



Policy number	PC-02
Policy name	Complaints appeal
Approved	March 15, 2019
Last reviewed	March 17, 2023
Scheduled review	Q4 2024

POLICY

The College of Alberta Denturists ensures fairness in discipline proceedings in order to ensure protection of the public. Through the appeal processes available, the College ensures that both the complainant and the regulated member are afforded a fair and just process.

Reviews on Decisions of the Complaints Director

- ✉ Based on the information received and possibly an investigation and/or subject matter expert review, a Complaints Director will make a decision on the complaint. This may include one of the following:
 - Dismissing the complaint
 - Undergoing informal resolution of the complaint
 - Entering into an agreement and undertaking with the regulated member
 - Referring the complaint to a hearing
- ✉ The complainant has a right to apply for a review of a decision of the Complaints Director under s. 55(3) of the *Health Professions Act* (HPA).
 - Review of a Dismissal under S. 68(1) of the HPA must:
 - be in writing;
 - include the reasons for requesting a review; and
 - be received by the Hearings Director within 30 days of being notified of the decision by the Complaints Director
- ✉ Under s. 68(2) of the HPA, reviews of decisions of the Complaints Director will be undertaken by a Complaint Review Committee (CRC) and managed by the Hearings Director

Reviews on Decisions of the Complaint Review Committee

- ✉ Under s. 68(3) of the HPA, the CRC must commence a review within 60 days of receipt of the reports submitted from the Complaints Director, complainant, and regulated member.
- ✉ The CRC 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 CRC for its consideration before acting under clause (a) or (c), or
 - (c) confirm that the complaint is dismissed if in the opinion of the CRC:
 - (i) the complaint is trivial or vexatious, or
 - (ii) there is insufficient or no evidence of unprofessional conduct.
- ✉ The CRC must give the complainant and the regulated member written notification, with reasons, of any action taken.



Appeals on Decisions of the Hearing Tribunal

- ✎ An investigated person or the Complaints Director may appeal a decision of the Hearing Tribunal to Council
 - Appeals must:
 - be in writing;
 - identify the appealed decision
 - state the reasons for the appeal; and
 - be received by the Hearings Director within 30 days after the date on which the decision of the Hearing Tribunal is given to the investigated person.
- ✎ A decision of the hearing tribunal remains in effect pending an appeal to the Council unless the person or committee designated by Council, on written application, stays the decision pending the appeal
- ✎ Under s. 89(5) of the HPA, Council must, within 90 days of the conclusion of the appeal hearing, make a decision and issue an order.

Appeals on Decisions of Council

An investigated person or the Complaints Director on behalf of the College may, within 30 days from the date on which the decision of the Council was given, appeal a decision of Council to the Court of Appeal

DEFINITIONS

none

APPENDICES

none

REFERENCES

Government of Alberta. (2001). *Health Professions Act*. Alberta, Author. Available at: <http://www.qp.alberta.ca/documents/Acts/H07.pdf>.

Government of Alberta. (2002). *Health Professions Act – Denturists Profession Regulation*. Alberta, Author. Available at: http://www.qp.alberta.ca/documents/Regs/2002_186.pdf

DOCUMENT HISTORY

Date	Action	Rationale
15/03/19	Initial approval	Required to ensure clarity
25/06/21	Review	As scheduled
08/04/22	Review	As scheduled
17/03/23	Review	As scheduled