

***Emergency Medical Assistants Licensing Board’s
Rules for Complaints, Investigations and Discipline Hearings
pursuant to s. 6(7) of the
Emergency Health Services Act, RSBC 1996, c. 182***

These Rules are made under the authority of section 6 (7) of the *Emergency Health Services Act*.

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1. DEFINITIONS

1.1 In these Rules:

“Act” means the *Emergency Health Services Act*;

“address” includes

- (a) an email address,
- (b) a street address,
- (c) a postal address, and
- (d) a facsimile address;

“agent” includes a lay person representative, union advocate, and human resources personnel.

“Board” means the Emergency Medical Assistants Licensing Board as continued under section 6 (1) of the Act;

“complaint” means a complaint filed with the Board regarding an emergency medical assistant or former emergency medical assistant;

“complainant” means a person who files a complaint with the Board;

“director” means the person designated as the director under section 15 of the *Emergency Medical Assistants Regulation*;

“discipline counsel” means counsel appointed to prosecute a notice of discipline hearing;

“investigation” means an investigation by the Board under section 6 (5) of the Act;

“person under investigation” means an emergency medical assistant or former emergency medical assistant who is the subject of an investigation by the Board;

“register” means the register of emergency medical assistants established pursuant to section 6 of the Act and maintained by the Emergency Medical Assistants Licensing Board;

“Regulation” means the *Emergency Medical Assistants Regulation*;

“respondent” means a person under investigation against whom the Board has issued a citation under Rule 10.1.

2. GENERAL PROVISIONS

(a) Address for Service

- 2.1 The Board may use any address listed for a person under investigation in the register to communicate with the person under investigation.
- 2.2 The Board may use any address shown on a complaint to send documents to the complainant.
- 2.3 A person may request in writing that the Board use a different address to communicate with that person. If the Board receives such a request then it must use the person’s preferred address to communicate with that person.
- 2.4 A person under investigation or a complainant must promptly notify, in writing, the Board of any change in the person’s address. Until such notice is provided, any notices, correspondence or other documents sent in accordance with the above rules is deemed to be validly sent.

(b) Address for the Board

- 2.5 Any person who wishes to or is required to file or submit a notice, complaint, report, or other documents to the Board must send it to the attention of the Board Officer whose contact information can be found on the Board's website at:

<https://www2.gov.bc.ca/gov/content/health/about-bc-s-health-care-system/partners/colleges-boards-and-commissions/emergency-medical-assistants-licensing-board/contact-us>

(c) Date of Receipt

- 2.6 The Board is deemed to have received any document submitted to it:
- (a) if delivered in person, by courier, or by regular or registered mail, on the actual date of receipt by the Board office;
 - (b) if sent by facsimile or email during regular business hours, on the actual date of receipt by the Board office;
 - (c) if sent by facsimile or e-mail outside of regular business hours, on the day the Board office is next open for regular business hours.
- 2.7 Any documents sent by the Board to a person, including a person under investigation:
- (a) if delivered in person, by registered mail, or by a courier who obtains written confirmation of delivery, is deemed to have been received on the date of delivery;
 - (b) if sent by regular mail, is deemed to have been received on the earlier of the date it is delivered or the fifth business day after the date it was sent;
 - (c) if sent by facsimile or email during regular business hours, is deemed to have been received on the date it was sent; or
 - (d) if sent by facsimile or e-mail outside of regular business hours, is deemed to have been received at 9:00a.m. Pacific Time on the next business day.

(d) Documents

- 2.8 Any documents submitted to the Board should, where possible, be in a form that may be photocopied, electronically scanned, or otherwise reproduced in a reasonably simple manner.

(e) Protection of Privacy

- 2.9 To protect the privacy interests of the complainant or any third party, the Board may make an order respecting the use or disclosure of information by the person to whom the information is disclosed, including:
- (a) limiting or restricting the copying, scanning, transmission or any other duplication of that information; and
 - (b) limiting the use of the information to preparing for and responding to a complaint, investigation or hearing.

