
Complaint- Investigation- Discipline Process

1. A complaint must be received in writing by the Registrar. The written complaint should have the physiotherapist's name, the reason for the complaint, details of the problem(s) (including date time and place), and be signed by the complainant with a return address for further follow-up.
 2. Acknowledgment of receipt of the complaint in writing is sent to the complainant from the Registrar. Provide some sort of outline of the process the regulatory body will follow.
 3. The council decides if this is a "real complaint" which requires appointing an investigation committee. Assess the "charges" or topics for investigation in terms of the Standards and Discipline Regulations.
 4. The registrar notifies the member and/or business of the complaint.
 5. The Council appoints an Investigation committee. The Investigation committee shall comprise one physiotherapist, and one non-physiotherapist member of the Council, and one physiotherapist who is not a member of the Council, together with such other persons who are not members of the Council as the Council may consider necessary.
 6. The Investigation Committee informs the complainant of the investigation process and notifies him that the appropriate action is being taken. The complainant is informed of what will be expected of them...possibly a basic interview during the preliminary inquiry. All information about the complaint including details of who, what, when, where, and any potential witnesses and some other "hard" evidence is requested.
 - 7 *Preliminary Inquiry...* The committee examines the complaint to determine if there was an actual violation of the Act or the standards and requirements as prescribed in the regulations.
To conduct an investigation and discipline proceeding, one must be able to show clearly to the affected practitioner, exactly what the "crime" was, and what law was broken.
At this stage the Committee **may or may not consult the complainant and the complained against practitioner.** If the committee does decide to get a statement or evidence from either party, it should make clear that this is just preliminary...that the opportunity for fuller statements and evidence will come later in the full investigation (if the matter proceeds to that stage).
If there is no valid indication that there has been no breach of the standards, or it appears to be impossible to determine because of lack of reliable evidence...the Committee reports to the council...a short outline of what the Committee did and its conclusion...*...that the preliminary inquiry does not show sufficient cause for proceeding to full investigation*". Since this is a recommendation, the Council can decide to accept or reject the conclusion. Consultation with a lawyer at this time might be in order. (Contact Bell, Temple, Barristers and Solicitors as arranged by Willis Canada in co - operation with the CPA and ING Halifax for pro bono summary advice).
- If there is a clear indication that a breach of legal standards may have been committed, and there is enough evidence to be able to determine guilt or innocence, the Investigation Committee begins a **Full Investigation**.

8. Full Investigation, is the proper collection and interpretation of the facts and forming of conclusions. Obtaining legal council is recommended.

a. The practitioner is informed in writing, but a meeting of the committee chair and practitioner may also be a good idea.

b. Gather evidence. Interview the practitioner and the complainant. The physiotherapist will be allowed to call witnesses and to address the complaint from his/her point of view. The committee may want to retrieve a copy of the chart, interview other colleagues or staff who were present at the time the patient was assessed or treated. Make notes

c. Create the Investigation report. A typical outline for a report would be:

- i. origins of the investigation
- ii. topics for investigation
- iii. how the investigation was carried out, in chronological order (interviews, inspections, documents, etc.)
- iv. findings...the facts as related to the topics for investigation
- v. conclusions.
- vi. recommendations about remedy or penalty. The committee may consider providing guidance with or without imposing restrictions on license; a formal reprimand; a fine; or temporary suspension, or even removal of license.
- vii. appendices, eg. The complaint, records of interviews, key documents.

d. the Committee has a final meeting to finalize any revisions and adopt the report. The report is submitted to the Council. The Investigation Committee's work is now complete.