

RULES OF THE EMERGENCY MEDICAL ASSISTANTS LICENSING BOARD

PART 2

Summary Procedures for Failure to Complete Assessment Process Effective November 15, 2012

30. In this Part:
- “director” and “assessor” have the same meaning as defined in the regulation; and
- “regulation” means the Emergency Medical Assistants Regulation, B.C. Reg. 210/2010.
31. Where the director is made aware by an assessor or otherwise of the following, the director may refer the matter to the Board:
- (a) the failure of an emergency medical assistant to complete the assessment of his or her professional performance as required by the director in accordance with section 27 of the regulation; and
 - (b) the failure by the emergency medical assistant to comply with the terms and conditions set by the Board or the director set pursuant to section 27(13) of the regulation;
 - (c) the failure of the EMA to meet the continuing competence requirements established in section 17 to 26 of the regulation
32. The referral for the purpose of section 31 shall include:
- (a) in the case of a failure of the emergency medical assistant to respond to the assessor, details of all correspondence with and all other attempts to contact the emergency medical assistant (written, by telephone and email), including dates, times, method(s) and names of the person(s) who attempted to contact the emergency medical assistant; or
 - (b) in the case of a failure to complete the necessary examinations with the required timeframes, details of all correspondence with the emergency medical assistant respecting the assessment and the scheduling of examinations and facts related to the failure to complete the necessary examinations within the necessary timeframes.
33. Upon receipt of the referral in section 31 from the director, the Board may:
- (a) make a motion to initiate the disciplinary process under section 7 of the Act;

- (b) send the referral back to the director for further information;
 - (c) take no further action.
34. If the Board makes a motion to initiate the disciplinary process under section 7 of the Act, then the director must give to the emergency medical assistant a written notice of its intention to make a determination under section 7 of the Act stating:
- (a) that the Board is providing notice of its intention to make a determination for the purpose of section 7 of the Act and the Board's reasons for doing so, including the information that the Board will be relying upon in making the determination;
 - (b) the date upon which the Board intends to make a decision;
 - (c) that the emergency medical assistant is entitled to make submissions to the Board with respect to whether or not the Board should make such a determination and that the Board has determined that this can be accomplished in the form of a written response from the emergency medical assistant;
 - (d) that an oral hearing may be held in special circumstances and that if the emergency medical assistant wishes to request an oral hearing, he or she must describe the special circumstances that apply to the emergency medical assistant for the Board's consideration;
 - (e) that the emergency medical assistant must respond in writing by the specified date; and
 - (f) the consequences of failing to respond to the letter from the Board and the powers available to the Board in such a case.
35. The notice provided under section 34 shall be sent not less than 30 days prior to the date in section 34(b).
36. If the emergency medical assistant does not respond to the notice under section 34, the Board may, on proof of service of the notice to the emergency medical assistant, make a determination in the absence of the submissions from the emergency medical assistant, and without further notice may take any action it is authorized to take pursuant to section 7(3) of the Act.
37. If the Board determines that an oral hearing shall be held due to the special circumstances of the emergency medical assistant, the Board shall hold the hearing in accordance with the procedures set out in sections 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 of these Rules.

38. After considering the submissions presented by the emergency medical assistant to the Board, or, in the case of an oral hearing, after the completion of the hearing, the Board may:
 - (a) make a determination that the emergency medical assistant has breached a condition of his or her licence and may take action in accordance with section 7(3) of the Act; or
 - (b) take no action.
39. If the Board acts under section 38(a), the Board must provide written reasons to the emergency medical assistant.
40. Reasons provided under section 39 must be provided to the emergency medical assistant in writing, by registered mail or some other delivery method that provides proof of service. At the same time, the Board must inform the emergency medical assistant that no further dispute may be made to the director or the Board respecting the matter but that the emergency medical assistant has a right of appeal to the British Columbia Supreme Court within 30 days of the determination or disciplinary action by the Board in accordance with section 9 of the Act.
41. The Board must notify the known employers of the emergency medical assistant of the determination made by the Board and any action taken by the Board in respect of the matter.
42. An emergency medical assistant or former emergency medical assistant may be served with a notice or other document referred to in part 1 or Part 2 of the Rules, personally or by sending it by registered mail to the address provided to the Board by the emergency medical assistant pursuant to s. 13 of the *regulation*. Service of any notice or other document pursuant to this section is deemed effective on the seventh (7th) day after mailing.