(f) Representation

- 2.10 A person under investigation or respondent may be represented by legal counsel, an agent, or may be self-represented.
- 2.11 If a person under investigation or a respondent is represented by legal counsel or an agent, he or she must give the Board written notice of the name, firm name, address, telephone number and email address, if any, of his or her legal counsel or agent. On receipt of that notice, any notices or documents that the Board must send to the person under investigation will be sent to that legal counsel or agent and will have the same effect as if sent to the person under investigation or respondent.
- 2.12 If the legal counsel or agent referred to in Rule 2.11 ceases to represent a person under investigation or respondent, the person under investigation or respondent must immediately provide written notice to the Board.

(g) Deadlines

- 2.13 A person must comply if these Rules or the Board requires the person to provide documents or take an action within a set period of time.
- 2.14 At any time prior to the commencement of a hearing, a person may request that the Board extend a deadline, or vary an order or any requirement set by these Rules.

- 2.15 A request under Rule 2.14 must:
- (a) be in writing;
 - (b) set out the reasons for the request; and
 - (c) be made before the expiration of the deadline.
- 2.16 If a person makes a request under rule 2.14, the Board may invite any other person to make submissions with respect to the request.
- 2.17 On receiving a request and any submissions, the Board may grant a request for an extension or variation before or after the deadline expires.

(h) Board Powers

- 2.18 The Board, on its own initiative, may waive or vary any requirement set out by these Rules, and may shorten or extend any time limits in these Rules as it considers appropriate in the circumstances.

3. COMPLAINTS

- 3.1 A person must submit a complaint to the Board in writing in either paper or electronic form and the complaint must contain:
- (a) the name of the complainant(s);
 - (b) the address, email address and telephone number of the complainant(s);
 - (c) the name of the emergency medical assistant who is the subject of the complaint, or adequate particulars to allow the Board to identify the emergency medical assistant; and
 - (d) adequate particulars to allow the Board to identify the subject matter of the conduct or competence and the related incident which is the subject of the complaint.
- 3.2 The director must send a written acknowledgement of receipt of the complaint to the complainant(s) as soon as practicable.

- 3.3 The Board may require the complainant to provide further information within a specified period of time.
- 3.4 If the complainant fails to provide further information or adhere to the complaint procedure within the specified period of time, the Board may take no further action on the complaint.

4. SUMMARY DISMISSAL OF COMPLAINTS

- 4.1 The Board may dismiss a complaint without initiating an investigation, or at any stage of an investigation, if it determines that the complaint:
- (a) is trivial, frivolous, vexatious or made in bad faith;
 - (b) does not contain allegations that could lead to a determination that falls within the Board's jurisdiction pursuant to section 7 (1) of the Act; or
 - (c) does not contain allegations that, if admitted or proven, are in the Board's opinion of a sufficiently serious nature to warrant further investigation.

5. EXTRAORDINARY ACTION

- 5.1 Unless the Board determines that urgent circumstances exist that place the public at immediate risk, the Board must provide prior written notice to a person under investigation of any intention to take extraordinary action under section 8 (1) of the Act.
- 5.2 The Board must, unless there are urgent circumstances that place the public at immediate risk, provide the person under investigation with an opportunity to make submissions in person or in writing, before determining whether to take extraordinary action under section 8 (1) of the Act.
- 5.3 When considering taking action under section 8(1) of the Act, the Board may only make a provisional assessment of the facts in order to determine whether there is a strong *prima facie* risk of harm to the public that requires extraordinary action. The Board must not decide disputed issues of fact in relation to the substantive allegations.

- 5.4 At any time, a person under investigation who is subject to extraordinary action under section 8 (1) of the Act may request that the Board vary or rescind the limits, conditions or suspension. Such a request must:
- (a) be in writing;
 - (b) be addressed to the Board; and
 - (c) include reasons for varying or rescinding the limits, conditions, or suspension.
- 5.5 The Board must consider the request to vary or rescind the extraordinary action as soon as reasonably practicable and issue a written decision to the person under investigation.
- 5.6 The Board must post a summary of the order for extraordinary action on the Board website.

