

Health Professions Appeals and Review Board (HPARB)

The Board is the independent body to whom complainants and/or massage therapists can seek a review if they have concerns related to the adequacy of the investigation of a complaint or the reasonableness of a decision issued by the Inquiries, Complaints and Reports Committee (ICRC).

Role of HPARB

The Board reviews decisions made by the ICRC. After receiving the Decisions and Reasons of the ICRC in relation to a complaint, the complainant or massage therapist is advised of their right to request a review of the decision to HPARB as long as the decision does not involve a referral to the Discipline Committee or a referral for Incapacity inquiries. This request must be made to the Board within 30 days of receipt of the decision. When reviewing a decision made by the ICRC, the Board may only consider the following questions:

- Did the Committee conduct an adequate investigation?
- Did the Committee make a reasonable decision?

Pre-Review Conference

After requesting a review HPARB will arrange a pre review teleconference. The Pre Review Conference is facilitated by a lawyer for the Board but not a member of the panel that will consider the review. The facilitator, the complainant and the massage therapist will discuss administrative details, relating to the review, the goals of the parties and the scope of the review. A representative of the College is also invited to attend in the event that their assistance may be required. The College is not a party to the review. If a resolution is not achieved during the Pre-Review phase the matter is scheduled for a Review hearing.

At the Review

A panel of usually three members of the Board will hear a review. One of the panel members will act as the Chair. HPARB members are not employed by the government nor have they ever been members of a regulated health profession. The review is open to the public.

Both the complainant and the massage therapist are invited to attend the review. Either party may bring legal counsel or a support person with them. The party that requested the review will present their information to the Board and the responding party will also have an opportunity to present their information. A staff member of the College will be in attendance to answer any questions the Board may have regarding the investigation process and/or the decision. The reviews may be scheduled to take place in Toronto, London or Ottawa.

Decisions of the Health Professions Appeal and Review Board

At the completion of its review, the Board can do one or more of the following:

1. Confirm all or part of the Committee's decision,
2. Make recommendations to the Committee,
3. Require the Committee to take further action, for example:
 - I. conduct further investigation,
 - II. reconsider the complaint and issue a new decision,
 - III. require the massage therapist to appear before the Committee to be cautioned;
 - IV. refer specified allegations of professional misconduct or incompetence to the College's Discipline Committee for a hearing.

The Board rarely makes its decision known at the end of a review. The panel that heard the review will issue a written document with its Decision to the parties as well as the College.

For further information regarding the Request for Review process please contact:

The Health Professions Appeal and Review Board

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(416) 327-8512 or 866-282-2179 or <http://www.hparb.on.ca>