

Health Professions Appeal *and Review Board*

Annual Report

Fiscal Period April 1, 2006 to
March 31, 2008



June 30, 2009

The Honourable David Caplan
Minister of Health and Long-Term Care
80 Grosvenor Street
10th Floor, Hepburn Block
Toronto, ON M7A 2C4

Dear Minister:

Re: Health Professions Appeal and Review Board Annual Report

On behalf of the Health Professions Appeal and Review Board, it is my pleasure to submit our Annual Report for the fiscal years of 2006-2008.

The Board remains committed to improving the quality of services provided to the Ontario public as demonstrated by the initiatives outlined in the report.

Yours sincerely,



Linda P. Lamoureux
Chair
Health Professions Appeal and Review Board

c: Lori Coleman, Registrar, Health Professions Appeal and Review Board



June 30, 2009

Ms. Linda Lamoureux
Chair
Health Professions Appeal and Review Board
151 Bloor Street West, 9th Floor
Toronto, ON M5S 2T5

Dear Ms. Lamoureux,

It is my pleasure to report to you on behalf of the Health Boards Secretariat. The Health Boards Secretariat (the "Secretariat") provides comprehensive administrative, corporate, fiscal and case management support to the Health Professions Appeal and Review Board. In addition, the Secretariat provides a similar support function for the Health Services Appeal and Review Board, the Ontario Hepatitis C Assistance Plan Review Committee, the Transitional Physicians Audit Panel as well as payment processing functions for other health related services.

The Secretariat framework of support to multiple adjudicative agencies is unique in the administrative tribunal sector. The most notable of many benefits of this framework is the ability to share resources. While the individual agencies supported by the Secretariat have some dedicated human resources, they also share a number of human resources, facilities, information technology and corporate services which results in both operational and fiscal efficiencies.

Funding is allocated to the Secretariat from the Consolidated Revenue Fund. There are some limitations in detailing expenditures as they relate specifically to the agencies supported by the Secretariat. You will note that expenditures such as salaries and facilities are not included in the financial data on page 13 as it would be arbitrary to determine what portion of cost should be attributed to the Health Professions Appeal and Review Board alone. These costs are, however, incorporated in the fiscal planning cycle by the Secretariat and are reported to the Ministry.

The information reported on page 13 details expenditures that link directly to the delivery of services to the Health Professions Appeal and Review Board. You will note that the majority of the Board's related expenditure is payment of per diems to the membership and that there has been a marked increase in this expenditure in the past year. Between September 2006 and March 31, 2008 there was an over 90% increase in the per diem rate paid to public members of the Board resulting in almost doubling expenditure in the area of per diem honouraria. You will also note an increase in expenditure in the area of pre-review/hearing conferences. In 2006 the Board began to conduct pre-review/hearing conferences for most appeals. These conferences have helped to clarify for parties the jurisdiction of the Appeal Board, the process, and issues related to the appeal, and they have also resulted in a reduction in the number of adjournments on the day of review. This reduction represents fiscal efficiency as well as an enhanced degree of customer service.

The Health Professions Appeal and Review Board received a higher volume of appeals throughout this reporting period, and statistics as well as greater demand on the health care system suggest that these numbers will continue to grow. Subsequent to a detailed operational review in Summer, 2007 the Secretariat is considering how it might modernize its structure and operations to ensure that it is able to support the changing needs and requirements of the agencies it supports.

I trust that this information is of assistance to you, and I look forward to continuing to lead services providing support to the Health Professions Appeal and Review Board.

Yours truly,



Lori Coleman
Chief Operating Officer
Health Boards Secretariat
Registrar, Health Professions Appeal and Review Board

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A MESSAGE FROM THE CHAIR

The Health Professions Appeal and Review Board is comprised of many talented women and men from diverse occupational, cultural and regional areas of the province. The commitment of Board members and the staff of the Health Boards Secretariat, to the health of every Ontarian and to Ontario's health system is stimulating and inspiring. It has been my experience that the 23 regulated health professions equally share this commitment.