6. INVESTIGATION

(a) Notice of Investigation

- 6.1 On receipt of a complaint under Rule 3.1, or if the Board on its own motion initiates the complaint process, the director must provide a notice of investigation and a copy of the complaint to the person under investigation.
- 6.2 If the Board decides that the identity of the complainant or any other person referred to in a complaint should not be disclosed, the Board may order the director to redact information identifying the person prior to sending the complaint to the person under investigation.
- 6.3 The person under investigation must provide, within 21 days of a request by the director, any information regarding the matter that the person under investigation believes the Board should consider in response to the notice of investigation.
- 6.4 Despite Rule 6.1, if the Board considers it necessary for the effective investigation of a complaint or matter, it may delay notification to the person under investigation.
- 6.5 A person under investigation must co-operate fully in an investigation by all available means, including by responding fully and substantively in the form specified by the Board.

(b) Investigation Process

- 6.6 The Board may delegate to a person or persons, including the director, the authority to investigate a complaint or matter.
- 6.7 If the Board delegates authority to conduct the investigation, the delegate must provide a written report of the results of the investigation to the Board.
- 6.8 The Board may set specific parameters for the scope of the investigation.
- 6.8 The Board must provide the investigation report referred to in Rule 6.7 to the person under investigation and the complainant, if any, who may then provide a written response to the report. The Board may make redactions to the investigation report to protect privacy interests.
- 6.9 During the course of the investigation, the Board or its delegate may:
- (a) request production of records and other documents for examination and copying;
 - (b) request a person under investigation to attend an interview, answer questions and provide information relating to matters under investigation;
 - (c) request an employer or fellow employee of the person under investigation to answer questions and provide information relating to the investigation;
 - (d) request an expert report or other written report or any other information from any person that the Board or delegate considers may be of assistance in reviewing the matter under investigation;
 - (e) meet with the complainant, the person under investigation and any other person that the Board or delegate may consider necessary, either in person or through other means, to discuss the matter under investigation; and
 - (f) attempt to resolve a complaint through alternative dispute resolution.

(c) Confidentiality of Investigation

- 6.10 The investigation process is confidential. A person must not disclose any information or records that form part of the investigation of a complaint or an own motion investigation except for the purposes of complying with the objectives of the Act or these rules.

6.11 Despite Rule 6.10, the director may:

- (a) disclose information regarding the complaint with the consent of the person under investigation or as required by law; and
- (b) disclose information necessary to correct any inaccurate information, regarding the complaint, that has been made public.

7. ACTION AFTER INVESTIGATION

7.1 After the completion of an investigation, the Board must do one or more of the following:

- (a) take no further action if it concludes that:
 - (i) the complaint is not valid or its validity cannot be proven;
 - (ii) the complaint is trivial, frivolous, vexatious or made in bad faith;
 - (iii) the conduct or competence to which the matter relates is satisfactory; or
 - (iv) the complaint does not contain allegations that could lead to a determination that falls within the Board's jurisdiction pursuant to section 7 (1) of the Act.
- (b) in the case of an investigation respecting a complaint, seek to resolve the matter through mediation;
- (c) resolve the matter with the agreement of the person under investigation by way of an alternative dispute resolution;
- (d) direct the director to issue a citation.

7.2 When making a disposition decision under Rule 7.1, the Board must consider any previous disciplinary history of the person under investigation.

7.3 When the Board has made a decision under Rule 7.1, the director must notify in writing the complainant, if any, and the person under investigation of the disposition.

