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## DEFINITIONS

<b>Complaint Resolution Agreement and Undertaking</b>	An agreement between a regulated member and the College where the regulated member may admit unprofessional conduct and agrees to abide by agreed upon disciplinary measures
<b>Council</b>	The Council of the Alberta College of Paramedics or a Panel of Council appointed to hear an appeal pursuant to s. 18 of the <i>Health Professions Act</i>
<b>Decisions</b>	Written decisions issued by a Hearing Tribunal, Council or the Alberta Court of Appeal in accordance with Part 4 of the <i>Health Professions Act</i>
<b>Hearing Tribunal</b>	The Hearing Tribunal as established under s. 16 of the <i>Health Professions Act</i>
<b>HPA</b>	<i>Health Professions Act</i>
<b>Investigation Report</b>	A written report prepared by an Investigator appointed to conduct an investigation under Part 4 of the <i>Health Professions Act</i> . The investigation report includes: <ul style="list-style-type: none"><li>• A summary of information collected and findings</li><li>• Statements from all individuals interviewed including audio/video statements with the transcribed written statement</li><li>• Any documents, substances or things collected in the course of the investigation relevant to the investigation</li></ul>
<b>Record of Hearing</b>	In accordance with s. 85 of the <i>Health Professions Act</i> consists of: <ul style="list-style-type: none"><li>• Reports, exhibits and documents presented before the Hearing Tribunal</li><li>• Written transcript of the hearing</li></ul> Note: physical items entered as an exhibit will not be retained once the appeal period has expired. Photographs of the items will be retained for exhibit purposes.
<b>Testimony</b>	Sworn evidence provided by witnesses. <i>This is not normally to be interpreted to include submissions of counsel.</i>

## ACCESS TO INVESTIGATION REPORTS

Approved and Effective May 2023

### Purpose

Information collected for the purpose of an investigation aids the Complaints Director in making a decision under s. 66(3) of the *Health Professions Act*. The report in its entirety is not generally available with the exception if the matter has been referred to a hearing or complaint review. This policy will provide information on when the investigation report or portions of it may be released under Part 4 of the *Health Professions Act*.

### Policy

A copy of the investigation report prepared in response to a complaint will be released to the appropriate parties for the purpose of responding to proceedings held under Part 4 of the Act.

Participants to the investigation may request and receive a copy of their statement and/or information they provided to the College in response to a complaint investigation.

All other requests for access to the investigation report or portions thereof will be reviewed by the Privacy Officer taking into consideration the *Health Professions Act*, *Personal Information Protection Act* and any other legislation that may apply.

### Redaction of Investigation Report

The investigation report will be redacted in accordance with the policy on Preparation/Disclosure of Exhibit Documents prior to disclosure of provision as outlined below.

### Disclosure of the Investigation Report to Investigated Member

The Complaints Director (or designate) may advise a copy of the investigation report is to be provided to the member, or the legal representative, as a result of:

1. Complaint is referred to a hearing under Section 66(3) of the HPA
2. A request for review is submitted to the Complaint Review Committee under Section 68 of the HPA
3. Provided pursuant to an implied undertaking to legal representative for purpose of negotiating a Complaint Resolution Agreement and Undertaking
4. Release is supported by legislation or otherwise meets a legitimate purpose.

The investigated member or the legal counsel will be provided with an electronic copy of the redacted investigation report via a secure transmission.

### Provision of Investigation Report to Complaint Review Committee Under Section 68 of HPA

In circumstances where the complainant has requested a review of the Complaints Director's decision to dismiss a complaint, a copy of the investigation report will be provided to the Complaint Review Committee.

### Provision of Investigation Report to Complainant Under Section 68 of HPA

In circumstances where the complainant has requested a review of the Complaints Director's decision to dismiss a complaint, a copy of the investigation report will be provided to the complainant.

**Access to Witness Statements**

If requested, a witness may receive a copy of their statement (written and/or audio/video recording) provided to the College and a copy of any documents they provided in the course of the investigation.

