



FITNESS TO PRACTISE COMMITTEE RULES OF PROCEDURE (EFFECTIVE SEPTEMBER 1, 2026)

These Rules of Procedure, made pursuant to the *Statutory Powers Procedure Act*, RSO 1990, c. S. 22, apply to the Fitness to Practise Committees of the following colleges:

- College of Audiologists and Speech-Language Pathologists of Ontario
- College of Medical Radiation and Imaging Technologists of Ontario
- College of Midwives of Ontario
- College of Occupational Therapists of Ontario
- College of Physicians and Surgeons of Ontario
- College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario

Each Fitness to Practise Committee is an independent adjudicative Committee under the Health Professions Procedural Code.

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Rule 1 – Application of the Rules

1.1.1 Committee proceedings shall be fair, efficient, just and timely. The Committee will adapt processes to the needs of a matter before it and to allow all participants, including the self-represented, to participate fairly and effectively. Decisions shall be made in the public interest and take particular account of the need to be accessible to all, including disadvantaged and vulnerable individuals and groups.

1.1.2 All orders and directions made under these rules shall be proportionate to the importance and complexity of the issues in dispute.

1.1.3 The Committee may waive any rule, change any time limit or due date, or excuse the failure to follow a rule or time limit, unless this is not allowed by the Code or other legislation, or it is clear from the context that a specific rule must always be followed.

1.1.4 The Committee may decide the procedure for anything not covered by these rules.

1.1.5 Practice Directions of the Health Professions Discipline Tribunals apply to Committee proceedings with necessary modifications.

Respectful Communication

1.2.1 All documents filed and all written and oral communications with the Committee must be relevant to the proceeding and respectful to all participants and to the Committee.

Definitions

1.3.1 These are the definitions for terms and expressions used in these rules:

“Act” means the *Regulated Health Professions Act, 1991*; (loi)

“business day” means any day that is not a Saturday, Sunday, Ontario public holiday, or another day on which the Tribunal Office is closed, which includes the National Day for Truth and Reconciliation and the days between Christmas and New Years Day; (jour ouvrable)

“case management chair” means a member of the Committee assigned to conduct case management conferences and/or case management in writing; (président de gestion de l’instance)

“Code” means the Health Professions Procedural Code, Schedule 2 to the *Regulated Health Professions Act, 1991*; (Code)

“College” means the College whose Inquiries, Complaints and Reports Committee or Registrar referred the matter to the Committee; (Ordre)

“motion” means a request for an order or direction; (motion)

“panel” means a panel assigned to hear a motion or the merits of a proceeding and includes a Committee member sitting alone; (sous-comité)

“party” means the College or the registrant; (partie)

“participant” means a party and any other person with a right to participate in the proceeding or a portion of the proceeding; (participant)

“patient” does not include the registrant or applicant; (patient)

“patient health record” or “client health record” means a record in any form kept by a registered health professional in the course of providing services to a patient/client; (dossier médical du patient/client)

“personal health information” has the meaning in s. 4 of the *Personal Health Information Protection Act, 2004*; (renseignements personnels sur la santé)

“proceeding” includes all steps in a matter before the Committee; (instance)

“registrant” means the member or former member of the College who is the subject of the proceeding; (inscrit)

“representative” means a person holding an L1 or P1 licence from the Law Society of Ontario or permitted to provide legal services without a licence under Part V of By-Law 4 of the Law Society of Ontario; (représentant)

“Committee” means the Fitness to Practise Committee to which the allegations were referred; (comité); and

“Committee Chair” means the Chair of the Committee appointed by the College’s Board or Council (président du comité)

“Tribunal Office” means the Tribunal Office of the Health Professions Discipline Tribunals;

“uncontested hearing” means a hearing in which the parties agree on all issues.

1.3.2 In Committee proceedings, including in these rules, during hearings, in Committee orders and reasons and in materials filed, the following terms may be substituted for and mean the same as the equivalent term in the Code, other legislation and regulations:

Term	Equivalent Term in the Code
Board or Board of Directors	Council
client or patient/client	patient
registrant	member

Counting Time

1.4.1 This is how to count time in these rules or in a Committee direction or order:

- a. When counting the number of days between two events, the day the first event happens is not counted and the day the second event happens is counted.
- b. When the deadline to do something is less than seven days, only business days are counted.
- c. When the deadline to do something falls on a day that is not a business day, the deadline moves to the next business day.
- d. When a document is delivered or filed after 4 p.m. or on a day that is not a business day, the document is considered delivered or filed on the next business day.