This annual report covers a two-year period, a time in which we continued our commitment to fairness, openness and accountability. We have made significant strides to improve the quality of our services by implementing new rules and procedures, continuing with member education and training and recruiting new members that reflect Ontario's cultural and regional diversity.

As health care touches the lives of everyone in Ontario, improved access and communication between the Board, the public and the regulated Colleges is in the best interests of the public we serve. To that end two key initiatives were undertaken in this period.

1. The first was the establishment of information sessions with the 23 regulated health professions – 22 human and 1 animal – to keep the regulated colleges abreast of the Board's initiatives, changes and challenges. The Board also committed to be available to meet with the Colleges as requested and in turn, invited College representatives to speak with Board members as part of our ongoing education and training program.
2. The second initiative focused on improving access to justice. A significant amount of our effort was focused on the large percentage of parties who appear before the Board without the benefit of legal advice or legal representation. The Board provided information sessions to the public concerning the Board's jurisdiction, particularly in the area of registration. We spoke with interested groups such as the Canadian Hispanic Congress and the Chinese Interagency Network and published brochures in English, French, Mandarin and Spanish. In the fall of 2006, the Board initiated a two-phase project with Pro Bono Students Canada. The first phase involved the development of education material and training material as a foundation piece for the next phase. Phase two was the development of an Advocacy Pilot Project in collaboration with Pro Bono Students Canada, through both its National and University of Toronto offices, and the Medico Legal Society of Toronto.

My thanks to the Board members and staff for their support and dedication over the past two years.

I look forward to the year ahead.

MANDATE OF THE HEALTH PROFESSIONS APPEAL AND REVIEW BOARD

The Health Professions Appeal and Review Board is an independent quasi-judicial tribunal created by the *Ministry of Health Appeal and Review Boards Act, 1998* that provides oversight of the regulated health professions of Ontario.

The Board is an integral component of the self-regulating health profession system in Ontario. It is responsible for conducting complaint and registration reviews and hearings concerning the Complaints, and Registration Committee decisions of 23 self-regulated health professions in Ontario – 22 human and 1 animal. The Board also hears appeals from the decisions of the Accreditation Committees for pharmacies and veterinarian facilities. These 23 health professions are listed below:

- Audiology
- Chiropractic
- Chiropractic
- Dental Hygiene
- Dental Technology
- Dentistry
- Denturism
- Dietetics
- Massage Therapy
- Medical Laboratory Technology
- Medical Radiation Technology
- Medicine
- Midwifery
- Nursing
- Occupational Therapy
- Opticianry
- Optometry
- Pharmacy
- Physiotherapy
- Psychology
- Respiratory Therapy
- Speech-Language Pathology
- Veterinary

On request, it:

- reviews decisions made by the Complaints Committees of the self-regulating health professions Colleges in Ontario;
- conducts reviews and hearings of orders of the Registration Committees of the Colleges; and
- holds hearings concerning physicians' hospital privileges under the Public Hospitals Act.

The Board has the authority to:

- confirm all or part of the Complaints Committee's decision;
- make recommendations to the Complaints Committee; and
- require the Complaints Committee to take further action.

The Board also reviews or holds hearings of health professionals' applications for registration or the accreditation of a pharmacy or veterinary facility. The Board has the authority to:

- confirm the Registration Committee's order or proposed decision;
- require the College to issue a certificate of registration or license to the applicant, if he/she completes examinations or training required by the Registration Committee;
- require the College to issue a certificate of registration or license to the applicant, with any terms or limitations the Board considers appropriate, if the applicant qualifies for registration and if the Registration Committee has exercised its power improperly; or
- refer the matter back to the Registration Committee.

ACHIEVEMENTS OF THE BOARD

The period of this annual report marks a high level of achievement by the Appeal Board and lays a strong structural foundation for the Board to allow it to move confidently forward with its legislative mandate.

