



## PRACTICE DIRECTION

### Reinstatement Applications

Initial Approval: November 22, 2018

Effective Date: January 1, 2019

Practice Directions set out requirements related to specific aspects of the practice of medicine. Practice Directions provide more detailed information than contained in *The Regulated Health Professions Act, Regulations, Bylaws, and Standards of Practice* issued by CPSM. All registrants must comply with Practice Directions, per s. 86 of The Regulated Health Professions Act.

This Practice Direction is made under the authority of s. 85 of the RHPA and establishes the procedures and requirements that relate to reinstatement applications pursuant to either s.133 or s. 50 of the RHPA.

## 1. INITIATING REINSTATEMENT APPLICATIONS

- 1.1. All applications for reinstatement must be made in writing and must, at a minimum, set out the following:
  - 1.1.1. order sought;
  - 1.1.2. grounds for the application;
  - 1.1.3. all documentary evidence upon which the Applicant relies in support of the application; and
  - 1.1.4. a written submission in support of the application.
- 1.2. The Applicant must provide sufficient copies of the written materials for all members of the Executive Committee, legal counsel to the Executive Committee and the Registrar. Information as to how many copies are required can be obtained from the office of the Registrar.

## 2. PROCEDURE ON RECEIPT OF APPLICATION

- 2.1. Upon receipt of an application for reinstatement, the Registrar must write to the Applicant to:
  - 2.1.1. acknowledge receipt of the application;
  - 2.1.2. provide the Applicant with a copy of this Practice Direction;
  - 2.1.3. advise the Applicant as to any procedural requirements of this Practice Direction that have not been met in respect to initiating an application; and

- 2.1.4. notify the Applicant that the President will schedule a date for Executive Committee to hear the application, once all the procedural requirements in respect to initiating an application have been met.
- 2.2. In the case of applications pursuant to s. 133 of the RHPA, the Registrar must provide the Investigation Committee with a copy of the application and request that the Investigation Committee:
  - 2.2.1. advise both the Registrar and the Applicant, in writing, as to whether the Investigation Committee will be taking a position with respect to the application and/or filing any material for consideration by the Executive Committee in respect to the application;
  - 2.2.2. provide sufficient copies of the Investigation Committee's submission and any supporting documentation, if any, to all members of the Executive Committee, counsel to the Executive Committee and the Registrar; and
  - 2.2.3. provide a copy of its submission and all supporting documentation, if any, to the Applicant.
- 2.3. In the case of applications pursuant to s. 50 of the RHPA, the Registrar must:
  - 2.3.1. advise the Applicant, in writing, as to whether the Registrar will be taking a position with respect to the application and/or filing any material for consideration by the Executive Committee in respect to the application; and
  - 2.3.2. provide a copy of its submission and all supporting documentation, if any, to all members of the Executive Committee, counsel to the Executive Committee and the Applicant.

### **3. DATE OF HEARING THE APPLICATION**

- 3.1. The President of CPSM is responsible to fix a date for the hearing of the application, according to the following principles:
  - 3.1.1. Unless the President otherwise directs, the hearing will be scheduled for the next available regularly scheduled meeting of the Executive Committee.
  - 3.1.2. Where, in the sole opinion of the President, the application is received too near the date of the next regularly scheduled Executive Committee meeting to reasonably permit the application material to be assembled and the other requirements of this Practice Direction to be met, the President may schedule the hearing for a subsequent regularly scheduled Executive Committee meeting.

## **4. NOTICE OF HEARING**

- 4.1. The Applicant, the Registrar and, in the case of an application under s. 133 of the RHPA, the Investigation Committee, must be given written notice of the date, time and place of the hearing as soon as reasonably possible after the date has been scheduled.

## **5. OBJECTION TO PANEL OR EXECUTIVE COMMITTEE MEMBER**

- 5.1. The Applicant must be advised of the names of Executive Committee members or the panel of Executive Committee members who will hear the matter and asked to promptly advise of any objection to any of those individuals hearing the application.

## **6. MATERIAL FOR THE HEARING**

- 6.1. The Registrar is responsible for assembling and submitting the following material to the Executive Committee members or panel of Executive Committee members who will hear the application:
  - 6.1.1. the application for reinstatement and any additional material filed by the Applicant in support of the application, including any documentary and/or affidavit evidence and/or written submissions; and
  - 6.1.2. any material filed by the Investigation Committee or being relied on by the Registrar, including any documentary and/or affidavit evidence and/or written submissions, if any, in relation to the application.
- 6.2. Agenda material must be supplied to the members of the Executive Committee at least two weeks in advance of the scheduled hearing date.
- 6.3. The President shall have the discretion to determine whether to hear any matter on the scheduled date where material is filed outside of this deadline.

## **7. HEARING**

- 7.1. The reinstatement hearing shall be open to the public, subject to the right of Executive Committee to order that the public be excluded from all or part of the hearing.
- 7.2. Where the Executive Committee determines that the public should be excluded from the hearing or any part of it, the Executive Committee must provide written reasons, and those reasons must be made available to the public.

- 7.3. The Executive Committee is required to afford the Applicant and the Investigation Committee/Registrar an opportunity to make oral submissions before making a decision.
- 7.4. Executive Committee, the Applicant and the Investigation Committee/Registrar may each have legal counsel to assist in relation to the application.
- 7.5. Executive Committee may request any additional information it deems necessary and may adjourn the hearing to request additional information from the Applicant and/or the Investigation Committee/Registrar.

## **8. COMMUNICATION OF THE EXECUTIVE COMMITTEE DECISION**

- 8.1. The decision of the Executive Committee shall be communicated to the Applicant and the Investigation Committee/Registrar in writing by way of a Resolution and Order of Executive Committee and Reasons for Decision.
- 8.2. The reasons for decision, including the Applicant's name, will be published by CPSM unless otherwise ordered by the Executive Committee.