Documents

1.5.1 Documents and communications must be filed in electronic format, in accordance with the Practice Direction on Format of Documents.

1.5.2 Documents and communications with the Committee must be delivered to all participants by:

- a. email;
- b. secure file transfer service;
- c. courier or registered mail;
- d. another method directed or permitted by the Committee; or
- e. another method agreed to by the recipient.

1.5.3 Documents and communications may be filed with the Committee by:

- a. email to tribunal@hpdt.ca;
- b. secure file transfer service; or
- c. another method directed or permitted by the Committee.

1.5.4 At the time of filing, delivery must be confirmed by:

- a. sending the Committee the electronic communication sent to the other participant, showing the email address to which it was delivered; or
- b. filing a confirmation of delivery (Form 1).

1.5.5 This rule does not apply to summonses, which must be served personally on the person summoned in accordance with s. 12 of the *Statutory Powers Procedure Act* and the Practice Direction on Summonses.

1.5.6 A document or communication is deemed delivered to a registrant when it is sent to the last email address and postal address the registrant provided to the College or to the registrant's counsel.

Rule 2 – Closed Proceedings and Exception

2.1.1 Committee hearings are closed to the public under s. 68(1) of the Code, subject to the registrant's right to request an open hearing in s. 68(2). Rule 2 applies only to an open hearing.

2.1.2 Anyone may access the public record of the proceeding except as set out in this rule. The public record of the proceeding consists of the following documents, subject to rules 2.2.2 and 2.2.3:

- a. referral letters or memos, notices of hearing, notices of application, statements of particulars, notices of motion, motion records, books of authorities, factums and written submissions in any form;
- b. exhibits, including any marked for identification;
- c. case management directions, orders and reasons; and
- d. any other document(s) the Committee orders be part of the public record of the proceeding.

2.1.3 Requests for documents in the public record shall be made to the Tribunal Office. Requests for hearing transcripts shall be made to the court reporting service used by the Committee. The requestor is responsible for any associated costs.

2.1.4 The court reporting service shall not provide a copy of the transcript to anyone other than a participant in the proceeding unless it has been redacted by the Tribunal Office to remove personal health information, patient health records, patient names and any information that could identify a patient.

2.1.5 Agreed statements of facts (ASF) and statements of uncontested facts (SUF) become part of the public record when made an exhibit at a hearing. The Committee will provide a copy of an ASF or SUF to a requestor on or after the business day before the first scheduled hearing day. Until an ASF or SUF has been made an exhibit at a hearing, no one shall publish or broadcast information about its contents.

Departing from Openness

2.2.1 Case management conferences are not open to the public. Documents filed for a case management conference are not public, except for written submissions on or documents in support of a motion or request that the case management chair make an order or direction.

2.2.2 No one shall publish or broadcast the names of patients/clients or any information that could identify patients/clients or disclose their personal health information or health records referred to at a hearing or in any documents filed with the Committee, unless the Committee orders otherwise.

2.2.3 Patient/client health records are not part of the public record of the proceeding unless the Committee orders otherwise.

2.2.4 Participants shall not include the following information in documents or exhibits filed with the Committee other than patient/client health records, unless necessary to the Committee's decision or the Committee orders otherwise:

- a. name of, or any information that could identify, a patient;
- b. patient/client personal health information, unless the details are important to addressing issues in dispute;
- c. social insurance numbers and employee identification numbers;
- d. OHIP billing numbers, health card numbers, business numbers, or GST/HST account numbers;
- e. date of birth (unless it must be provided, in which case only the year must appear);
- f. name of any person under the age of 18; and
- g. account numbers from banks or other financial institutions.

2.2.5 Where a participant files a document that includes unredacted information set out in rule 2.2.4, it shall not be part of the public record of the proceeding and the participant filing it shall file a second version that does not contain the information and that shall be part of the public record of the proceeding.

2.2.6 The Committee may waive rule 2.2.5 on the basis that it would be onerous to redact the information, or on other grounds.

