

Review of Registration Decision

Purpose

This policy outlines the expectations for Applicants seeking a review of a registration decision made by the Alberta College of Dental Hygienists (ACDH). The process is designed to be fair, transparent, and efficient while aligning with both the *Health Professions Act (HPA)*, specifically the review provisions set out in sections 31 and 32. This document, in conjunction with the procedures document in Appendix A, ensures that the review process remains within the legislative framework, preventing unnecessary delays, excessive legal proceedings, and undue financial burdens on all parties.

Scope

This policy applies to all Applicants who have received a registration decision from the ACDH and wish to request a review of the decision.

Policy Statement

Applicants have the right to request a review of a registration decision. The review process is administrative in nature and not a formal court proceeding. The ACDH will ensure that the process remains structured, adheres to the timelines set out in this document, and does not become a formal court hearing or trial.

Initiating a Review Request

Health Professions Act requirements:

1. An Applicant must submit a written request for a review of the registration decision within 30 calendar days of receiving the decision. (*HPA 31(2)*)
2. The request for a review must be in writing and set out the reasons why the application for registration should be approved, with or without conditions. (*HPA 31(3)*)
3. The accompanying fee must also be paid in accordance with the ACDH fee schedule. (*HPA 31(6)*)

Steps to be taken by the Applicant:

1. Upon receipt of the Registrar's decision, the Applicant must complete the Decision Confirmation form in the Applicant Portal. If the Applicant wishes to



request a review of the decision, they will select “No, I would like to request a Review of Registration Decision” on the form.

2. The Applicant will be required to upload a signed copy of the decision letter clearly indicating their selected option.
3. After submission of the Decision Confirmation form, the Applicant will be required to complete and submit a Request Review of Registration Decision form to initiate the review process. The link to this form will be available in the Applicant Portal after the Decision Confirmation form has been submitted.
4. The request for a review must be in writing, in the form of a letter signed by the Applicant and should be uploaded within the Request Review of Registration Decision form.
5. The required fee for a request for review of registration decision will also be paid upon submission of the form.
6. In addition to completion of the form, a copy of the letter may also be sent to the Registrar via email (registrar@acdh.ca) or registered mail if the Applicant wishes to do so.
7. The request for review must be made within 30 calendar days of receiving the decision (*HPA 31(2)*).

Acknowledgment, Notification, and Commencement of Review

1. The Registrar will acknowledge receipt of the request within 5 business days.
2. The Registrar must, within 30 days of receiving the request, notify the Applicant of the date, time and location (either virtual or in-person) at which the panel of Council will conduct the review. (*HPA 31(4)*)
3. A review must be commenced not later than 60 days after the Registrar is given the request for a review. (*HPA 31(5)*)

Panel of Council

1. The review will be conducted by a panel of Council (*HPA 18*).
2. A panel of Council will consist of 4 or more members of Council.
3. A panel of Council must have at least 50% public members and up to 50% regulated members, and with the consent of the council the percentage of the public members may be greater than 50% (*HPA 12(1)*). This ensures public representation and oversight in the regulation of health professions. Council will designate a member of the panel to act as Chair.
4. Any panel of Council member involved with the review must not have been involved in the original registration decision.



Representation and Submissions

1. An Applicant, and, as applicable, the Registrar, or Registration Committee may appear with or without counsel and make representations to the panel of Council at a review. (*HPA 32(1)*)
2. The Applicant or their legal counsel may provide written submissions, including any relevant supporting documentation to support their reasons why the application for registration should be approved with or without conditions.
3. The Registrar or, as applicable, the Registration Committee may provide written submissions, including any relevant supporting documentation to support their reasons for the application decision.
4. Submissions must follow the expectations and timelines outlined in the procedures document (*Appendix A*).

Review Procedures

1. The review is **not a formal court hearing or trial**; it is an administrative review of the registration decision.
2. The registration review may occur in person, but typically occurs virtually via video conference, at the discretion of the panel of Council.
3. The review proceeds as outlined in the procedures document (*Appendix A*).

Decision

1. The panel of Council must prepare a written decision with the reasons for the decision.
2. The panel of Council, where reasonable, will endeavor to provide the decision within 30 calendar days following the completion of its review. The timeline for issuing the panel of Council's decision will depend on the facts, issues and complexity of each review.
3. In the event of a delay in issuing the decision, the panel Chair is responsible for notifying all affected parties in a timely manner.
4. On making a decision, the panel of Council will give the Applicant and the Registrar or Registration Committee a copy of its decision with the reasons for the decision (*HPA 32(3)*).
5. The decision will be communicated to the Applicant and the Registrar or the Registration Committee via email.
6. The Registrar or the Registration Committee and the Applicant are responsible for informing their respective legal counsel of the final decision.



7. There is no right of appeal under the *HPA* concerning the decision of the panel of Council.

Possible Review Outcomes

Based on Section 32(2) of the *HPA*, the panel of Council may:

1. confirm, reverse or vary the decision of the Registrar or the Registration Committee and make any decision that the Registrar or the Registration Committee could have made,
2. refer the matter back to the Registrar or the Registration Committee and direct the Registrar or the Registration Committee to make a further assessment of the application and make a decision under section 30 on the application, and
3. make any further order the panel of Council considers necessary for the purposes of carrying out its decision.