8. MEDIATION

- 8.1 The Board may direct the director to attempt to resolve a complaint through mediation where it determines that:
- (a) the complainant and person under investigation agree to mediation; and
 - (b) other regulatory action is not necessary in the public interest.
- 8.2 If the Board directs the director to attempt to resolve a complaint through mediation, the Board must direct the director to appoint a mediator who is acceptable both to the complainant and to the person under investigation.
- 8.3 The mediator must conduct the mediation process in accordance with the terms of a written mediation agreement executed by the complainant and the person under investigation.
- 8.4 All communications during the mediation will remain confidential and cannot be used in any other proceeding.
- 8.5 The Board must approve the terms of any agreement between a complainant and a person under investigation in respect of a complaint that is reached through mediation or otherwise.
- 8.6 Where an agreement referred to in Rule 8.5 requires the person under investigation to undertake or consent to an action, the Board may require the person under investigation to provide a consent agreement.
- 8.7 Where the Board approves an agreement under Rule 8.5, the director will retain a copy of the agreement and consent agreement, if any, on file.
- 8.8 Where the person under investigation and the complainant fail to reach an agreement through mediation, the mediator must refer the matter back to the Board, which may take any other action set out in Rule 7.1.

9. ALTERNATIVE DISPUTE RESOLUTION

- 9.1 The Board may request the director to negotiate a consent agreement which requires the person under investigation to do one or more of the following:

- (a) undertake not to repeat the conduct to which the matter relates;
 - (b) undertake to take educational courses or other remedial action as specified by the Board on the conditions that it directs;
 - (c) consent to a reprimand;
 - (d) undertake or consent to any other action specified by the Board.
- 9.2 The Board must approve the terms of the consent agreement.
- 9.3 If the person under investigation refuses to provide a consent agreement on acceptable terms, the Board may take any other action set out in Rule 7.1.
- 9.4 The director must post a summary of the consent agreement on the Board website if the consent agreement contains any of the following:
- (a) a reprimand;
 - (b) the addition of conditions to the licence of the person under investigation;
 - (c) a suspension of the licence of the person under investigation;
 - (d) a revocation of the licence of the person under investigation.

10. CITATION

- 10.1 If directed by the Board under Rule 7.1(d), the director must issue to the person under investigation a citation in Form A that:
- (a) names the person under investigation as the respondent;
 - (b) describes the matter that is to be the subject of the discipline hearing;
 - (c) specifies the date, time and place of the discipline hearing; and
 - (d) advises the respondent that the Board is entitled to proceed with the discipline hearing in his or her absence.
- 10.2 The director must appoint discipline counsel to prosecute the citation.

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- 10.3 The director is responsible for providing instructions to discipline counsel. Discipline counsel must not provide legal advice to the Board in relation to the discipline hearing or any matter leading up to it.
 - 10.4 The director will deliver the citation to the respondent by personal service or by registered mail to the last address for the respondent recorded in the register not fewer than 30 days before the date of the discipline hearing.
 - 10.5 The director will serve the citation on the complainant (if any) and the respondent's employer at least 21 days before the date of the discipline hearing.
 - 10.6 The director will post the citation on the Board website at least 14 days before the discipline hearing with any necessary redactions.
 - 10.7 If the Board considers it appropriate in the circumstances, the Board may join one or more complaints or other matters which will be the subject of a discipline hearing into one citation.
 - 10.8 If the Board considers it appropriate in the circumstances, the Board may sever one or more complaints or other matters which are to be subject of a discipline hearing.
 - 10.9 The director may amend a citation at any time.
 - 10.10 If the director amends a citation, the director must deliver the amended citation to the respondent at least 21 days before the commencement of the discipline hearing or at least 21 days prior to the continuation of the discipline hearing.
 - 10.11 The Board may direct the director to cancel a citation if the Board determines that a discipline hearing is no longer required. The director must notify the respondent, the complainant (if any) and the respondent's employer of the cancellation.
 - 10.12 If the Board directs the director to cancel a citation, the director must update the Board website as soon as practicable to reflect the cancellation of the citation.