2.2.7 If a motion record or document book includes exhibits containing patient/client health records, it shall not be part of the public record of the proceeding and the participant filing it shall file a second version of the motion record or document book that shall be part of the public record of the proceeding with those exhibits removed.

2.2.8 The Committee may:

- a. restrict access to documents and exhibits;
- b. require parties to redact personal or sensitive information from documents filed with the Committee and make the redacted versions part of the public record;
- c. make an order that no one shall publish or broadcast certain information in addition to the restrictions in rule 2.2.2; and
- d. make an order that some or all the hearing not be open to the public where:
 - i. matters involving public security may be disclosed;
 - ii. financial or personal or other matters may be disclosed that are of such a nature that the harm created by disclosure would outweigh the desirability of adhering to the principle that hearings be open to the public;

- iii. a person involved in a criminal proceeding or in a civil suit or proceeding may be prejudiced; or
- iv. the safety of a person may be jeopardized.

2.2.9 Anyone seeking an order under rule 2.2.8 shall provide notice of the request to the media using Form 2A. The completed Form 2A shall be filed with the Committee and will be posted on the Committee's website.

2.2.10 When making any order restricting openness the Committee must be satisfied that:

- a. openness poses a serious risk to an important public interest;
- b. reasonable alternative measures will not address this risk; and
- c. the benefits of the order outweigh its negative effects on openness.

2.2.11 Any party that is aware of an order prohibiting or restricting publication of documents or information provided to the Committee must advise the Committee immediately.

Rule 3 – Accommodation and Language

3.1.1 Participants in Committee proceedings are entitled to accommodation of *Human Rights Code* protected needs. The Tribunal Office must be notified of a need for accommodation as soon as possible.

3.1.2 Written communications with the Committee may be in French or English.

3.1.3 A party or witness appearing before the Committee may use an interpreter. Interpretation services will be provided by the Committee on request to the Tribunal Office.

3.1.4 A party intending to call a witness whose testimony will require interpretation must notify the Committee as soon as possible and, in any event, no later than seven days before the day on which the witness will testify.

Language of Proceedings

3.2.1 A proceeding shall be conducted in English, French or both English and French.

3.2.2 The language of the proceeding is the choice of the registrant.

3.2.3 In accordance with s 86(4) of the Code, a person's right under this rule is subject to the limits that are reasonable in the circumstances.

3.2.4 A registrant who asks to change the language of the proceeding from the language in which it started shall make the request within 60 days of the date of service of the notice of hearing or notice of application.

3.2.5 Documents provided in a language other than English or French shall be accompanied by a translation of the document into the language of the proceeding. The translation must be prepared by a qualified translator who certifies that the translation is true and accurate to the best of the translator's skill and ability. The party or person providing the document is responsible for the cost of its translation.

Rule 4 – Notice of Hearing

4.1.1 After the Inquiries, Complaints and Reports Committee refers allegations to the Committee, the College shall file a notice of hearing.

4.1.2 Where a participant has been notified of a hearing and does not attend or participate, the Committee may proceed in their absence, and they are not entitled to any further notice in the proceeding.

4.1.3 A notice of hearing forms part of the public record from the time it is filed and shall not be read into the record at a hearing.

Rule 5 – Additional Participants

5.1.1 In a motion for production of third-party records, the holder of the records and the individual who is the subject of those records are participants and entitled to notice of the motion.

Rule 6 – Notice of Constitutional Question

6.1.1 A party that intends to raise a question about the constitutional validity or applicability of legislation, a regulation or a by-law made under legislation, or a rule of common law, or that claims a remedy under subsection 24(1) of the *Canadian Charter of Rights and Freedoms* in relation to an action or omission of the Government of Canada or the Government of Ontario, shall complete a notice of constitutional question using Form 6.

6.1.2 The completed notice shall be delivered to the other party and to the Attorneys General of Canada and Ontario as soon as the circumstances requiring notice become known and, in any event, at least 15 days before the question is to be argued. The notice must be filed with the Tribunal Office after delivery.

6.1.3 Where the Attorney General of Canada or the Attorney General of Ontario is entitled to notice under this section, they are entitled to adduce evidence and make submissions to the Committee in respect of the constitutional question.

