

POLICY

Policy P-015
Inquiries, Complaints and Reports Committee
[previously known as the *Complaints Committee*]
Approved by Council: April 29, 1995
Amended and Approved by Council: December 3, 2009

Consideration of Prior Decisions Involving a Member

[previously known as
*Use of Information Regarding Prior
Investigations or Hearings*]

Note to Readers: In the event of any inconsistency between this document and the legislation that affects chiropractic practice, the legislation governs.

Intent

To establish the procedure for when and how information regarding prior decisions about a member is brought before the Inquiries, Complaints and Reports Committee (ICRC).

Description of Policy

Under subsection 26(2) of the *Health Professions Procedural Code* [schedule 2 to the *Regulated Health Professions Act, 1991*, as amended, and the *Chiropractic Act, 1991*, as amended] when investigating a complaint or considering a report, a panel of the ICRC is required to consider all available prior decisions involving the member. Prior decisions are those made by the former Complaints Committee, the current ICRC, the Discipline Committee, the Executive Committee and the Fitness to Practice Committee, unless the decision was to take no further action under subsection 26(5), i.e. where no action was taken because the complaint was frivolous or vexatious. Information from the Quality Assurance Committee is protected by a special confidentiality provision and is not available to the ICRC.

Procedure

Within 14 days of receipt of a formal complaint, the member must receive notice of such complaint in order to provide an opportunity for the member to make written submissions in response to the complaint. The member has 30 days to provide a response.

At the same time and under separate cover, the member will be sent information about available prior decisions and be informed that in preparing a response to the present complaint, the member may wish to comment on these past decisions. The member will be advised that he/she may wish to comment on the prior decisions in a separate letter, given that the member's written submissions in response to the present complaint will be provided to the complainant. The member has 30 days to provide written comments on the previous decisions if he/she chooses.

The member is also advised that in the event that a review is sought before the Health Professions Appeal and Review Board (HPARB), CCO is obliged to release to HPARB the entire record of investigation, including any submissions made by the member about prior decision. HPARB has discretion to provide a copy of the prior decisions to all parties to the review, including the complainant.