the way in which records are available (for example, by photocopy or by access in person)
  - c. who may access the records
  - d. how long the records are kept
  - e. what limitations (if any) exist on the right to access the records

10. Registration information, including information that applies specifically to internationally trained individuals, is complete, clear, and easy to find. For example:
  - a. The information avoids unnecessarily complicated language and minimizes technical language or jargon.
  - b. Registration information is current and accurate.
  - c. Applicants and individuals intending to apply can access information in multiple formats (such as downloading the information from the regulatory body's website, having it mailed to them by the regulatory body upon request, or obtaining it orally).
  - d. All of the information referred to in this Transparency section is on the regulatory body's website, for applicants and for people intending to apply.
11. Regulatory bodies communicate well with applicants about their application. Applicants know how their applications are progressing.
12. The regulatory body informs applicants about which documents are kept by the regulatory body and which documents are returned to applicants upon written request.
13. The regulatory body informs applicants about missing or incomplete documentation.
14. If a language requirement can be met in English or French, the regulatory body provides registration information in English and French.
15. The regulatory body identifies the steps in the registration process that an applicant can do or start outside of Canada, such as qualifications assessment, language assessment, and examinations.
16. The regulatory body informs applicants about any qualifications assessment methods it uses.
17. The regulatory body provides information or a referral to sources of information (for example, a website link) about any resources and supports that are available to applicants during the registration and assessment process. Examples of resources and supports include: examination blueprints, practice tests or examinations, sample assessment questions, programs for orientation to the profession, bridging programs, occupation-specific language-training opportunities, mentorship opportunities, work experience opportunities, and online tools to self-assess language or professional qualifications.
18. The regulatory body describes the role of any third-party organizations that applicants may come in contact with during the registration process, such as qualifications assessment agencies and organizations that conduct examinations or provide training programs.
19. The regulatory body gives a website link to, or explains where to find, the documentation required by any third parties who play a role in the body's registration process.
20. The regulatory body provides information about the estimated time for each stage of the application process that is under the body's control. When timelines vary, a range or maximum amount of time is provided. When timelines vary by application type, the different timelines are outlined. Information about variables that may slow down the normal process is included, if these exist.
21. Decisions and the reasons for them are communicated clearly.

## OBJECTIVITY

1. Subjectivity in decision-making is minimized by the use of specific criteria for assessing qualifications.<sup>4</sup> For example: well-crafted marking templates or multiple-choice questions may help make the grading of exams a more objective exercise.

2. Criteria can be measured by using verifiable data, and decision-makers can determine whether the criteria have been met or not in a straightforward way. For example: “good character” requirements may be measured against concrete criteria such as the lack of a criminal record, or through the completion of a standard template for references.
3. Different decision-makers reach consistent decisions without requiring a subjective assessment that applies personal views or judgments. For example: there are common tools in place that decision-makers use; decision-makers reference past decisions; and decision-makers have been trained to follow a consistent process and to interpret policies and criteria in the same way.
4. The regulatory body ensures that training is provided for individuals who assess qualifications, make registration decisions, or review decisions. These individuals receive:
  - a. initial training (as soon as they have been assigned their duties)
  - b. ongoing training (whenever there is a change in regulations, policies or procedures)

## IMPARTIALITY

1. The regulatory body takes measures to ensure that all staff members who deal with applications have training in the following:
  - a. anti-discrimination (for example: staff have been trained on the Ontario Human Rights Code; staff have been trained on internal policies related to anti-discrimination)
  - b. cultural diversity (for example: staff are trained in cultural differences and how to identify the potential for biases)
  - c. the objectives of Schedule 2 to the Health Professions Procedural Code of the RHPA)
2. The regulatory body takes measures to ensure that qualifications assessments<sup>5</sup> are made free from bias and preconceived notions about any individual or group of individuals. For example: the regulatory body has established a code of conduct for qualifications assessors; policies and controlled processes are in place to ensure that different assessors would come to the same decision; and the regulatory body can demonstrate identified risks of biases and has measures in place to mitigate the risk.
3. The regulatory body takes measures to ensure that registration decisions are made free from bias and preconceived notions about any individual or group of individuals. For example: the regulatory body has established a code of conduct for decision-makers; policies and controlled processes are in place to ensure that different decision-makers would come to the same decision; and the regulatory body can demonstrate identified risks of biases and has measures in place to mitigate the risk.
4. The regulatory body takes measures to ensure that decision-makers come to each case without a preconceived view about the merits of the application. They maintain an open mind as they review the evidence to determine whether the applicant meets the criteria. For example: decision-makers have different levels of access than non-decision-makers to applicant information, to ensure that they are not influenced by information that is not relevant to the decision; multiple decision-makers are involved in reviewing an application; decision-makers use controlled processes; and those same processes are used for all applicants.
5. The regulatory body takes measures to ensure that decision-makers do not undervalue applicants from certain jurisdictions or give undue preference to those from other jurisdictions, by ensuring that the decision-makers are well trained in applying assessment criteria. For example: training exists for decision-makers on how to apply criteria; there is a training plan for decision-makers; processes are in place to measure the effectiveness of training; and processes are in place to identify the performance and quality of decision-makers.

