



# College of Homeopaths of Ontario Registration Policies

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**Title:** Registration Appeals Process and Timelines

**Category:** Administrative  
**Policy Type:** Internal / External  
**Policy Number:** REG AD 01  
**Status:** Final Approval from Council  
**Revision:** June 23, 2014

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*Note to Readers: In the event of any inconsistency between this document and the legislation that affects homeopathy practice, the legislation governs. The College has the power and authority to implement the applicable acts and regulations under the Regulated Health Professions Act, 1991. The factors outlined in this policy will be considered and every application will be reviewed on a case by case basis. If you have a question on how this policy affects your individual situation please contact the College directly.*

*It is important to note that College publications may be used by the College or other bodies in determining the interpretation of the provisions within the Homeopathy Act, 2007, its regulations and the College's Bylaws.*

**Applicable Categories of Registration (unless otherwise noted):**

1. Applicant or Registrant Full Certificate of Registration
2. Applicant or Registrant Grandparented Certificate of Registration
3. Registrant Inactive Certificate of Registration

**Type of Requirement:** Exemptible for Applicants and Registrants with Full Certificate of Registration and Grandparented Certificate of Registration.

**Applicable Regulation:** *Health Professions Procedural Code, Schedule 2 of the Regulated Health Professions Act Section 21/ (1)*

This policy applies to Applicants and current Registrants who are applying for a Certificate of Registration in a different class or who wish to have terms, conditions and/or limitations reviewed.

The appeals process contains two phases:

- A/B. Internal Appeal to the College's Registration Committee and
- C. External Appeal through the Health Professions Appeals and Review Board (HPARB)

If a panel of the Registration Committee is considering a decision which would does not involve a direction to the Registrar to issue a Certificate of Registration (for Applicants) or an order directing the Registrar to remove or modify any term, condition or limitation imposed on a Certificate of Registration (for Registrants), the panel will advise the Applicant/Registrant and provide reasons for its proposed decision. The Applicant/Registrant will have an opportunity to seek a review of the proposed decision before a separate panel of the Registration Committee. If the Applicant does not want to have a review, they may request a formal decision from the same panel, the Applicant may then seek an external review or hearing before the Health Professions Appeals and Review Board (HPARB).

If the *Decision* of the separate panel does not involve a direction to the Registrar to issue a Certificate of Registration (for Applicants), or an order directing the Registrar to remove or modify any term, condition or limitation imposed on a Certificate of Registration (for Registrants), the Applicant can seek an external review or hearing before the Health Professions Appeal and Review Board (HPARB).

For details on the Individual Assessment review and appeals process refer to policy REG AD 02 Individual Assessment (IA) Review and Appeals Process.

## **A. Internal Appeals Policy - Applicants Policy**

If a panel of the Registration Committee is considering any of decisions listed below, it will advise the Applicant and inquire if the Applicant wishes to have the proposed decision reviewed by another panel of the Registration Committee:

1. Direct the Registrar to refuse to issue a Certificate of Registration;
2. Direct the Registrar to issue a Certificate of Registration if the Applicant successfully completes examinations [or assessment<sup>1</sup>] or additional training;
3. Direct the Registrar to impose terms, conditions and/or limitations on a Certificate of Registration; and/or
4. Refusing an application for an order removing or modifying any term, condition or limitation imposed on a Certificate of Registration.

### **Purpose and Principles(s)**

This process allows for a re-examination of the application by a separate panel of the Registration Committee.

Once a final Decision is made by the separate panel, the Applicant can seek a review or hearing before the Health Professions Appeals and Review Board (HPARB) if they so choose.