In keeping with the Board's strategic plan, the following achievements have been accomplished;

- Access to Justice:
 - In partnership with Pro Bono Student Canada:
 - the development of HPARB public legal education materials suitable for unrepresented parties and those providing support to the parties.
 - development of HPARB manual suitable for unrepresented parties and those providing support
 - development of a pilot advocacy project utilizing the material developed to assist unrepresented parties.
 - The establishment of new *Rules of Practice* which incorporate plain, clear language and allow for the pre-hearing conference as part of the Appeal Boards processes;
 - The provision of hearings and reviews in Toronto, London, Ottawa and Northern Ontario.
- Outreach:
 - The establishment of stakeholder meetings with the regulated Colleges and availability to meet with the Colleges, as invited. .
 - The development of public information brochures in 4 languages – English, French, Mandarin and Spanish
 - Public speaking engagements to groups such as the Chinese Interagency Network, Canadian Hispanic Congress, Federation of Health Regulatory Colleges, College of Physiotherapists of Ontario, Ontario Bar Association
- Governance:
 - The identification and designation of a leadership team that serves to assist in decisions regarding the Board's key objectives. Such areas include the accessibility of stakeholders and the maintenance of high quality member competency;
 - Adaption and implementation of agency governance tools developed by the Ministry of Government Services
 - The establishment of a conflict of interest policy for members and a Board member's Code of Conduct;

- Member Recruitment and Development:
 - Between April 1, 2006 and March 31, 2008, Board membership has expanded by 18% to incorporate diverse populations reflective of Ontario's population and regional expansion of the Board's hearing locations are improvements to its accessibility of stakeholders;
 - Partnered with DiverseCity onBoard, a program of Maytree (a private foundation committed to reducing poverty and inequality in Canada) to identify potential candidates to recommend to the Minister of Health and Long Term Care for consideration;
 - Implementation of the tools provided by the Agency Modernization Council;
 - The development of a list of core Member competencies for key positions within the Board and a member's position description for reference;
 - Development of a Member's Learning Map to guide members in their learning strategies;
 - The development of an Education Committee to regularly assess education and training needs of the Board and to arrange the delivery of appropriate training and education modules (both to orient new members and provide ongoing education to Appeal Board members);
 - To complement the Board's public website, a confidential and secure website for Board members was created to provide quick reference to Board decisions, educational training and manuals which cover the Appeal Board's core jurisdiction and legislation.

HEALTH PROFESSIONS APPEAL AND REVIEW BOARD ACTIVITY APRIL 1, 2006 – MARCH 31, 2008

COMPLAINT REVIEWS			
	Jan 1, 2005 – Mar 31, 2006	Apr 1, 2006 – Mar 31, 2007	Apr 1, 2007 – Mar 31, 2008
Active Caseload at Beginning of Period	173	297*	596
Requests Received	438	523	469
Total Case Load	611	820	1065
Decisions Issued	283	166	127
Withdrawn	37	46	68
Matter Closed**	40	12	23
Total Matters Disposed Of	360	224	218
Active Caseload at End of Period	251	596	847

* Requests on hand at the beginning of the period corrected for April 1, 2006.

** Includes those cases not proceeded with due to timeliness, frivolous and/or vexatious, ineligible request, no jurisdiction, abandonment and administrative closures.

COMPLAINT REVIEWS - CASE DISPOSITIONS			
	Jan 1, 2005 – Mar 31, 2006	Apr 1, 2006 – Mar 31, 2007	Apr 1, 2007 – Mar 31, 2008
Confirmed	243 (86%)	146 (87.6%)	102 (80.3%)
Returned	40 (14%)	20 (12.4%)	25 (19.7%)

REGISTRATION MATTERS			
	Jan 1, 2005 – Mar 31, 2006	Apr 1, 2006 – Mar 31, 2007	Apr 1, 2007 – Mar 31, 2008
Active Caseload at Beginning of the Period	41	25*	32
Requests Received	41	34	40
Total Case Load	82	59	72
Decisions Issued	27	15	14
Withdrawn	3	11	10
Matter Closed**	1	1	4
Total Matters Disposed Of	31	27	28
Active Caseload at End of Period	51	32	44

* Requests on hand at the beginning of the period corrected for April 1, 2006.