The witness statement or documents provided by the witness will not be redacted prior to release.

**References**

*Health Professions Act, ss. 66 and 68*

## PREPARATION/DISCLOSURE OF EXHIBIT DOCUMENT

Approved and Effective May 2023

### Purpose

Once it is determined what items are exhibits, to ensure appropriate and relevant information is provided to decision makers and participants in a manner that appropriately balances the value of transparency with the need to safeguard sensitive personal information.

### Policy

Documents, records or things collected in the course of an investigation under Part 4 of the *Health Professions Act* (HPA) and will be used as an exhibit for the purpose of a hearing or appeal to Council will be prepared and disclosed in a manner that achieves maximum transparency while protecting sensitive and irrelevant personal and health information about third parties. Information contained within these documents may be redacted which may include blacking out of text, use of initials or another generic identifier.

### Redaction Procedures

*The following is a guideline only*

When redacting materials take into consideration the type of record (document, photo, recording, etc.), the ability to redact, what is reasonable to redact and any requirements (new or existing) under the following:

- *Health Professions Act*
  - Paramedic Profession Regulation
  - College Bylaws
  - *Personal Information Protection Act*
  - *Health Information Act*
1. In all cases redact the following types of information:
    - a. Addresses
    - b. Phone numbers
    - c. Personal email addresses
  2. Allegations
    - a. Redact name of patient and/or minors
  3. Patient Charts
    - a. Name of patient (leave initial or another generic identifier)
    - b. Address/Contact information
    - c. Date of Birth (leave year or age)
    - d. Next of kin information
    - e. Health care numbers
    - f. Names of health care professionals (leave initials or another generic identifier)
      - i. Exception: redaction of health care professional name not required if they are named in a statement.
  4. Witness Statements
    - a. Do not redact the name of the witness who is providing the statement
  5. Public Records (for example, newspaper articles)
    - a. No redaction required

**Quality Assurance**

The Privacy Officer (or designate) will redact the exhibit materials. The Hearings Director will review the redacted materials before they are disclosed to authorized parties.

**Disclosure of Exhibit Documents**

In preparation for a hearing, complaint review or appeal, exhibit documents may be disclosed via a secure transmission to the following participants, as applicable:

- Hearing Tribunal and their independent legal counsel
- Appeal panel and their independent legal counsel
- Member and their legal counsel or representative
- Complaints Director's legal counsel

## PUBLISHING OF HEARING INFORMATION

Revised and Effective May 2023; originally approved January 2018

### Purpose

To ensure information related to hearings and how to attend a hearing is available and accessible to the public.

### Policy

The HPA requires disciplinary hearings to be open to the public. Publishing information about disciplinary hearings permits the public to be aware of upcoming hearings and provides increased transparency of disciplinary measures being undertaken at the College. The College publishes hearing information, regardless of:

- allegations;
- if the hearing is contested;
- the member being found guilty; and
- if the hearing is closed.

### Procedures

- a) The College will provide reasonable notice of upcoming scheduled hearings by posting the date, time, and location of the hearing on the College's website.
- b) Information on how to attend a hearing and who to contact about a hearing will be posted on the College's website.

This policy refers to all new hearings scheduled after January 1, 2018.

### Further Information

Sections 85 and 89 of the HPA provide members of the public with the right to examine written decisions rendered by the Hearing Tribunal or by Council following an appeal. Section 119 of the HPA establishes that the Registrar may publish information respecting any order made by a Hearing Tribunal or Council under Part 4 of the HPA. The College refrains from publishing the allegations of alleged misconduct prior to the publication of the hearing decision. Members of the public or investigated persons who have questions regarding this policy may contact the Hearings Director of the College.