### **Procedure Application**

1. When the Registrar has issued a Proposal to Refuse to Issue a Certificate of Registration or a proposal to Issue a Certificate of Registration with Terms, Conditions and/or Limitations to an Applicant and the Applicant does not consent, the Registrar will refer the application to the Registration Committee.<sup>2</sup>
2. The Registrar will give the Applicant notice of the grounds for the referral and of the Applicant's right to make written submissions.
3. The Applicant may make written submissions within thirty (30) days after receiving notice of the referral by the Registrar or within any longer period the Registrar may specify.
4. If after considering all of the information in the completed application form and the submissions, a panel of the Registration Committee is considering any of the decisions listed below, it will advise the Applicant and provide reasons. The Registration Committee will inquire if the Applicant wishes to have the proposed decision reviewed by another panel of the Registration Committee:
  - a. Direct the Registrar to refuse to issue a Certificate of Registration
  - b. Direct the Registrar to issue a Certificate of Registration if the Applicant successfully completes examinations [or assessment<sup>3</sup>] or additional training; and/or

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<sup>1</sup> CHO utilizes the individual assessment process.

<sup>2</sup> Section 15(2) of the Health Professions Procedural Code.

<sup>3</sup> CHO utilizes the individual assessment process.

- c. Direct the Registrar to impose terms, conditions and/or limitations on a Certificate of Registration;
  - d. Direct the Registrar to refuse an application for an order removing or modifying any term, condition or limitation imposed on a Certificate of Registration.
5. If the Applicant does not wish a review of the proposed decision, they shall inform the College.
6. If the Applicant wants a review of the proposed decision, they will submit a "Request for Review by a Panel of the Registration Committee" form to the College within sixty (60) days of receiving notice of the proposed decision by the Registration Committee.
7. The following process will take effect:
  - a. Within two (2) weeks of receiving the Request for Review, the College will send a letter to acknowledge the request.
  - b. Approximately one to two (1 to 2) weeks later, the College will send the Applicant a package which will include the review file that the Panel of the Registration Committee will consider in its review.
  - c. Within thirty-five (35) days of receiving the Applicant's Request for Review, the Applicant may submit any additional documentation they would like to be considered by the Panel of the Registration Committee.
  - d. A decision will be rendered (see possible outcomes below).
8. It can take two to four (2 to 4) months before the file is reviewed by a separate panel of the Registration Committee based on the volume of appeals to be processed at the College.
9. The separate panel of the Registration Committee will provide the Applicant with a written decision within sixty (60) days of the Decision (unless the decision is to direct the Registrar to issue a Certificate of Registration. Reasons may not be provided in such instances).

### **Possible Outcomes**

1. The second panel of the Registration Committee will review the application. They shall make one of five decisions:
  - a. Direct the Registrar to issue the Certificate of Registration.
  - b. Direct the Registrar to issue a Certificate of Registration if the Applicant successfully completes examinations [or assessment<sup>4</sup>] set or approved by the panel.
  - c. Direct the Registrar to issue a Certificate of Registration if the Applicant successfully completes additional training specified by the panel.
  - d. Direct the Registrar to impose specified terms, conditions and/or limitations on a Certificate of Registration of the Applicant and specifying a limitation on the Applicant's right to apply under subsection 19 (1).
  - e. Direct the Registrar to refuse to issue a Certificate of Registration.

### **B. Internal Appeals Policy – Registrants Policy**

If a panel of the Registration Committee is considering refusing an application for an order removing or modifying any term, condition or limitation imposed on a Certificate of Registration, it will advise the Registrant and inquire if the Registrant wishes to have the proposed decision reviewed by another panel of the Registration Committee.

### **Purpose and Principles(s)**

This policy applies current Registrants who are applying for a Certificate of Registration in a different class or who wish to have terms, conditions or limitations reviewed.

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<sup>4</sup> CHO utilizes the individual assessment process.

This process allows for a re-examination of the application for modification or variation by a separate panel of the Registration Committee.

Once a final Decision is made by the separate panel, the Registrant can seek a review or hearing before the Health Professions Appeals and Review Board (HPARB) if they so choose.