** Includes those cases not proceeded with due to timeliness, frivolous and/or vexatious, ineligible request, no jurisdiction, abandonment and administrative closures.

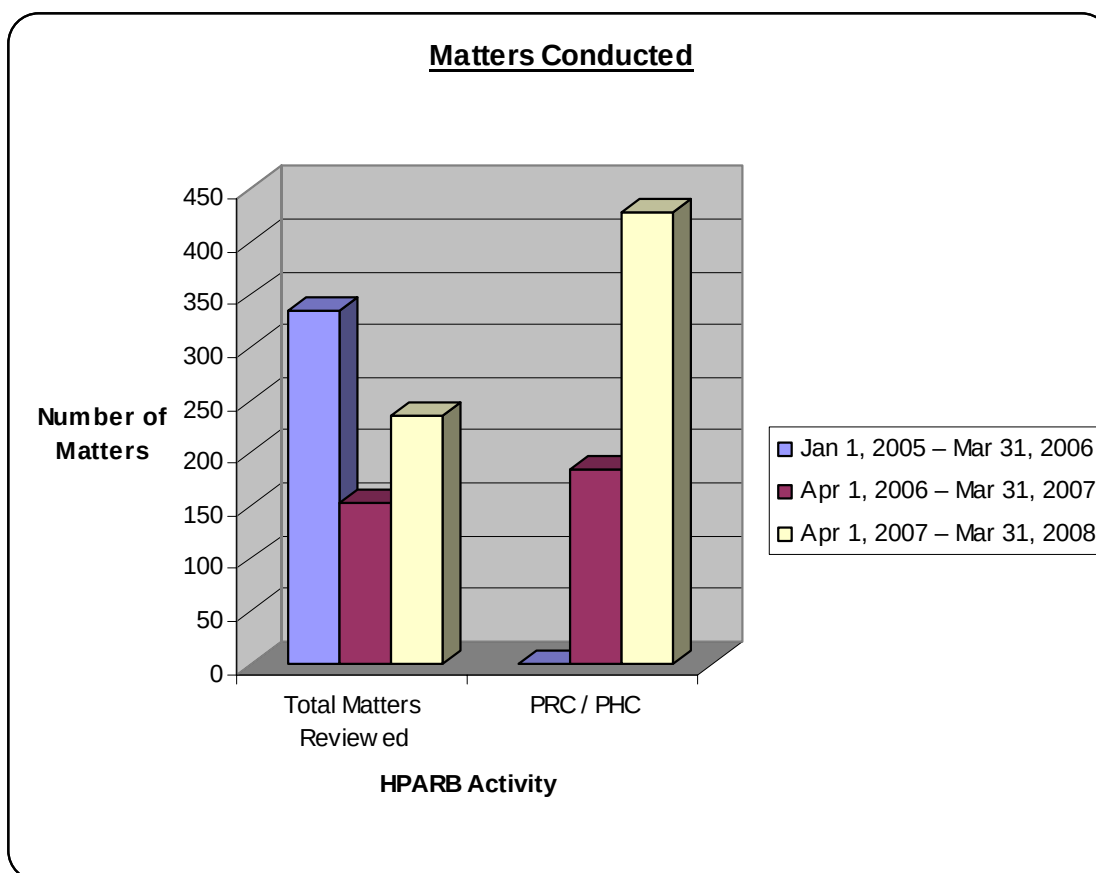
REGISTRATION MATTERS - CASE DISPOSITIONS			
	Jan 1, 2005 – Mar 31, 2006	Apr 1, 2006 – Mar 31, 2007	Apr 1, 2007 – Mar 31, 2008
Confirmed	17 (63%)	12 (80%)	10 (71.4%)
Returned	10 (37%)	3 (20%)	4 (28.6%)

