

Hearing Tribunal (HPA)

Terms of Reference

Mandate

The Hearing Tribunal's powers and duties include holding hearings under *Health Professions Act* (HPA).

Duties

The Hearing Tribunal makes decisions on whether the conduct of an investigated person does or does not constitute unprofessional conduct as defined in the HPA. The Hearing Tribunal also decides on the sanctions, or orders, against the investigated person if they find their conduct is unprofessional conduct, as outlined in section 82 of the HPA.

The Hearing Tribunal may also make decisions on preliminary matters related to a particular hearing.

Decisions

Subject to the HPA, the Hearing Tribunal may determine its own rules of procedure. The members of the Hearing Tribunal will strive for agreement on all matters before it as the Hearing Tribunal should be speaking in one voice in the decisions it makes.

Composition

The Hearing Tribunal will be composed of no fewer than two (2) regulated members and shall consist of fifty percent (50%) 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.

If the subject matter of a hearing relates to a complaint alleging sexual abuse of or sexual misconduct towards a patient by a regulated member, the Hearing Tribunal must have trauma informed practice and sexual violence training and the composition as required by section 16(1.1) of the HPA.

Service Term

Regulated Members, 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 Hearing Tribunal will meet when the Complaints Director or the Complaint Review Committee refers a complaint to a hearing through the Hearings Director. 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 Tribunal registered members according to the CDSA Per Diem Policy.

Reporting

A written decision of the Hearing Tribunal must be prepared after a hearing in accordance with section 83; the preparation of decision will be the responsibility of the Chair. The Chair must distribute the decision to the members of the Hearing Tribunal which will require approval. The Chair will also distribute the decision to the Chief Executive Officer, the Hearings Director and/or the Complaints Director.

Staff Support

Staff support for the Hearing Tribunal will be assigned by the Chief Executive Officer of the CDSA and will primarily be the Hearings Director.