

## Nova Scotia Regulator of Paramedicine

### Overview of the Professional Conduct Process

At the initial stage of the professional conduct process, the Registrar (or their designate) must determine how to proceed with the complaint.

Section 71 of the *RHPA* specifies what the Registrar (or their designate) must do upon receipt of a complaint, and prior to investigating the matter. The options available include:

1. dismiss the complaint and notify the complainant and the respondent of this disposition if the registrar decides that:
  - 1.1. the complaint is not within the jurisdiction of the regulatory body,
  - 1.2. the complaint cannot be substantiated,
  - 1.3. the complaint is frivolous or vexatious,
  - 1.4. the complaint constitutes an abuse of process,
  - 1.5. the facts alleged, even if proven, do not constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity, or would not merit a caution, ***or***
  - 1.6. the processing of the complaint would not advance the objects of the regulatory body;
2. informally resolve the complaint if the registrar considers that it may be satisfactorily resolved consistent with the objects of the regulatory body;
3. subject to the regulations, refer the matter to another form of dispute resolution;
4. authorize the resignation of the respondent;
5. where the respondent and the registrar agree, refer the matter to the fitness-to-practise process; ***or***
6. begin an investigation and send a copy of the complaint to the respondent.

If the complaint is dismissed at this stage, the Registrar (or their designate) may provide written advice relevant to the complaint to the complainant, the respondent, and/or a person or organization affected by the complaint.

If the Registrar (or their designate) determines that an investigation is required, they may conduct an investigation or appoint an investigator to conduct an investigation as set out in section 72 of the *RHPA* (an excerpt of which is included in the addendum).

The final step in the investigation stage is described in section 73(1) of the *RHPA*. At the conclusion of an investigation, the Registrar (or their designate) shall take into account the results of the investigation and:

1. dismiss the complaint and notify the complainant and the respondent if the registrar decides that any of the criteria in clause 71(1)(a) [as described above] apply;
2. informally resolve the complaint if the registrar considers that would be consistent with the objects of the regulatory body;
3. subject to the regulations, refer the matter to another form of dispute resolution;
4. authorize the resignation of the respondent;
5. where the matter may involve incapacity and the respondent agrees, refer the matter to the fitness-to-practise process; ***or***
6. refer the matter under investigation to the complaints committee.

At this stage, the Registrar (or their designate) may provide written advice relevant to the complaint to the complainant, the respondent, and/or a person or organization affected by the complaint, per section 73(2) of the *RHPA*.

#### Additional Information

To obtain additional information regarding the statutory framework governing the regulation of paramedicine in Nova Scotia, please refer to the NSRoP website at <http://nsrop.ca/>. From the website, you may access the [\*Regulated Health Professions Act, Paramedicine Regulations\*](#) and the [\*Regulators Code of Ethics and Standards of Practice for Paramedicine\*](#).

## ADDENDUM

### Excerpts of the *RHPA*

#### CONFIDENTIALITY

##### **Prohibition on publishing, releasing or disclosing information**

**136** No individual involved in the administration of this Act, member of a board or a committee of a board, or other person who receives or has knowledge of information as a result of a regulatory process under this Act, the regulations or the bylaws, may publish, release or disclose the information and such individual shall maintain confidentiality with respect to such information that comes to that individual's knowledge, except

- (a) as permitted by the Regulated Health Professions Network Act;
- (b) as provided by this Act, the regulations or the bylaws;
- (c) to the individual's own legal counsel or healthcare provider;
- (d) in the case of a respondent, to the respondent's legal counsel, union or other representative or healthcare provider;
- (e) in the case of a participant in a regulatory process, other than a respondent, to
  - (i) legal counsel for the regulatory body,
  - (ii) legal counsel, a union representative or other representative for the respondent in that regulatory process, or
  - (iii) the participant's own legal counsel, union representative or healthcare provider;
- (f) if the information is otherwise publicly available;
- (g) as required by law; or
- (h) with the consent of the person to whom the information relates.