11. PRE-HEARING DISCLOSURE OF EVIDENCE

- 11.1 Evidence is not admissible at a discipline hearing unless, at least 14 days before the hearing, the person intending to introduce the evidence provides the opposing party with:
- (a) copies of any documentary evidence or an opportunity to inspect and copy the documents;
 - (b) in the case of expert testimony,
 - (i) a copy of the expert's report or a written summary of the evidence the expert will present at the hearing if the expert has not prepared a written report;
 - (ii) a statement of the facts and assumptions upon which the expert's opinion is based;
 - (iii) a statement of the expert's qualifications; and
 - (c) in the case of testimony of a witness who is not an expert, the name of that witness and a written summary of his or her anticipated evidence.
- 11.2 Discipline counsel or a respondent may respond to an expert report, or a written summary of the evidence the expert will present at the hearing, if they deliver the following to the opposing party at least 5 days before the hearing:
- (a) a copy of the responding expert's report or a written summary of the evidence the responding expert will present at the hearing if the responding expert has not prepared a written report;
 - (b) a statement of the facts and assumptions upon which the responding expert's opinion is based; and
 - (c) a statement of the responding expert's qualifications.
- 11.3 Discipline counsel and a respondent have a continuing obligation to make disclosure, consistent with the obligations set out above, up to and during the discipline hearing.
- 11.4 The Board may allow the introduction of evidence that is not admissible under Rules 11.1 and 11.2 if it is in the interests of justice to do so.

12. PRE-HEARING CONFERENCE

- 12.1 At any time after issuing a citation, and before the discipline hearing begins, either discipline counsel or the respondent may request in writing that the Board set a pre-hearing conference, or the Board may, on its own initiative, set a pre-hearing conference.
- 12.2 The Board will give written notice to the parties to attend a pre-hearing conference, in person or by telephone, at a date, time and location set by the Board.
- 12.3 Notice of a pre-hearing conference must be given at least 7 days before the date set for it, unless otherwise ordered by the Board.
- 12.4 The Board has discretion to determine the process at a pre-hearing conference.
- 12.5 If the respondent or their legal counsel, if any, does not attend the pre-hearing conference as scheduled, the Board may make any order that could have been made had they attended it, without further notice to the respondent.
- 12.6 At a pre-hearing conference, the Board may make any order it considers appropriate to facilitate a discipline hearing and the just and timely resolution of one or more matters relating to the citation, including any of the following orders:
- (a) an order respecting amendments to the citation;
 - (b) an order consolidating all or part of a citation with another citation;
 - (c) an order separating hearings for different allegations made in a citation;
 - (d) an order requiring that a portion of a hearing be conducted by telephone, other electronic means, written submissions, or any combination of those;
 - (e) an order setting, adjourning and/or rescheduling dates, times and location for a hearing;
 - (f) an order imposing time limitations and terms and conditions on the exchange of documents, expert reports, admissions, agreed statement of facts, witness lists, outlines of anticipated evidence, and written submissions;
 - (g) an order directing that the evidence of any witness be given by affidavit or other means;

- (h) an order directing that the public be excluded during all or part of the evidence of a witness or witnesses;
- (i) an order restricting public access to the records or documents to be filed in evidence.

12.7 Prior to the discipline hearing, the Board must list, in writing, all orders made at any pre-hearing conference or otherwise and send a copy of the list to the respondent and the discipline counsel.

13. ORDER TO ATTEND OR PRODUCE

13.1 For the purposes of section 34(3) of the *Administrative Tribunals Act*, the Board must issue the order in Form B.

13.2 If a person fails to comply with an order made pursuant to section 34(3) of the *Administrative Tribunals Act*, the Board may apply to the Court for an order directing compliance pursuant to section 34(4) of the *Administrative Tribunals Act*.

14. APPLICATIONS

14.1 To apply for an order from the Board, the respondent or discipline counsel must submit an application to the Board in writing, in either paper or electronic form, and the application must contain:

- (a) the name of the applicant;
- (b) the name of the complaint the application is about;
- (c) the purpose of the application, including the order sought from the Board;
- (d) the reasons why the Board should grant the application;
- (e) the documents, if any, that the applicant intends to rely on to support the application; and
- (f) the position taken by the opposing party on the application, if known.

