



College of Homeopaths of Ontario Registration Policy Manual

Title: Individual Assessment (IA) Review and Appeals Process

Category: Administrative
Policy Type: Internal / External
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Applicable Categories of Registration (unless otherwise noted):

1. Full Certificate of Registration
2. Grandparented Certificate of Registration

Other:

3. Applicants

Applicable Regulation:

*Health Professions Procedural Code, Schedule 2 of the Regulated Health Professions Act
Homeopathy Act, 2007, Ontario Regulation 18/14 Registration*

Policy

An Applicant/Registrant can request a review of the individual assessment (IA) results by a third party (Request for IA Review) if the Applicant/Registrant does not agree with the results. The Request for IA Review is made to a third party body approved by Council.

An Applicant/Registrant can appeal the IA results made by the third party if the Applicant/Registrant does not agree with the results. If the Applicant/Registrant does not agree with the results of the Request for IA Review, he or she can submit an application for registration to the College so that the matter can be considered by the Registration Committee. If the Applicant/Registrant is not satisfied with the decision of the Registration Committee, he or she can request a review or hearing before the Health Professions Appeal and Review Board (HPARB).

In the alternative, the Applicant/Registrant may submit an application for registration to the College, that will be referred directly to the Registration Committee (and then, if necessary, go to Health Professions Appeal and Review Board (HPARB)).

The Request for IA Review process is voluntary.

NOTE: The Request for IA Review is different from the Request for Reassessment. The Request for Reassessment process is for Applicants/Registrants who accept the findings of the third party assessors and are continuing to provide evidence of competence which they did not meet during the initial assessment. There is a fee, payable to the third party, for a Request for Review and a Request for Reassessment.

Options if Dissatisfied with Results of the IA Assessment

The College provides options to Applicants/Registrants who are not satisfied with the results of an IA assessment. There are two main options if an Applicant/Registrant is not satisfied with the IA assessment results:

1. Request an IA Review which triggers a review by the third party who will select up to three assessor(s) who were not involved in the initial IA and who do not have a conflict of interest. These assessor(s) will consider the information and make his/her own decision, which could be the same or different from the decision of the first IA assessment panel. Within this option it is possible to provide additional information with his/her Request for IA Review. The third party will advise the Applicant/Registrant and the Registrar of the results of the Request for IA Review. The Request for IA Review process is voluntary. If this step is not successful, option 2 remains available.
2. Request a formal registration decision by the College. If the Applicant is not satisfied with the results of the Request for IA Review, he or she shall complete the application for registration with the College and submit it to the Registrar. The Registrar will refer the application to the Registration Committee.

The Registration Committee, after considering any written comments from the Applicant, will issue a written decision and reasons. If the Applicant is not satisfied with the decision of the Registration Committee with respect to his/her application, he or she can then seek a review or hearing before the HPARB.

In the case of a Grandparented Class Registrant applying for registration in the Full Class, if he or she is not satisfied with the results of the Request for IA Review, he or she may apply to the Registrar for registration in the Full Class. The Registrar will refer the matter to the Registration Committee. If the Registrant is not satisfied with the decision of the Registration Committee, he or she can seek a review or hearing before HPARB.

Please note that an application for review or hearing before HPARB can only occur after a decision from the Registration Committee has been rendered. A further appeal/judicial review application can be made to the courts.

Purpose and Principles(s)

The Registration Regulation requires the applicant to successfully complete an individual assessment to ensure that the Applicant for Grandparented or Full Class or a Grandparented Class Registrant applying for registration in the Full Class has the necessary competence to safely practise the profession. The assessment will not be conducted by the Registration Committee but the "third party".

Applicants and Registrants have recourse for decisions affecting their entry-to-practice into the profession.

In the case of the IA process the third party is an expert in psychometric assessment. As such they are the appropriate body to conduct the Request for IA Review. The College's Registration Committee has knowledge and expertise in the registration process. The Registration Committee, generally, does not have the knowledge, skill or judgment to review or comment on assessment results and outcomes. The College looks to ensure that the Applicant is eligible for registration based on a number of factors.

