

REGISTRATION AND LICENSING DIRECTION

Current and updated as of: January 14, 2025

3.27 Review by Council

Purpose:

To outline the procedure that Council will follow when appeal requests or applications to Council are received.

Application requests are in relation to the renewal of an Examination Candidate license which is allowed as per Regulation 6(5) in this policy established by Council.

Appeal requests described in this policy may be related to application for registration based on a decision of the Board of Assessors or related to an appeal by the complainant in a decision made by the Complaints Committee.

Policy:

All appeals and applications are to be reviewed by Council as outlined in the legislation and this policy.

Process:

Appeal of a Registration Decision of the Board of Assessors

The process for an appeal for registration not approved is outlined in the *Physiotherapists Act* Part 4(11).

- Council must receive the appeal in writing via mail or via email to info@manitobaphysio.com within 30 days of the person receiving notification of the Board of Assessor's decision and must specify the reason for the appeal (why the BOA made the wrong decision).
- The applicant is responsible for payment of the applicable fee.
- Within 30 days after deciding the appeal, Council shall give the applicant written notice via mail or email of the decision.

Procedure:

- Council shall offer an in-person meeting within 90 days of the receipt of the appeal. The applicant has the right to attend with legal counsel. Council shall set a time limit for the applicant and their counsel, if present, to make representation to Council at the meeting. Only the applicant and their legal counsel will be able to speak on the applicant's behalf.
- Council may choose to have legal representation present at the meeting.
- The Chair of Council will preside over the meeting and outline the procedure once they have called the meeting to order.

Process:

Appeal by a complainant of the decision of the Complaints Committee

The process for an appeal related to the Complaints process is outlined in the *Physiotherapists Act* Part 5(26).

- Council must receive the appeal in writing via mail to the College address or via email to info@manitobaphysio.com within 30 days of the complainant being notified of the Complaints Committee's decision.
- The applicant is responsible for payment of any applicable fee.
- Council will review the appeal.
- The Chair of Council will send a written notice via mail or email to both the member and the complainant after making a decision about the appeal. The notice will explain what the decision is and the reasons for it.

Procedure:

- Council is not required to hold a hearing or give any person an opportunity to appear or make oral submissions before making a decision but shall give the investigated member and the complainant an opportunity to make a written submission. Council will request this written submission within 30 days of receipt of the appeal.
- Council will set a separate appeal meeting date if required within 90 days of receipt of the appeal or manage the appeal during a scheduled Council meeting if applicable.

The Chair of Council will draft the letter outlining the decision and reason for the same to be sent out on their behalf via mail or email by college staff

Process:

Application to Renew an Examination Candidate License

The ability to apply for renewal of the Examination Candidate license is outlined in the *Physiotherapy regulations* 6(5).

Council shall outline the procedure by which an applicant can apply for renewal of the Examination Candidate license.

Procedure:

The council may extend this license if they are of the opinion that extenuating circumstances exist.

- An Examination Candidate would be required to submit a written request for consideration by the Council prior to or within 30 days of the initial Examination Candidate license expiring. The response shall be submitted via mail or email at info@manitobaphysio.com.
- The written response would need to outline the exceptional circumstance in detail and provide supporting documentation for the Council's review.
- Payment of any applicable fee.
- Council will attempt to review this application within 90 days of receipt of the written submission.
- Council will attempt to give the applicant a written notice setting out its decision within 30 days of making a decision regarding the renewal of the Examination Candidate license.