14.2 On receipt of an application under Rule 14.1, the director must deliver a copy of the application and all supporting documentation to the other party.

14.3 When an application is filed, the Board may:

- (a) set a schedule for filing a response to the application and a reply; or

(b) schedule a case conference to hear oral submissions on the application.

14.4. The Board will not consider submissions other than those permitted in a schedule for submissions pursuant to Rule 14.3.

15. DISCIPLINE HEARING

15.1 The Board must hear and determine a matter set for hearing by a citation.

15.2 The Board will conduct a hearing first on liability under s. 7(1) of the Act. If the Board makes a finding of liability under s. 7(1)(a), (b) or (c) of the Act, it will then conduct a hearing on penalty.

15.3 The Board may appoint independent legal counsel who has had no involvement in the investigation of the complaint leading up to the citation being issued to assist the Board with a hearing if necessary.

15.4 The respondent may appear with legal counsel or agent at a discipline hearing.

15.5 A complainant may be represented by legal counsel, at the complainant's cost, when the complainant is giving evidence at a discipline hearing.

15.6 A discipline hearing must be in public unless:

(a) either

- i. the complainant, the respondent or a witness requests that the Board hold all or any part of the discipline hearing in private, or
- ii. the Board directs all or any part of the discipline hearing be held in private; and

(b) the Board is satisfied that holding all or any part of the discipline hearing in private would be appropriate in the circumstances.

15.7 The Board may, where it considers appropriate, allow a witness to be identified by a pseudonym or initials as long as the witness's proper name is given to the respondent and complainant, if any.

- 15.8 At a discipline hearing:
- (a) the testimony of witnesses must be taken on oath or affirmation, which may be administered by any member of the Board; and
 - (b) discipline counsel and the respondent have the right to submit evidence, cross-examine witnesses, and call evidence in reply.
- 15.9 The Board may make an order directing the exclusion of any witness from part of the discipline hearing.
- 15.10 If the respondent does not attend the discipline hearing, the Board may
- (a) proceed with the discipline hearing in the respondent's absence on proof that the respondent received the notice of discipline hearing; and
 - (b) without further notice to the respondent, take any action that the Board is authorized to take under section 7 (3) of the Act.
- 15.11 A court reporter must record the discipline hearing.
- 15.12 The chair of the Board must administer the oath or affirmation to the court reporter.
- 15.13 Any person may obtain, at his or her expense, a transcript of any part of the hearing which he or she was entitled to attend.
- 15.14 The Board may grant an adjournment of the hearing.
- 15.15 The discipline hearing may be held at any place in British Columbia at the Board's discretion.

16. DECISION ON LIABILITY

- 16.1 If the Board determines that the respondent:

- (a) has incompetently carried out the duties of an emergency medical assistant,
- (b) has breached a term or condition of his or her licence, or
- (c) suffers from a physical ailment, emotional disturbance or an addiction to alcohol or drugs that materially impairs his or her ability to act as an emergency medical assistant,

the Board's decision on liability under section 7(1) of the Act must:

- (a) be in writing;
- (b) include reasons for the decision;
- (c) be delivered to the respondent, the respondent's employer and the complainant, if any, within 60 days after the date the decision is made; and
- (d) advise of the right to appeal the decision to the Supreme Court.

16.2 The Board must make the decision referred to in Rule 16.1 available to the public upon request after making any necessary redactions to protect privacy interests.

16.3 The director must post a summary of the decision referred to in Rule 16.1 on the Board website.

17. DECISION ON PENALTY

17.1 If the Board determines that the respondent:

- (a) has incompetently carried out the duties of an emergency medical assistant,
- (b) has breached a term or condition of his or her licence, or
- (c) suffers from a physical ailment, emotional disturbance or an addiction to alcohol or drugs that materially impairs his or her ability to act as an emergency medical assistant,

the Board must give notice to the parties that it will proceed with the penalty portion of the discipline hearing, in writing or in person.

