

As a complainant, you may apply for a review of a dismissed complaint. In accordance with the *Health Professions Act* (HPA):

68 (1) A complainant may apply, in writing with reasons, to the hearings director for a review of the dismissal of a complaint within 30 days after being notified of the dismissal under section 55 or 67.



HOW DOES A DISMISSAL REVIEW WORK?

Dismissal reviews are conducted by the Complaint Review Committee of the College of LPNs and HCAs of Alberta (CLHA). The Complaint Review Committee is an independent panel made up of at least two regulated members of the CLHA and at least two public members with legislated powers in the HPA. The Complaint Review Committee has independent legal counsel to assist with the review. The legal counsel is not the decision maker and advises only on legal aspects and procedure.

A Complaint Review Committee will review the dismissed complaint. Following their review, the Committee can either refer the complaint to the CLHA Hearings Director for a hearing, refer the matter for further investigation by the CLHA, or confirm that the complaint is dismissed. Per the HPA:

68 (5) The complaint review committee, on complying with subsection (3), must

- (a) refer the matter to the hearings director for a hearing,
- (b) direct the complaints director to conduct or appoint an investigator to conduct a further investigation and to prepare a report on the further investigation and submit it to the complaint review committee for its consideration before acting under clause (a) or (c), or
- (c) confirm that the complaint is dismissed if in the opinion of the complaint review committee
 - (i) the complaint is trivial or vexatious, or
 - (ii) there is insufficient or no evidence of unprofessional conduct.



HOW CAN YOU SUBMIT A REQUEST FOR A DISMISSAL REVIEW?

If you wish to engage a dismissal review under s. 68 of the HPA, follow these steps.

1. Submit a written request for review, including the name of the regulated member it relates to, to the Hearing Directors (hearings@clha.com) within 30 days of receiving the dismissal decision.
2. Pay the \$100 fee for the dismissal review. This is a fee set by the CLHA Council in accordance with the HPA and CLHA Bylaws. If the payment of the fee is a hardship, you can submit a written request to the Hearings Director requesting the fee be waived.

STEPS IN A DISMISSAL REVIEW

01.

THE HEARINGS DIRECTOR COMMUNICATES WITH BOTH PARTIES

After the written request is received, the Hearings Director will acknowledge receipt of your request for review. They will also notify the regulated member that a request for review has been received.

02.

THE REVIEW PROCESS BEGINS

Eventually, both you and the regulated member will be asked to provide submissions related to the dismissal. Reviews are predominantly conducted in writing, but the Complaint Review Committee may determine that an oral hearing is appropriate in certain circumstances. The Hearings Director will provide you and the regulated member with a deadline to advise if you wish to make oral submissions. The Complaint Review Committee will render a decision on what type of submissions will be accepted and this will be communicated to both parties.

03.

BOTH PARTIES ARE NOTIFIED OF THE DATE THE REVIEW WILL TAKE PLACE

You, as the complainant, and the regulated member will both be notified of the date the Complaint Review Committee has determined to meet to conduct the review. Per the HPA, the Committee must do so within 60 days of request for review.

04.

THE INVESTIGATION REPORT IS PROVIDED TO THE HEARINGS DIRECTOR

The Complaints Director will be responsible for providing a copy of the investigation report to the Hearings Director. The investigation report is forwarded to the Complaint Review Committee as part of their review process.

05.

BOTH PARTIES ARE GIVEN A DEADLINE TO PROVIDE THEIR SUBMISSIONS

You and the regulated member will provide your submissions to the Hearings Director.

- As the complainant, your submissions should focus on why the complaint should not have been dismissed and specifically address what evidence there was that the regulated member engaged in unprofessional conduct.
- The regulated member's submissions will comment on why the dismissal should be upheld.

06.

COPIES OF SUBMISSIONS ARE SHARED

You will receive a copy of the regulated member's submission, and they will receive a copy of yours. The Hearings Director will circulate the parties' submissions to each other for information purposes only.

07.

THE COMPLAINT REVIEW COMMITTEE CONDUCTS THEIR REVIEW

The Complaint Review Committee will meet on the decided date and review all materials together.

08.

THE COMMITTEE ISSUES THEIR DECISION

The written decision of the Complaint Review Committee will be circulated to all parties. See above, under "How Does a Dismissal Review Work," for more information on how dismissal reviews may be resolved.