Procedure

1. When the third party advises the Applicant/Registrant that they have failed to demonstrate all or some of the necessary assessment criteria, the Applicant/Registrant can apply to the third party for a Request for IA Review within 60 days of receiving the results.
2. The following process will take effect:
 - a. Within 2 weeks of receiving the Applicant's/Registrant's Request for IA Review, the third party will send a letter to the Applicant/Registrant and the Registrar acknowledging the request.
 - b. The third party will confirm that the Request for IA Review will be processed as soon as possible.
 - c. The third party will confirm that any assessor(s) involved in the original IA will not be involved in the Request for IA Review.
 - d. The Applicant/Registrant will be invited to provide any additional information to the third party for the purpose of the Request for IA Review.
 - e. The third party will advise the Applicant/Registrant and the Registrar of the results of the Request for IA Review.
3. If the Applicant is not satisfied with the outcome of the Request for Review IA, he or she should proceed to complete the remaining requirements for registration with the College including the application form, await the Registrar's referral to the Registration Committee and, if he or she is not satisfied with the decision of the Registration Committee, may appeal the decision of the Registration Committee to HPARB as laid out under the *Health Professions Procedural Code*. Refer to policy REG043 Registration Appeals Process and Timelines.
4. If a Grandparented Class Registrant applying for registration in the Full Class is not satisfied with the outcome of the Request for IA Review, he or she should submit a completed application to the Registrar for registration in the Full Class and await a referral to the Registration Committee and, if he or she is not satisfied with the decision of the Registration Committee, may appeal the decision of the Registration Committee to HPARB as laid out under the *Health Professions Procedural Code*. Refer to policy REG043 Registration Appeals Process and Timelines.
5. The Applicant/Registrant may also be able to apply for judicial review at the Divisional Court although the courts usually require Applicants to exhaust the other options before seeking judicial review.
6. Applicants may request copies of documents from their College application file in accordance with policy REG042.

Possible Outcomes

1. The third party can either confirm or modify the results of the IA following a Request for IA Review.
2. When the Applicant/Registrant applies for registration or for a change of class, and if the Registrar refers the application to the Registration Committee, the Registration Committee can make one of five decisions:
 - a. Direct the Registrar to issue the certificate of registration.
 - b. Direct the Registrar to issue the certificate of registration if the Applicant successfully completes assessment or examination approved by the panel.
 - c. Direct the Registrar to issue the certificate of registration if the Applicant successfully completes additional training specified by the panel.
 - d. Direct 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.
 - e. Direct the Registrar to refuse to issue a certificate of registration.

However, neither the Registration Committee nor HPARB can exempt a non-exemptible registration requirement.

3. If the Registration Committee makes a decision pursuant to 2(b), (c), (d) or (e), the Applicant/Registrant can seek a review or hearing at HPARB or possibly a judicial review before the Divisional Court.

Definitions

Registrant

A Registrant is a member of the College of Homeopaths of Ontario.

Related Policies, Standards, Guidelines and Regulations

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

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).

Homeopathy Act, 2007, Ontario Regulation 18/14 Registration, sections 6, 9 and 14 [Note: This regulation is not yet in force. It comes into force on the day named by proclamation by the Lieutenant Governor.]

Registration requirements, Full Class

6. (1) The following are registration requirements for a Full certificate of registration:
 3. The applicant must have successfully passed an assessment conducted by a panel of the Registration Committee, or by another body that is approved by the Council for that purpose, that demonstrates that the applicant has the necessary competencies to safely practise the profession.
- (2) The requirements in paragraphs 1, 2, 3 and 4 of subsection (1) are non-exemptible.

Registration requirements, Grandparented \ Class

9. (1) The following are registration requirements for a Grandparented certificate of registration:
 3. The applicant must have successfully passed an assessment conducted by a panel of the Registration Committee, or by another body that is approved by the Council for that purpose, that demonstrates that the applicant has the necessary competency to safely practise the profession as the holder of a Grandparented certificate of registration.
- (2) The requirements in paragraphs 2, 3 and 4 of subsection (1) are non-exemptible.