6. The regulatory body takes measures to ensure that assessors, decision-makers and any other staff members who deal with registration applications are free from real or perceived conflicts of interest.<sup>6</sup> For example: the regulatory body has a conflict-of-interest policy and/or formalized processes for both decision-makers and staff. The regulatory body has an ongoing process in place to review conflict-of-interest risk and has measures in place to mitigate this risk.

## FAIRNESS

### Substantive fairness

1. The regulatory body is able to explain its registration requirements, including how new requirements emerged.
2. The regulatory body is able to explain why all requirements are necessary and relevant to the practice of the profession.
3. Requirements do not unjustifiably exclude or limit certain groups, such as internationally trained applicants.
4. When language proficiency is a requirement, the level of proficiency required reflects the level required to practise the profession.
5. The regulatory body can either:
  - a. clearly justify the Canadian or Ontario experience it claims is necessary for applicants to become familiar with the specifics of practice in Ontario  
or
  - b. explain how international experience alone is insufficient to meet the objectives of the regulatory body's workplace or clinical experience requirement.
6. Registration fees are reasonable. The regulatory body can show how fees under its control are set and can provide the rationale for the amounts. Fees are not unjustifiably higher than the cost of providing the service.

### Procedural fairness

7. Registration decisions adhere to published criteria, standards and policies.
8. The registration process is streamlined and unnecessary steps are eliminated.
9. Applicants can have their qualifications assessed while outside Canada.
10. The regulatory body does the following within a reasonable time: makes registration decisions; gives the decisions (in writing) to applicants; and gives reasons where applicable.
11. The regulatory body responds to applicants' inquiries or requests within a reasonable time.
12. The regulatory body provides "reviews" from decisions within a reasonable time.
13. The regulatory body does the following within a reasonable time: makes decisions about internal reviews and appeals; gives the decisions (in writing) to applicants; and gives reasons, where applicable.
14. When requested, access to records is granted as soon as possible, within a maximum of 30 days.

## Relational fairness

15. Applicants are treated in a way that takes their circumstances into consideration (reasonable accommodation) to achieve an equitable result. This may include, for example: accommodation of special needs, providing and accepting communication in multiple formats, providing mechanisms to allow flexibility in demonstrating competencies or ways to meet the requirements, and providing flexibility and/or offering multiple dates for applicants participating in assessments.
16. If an applicant indicates that he or she cannot get the required documentation for reasons beyond his or her control, the regulatory body has a process:
  - a. to determine whether the documentation is in fact unobtainable
  - b. to consider and examine alternatives
  - c. if possible, to help the applicant get alternative documentation if the required documentation is unobtainable

<sup>4</sup> This practice refers to qualifications assessments conducted by the regulatory body itself. Qualifications assessment includes assessment of the following: academic credential/educational programs, work experience, language, examinations, prior learning assessment, and (in some cases) currency of qualifications.

<sup>5</sup> This practice refers to qualifications assessments conducted by the regulatory body itself. Qualifications assessment includes assessment of the following: academic credential/educational programs, work experience, language, examinations, prior learning assessment, and (in some cases) currency of qualifications.

<sup>6</sup> A conflict of interest includes, for example, any situation or circumstance in which the person's other commitments, relationships or financial interests:

- could improperly influence the person's objective, unbiased and impartial exercise of his or her independent judgment, or could be perceived as doing so; or
- could compromise, impair or be incompatible with the person's effective performance of his or her contractual obligations, or could be perceived as doing so.

# APPENDIX — RHPA LEGISLATION RELATED TO INTERNAL "REVIEW"

Legislation: RHPA, Schedule 2, s.15, s.18, s.19

## Registration

15. (1) If a person applies to the Registrar for registration, the Registrar shall,
- (a) register the applicant; or
  - (b) refer the application to the Registration Committee. 1991, c. 18, Sched. 2, s. 15 (1).