17.2 On completion of the penalty portion of the discipline hearing, the Board may make an order under section 7 (3) of the Act which must:

- (a) be in writing;

- (b) include reasons for the order;
 - (c) be delivered to the respondent, the respondent's employer and the complainant, if any, within 30 days after the date the order is made; and
 - (d) advise of the right to appeal the order to the Supreme Court.
- 17.3 The Board must make the order referred to in Rule 17.2 available to the public upon request after making any necessary redactions to protect privacy interests.
- 17.4 The director must post a summary of the order referred to in Rule 17.2 on the Board website.

ALLEGED BREACH OF REPORTING REQUIREMENTS

18. REFERRAL TO THE BOARD

- 18.1 If an emergency medical assistant:
- (a) fails to comply with a request made by the director pursuant to section 23 of the Regulation, to the satisfaction of the director; or
 - (b) is delivered a notice under section 24 of the Regulation but does not request adjudication pursuant to section 25 of the Regulation
- the director may refer the matter to the Board to determine whether to take disciplinary action against the emergency medical assistant, pursuant to section 7 of the Act.
- 18.2 If the director refers a matter to the Board under Rule 18.1, the director must provide the Board with Form C which:
- (a) names the emergency medical assistant whose matter has been referred to the Board; and
 - (b) describes the matter that has been referred to the Board under the Regulation.
- 18.3 If the director refers a matter to the Board under Rule 18.1, the director must provide the Board with all relevant documents in the director's possession regarding the matter that has been referred.

19. NOTICE

- 19.1 If the director refers a matter to the Board under Rule 18.1, the director must provide the emergency medical assistant with notice of the referral.
- 19.2 The notice referred to in Rule 19.1 must be in Form D and must:
- (a) name the emergency medical assistant whose matter has been referred to the Board;
 - (b) include the same description as provided to the Board pursuant to Rule 18.2(b);
 - (c) enclose copies of all documents provided to the Board pursuant to Rule 18.3, subject to the director making any necessary redactions to protect third party privacy interests;
 - (d) advise the emergency medical assistant that the hearing will proceed by way of written submissions, unless the Board orders otherwise; and
 - (e) advise the emergency medical assistant that the Board is entitled to proceed under section 7 of the Act with or without the participation of the emergency medical assistant.
- 19.3 The director will deliver the notice, and all enclosed documents, to the emergency medical assistant by mail or electronic mail to the last address for the emergency medical assistant recorded in the register not more than 7 days after referring the matter to the Board.

20. CANCELLATION OF NOTICE

- 20.1 The Board may direct the director to cancel the notice if the Board determines that disciplinary action is not required. The director must notify the emergency medical assistant of the cancellation.

21. FORMAT OF HEARING

- 21.1 If the director refers a matter to the Board under Rule 18.1, the Board must conduct a hearing to determine whether to take disciplinary action pursuant to section 7(2) of the Act.
- 21.2 A hearing referred to in Rule 21.1 will proceed by way of written submissions, unless the Board orders otherwise.
- 21.3 An emergency medical assistant whose matter has been referred to the Board pursuant to Rule 18.1 may file an application requesting that the hearing be conducted as an oral hearing.
- 21.4 An application made pursuant to Rule 21.3 must comply with the application requirements set out in Rule 14.1.

- 21.5 If the Board orders that a hearing proceed by way of an oral hearing, Rules 15.4, 15.6, 15.7, 15.8(a), 15.9, 15.11, 15.12, 15.13, 15.14, and 15.15 apply.