## **Procedure Application**

1. A Registrant may apply to the Registrar to move from one class of registration to another or to the Registration Committee for an order directing the Registrar to remove or modify any term, condition or limitation imposed on the Registrant's Certificate as a result of a registration proceeding.
2. The right to apply for such an order is subject to any limitation imposed by the Registration Committee.
3. A Registrant may make written submissions to the panel.
4. If the panel is considering denying the application for removal or modification, it will advise the Registrant and provide reasons. The Registration Committee will inquire if the Registrant wishes to have the proposed decision reviewed by another panel of the Registration Committee.
5. If the Registrant does not wish a review of the proposed decision, they shall inform the College.
6. If the Registrant wants a review of the proposed decision, they will submit a "Request for Review by a Panel of the Registration Committee" form to the College within sixty (60) days of receiving notice of the proposed decision by the Registration Committee.
7. The following process will take effect:
  - a. Within two (2) weeks of receiving the Request for Review, the College will send a letter to acknowledge the request.
  - b. Approximately one to two (1 to 2) weeks later, the College will send the Registrant a package which will include the review file that the Panel of the Registration Committee will consider in its review.
  - c. Within thirty-five (35) days of receiving the Registrant's Request for Review, the Registrant may submit any additional documentation they would like to be considered by the Panel of the Registration Committee.
  - d. A decision will be rendered (see possible outcomes below).
8. It can take two to four (2 to 4) months before the file is reviewed by a separate panel of the Registration Committee based on the volume of appeals to be processed at the College.
9. The separate panel of the Registration Committee will provide the Registrant with a written decision and reason for decision within sixty (60) days of the Decision (unless the order is in full compliance with what the Registrant sought. In such instances, reasons may not be provided).

If the Registrant is not satisfied with the outcome, they may appeal the final decision of the Registration Committee to the Health Professions Appeals and Review Board (HPARB) as laid out under the *Health Professions Procedural Code*. Registrants may request copies of documents from their registration file in accordance with policy REG AD 03 Requesting a Registration Record.

## **C. External Appeals Process and Timelines to Health Professions Appeal and Review Board Policy**

An Applicant/Registrant may appeal a decision of the Registration Committee by seeking a review or hearing by the Health Professions Appeal and Review Board (HPARB) contact information can be found on College website.

## Purpose and Principles(s)

This policy applies to new Applicants and current Registrants who wish to have terms, conditions or limitations reviewed, or current Registrants who apply to move from one class of registration to another.

When the Registration Committee makes one or more of the following decisions, the Applicant/Registrant may appeal the decision(s) to HPARB:

1. Directing the Registrar to refuse to issue a Certificate of Registration;
2. Directing the Registrar to issue a certificate of registration if the Applicant/Registrant successfully completes examinations [or assessment<sup>5</sup>] or additional training;
3. Directing the Registrar to impose terms, conditions and/or limitations on a Certificate of Registration; and/or
4. Refusing an application for an order removing or modifying any term, condition or limitation imposed on a Certificate of Registration.

## Procedure

1. Within thirty (30) days of receiving the Decision and Reasons of the Registration Committee, an Applicant/Registrant shall apply in writing to HPARB for a review or hearing.
  - a. A review is a written review of the file and does not require any personal attendance by the Applicant/Registrant or the College.
  - b. A hearing is an in person hearing at the office of HPARB and requires personal attendance by the Applicant/Registrant and the College. Witnesses can be called and oral submissions can be made.
2. Within fifteen (15) days of being advised of the review/hearing, the Registration Committee will then forward to HPARB a copy of the order, decision, reasons and any documents upon which the decision was based. The Applicant/Registrant will receive a copy of all documents forwarded to HPARB.
3. A review/hearing will be organized by HPARB.
4. The Applicant/Registrant and the College are the parties to the review/hearing.

## Possible Outcomes

1. Following the review/hearing, HPARB will make an order doing any one or more of the following:
  - a. Confirming the order made by the Registration Committee;
  - b. Requiring the Registration Committee to make an order directing the Registrar to issue a Certificate of Registration to the Applicant/Registrant if the Applicant/Registrant successfully completes any examinations [or assessment<sup>6</sup>] or training the Registration Committee may specify;
  - c. Requiring the Registration Committee to make an order directing the Registrar to issue a Certificate of Registration to the Applicant/Registrant and to impose any terms, conditions and/or limitations HPARB considers appropriate; and
  - d. Referring the matter back to the Registration Committee for further consideration by a panel, together with any reasons and recommendations HPARB considers appropriate.
2. HPARB cannot require the Registrar to issue a Certificate of Registration if the Applicant/Registrant does not meet a non-exemptible registration requirement.