Rule 7 – College Disclosure

7.1.1 The College shall disclose all potentially relevant documents and things in its possession or control by the date set by the Committee in its introduction letter. If the College requests an extension of the deadline it must advise the Committee no later than 15 days before the deadline and a case management conference will be scheduled.

7.1.2 At the time of disclosure, the College must identify any potentially relevant documents, such as Crown briefs, not yet in its possession but on which it expects to rely.

7.1.3 A registrant seeking further documents from the College shall file a motion no later than 90 days after receiving the College's disclosure. The motion record shall include prior correspondence requesting the documents from the College representative and the College representative's response.

7.1.4 The College shall disclose all further potentially relevant documents as soon as possible after receiving or creating them.

7.1.5 Disclosure shall only be shared or distributed for the purposes of the proceeding or as required by law, unless the Committee orders otherwise. The Committee may place additional conditions on the use of disclosure documents.

7.1.6 The Committee may make an order addressing a breach of rule 7.1.5.

Rule 8 – Statement of Particulars

8.1.1 The Committee may direct a party to file a statement of particulars explaining in detail the facts and the legal basis for the party's position, or providing more details, information or documents, if the Committee considers it necessary for a better understanding of the issues in dispute.

Rule 9 – Case Management

Principles

9.1.1 The Committee case manages every proceeding so that, among other things:

- a. hearings progress in a fair and timely way, in the public interest;
- b. hearing time is used efficiently and effectively;
- c. procedural and legal issues are identified early; and
- d. adjournments are only necessary in exceptional circumstances.

Case Management Conferences (CMCs)

9.2.1 CMCs are held by videoconference unless the Committee directs otherwise.

9.2.2 A CMC is held in every proceeding. The case management chair shall prepare a case management direction after every CMC.

9.2.3 The Committee may, at a party's request or on its own initiative, hold additional CMCs at any time during a proceeding.

9.2.4 Unless the parties agree, a case management chair who has been involved in discussions of the strengths and weaknesses of the parties' evidence and arguments, or of possible resolutions, will not sit as a member of the panel for the merits hearing.

Confidentiality

9.3.1 CMC memos, and discussions during the CMC of the strengths and weaknesses of the parties' evidence and arguments and of possible resolutions, are without prejudice and may not be disclosed by anyone unless all parties and the Committee agree, or disclosure is required by law.

CMC Memos

9.4.1 Each party shall prepare a CMC memo.

9.4.2 The CMC memo must:

- a. briefly describe the party's theory of its case and the legal issues as understood at the time;
- b. estimate the number of hearing days needed for that party's case;
- c. identify whether the party expects to call expert witnesses and on what issues;
- d. where possible, identify the intended witnesses;
- e. identify any intended pre-hearing motions;
- f. provide the party's position on settlement;
- g. identify the party's position on disposition; and
- h. include any other information to assist the CMC process.

9.4.3 The College shall deliver and file its CMC memo no later than 20 days before the first CMC. The registrant shall deliver and file their CMC memo no later than 10 days before the first CMC.

Scope of Case Management

9.5.1 The case management chair may assist parties to:

- a. identify or simplify the issues;
- b. explore agreement on facts or evidence; and
- c. identify potential motions.

9.5.2 The case management chair may make orders and directions to assist in the fair and efficient management of the proceeding, including:

- a. scheduling or adjourning hearing or motion dates;
- b. making orders under rule 2;
- c. directing disclosure;
- d. requiring further or better witness statements;
- e. directing the order of witnesses;
- f. making directions under rule 8;

- g. making directions under rule 14;
- h. permitting or requiring a witness to provide their evidence in chief by affidavit;
- i. permitting the examination of a witness before the hearing;
- j. setting the time for delivery of expert reports and any responding expert witness reports;
- k. resolving objections to a proposed expert;
- l. directing how expert evidence will be called;
- m. directing experts to confer prior to the hearing;
- n. hearing and deciding procedural or interlocutory motions pursuant to s. 4.2(1) of the *Statutory Powers Procedure Act*, or other motions with consent of all parties as set out in s. 4.2.1(2) of the *Statutory Powers Procedure Act*;
- o. setting times for steps in the proceeding and/or delivery of documents;
- p. setting time limits for oral submissions and page limits for written submissions;
- q. directing cross-examinations on affidavits take place with only a videorecording, before a court reporter or before the case management chair;
- r. directing the order in which motions will be heard, that motions be heard together or that motions be heard with the merits;
- s. finding that sufficient notice has been provided to a party or other person entitled to notice, that notice need not be proven at the hearing, and/or that the party or other person need not be provided with further documents.
- t. exploring and applying alternatives to traditional adjudicative or adversarial procedures;
- u. waiving or modifying requirements of these rules; and
- v. making any other direction or order that would promote a proportionate, fair, timely and efficient proceeding.