22. HEARING PROCESS WHEN A NOTICE IS ISSUED UNDER RULE 19.1

- 22.1 The Board will conduct a hearing that will address liability under section 7(1) of the Act and, if the Board makes a finding of liability, the appropriate penalty to be imposed under section 7(3) of the Act.
- 22.2 The Board will establish a timeline for the emergency medical assistant to provide any evidence or submissions he or she would like the Board to consider with respect to the allegations set out in the notice and the appropriate penalty to be imposed should the Board make a finding of liability.
- 22.3 If, when proceeding with a notice issued under Rule 19.1, the Board determines that the respondent has breached a term or condition of his or her licence and imposes a penalty pursuant to section 7(3) of the Act, the Board's decision must:
- (a) must be in writing;
 - (b) include reasons for the decision;
 - (c) be delivered to the respondent and the respondent's employer, if any, within 60 days after the date the decision is made; and
 - (d) advise of the right to appeal the decision to the Supreme Court.
- 22.4 The Board must make the decision referred to in Rule 22.3 available to the public upon request after making any necessary redactions to protect privacy interests.
- 22.5 The director must post a summary of the decision referred to in Rule 22.3 on the Board website.
- 22.6 The Board may appoint independent legal counsel who has had no involvement in the matter leading up to the notice being issued to assist the Board with a hearing if necessary.

FAILURE TO COMPLY WITH EVALUATION EXAMINATIONS

23. REFERRAL TO THE BOARD

- 23.1 If an emergency medical assistant fails any practical examination required under section 26(3) of the Regulation and the director makes a recommendation to the Board pursuant to section 26(5)(b) of the Regulation, the director must provide the Board with Form E which:

- (a) names the emergency medical assistant with respect to whom the director made a recommendation to the Board;
 - (b) describes the history which led to the director's recommendation under section 26(5)(b) of the Regulation; and
 - (c) identifies whether the director recommends imposing a term or condition on the emergency medical assistant's licence, and if so, sets out the director's recommendation.
- 23.2 If the director makes a recommendation to the Board pursuant to section 26(5)(b) of the Regulation, the director must provide the Board with all relevant documents in the director's possession regarding the matter, subject to the director making any necessary redactions to protect third party privacy interests.

24. NOTICE

- 24.1 If the director makes a recommendation to the Board under section 26(5)(b) of the Regulation, the director must provide the emergency medical assistant with notice of the recommendation.
- 24.2 The notice referred to in Rule 24.1 must be in Form F and must:
- (a) name the emergency medical assistant with respect to whom the director made a recommendation to the Board;
 - (b) include the same description as provided to the Board pursuant to Rule 23.1(b)(c);
 - (c) enclose copies of all documents provided to the Board pursuant to Rule 23.2, subject to the director making any necessary redactions to protect third party privacy interests;
 - (d) advise the emergency medical assistant that he or she will have an opportunity to provide written submissions and evidence, if any, with respect to whether the Board should impose terms or conditions on their licence pursuant to section 6(5) of the Act; and
 - (e) advise the emergency medical assistant that the Board may impose terms or conditions on their licence.
- 24.3 The director will deliver the notice, and all enclosed documents, to the emergency medical assistant by mail or electronic mail to the last address for the emergency medical assistant recorded in the register not more than 7 days after referring the matter to the Board.

25. SUBMISSIONS

- 25.1 If the director makes a recommendation to the Board pursuant to s. 26(5)(b) of the Act, the Board must determine whether to impose terms or conditions on the emergency medical assistant's licence pursuant to s. 6(5) of the Act.

- 25.2 Prior to making a determination under Rule 25.1, the Board will establish a timeline for the emergency medical assistant to provide any documentary evidence or written submissions he or she would like the Board to consider with respect to whether terms or conditions should be imposed pursuant to s. 6(5) of the Act, and if so, what the terms or conditions should be.

26. DETERMINATION

- 26.1 If the Board decides to impose terms or conditions on the emergency medical assistant's licence pursuant to s. 6(5) of the Act, the Board's decision under section 6(5) of the Act must:
- (a) be in writing;
 - (b) include reasons for the decision;
 - (c) be delivered to the respondent and the respondent's employer, if any, within 60 days after the date the decision is made; and
 - (d) advise of the right to appeal the decision to the Supreme Court.