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<sup>5</sup> CHO utilizes the individual assessment process.

<sup>6</sup> CHO utilizes the individual assessment process.

## **Definitions**

### **Proposed Decision**

Means a proposed decision by a panel of the Registration Committee and does not include a direction to the Registrar to issue a Certificate of Registration (for Applicants) or an order directing the Registrar to remove or modify any term, condition or limitation imposed on the Registrant's Certificate of Registration as a result of a registration proceeding.

### **Decision**

Means a decision by a panel of the Registration Committee in adherence to s. 18(2) and s. 19 of the Health Professions Procedural Code.

## **Related Policies, Standards, Guidelines and Regulations**

CHO Registration Policy REG AD 03 Requesting a Record

CHO Registration Policy REG AD 02 Individual Assessment (IA) Review and Appeals Process

*Health Professions Procedural Code, Schedule 2 of the Regulated Health Professions Act, 1991*

### **Consideration by panel**

18. (1) An applicant may make written submissions to the panel within thirty days after receiving notice under subsection 15 (3) or within any longer period the Registrar may specify in the notice.

### **Orders by panel**

(2) After considering the application and the submissions, the panel may make an order doing any one or more of the following:

1. Directing the Registrar to issue a certificate of registration.
2. Directing the Registrar to issue a certificate of registration if the applicant successfully completes examinations set or approved by the panel.
3. Directing the Registrar to issue a certificate of registration if the applicant successfully completes additional training specified by the panel.
4. Directing the Registrar to impose specified terms, conditions and limitations on a certificate of registration of the applicant and specifying a limitation on the applicant's right to apply under subsection 19 (1).
5. Directing the Registrar to refuse to issue a certificate of registration.

### **Application for variation**

19. (1) A member may apply to the Registration Committee for an order directing the Registrar to remove or modify any term, condition or limitation imposed on the member's certificate of registration as a result of a registration proceeding. 1991, c. 18, Sched. 2, s. 19 (1).

### **Appeal to Board**

21. (1) An applicant who has been given a notice under subsection 20 (1) of an order may require the Board to hold a review of the application and the documentary evidence in support of it, or a hearing of the application, by giving the Board and the Registration Committee notice in accordance with subsection (2).

### **Requirements of notice**

(2) A notice under subsection (1) shall be a written notice, given within thirty days after the notice under subsection 20 (1) was given, specifying whether a review or a hearing is required.

### **Order, etc., to Board**

(3) If the Registration Committee receives a notice that an applicant requires a hearing or review, it shall, within fifteen days after receiving the notice, give the Board a copy of the order made with respect to the application, the reasons for it and the documents and things upon which the decision to make the order was based.

### **Disposal by Board**

(6) The Board shall, after the hearing or review, make an order doing any one or more of the following:

1. Confirming the order made by the panel.
2. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant if the applicant successfully completes any examinations or training the Registration Committee may specify.
3. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant and to impose any terms, conditions and/or limitations the Board considers appropriate.
4. Referring the matter back to the Registration Committee for further consideration by a panel, together with any reasons and recommendations the Board considers appropriate. 1991, c. 18, Sched. 2, s. 22 (6); 2007, c. 10, Sched. M, s. 27 (3).

### **Idem**

(7) The Board may make an order under paragraph 3 of subsection (6) only if the Board finds that the applicant substantially qualifies for registration and that the panel has exercised its powers improperly. 1991, c. 18, Sched. 2, s. 22 (7).

### **Limitation on order**

(8) The Board, in making an order under subsection (6), shall not require the Registration Committee to direct the Registrar to issue a certificate of registration to an applicant who does not meet a registration requirement that is prescribed as a non-exemptible requirement. 1991, c. 18, Sched. 2, s. 22 (8).

### **Parties**

(9) The College and the applicant are parties to a hearing or review. 1991, c. 18, Sched. 2, s. 22 (9).