## Referrals to Registration Committee

- (2) The Registrar shall refer an application for registration to the Registration Committee if the Registrar,
- (a) has doubts, on reasonable grounds, about whether the applicant fulfils the registration requirements;
  - (a.1) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant is an individual described in subsection 22.18 (1);
  - (b) is of the opinion that terms, conditions or limitations should be imposed on a certificate of registration of the applicant and the applicant does not consent to the imposition; or
  - (c) proposes to refuse the application. 1991, c. 18, Sched. 2, s. 15 (2); 1993, c. 37, s. 6; 2009, c. 24, s. 33 (3).

## Notice to applicant

- (3) If the Registrar refers an application to the Registration Committee, he or she shall give the applicant notice of the statutory grounds for the referral and of the applicant's right to make written submissions under subsection 18 (1). 1991, c. 18, Sched. 2, s. 15 (3).

## Terms, etc., attached on consent

- (4) If the Registrar is of the opinion that a certificate of registration should be issued to an applicant with terms, conditions or limitations imposed and the applicant consents to the imposition, the Registrar may do so with the approval of a panel of the Registration Committee selected by the chair for the purpose. 1991, c. 18, Sched. 2, s. 15 (4).

## Panels for consent

- (5) Subsections 17 (2) and (3) apply with respect to the panel mentioned in subsection (4). 1991, c. 18, Sched. 2, s. 15 (5).

## Consideration by panel

18. (1) An applicant may make written submissions to the panel within thirty days after receiving notice under subsection 15 (3) or within any longer period the Registrar may specify in the notice.

## Orders by panel

(2) After considering the application and the submissions, the panel may make an order doing any one or more of the following:

1. Directing the Registrar to issue a certificate of registration.
2. Directing the Registrar to issue a certificate of registration if the applicant successfully completes examinations set or approved by the panel.
3. Directing the Registrar to issue a certificate of registration if the applicant successfully completes additional training specified by the panel.
4. Directing the Registrar to impose specified terms, conditions and limitations on a certificate of registration of the applicant and specifying a limitation on the applicant's right to apply under subsection 19 (1).
5. Directing the Registrar to refuse to issue a certificate of registration.

## Idem

(3) A panel, in making an order under subsection (2), may direct the Registrar to issue a certificate of registration to an applicant who does not meet a registration requirement unless the requirement is prescribed as a non-exemptible requirement.

## Order on consent

(4) The panel may, with the consent of the applicant, direct the Registrar to issue a certificate of registration with the terms, conditions and limitations specified by the panel imposed. 1991, c. 18, Sched. 2, s. 18.

## Application for variation

19. (1) A member may apply to the Registration Committee for an order directing the Registrar to remove or modify any term, condition or limitation imposed on the member's certificate of registration as a result of a registration proceeding. 1991, c. 18, Sched. 2, s. 19 (1).

## Limitations

(2) The right to apply under subsection (1) is subject to any limitation in the order imposing the term, condition or limitation or to which the member consented and to any limitation made under subsection (7) in the disposition of a previous application under this section. 1991, c. 18, Sched. 2, s. 19 (2).

## Panels

(3) An application to the Registration Committee under subsection (1) or an application referred back to the Registration Committee by the Board shall be considered by a panel selected by the chair from among the members of the Committee. 1991, c. 18, Sched. 2, s. 19 (3); 2007, c. 10, Sched. M, s. 25 (1).

## Idem

(4) Subsections 17 (2) and (3) apply with respect to the panel mentioned in subsection (3). 1991, c. 18, Sched. 2, s. 19 (4).

## Submissions

(5) An applicant may make written submissions to the panel. 1991, c. 18, Sched. 2, s. 19 (5).

## Orders

(6) After considering the application and the submissions, the panel may make an order doing any one or more of the following:

1. Refusing the application.
2. Directing the Registrar to remove any term, condition or limitation imposed on the certificate of registration.
3. Directing the Registrar to modify terms, conditions or limitations on the certificate of registration. 1991, c. 18, Sched. 2, s. 19 (6); 2007, c. 10, Sched. M, s. 25 (2).

## Limitations on applications

(7) When an application has been disposed of under this section, the applicant may not make a new application under subsection (1) within six months of the disposition without leave of the Registrar. 2007, c. 10, Sched. M, s. 25 (3).

## Registrar's leave

(8) The Registrar may only give leave for a new application to be made under subsection (7) if the Registrar is satisfied that there has been a material change in circumstances that justifies the giving of the leave. 2007, c. 10, Sched. M, s. 25 (3).