9.5.3 Participants shall request a CMC as soon as they are aware of anything that may affect the timely and efficient conduct of a scheduled motion or hearing.

Case Management in Writing

9.6.1 A case management chair may make a case management direction at any time on their own initiative or following written communications or submissions from participants.

Rule 10 – Adjournments

10.1.1 Once hearing or motion dates are scheduled, parties are expected to be ready to proceed on those dates. Adjournments are only granted where it is necessary for a fair hearing, even when the parties consent.

10.1.2 A request to adjourn must be made in writing as soon as the need for it arises, unless a written request is impossible. The requestor must explain why the adjournment is necessary, identify the

exceptional circumstances supporting the request, and include the other party's position and availability for alternate hearing dates or explain why it was impossible to obtain that information from the other party.

10.1.3 The Committee may include terms and conditions when granting an adjournment.

Rule 11 – Motions

11.1.1 A motion shall be made by notice of motion using Form 11 unless the nature of the motion or circumstances make a notice of motion unnecessary, or the case management chair directs otherwise.

11.1.2 Each participant's oral submissions on a motion shall not exceed one hour, except with the Committee's permission.

11.1.3 Where a moving party does not meet a motion deadline or attend the motion, the motion may be deemed withdrawn.

Motion Materials

11.2.1 Evidence on a motion shall be by affidavit. Cross-examination on the affidavit occurs at the hearing of the motion unless the Committee directs otherwise.

11.2.2 The moving party shall file a motion record that includes the notice of motion and affidavits in support of the motion. The moving party may also file a factum and book of authorities.

11.2.3 The moving party shall prepare and file a draft order using Form 15.

11.2.4 The responding party may file a responding motion record containing any responding affidavits, and a responding factum and book of authorities.

11.2.5 No factum shall exceed 30 pages except with the Committee's permission.

11.2.6 Deadlines for delivering and filing motion materials shall be set at a case management conference.

Motion for Documents from a Third Party

11.3.1 A notice of motion seeking documents from a third party must explain how the documents sought are likely relevant to an issue in the proceeding or to the competence of a witness to testify in the hearing, and why their production is necessary in the interests of justice.

11.3.2 The requestor shall deliver the notice of motion to the third party holding the records, together with a copy of the notice of hearing, all case management directions that relate to the motion, a summons requiring their attendance on the motion date and attendance money. The summons must be served at least 21 days before the motion date.

11.3.3 College counsel shall deliver, on behalf of the moving party, the summons and motion materials to the person whose records are the subject of the motion.

11.3.4 Third party records ordered produced shall only be shared or distributed for the purposes of the proceeding or as required by law, unless the Committee orders otherwise. The Committee may place additional conditions on the use of third party records.

11.3.5 The Committee may make an order addressing a breach of rule 11.3.4.

Rule 12 – Hearing Preparation

Summons

12.1.1 A party may request a summons from the Tribunal Office in accordance with the Practice Direction on Summonses.

12.1.2 Service of the summons on the witness and payment of the necessary attendance money is the responsibility of the party requesting the summons.

Agreed Facts

12.2.1 The Committee shall accept and rely on any facts agreed to by the parties without further proof or evidence.

12.2.2 In an uncontested hearing, the agreed statement of facts or statement of uncontested facts, book(s) of authorities, a draft order and a Hearing Information Form shall be filed with the Tribunal Office no later than seven days before the hearing begins.

12.2.3 An agreed statement of facts or statement of uncontested facts shall not be read into the record at a hearing.

Requests to Admit

12.3.1 A party may deliver to the other party a request to admit using Form 12A asking the other party to admit the truth of facts or the authenticity of documents for the purposes of the Committee proceeding.