Roles and Responsibilities

Applicant Responsibilities

1. Submit a request for review within the required timeline.
2. Provide all necessary documentation to support the review request.
3. Adhere to the process and timelines set out by ACDH.
4. Ensure that any legal counsel retained follows the guidelines outlined in this policy and accompanying procedures.

ACDH Responsibilities

1. Ensure the review process is conducted fairly and in compliance with the *HPA*.
2. Council to appoint a panel of Council to conduct the review.
3. Communicate clearly with the Applicant regarding timelines and requirements.
4. Ensure decisions are issued within the designated timelines or at the earliest reasonable opportunity.



Legal Counsel Parameters

1. Legal representation for the Applicant and the Registrar or the Registration Committee is permitted for written or oral submissions.
2. Legal counsel may not take steps or act in a manner which is consistent with a trial of formal court hearing.
3. Unless a party makes a preliminary application within a reasonable time prior to a review, a party may not call witnesses to provide testimony.
4. The review is an administrative process and should not be treated as a formal court proceeding or trial.

7. Fees and Costs

1. The Applicant is responsible for their costs associated with the request for review of registration decision and their legal representation.
2. The ACDH will not reimburse legal fees or any other expenses incurred by the Applicant.

8. Review and Amendments

This policy will be reviewed by the College and approved by Council every three years or as necessary to ensure compliance with legislative changes and best practices.



Appendix A: Process of a Review of Registration Decision

Request and Fee Verification

1. The Registration Lead (or delegate) will verify that the Decision Confirmation form, the Request for Review of Registration Decision form, the letter from Applicant, and the accompanying fee have been submitted to the College.
2. The Executive Assistant (or delegate) will acknowledge receipt of request for review to the Applicant within 5 business days.

Scheduling the Review

1. The Executive Assistant (or delegate) will work with the designed panel of Council to determine a suitable date and time for the review.
2. The review must be commenced within 60 days of receipt of the request for the review.

Notification of Attendance

1. The Executive Assistant (or delegate) will send a Notice to Attend Letter, including the date, time and location (either virtual or in-person) of the scheduled review, to the panel of Council, the Applicant and, as applicable, the Registrar and/or the Registration Committee, within 30 days after the request for review was received.

Document Preparation

1. A Complete Record must be provided to all parties and to the panel of Council within a reasonable time in advance of the review. This includes:
 - a timeline of the application
 - a copy of the completed application for registration
 - signed decision letter and any documentation supporting the decision
 - request for review of decision documents
 - any written submissions from the parties
2. The Applicant's written submissions must be provided to the Executive Assistant at least **two weeks** prior to the scheduled review in a PDF format.
3. The Registrar's written submissions must be provided to the Executive Assistant at least **one week** prior to the scheduled review in a PDF format.
4. The Applicant and the Registrar's or the Registration Committee's written submissions should be as concise as possible and should preferably **not exceed 30 pages**.



5. Any new evidence in addition to the Complete Record cannot be submitted by either party unless a preliminary application to introduce new evidence is made to the panel of Council within a reasonable time prior to the commencement of the review.

Registration Review Process:

General Matters

1. The panel of Council may be represented or supported by independent legal counsel.
2. If the review is held virtually, it will be recorded using the designated virtual meeting platform. If the review is held in-person, it will be recorded using a recording method chosen by the panel of Council. No other recordings are permitted.
3. There shall be no direct questioning between the Registrar or, as applicable, the Registration Committee representative and the Applicant or representing legal counsels. All lines of questioning will be directed through the panel of Council.
4. Unless otherwise allowed by the panel of Council, each party will have a maximum of **thirty minutes** to present their oral submissions.

Step 1: Opening Remarks

1. The appointed panel of Council Chair begins the review meeting with housekeeping items, introductions, an outline of the process and expectations.

Step 2: Presentation of Submissions

1. The Registrar or Registration Committee (or their legal counsel) presents a summary of background information concerning the original decision.
2. The Applicant (or their legal counsel) presents their oral submissions, including reasons why the application should be approved, with or without conditions.
3. The Registrar or the Registration Committee (or their legal counsel) presents their oral submissions, including reasons why the original decision should be confirmed.
4. The panel of Council may ask clarifying questions of either party after their respective oral submissions.



Step 3: Rebuttal

1. The Registrar or the Registration Committee (or their legal counsel) may respond to the Applicant's submission.
2. The Applicant (or their legal counsel) may provide a final response.

Step 4: Deliberations

1. After submissions and rebuttal, the panel of Council will deliberate in-camera.
2. During those deliberations, all other parties will be placed in a virtual waiting room or asked to leave the room if the review is conducted in-person.
3. Should further questions arise from the panel of Council as the result of their private deliberations, all parties may be asked to re-enter the room to answer those questions.

Step 5: Closing the Review

1. All parties reconvene, and the panel of Council Chair outlines next steps and decision timelines.
2. The review process concludes.