#### PROFESSIONAL CONDUCT

##### **Initiation of complaint**

70 (1) A complaint may be initiated by

- (a) a registrar;
- (b) a committee of the regulatory body; or
- (c) any other person.

(2) Where the registrar and the complainant agree, a complaint may be withdrawn.

##### **Duties of registrar upon receiving complaint**

71 (1) On receiving a complaint, and prior to investigating, a registrar shall

- (a) dismiss the complaint and notify the complainant and the respondent of this disposition if the registrar decides that
  - (i) the complaint is not within the jurisdiction of the regulatory body,
  - (ii) the complaint cannot be substantiated,
  - (iii) the complaint is frivolous or vexatious,
  - (iv) the complaint constitutes an abuse of process,
  - (v) the facts alleged, even if proven, do not constitute professional misconduct, conduct unbecoming the profession, incompetence or incapacity, or would not merit a caution, or (vi) the processing of the complaint would not advance the objects of the regulatory body;
- (b) informally resolve the complaint if the registrar considers that it may be satisfactorily resolved consistent with the objects of the regulatory body;

- (c) subject to the regulations, refer the matter to another form of dispute resolution;
- (d) authorize the resignation of the respondent;
- (e) where the respondent and the registrar agree, refer the matter to the fitness-to-practise process; or
- (f) begin an investigation and send a copy of the complaint to the respondent.

(2) Where the registrar dismisses the complaint, the registrar may provide written advice relevant to the complaint to

- (a) the respondent;
- (b) the complainant; and
- (c) a person or organization affected by the complaint.

(3) The registrar shall provide a copy of any written advice provided under clause (2)(b) or (c) to the respondent.

### **Investigation of complaint**

72 (1) A registrar may appoint an investigator to conduct an investigation.

(2) When investigating a complaint, the registrar or the investigator may

- (a) require the respondent to provide a written or oral response to the matters under investigation within such time as directed;
- (b) request documents and written or oral explanations from the complainant, the respondent or third parties;
- (c) request an interview with the complainant, the respondent or third parties; and
- (d) with the respondent's consent,
  - (i) where the registrar has reasonable or probable grounds to believe that the respondent has an issue of incapacity, require the respondent to submit to physical or mental examinations by a qualified person or persons designated by the registrar, and authorize the reports from the examinations to be given to the registrar,
  - (ii) order a review or audit of the respondent's practice by a qualified person or persons designated by the registrar, and authorize a copy of the review or audit to be given to the registrar, and
  - (iii) complete a competence assessment to determine whether the respondent is competent to practise, and authorize the assessment report to be given to the registrar.

(3) An investigator, the registrar or the complaints committee may investigate any matter relating to the respondent that arises in the course of the investigation, in addition to the complaint, that may constitute

- (a) professional misconduct;
- (b) conduct unbecoming the profession;
- (c) incompetence; or
- (d) incapacity.

(4) A respondent may submit medical and any other information relevant to the complaint to the registrar, an investigator or the complaints committee.

### **Conclusion of investigation**

73 (1) At the conclusion of an investigation, a registrar shall take into account the results of the investigation and

- (a) dismiss the complaint and notify the complainant and the respondent if the registrar decides that any of the criteria in clause 71(1)(a) apply;

- (b) informally resolve the complaint if the registrar considers that would be consistent with the objects of the regulatory body;
- (c) subject to the regulations, refer the matter to another form of dispute resolution;
- (d) authorize the resignation of the respondent;
- (e) where the matter may involve incapacity and the respondent agrees, refer the matter to the fitness-to-practise process; or
- (f) refer the matter under investigation to the complaints committee.

(2) The registrar may provide written advice relevant to the complaint to

- (a) the respondent;
- (b) the complainant; and
- (c) a person or organization affected by the complaint.

(3) The registrar shall provide a copy of any written advice provided under clause (2)(b) or (c) to the respondent.