12.3.2 The other party must deliver a completed response to the request to admit using Form 12B no later than 30 days after the date the request to admit was delivered, unless the Committee directs otherwise.

12.3.3 A party who fails to respond to the request to admit or whose response fails to specifically deny or refuse to admit the truth of a fact or the authenticity of a document, is deemed, for the purposes of the Committee proceeding, to admit the truth of the facts or the authenticity of the documents.

12.3.4 A party who received a request to admit and who does not attend the hearing is deemed to admit, for the purposes of the Committee proceeding, the truth of the facts or the authenticity of the documents mentioned in the request to admit, despite having delivered a response.

12.3.5 An admission made in response to a request to admit or a deemed admission may be withdrawn on consent or with the Committee's permission.

12.3.6 A request to admit the truth of facts under this rule may only be delivered where the other party, after receiving notice, has not indicated any intention to participate in the proceeding or the Committee has given permission. A request to admit the authenticity of documents may be delivered in any circumstance.

12.3.7 A request to admit may not be delivered less than 30 days before the scheduled date of the hearing.

Documents, Witness Statements and Hearing Brief

12.4.1 No later than 30 days after a date is set for a contested hearing, the College shall deliver to the registrant a list of all documents it may use in examining its witnesses, a list of intended witnesses and a detailed summary of each witness's intended evidence. Summaries may consist of a prior statement.

12.4.2 No later than 60 days after a date is set for a contested hearing, the registrant shall deliver to the College all documents they may use in evidence that are not included in the College's disclosure, a list of all documents they may use in examining their witnesses, a copy of any document on the list that has not already been produced, a list of intended witnesses and a detailed summary of each witness's intended evidence. Summaries may consist of a prior statement.

12.4.3 No later than seven days before a contested hearing, each party shall deliver to the other party and file with the Committee a hearing brief containing each document it may use in examining its witnesses and its witness list.

12.4.4 The Committee may refuse to allow a party to rely on anything that was not delivered or filed as required by this rule or a Committee order.

12.4.5 A hearing brief is not evidence and does not form part of the public record.

12.4.6 No later than seven days before a contested disposition hearing, the parties will deliver to each other and file any documents they may rely upon at the disposition hearing and a detailed summary of each witness's intended evidence.

Experts

12.5.1 No later than 60 days following the first case management conference, the College shall deliver to the registrant any expert reports on which it intends to rely.

12.5.2 No later than 90 days after the College confirms it has delivered all expert reports it intends to provide, except for reply reports, the registrant shall deliver to the College any expert reports on which the registrant intends to rely.

12.5.3 A party who wishes to offer a witness as an expert shall ask the witness to complete Form 12C and shall inform the proposed witness of their duty to assist the Committee on matters within their

expertise and that this duty overrides any obligation to the person from whom they receive instructions or payment.

12.5.4 Any responding expert report shall be delivered to the other party no later than 60 days after receiving the report to which it responds.

12.5.5 An expert report shall contain the witness's signed Form 12C and the:

- a. witness's name, contact information and area of expertise;
- b. witness's qualifications, education and practice experiences in their area of expertise;
- c. instructions provided to the witness in relation to the proceeding;
- d. areas and/or issues on which the Committee is asked to qualify the witness as an expert and their opinion is sought; and
- e. witness's opinion on each issue and reasons for their opinion, including:
 - i. a description of the factual assumptions on which the opinion is based;
 - ii. a description of any research conducted by the expert that led them to form the opinion; and
 - iii. a list of every document, if any, reviewed by the expert in forming the opinion.

12.5.6 A party that objects to the admissibility of some or all evidence set out in an expert report, whether based on qualifications, relevance and/or impartiality shall advise the other party and the Committee of their objection no later than 60 days after receiving the report.

Treating Physicians

12.6 A party calling a treating physician as a witness shall provide the physician's records and notes to the other party as soon as possible.