### References

*Health Professions Act, ss. 78*

Alberta College of Paramedics Bylaws 7.4.3 Publication of Information about Unprofessional Conduct

## EXAMINATION OF RECORD

Approved and Effective May 2023

### Purpose

To ensure appropriate and relevant information is provided to authorized recipients in a manner that balances the value of transparency with the need to safeguard sensitive personal information.

### Policy

#### *Record of the hearing*

Under Section 85 of the *Health Professions Act* (HPA), examination of the record of the hearing is accessible to the following parties and may receive a copy on paying reasonable costs for transcribing, copying or delivering:

- Investigated member
- Complainant (*subject to redaction of any parts where the complainant was directed not to attend*)

#### *Decision and testimony*

The decision and testimony given before the tribunal is accessible to the public within 5 years after the date of issue of the written decision in accordance with s. 119(4)(b)(vii), subject to redaction of any testimony given in private, and upon payment of reasonable costs for transcribing, copying and delivering.

If testimony is requested, the written transcript, subject to any redaction, will be provided if the hearing was open to the public and in keeping with the “open court” principle to allow for greater transparency.

### Procedures

Requests are to be submitted in writing by completing the Request to Examine Record of Hearing form and must contain adequate detail that identifies all information being requested.

The request will be reviewed by the Privacy Officer in consultation with the Complaints Director (or designate). Before processing any request for information, the requirements of s. 85 will be reviewed and the Privacy Officer’s established procedures for processing information access requests will be followed.

### References

*Health Professions Act*, ss. 85 and 119



## PUBLISHING OF HEARING DECISIONS AND COMPLAINT RESOLUTION AGREEMENTS AND UNDERTAKINGS

Revised and Effective May 2023; originally approved January 2018

### Purpose

To ensure disciplinary processes and outcomes are accessible by the public, in a manner that appropriately balances the value of transparency with the need to safeguard sensitive personal information.

### Policy

Publishing information about disciplinary matters provides increased transparency and can increase public confidence regarding the College's self-regulating activities. Subject to the Registrar's (or their designate's) discretion, the College publishes hearing decisions and resolution agreements regardless of:

- allegations
- if the hearing is appealed
- if the member is found guilty/not guilty

### Procedures

- a) The Registrar (or designate) will review decisions to determine if there is information that should be redacted prior to the decision being published.
- b) Decisions may be redacted to protect the personal information of third parties.
- c) In deciding whether to redact the decision before publication, the Registrar (or designate) may consider whether it is necessary to redact the following:
  - a. Names and information that could reveal the identity of individuals who are not a party to a complaint; or
  - b. Sensitive personal information about third parties involved in the hearing.
- d) If the Registrar (or designate) decides to publish information in accordance with s. 119(1) of the HPA, the Registrar (or designate) may omit from publication or distribution any individually identifying information about any person identified in an order made by a hearing tribunal or the Council under Part 4 of the Act.
- e) The Registrar (or designate) shall consider the following factors in any decision regarding publication described in s. 119(1) of the HPA:
  - i. the public interest, including transparency of the College's processes;
  - ii. the education of regulated members; and
  - iii. any other factors determined by the Registrar (or designate) to be relevant.
- f) The College may publish decisions issued by the Hearing Tribunal, Council or the Alberta Court of Appeal by posting the decisions on the College's website within a reasonable period of time after the appeal period has expired
- g) Decisions will normally be posted on the College's website for a period of five years.

This policy refers to the outcomes of all new hearings scheduled after January 1, 2018.

### Further Information

Sections 85 and 89 of the HPA provide members of the public with the right to examine written decisions rendered by the Hearing Tribunal or by Council following an appeal. Section 119 of the HPA

establishes that the Registrar (or designate) may publish information respecting any order made by a Hearing Tribunal or Council under Part 4 of the HPA.

Members of the public or investigated persons who have questions regarding this policy may contact the Registrar of the College.

**References**

*Health Professions Act*, ss. 85, 89 and 119(1)(f)

Alberta College of Paramedics Bylaws 7.4.3 Publication of Information about Unprofessional Conduct