

DISMISSED COMPLAINTS

Request for a Review



The College's Complaints Director reviews every written complaint. Based on options detailed in the *Health Professions Act* (HPA), the Complaints Director can dismiss a complaint, with or without an investigation. This occurs when:

- A complaint is trivial or vexatious
- There is insufficient or no evidence of unprofessional conduct

Under Section 68 of the HPA, if you are not satisfied with the decision to dismiss your complaint you can apply for a review.

VALID REASONS FOR REQUESTING A REVIEW

The College will accept a request for a review if:

1. You found deficiencies or inaccuracies in the Investigation Report
2. You found the Complaints Director's reasons in the Dismissal Letter unreasonable (i.e., the reasons are insufficient, non-existent or illogical, or the decision is unreasonable in light of the evidence and no reasonable person would come to that same conclusion)

Restating your initial complaint is not a valid reason for requesting a review.

Contact your Patient Advocate to answer any questions you have about this review process.

HOW TO REQUEST A REVIEW

Your request to review a dismissed complaint **MUST**:

- Be in writing and include your signature
- Contain specific and valid reasons (as noted above) for requesting a review
- Be made within 30 days, and sent to the attention of the College's Hearings Director, Dr. Trevor Theman

Note: Most reviews are conducted through written communication. If you feel your review should be handled differently (e.g., in person or by telephone), you must state this in your written request and provide the reasons. The Complaints Review Committee (CRC) will consider your request and make a decision based on your reasons.

The 30-day period to request a review begins after you receive the College's Dismissal Letter. If received via:

- Registered mail - the 30-day period starts from the date you sign for/pick up the registered mail
- Regular mail in Alberta - the 30-day period starts 7 days from the date on the Dismissal Letter
- Regular mail outside of Alberta - the 30-day period starts 14 days from the date on the Dismissal Letter

**Send your request for a review to the Hearings Director, Dr. Trevor Theman at
2700, 10020 100 ST NW, Edmonton, AB T5J 0N3**

When the Hearings Director receives your request for a review he will assess its eligibility based on your valid reasons (as described above). The Hearings Director will then provide you with a written response, indicating if a review will occur.

SUMMARY OF THE REVIEW PROCESS

If it is determined a review is necessary, the College's Complaint Review Committee (CRC) will examine the Investigation Report, the Dismissal Letter and your reasons for requesting a review. The CRC is made up of two physician members and one public member.

Based on the review, the CRC makes one of the following decisions:

1. Refer the matter to the Hearings Director for a hearing tribunal
2. Direct the Complaints Director to conduct further investigation, prepare a report and submit it back to the CRC
3. Confirm that your complaint is dismissed

The CRC will notify you and the physician in writing of their decision, including reasons.

Exact wording in the *Health Professions Act* about the review process for dismissed complaints is available in Section 68, RSA 2000 c H-7.

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