## APPENDIX — RHPA LEGISLATION RELATED TO APPEAL RIGHTS

Legislation: RHPA, Schedule 2, s. 20, s. 21, s. 22

### Notice of orders

**20.** (1) A panel shall give the applicant notice of an order it makes under subsection 18 (2) or 19 (6) and written reasons for it if the order,

- (a) directs the Registrar to refuse to issue a certificate of registration;
- (b) directs the Registrar to issue a certificate of registration if the applicant successfully completes examinations or additional training;
- (c) directs the Registrar to impose terms, conditions and limitations on a certificate of registration of the applicant; or
- (d) refuses an application for an order removing or modifying any term, condition or limitation imposed on a certificate of registration. 1991, c. 18, Sched. 2, s. 20 (1).

### Contents of notice

(2) A notice under subsection (1) shall inform the applicant of the order and of the provisions of section 19 and of subsections 21 (1) and (2). 1991, c. 18, Sched. 2, s. 20 (2); 2007, c. 10, Sched. M, s. 26.

### Appeal to Board

**21.** (1) An applicant who has been given a notice under subsection 20 (1) of an order may require the Board to hold a review of the application and the documentary evidence in support of it, or a hearing of the application, by giving the Board and the Registration Committee notice in accordance with subsection (2).

### Requirements of notice

(2) A notice under subsection (1) shall be a written notice, given within thirty days after the notice under subsection 20 (1) was given, specifying whether a review or a hearing is required.

### Order, etc., to Board

(3) If the Registration Committee receives a notice that an applicant requires a hearing or review, it shall, within fifteen days after receiving the notice, give the Board a copy of the order made with respect to the application, the reasons for it and the documents and things upon which the decision to make the order was based.

### When order may be carried out

(4) An order of a panel, notice of which is required under subsection 20 (1), may be carried out only when,

- (a) the applicant has given the Registrar notice that the applicant will not be requiring a review or hearing;
- (b) thirty-five days have passed since the notice of the order was given under subsection 20 (1) without the applicant requiring a review or hearing; or
- (c) the Board has confirmed the order. 1991, c. 18, Sched. 2, s. 21.

### Registration hearings or reviews

**22.** (1) This section applies to a hearing or review by the Board required by an applicant under subsection 21 (1). 1991, c. 18, Sched. 2, s. 22 (1).

## Procedural provisions

(2) The following provisions apply with necessary modifications to a hearing or review:

1. Subsection 38 (4) (exclusion from panel).
2. Section 42 (disclosure of evidence).
3. Section 43 (no communication by panel members).
4. Section 50 (members of panel who participate).
5. Section 55 (release of evidence). 1991, c. 18, Sched. 2, s. 22 (2).

## Idem

(3) The following provisions also apply with necessary modifications to a hearing:

1. Section 45 (hearings open).
2. Section 47 (sexual misconduct witnesses).
3. Section 48 (transcript of hearings). 1991, c. 18, Sched. 2, s. 22 (3).

## Same

(3.1) The following provisions of the *Statutory Powers Procedure Act* also apply with necessary modifications to a review by the Board:

1. Section 21.1 (correction of errors).
2. Section 25.1 (rules). 1998, c. 18, Sched. G, s. 12.

## Findings of fact

(4) The findings of fact in a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15, 15.1, 15.2 and 16 of the *Statutory Powers Procedure Act*. 1991, c. 18, Sched. 2, s. 22 (4); 2007, c. 10, Sched. M, s. 27 (1).

## Idem

(5) The findings of fact in a review shall be based exclusively on the application and documentary evidence admissible or matters that may be noticed under sections 15, 15.1, 15.2 and 16 of the *Statutory Powers Procedure Act*. 1991, c. 18, Sched. 2, s. 22 (5); 2007, c. 10, Sched. M, s. 27 (2).

## Disposal by Board

(6) The Board shall, after the hearing or review, make an order doing any one or more of the following:

1. Confirming the order made by the panel.
2. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant if the applicant successfully completes any examinations or training the Registration Committee may specify.
3. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant and to impose any terms, conditions and limitations the Board considers appropriate.
4. Referring the matter back to the Registration Committee for further consideration by a panel, together with any reasons and recommendations the Board considers appropriate. 1991, c. 18, Sched. 2, s. 22 (6); 2007, c. 10, Sched. M, s. 27 (3).

## Idem

(7) The Board may make an order under paragraph 3 of subsection (6) only if the Board finds that the applicant substantially qualifies for registration and that the panel has exercised its powers improperly. 1991, c. 18, Sched. 2, s. 22 (7).

## Limitation on order

(8) The Board, in making an order under subsection (6), shall not require the Registration Committee to direct the Registrar to issue a certificate of registration to an applicant who does not meet a registration requirement that is prescribed as a non-exemptible requirement. 1991, c. 18, Sched. 2, s. 22 (8).

## Parties

(9) The College and the applicant are parties to a hearing or review. 1991, c. 18, Sched. 2, s. 22 (9).