Illegible Notes

12.7 A party shall transcribe any illegible notes and records for the other party on request.

Rule 13 – Registrant Applications to the Committee

Application for Removal of Information from the Public Register

13.1.1 To make a request under s. 23 (11) of the Code, the registrant must deliver and file an application for removal of information from the public register using Form 13A and an application record containing the documents on which the registrant intends to rely, including a copy of the Committee's decision and reasons. The application must:

- a. confirm that at least six years have passed since the information was prepared or last updated

- b. explain why the registrant believes the information to be removed is no longer relevant to their suitability to practise;
- c. explain why the registrant believes removal of the information outweighs the desirability of public access to the information in the interest of any person affected or the public interest, and
- d. confirm the information to be removed does not relate to disciplinary proceedings concerning sexual abuse as defined in s. 1(3) of the Code.

Application to Vary Under s. 69(3) of the Code

13.2.1 To apply to vary a Committee order, the applicant must deliver and file a notice of application, setting out the grounds on which the applicant relies.

Case Management Conference

13.2.2 Once a notice of application is filed, the Committee will schedule a CMC to determine the next steps in the application.

Rule 14 – Hearings

Hearing Format

14.1.1 Unless the Committee directs otherwise, all hearings are held by videoconference.

14.1.2 A hearing or any part of a hearing may be held in writing where it would promote a proportionate, fair, timely and efficient proceeding.

14.1.3 A hearing may be held in person where the party requesting it shows that circumstances exist that outweigh the benefits of a remote hearing. Relevant factors when weighing the circumstances include:

- a. the Committee's public interest mandate;
- b. the parties' consent;
- c. the nature, significance and complexity of the issues, including whether credibility is in question;
- d. accessibility by participants; and
- e. facilitating participation by persons who have been historically disadvantaged within the legal and/or medical system, in particular Indigenous peoples and communities and vulnerable witnesses.

Hearing Management

14.2.1 The hearing panel or its chair may:

- a. schedule or adjourn an appearance;
- b. set timelines or deadlines for steps in the hearing;
- c. direct parties to make written submissions;
- d. set time limits for oral submissions and page limits for written submissions; and
- e. make any other procedural directions necessary to ensure the hearing proceeds in a proportionate, fair, timely and efficient manner, including those set out in Rule 9.5.2.

14.2.2 Hearing management may take place at a hearing management conference (HMC) with the panel or its chair.

14.2.3 The panel or its chair may make a case management direction at any time on their own initiative or following written communications or submissions from participants.

14.2.4 The panel shall not permit cross-examination that is abusive, repetitive or otherwise inappropriate. The panel may limit further examination or cross-examination where satisfied that the examination or cross-examination is sufficient to disclose fully and fairly all matters relevant to the issues in dispute.

Vulnerable Witnesses

14.3.1 Where it would facilitate a full and candid account of a witness's evidence or otherwise be in the interests of justice, the Committee may do one or more of the following:

- a. permit a support person to sit near a witness while the witness testifies. The Committee may direct the conduct of the support person during the witness's testimony,
- b. allow a witness to testify by videoconference or from behind a screen or other device that would allow the witness not to see the registrant (when the hearing is conducted in person) or direct the registrant to turn off their video feed or to remain off screen during the witness's testimony (when the hearing is conducted remotely). At all times the Committee, registrant and counsel must be able to see the witness,
- c. order that a registrant not personally cross-examine a witness and in such a case, shall appoint counsel to conduct the cross-examination.

14.3.2 In deciding whether to make an order, the Committee shall consider:

- a. the age of the witness;
- b. the witness's mental or physical disabilities, if any;
- c. the nature of the allegations;
- d. the nature of any relationship between the witness and the registrant;
- e. whether the order would assist the witness's security or protect them from intimidation or retaliation;

- f. the public interest in encouraging the reporting of professional misconduct and the participation of patients and other witnesses in the disciplinary process; and
- g. any other factors the Committee considers relevant.

14.3.3 Where a witness is 18 or under or has difficulty communicating their evidence due to a disability, they shall be accommodated as set out in rule 14.3.1 unless the witness declines.

Rule 15 – Orders and Reasons

Draft Orders

15.1.1 Any party may prepare a draft order using Form 15. A draft order is treated as a submission and the Committee may amend it. A draft order is not part of the public record of the proceeding.

Orders Effective When Made

15.2.1 A Committee order becomes effective when it is made on the record, even if a written version has not yet been prepared or signed.

Correction of Errors

15.3.1 The Tribunal Office or a member of the panel may correct typographical errors, errors of calculation or similar minor errors in an order or reasons.