The Health Professions Appeal and Review Board is responsible for reviewing decisions made by the Complaints Committees of the 23 self-regulating health professions Colleges in Ontario. The Board conducts a number of reviews and hearings of orders of the Registration Committees of the Colleges as well as hearings concerning physicians' hospital privileges under the Public Hospital Act. In 2006 the Board began to convene Pre- Review / Pre-Hearing Conferences (PRC / PHC) for all matters before the Board. The majority of parties who appear before the Board are not represented by legal counsel, and the pre-review / pre-hearing process provides an opportunity to clarify the jurisdiction of the Board as well as narrow issues which aids in managing the most expeditious disposition of the proceeding.

Below is a statistical representation of the total matters conducted for the Board.

MATTERS CONDUCTED			
	Jan 1, 2005 – Mar 31, 2006	Apr 1, 2006 – Mar 31, 2007	Apr 1, 2007 – Mar 31, 2008
Reviews / Hearings	335	153	236
Pre-Review / Pre-Hearing Conferences	***	185	429

*** PRC / PHC introduced in 2006.



FINANCIAL PERFORMANCE

HPARB Financial Performance					
DESCRIPTION ¹	2003	2004	2005 – Mar. 2006 ²	2006/2007	2007/2008
PER DIEM HONORARIA³					
Attendance at Proceedings	142,806	151,335	139,231	120,885	186,379
Preparation for Proceedings	150,335	150,985	129,566	69,680	168,613
Decision Writing	300,840	326,273	343,438	180,308	144,918
Disclosure	11,975	17,535	19,838	33,750	92,360
Board Administration ⁴	131,499	112,776	68,382	281,601	642,446
PRC ⁵	n/a	n/a	n/a	72,743	251,918
PROCEEDINGS: RELATED EXPENSES					
Court Reporting Services	10,264	4,204	825	2,716	4,296
OTHER EXPENSES					
Independent Legal Services	230,412	141,540	201,663	305,350	252,847
Consulting ⁶	6,475	1,295	18,250	5,600	106,065
Sundry ⁷	52	2,996	41,092	45,374	75,603
Administration ⁸	n/a	n/a	42,783	59,533	91,823
TOTAL	984,658	908,939	1,005,068	1,177,539	2,017,268

¹ All figures in dollars (\$).

² Historically, HPARB has prepared Annual reports by calendar year. Beginning 2006/07 it moved to a fiscal year structure.

³ For the period of 2005-06 Public Member = \$200; Vice-Chair = \$250

2006-07 Public Member = \$355; Vice-Chair = \$444

2007-08 Public Member = \$380; Vice-Chair = \$470 (excludes Chair)

⁴ Board Administration includes costs for administration, education, travel, cancellation and all Board/Committee meetings.

⁵ Pre Review Conferences (PRC) introduced in 2006.

⁶ Consulting includes Needs Assessment, Disclosure and Operational Process Review.

⁷ Language, sign interpretation, assistive listening devices, translation, printing, copying, lease of computers and access fees.

⁸ Administration costs include mailing, telephone, teleconference and office supplies.

