



## Complaint Review Committee (HPA)

### Terms of Reference

#### **Mandate**

The Complaint Review Committee's (the "CRC") powers and duties include reviewing and ratifying Alternative Complaint Resolution settlements under section 60 and conducting reviews of complaint dismissals under section 68 of the *Health Professions Act*.

#### **Policy**

The CRC makes decisions on:

- a) Alternative Complaints Resolution process, review and settlement between a dentist and a complainant, and
- b) Reviews dismissals of complaints by the Complaints Director when requested by a complainant.

#### **Duties**

The CRC, on receipt of records and a proposed settlement under section 59(1), may review them in accordance with section 60(1.1) and on making its written decision under section 60(2) must give the Complaints Director all the records it received, including the proposed settlement and the ratified settlement, if it ratifies a settlement.

The CRC, on complying with section 68(3), must

- a) Refer the matter to the Hearings Director for a hearing,
- b) Direct the Complaints Director to conduct or appoint an investigator to conduct a further investigation and to prepare a report on the further investigation and submit it to the CRC for its consideration before acting under clause (a) or (c), or
- c) Confirm that the complaint is dismissed if in the opinion of the CRC:
  - i. The complaint is trivial or vexatious, or
  - ii. There is insufficient or no evidence of unprofessional conduct.

#### **Decisions**

Subject to the HPA, the CRC may determine its own rules of procedure. The members of the CRC will strive for agreement on all matters before it. A decision of the CRC shall be by vote of a majority of the members present at a meeting.

#### **Composition**

The CRC will be composed of no fewer than four (4) members. Two (2) regulated members and Two (2) public members. A minimum of 50% of the voting members of the CRC must be public members. The Committee terms of membership and duties are determined by the CDSA Council in accordance with the *Health Professions Act & the CDSA By-laws*. The Hearings Director must designate a member of the committee to act as chair. Subject to Section 12 of the HPA a quorum of a CRC is two Regulated members and two public members.

**Service Term**

The Regulated Member, once appointed, will serve for a five year term unless the member resigns in writing prior to completing the term. A member of the Committee continues to hold office after the expiry of the member's term until the member is reappointed or a successor is appointed. The terms of the public members will be based upon their appointment from Alberta.

**Meetings**

The CRC will meet when the Complaints Director or the Hearings Director refers a complaint to be reviewed or ratified by the Committee. Ideally, meetings will be in-person meetings, although teleconference and video-conference meetings may be held if more convenient. The CDSA Administration will provide administrative and technical assistance in organizing meetings, including electronic meetings.

**Reporting**

A decision of the CRC must be prepared after each meeting; the preparation of decision will be the responsibility of the Chair. The Chair must distribute the decision to the members of the Committee which will require approval. The Chair will also distribute the decision to the Hearings Director and/or the Complaints Director and provide an annual report to the Chief Executive Officer. The CDSA Administration will provide administrative and technical assistance in organizing meetings, including electronic meetings.

**Costs**

The CDSA will pay the cost of travel and accommodation if required according to our approved policy. The CDSA will be responsible for the other related costs such as meeting room rental, meals during the meeting and audio visual equipment rental when required. Per diems will be paid to the Committee regulated members according to the CDSA Per Diem Policy.

**Staff Support**

Staff support for the CRC will be assigned by the Chief Executive Officer of the CDSA.

**Committee Members**

- Variable, drawn from the Tribunals/CRC Listing