



COLLEGE OF
LICENSED PRACTICAL NURSES
OF ALBERTA

St. Albert Trail Place Telephone 780.484.8886
13163 146 Street Toll Free 800.661.5877
Edmonton AB T5L 4S8 Fax 780.484.9069
www.clpna.com

FILING AN APPEAL (CRC) INFORMATION SHEET

If the Complaints Director determines a complaint is trivial or vexatious or if there is insufficient or no evidence of unprofessional conduct, the complaint is dismissed. The Complainant and the Investigated Member are provided with written reasons for the decision. The Complainant has the right to appeal the decision.

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.

55(1) Within 30 days after being given a complaint or treating information as a complaint, the complaints director must give notice to the complainant of the action taken with respect to it.

67 The complaints director must notify the complainant and the investigated person in writing of the action taken under section 66(3) and if the complaint is dismissed

- (a) must give the reasons, and
- (b) notify the complainant in writing of the right to apply to the hearings director for a review under section 68.

FEE TO APPEAL

As per **s. 132(1)(p)** of the *HPA*, a council may make a bylaw with regards to fees for an appeal. In accordance with CLPNA's Bylaw s 40(J) "Council may establish fees for reviews or appeals of any decisions under the *HPA*".

132(1) A council may make bylaws

- (p) respecting costs, fees, levies and assessments to be paid by regulated members and applicants with respect to registration, practice permits, professional corporations, physical therapy corporations, annual permits, permits of physical therapy corporations and late payment fees under this Act or the bylaws and costs, fees, levies and assessments for any accreditation, review, appeal, thing or service provided by the college under this Act or the bylaws;

CLPNA's council has set a fee of \$300.00 to review a dismissal. Should the fee of \$300.00 be a hardship on the complainant, they may provide a letter to the Hearings Director requesting the fee be waived with reasons for waiving the fee.

WHO ARE THE COMPLAINT REVIEW COMMITTEE

The CRC panel consists of two LPNs (appointed by CLPNA's Council) and one public member appointed by the Government of Alberta. The Hearings Director appoints one member of the CRC to act as Chair.

16(1) The hearings director may establish a hearing tribunal and a complaint review committee consisting of

- (a) 2 or more members from the membership list established under section 15, and
- (b) the number of public members required by section 12(1),

and if a hearing tribunal or complaint review committee is established, the hearings director must designate a member of that tribunal or committee to act as chair.

APPEAL PROCESS

When the Hearings Director receives the written request for review from the Complainant, a letter is sent to the Complainant acknowledging receipt of the request. A letter is sent to the Investigated Member notifying of the Complainant's request for review by the Complaint Review Committee (CRC). These letters advise the Complainant and Investigated Member they have 15 days to send in a written request to the Hearings Director for what type of submissions they would like the CRC to accept. These letters also advise the Complainant and Investigated Member they will be notified of the decision on what type of submissions will be accepted by the CRC and will be provided with a notice for the date for review of dismissal of the complaint.

68(2) Despite section 14(2), on receipt of an application under subsection (1) the hearings director must notify the investigated person, give a copy of the application to the complaint review committee and direct the complaints director to give a copy of the report made under section 66 to a complaint review committee.

Once the CRC panel is established, a mutually acceptable date is set for the initial teleconference call to discuss whether oral, written or both oral and written submissions will be accepted. The review meeting must be held within 60 days of receipt of the information by the CRC members, therefore, the initial teleconference call is scheduled as soon as possible.

68(3) Within 60 days after receipt of a report under subsection (2), a complaint review committee must commence a review of the report and the decision to dismiss the complaint.

68(4) A complaint review committee may determine whether the submissions to it with respect to a review under subsection (3) by the complainant and the investigated person must be written, oral or both.

Once the review meeting has taken place, the CRC panel has 48 hours to provide the Hearings Director with a written decision including reasons for the decision on whether written, oral, or both written and oral submissions will be accepted. The CRC Chairperson will submit a written decision on whether to accept oral, written or oral and written submissions by the parties.

A letter is sent to the Complainant and the Investigated Member with the decision on whether written, oral, or both written and oral submissions will be accepted. This letter will also provide the parties with the date of when the review is scheduled to take place and the deadline for submitting any written submissions (no later than 15 days prior to the review date).

The Hearings Director receives and exchanges any written submissions from the Complainant and the Investigated Member. The Investigated Member is provided with a copy of any submissions provided by the Complainant, and the Complainant is provided with a copy of any submissions provided by the Investigated Member. At this time the parties are advised to deliver any written rebuttal submissions a minimum of 5 days prior to the commencement of the review.

The CRC meets to conduct the final review of all submissions, written and/or oral.

CRC DECISION

The CRC will provide a written decision to the Hearings Director. When the Hearings Director receives the CRC decision, a copy is sent to the Complaints Director, the Complainant and the Investigated Member.

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.