

# RECEIPT OF LETTER OF COMPLAINT/ PRELIMINARY INVESTIGATION

POLICY NUMBER: PC-002-01

COMMITTEE: Professional Conduct Pool

DATE APPROVED: November 13, 2020

DATE(S) REVIEWED (REVISED):

DATE TO BE REVIEWED: November 13, 2023

ISSUING AUTHORITY: NSCMIRTP Board

DISTRIBUTION: NSCMIRTP Board and Staff

APPROVAL: 

## POLICY

A "complaint" is a notice in writing indicating possible professional misconduct, conduct unbecoming the profession, incompetence or incapacity of a registrant or any other individual or entity over whom the College has jurisdiction. Complainants may be any individual, including the Registrar, who may file a complaint in writing on the basis of information received by the College. Complaints from outside the College are to be directed to the Registrar.

A preliminary investigation is conducted in order to obtain sufficient information for the Registrar to determine the suitable procedural stream for the complaint. In appropriate cases, the preliminary investigation may consist of the letter of complaint and the respondent's initial response.

## PROCEDURE

1. A complaint may be received via:
  - a. Written letter
  - b. Email correspondence
  - c. Online form
  - d. Verbal or audio/visual recorded communication to the College, where providing a written complaint would present a barrier to the complainant. In such cases, the Registrar will ensure that the complaint is documented in a written format and approved by the complainant.
2. Upon receiving or imitating a complaint, the Registrar (or delegate) will confirm that the respondent is a current registrant or was a registrant at the time of the subject matter of the complaint. The College has jurisdiction over current and former registrants.
3. Upon confirming the College has jurisdiction over the registrant, the Registrar will review the complaint to consider whether immediate referral to the Chair of the Investigative Committee is needed to determine whether any interim action needs to be taken [see Policy PP-008, Interim Measures for Public Protection].
4. The Registrar shall send a letter (via registered mail or email) to the respondent:
  - i. forwarding a copy of the complaint;
  - ii. requesting the respondent provide a written response within 10 days;
  - iii. enclosing copies of or providing electronic links to documents and information concern the Professional Conduct Process (Act, Regulations, policies, standards).
5. The Registrar shall also send a letter (via registered mail or email) to the complainant

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- acknowledging receipt of the complaint.
6. On receiving or initiating a complaint, the Registrar may appoint an investigator, who may or may not be a member of the Investigative Committee or Panel, to conduct a preliminary investigation of the complaint.
  7. The Registrar or an investigator may do 1 or more of the following:
    - a. request additional information in written or oral form from the complainant, the respondent or a third party;
    - b. request to interview the complainant, the respondent or a third party.
  8. The Registrar or an investigator may, with the respondent's consent, arrange for the respondent to do 1 or more of the following during a preliminary investigation:
    - a. if the Registrar or investigator has reasonable or probable grounds to believe that the respondent has an issue of incapacity, 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;
    - b. submit to 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;
    - c. submit to a competence assessment or other assessment or examination to determine whether the respondent is competent to practise, and authorize the assessment or examination report to be given to the Registrar;
    - d. produce any records regarding the respondent's practice that the Registrar or investigator considers appropriate.
  9. The Registrar or an investigator may investigate any matter relating to the respondent that arises in the course of the investigation, in addition to the complaint, that may constitute any of the following:
    - a. professional misconduct;
    - b. conduct unbecoming the profession;
    - c. incompetence;
    - d. incapacity.
  10. A respondent may submit medical information and any information relevant to the complaint to the Registrar or an investigator.
  11. Expenses incurred to take any action under paragraph 8 must initially be paid by the College, but may be awarded as costs against the respondent under any of the following circumstances:
    - a. if a finding is made against the respondent at a hearing;
    - b. as part of the terms of a consensual reprimand or consensual conditions or restrictions;
    - c. as part of an informal resolution;
    - d. by consent.
  12. Taking into account the results of any preliminary investigation, the Registrar must do 1 or more of the following:
    - a. dismiss the complaint [see Policy PC-003, Dismissal of Complaint by Registrar];
    - b. informally resolve the complaint if the Registrar considers it would be consistent with the objects of the College;
    - c. authorize the resignation of the respondent from the register and any relevant rosters if the Registrar considers that would be consistent with the objects of the College;



- d. if the Registrar is satisfied that a respondent has engaged in practice without a valid licence, fine the respondent an amount determined by the Board;
  - e. if the respondent and the Registrar agree, refer the respondent to the Fitness to Practise Committee;
  - f. refer the matter to the Investigative Committee.
13. The Registrar (or delegate) will communicate the outcome of paragraph 12 to the respondent and complainant in writing with reasons.