HEALTH PROFESSIONS APPEAL AND REVIEW BOARD MEMBERS as at MARCH 31, 2007

Last Name	First Name	Original Start Date	Expiration Date	Position
Bossin	Michael	07-Mar-07	06-Mar-09	Public Member
Cohen	Sheldon	22-Dec-05	21-Dec-08	Public Member
Corcoran	Winfield Edward	17-Nov-04	10-Aug-06	Public Member
Davie	Shelley	27-Feb-02	05-Apr-08	Public Member
Denov	Celia	05-Jan-06	04-Jan-09	Public Member
Fealing	Malcolm	02-Feb-05	01-Feb-08	Public Member
Foster	Courtney	03-Nov-04	02-Nov-07	Public Member
Getson	Gary	03-Feb-06	02-Feb-09	Public Member
Go	Avvy Yao-Yao	02-Mar-05	01-Mar-08	Public Member
Green	Paul	18-Feb-04	17-Feb-08	Public Member
Jovanovic	Stephen	30-May-06	29-May-09	Public Member
Kelly	Kathleen	15-Apr-03	16-May-09	Public Member
Kelly	Thomas	15-Dec-05	14-Dec-08	Public Member
Kennedy	Judith	03-Mar-05	07-Sept-07	Public Member
King	Christopher	03-Feb-06	02-Feb-09	Public Member
Lamoureux	Linda	23-Aug-05	22-Aug-08	Chair
Ledger	Shelley	29-Nov-06	28-Nov-08	Public Member
Lo	Patrick	23-Mar-06	22-Mar-09	Public Member
Lobu	Taivi	11-Apr-06	10-Apr-09	Vice-Chair
Madonik	Barbara	07-Oct-04	06-Oct-07	Public Member
Maharaj	Rajiv	01-Sep-05	30-Jul-07	Public Member
Mora	Felix	10-Nov-05	09-Nov-08	Public Member
Ouellet	Sonia	07-Mar-07	06-Mar-09	Public Member
Petryna	Brenda	10-Aug-06	09-Aug-09	Public Member
Ryan Elliott	Kathleen	07-Mar-07	06-Mar-09	Public Member
Shamess	Carol	30-May-06	29-May-09	Public Member
Sossin	Lorne	25-Oct-06	24-Oct-08	Public Member
Stasila	David	21-Feb-07	20-Feb-09	Public Member
Taylor	Phillip	05-Jan-06	04-Jan-09	Public Member
Vauthier	Janice Helen	15-Dec-05	14-Dec-08	Vice-Chair
Wright	Nancy	18-Oct-06	17-Oct-08	Public Member

HEALTH PROFESSIONS APPEAL AND REVIEW BOARD MEMBERS as at MARCH 31, 2008

Last Name	First Name	Original Start Date	Expiration Date	Position
Belanger-Hardy	Louise	20-Jun-07	19-Jun-08	Public Member
Bossin	Michael	07-Mar-07	06-Mar-09	Public Member
Cohen	Sheldon	22-Dec-05	21-Dec-08	Public Member
Dault	James	20-Jun-07	19-Jun-08	Public Member
Davie	Shelley	27-Feb-02	05-Apr-08	Public Member
Davies	Anne Michele	13-Feb-08	12-Feb-10	Public Member
Denov	Celia	05-Jan-06	04-Jan-09	Public Member
Foda	Rabiz	27-Jun-07	26-Jun-08	Public Member
Getson	Gary	03-Feb-06	02-Feb-09	Public Member
Go	Avvy Yao-Yao	02-Mar-05	01-Mar-13	Public Member
Goldberg	Bonnie	13-Feb-08	12-Feb-10	Public Member
Gordon	Phyllis	06-Jun-07	05-Jun-09	Public Member
Jovanovic	Stephen	30-May-06	29-May-09	Public Member
Kelly	Kathleen	15-Apr-03	16-May-09	Public Member
Kelly	Thomas	15-Dec-05	14-Dec-08	Public Member
King	Christopher	03-Feb-06	02-Feb-09	Public Member
Lalonde	Ernest	13-Feb-08	12-Feb-10	Public Member
Lamoureux	Linda	23-Aug-05	22-Aug-08	Chair
Ledger	Shelley	29-Nov-06	28-Nov-08	Public Member
Lo	Patrick	23-Mar-06	22-Mar-09	Public Member
Lobu	Taivi	11-Apr-06	10-Apr-09	Vice-Chair
Madonik	Barbara	07-Oct-04	06-Oct-08	Public Member
McKelvey	Darcie	13-Feb-08	12-Feb-10	Public Member
Nakamura	Mark	13-Feb-08	12-Feb-10	Public Member
Ouellet	Sonia	07-Mar-07	06-Mar-09	Public Member
Petryna	Brenda	10-Aug-06	09-Aug-09	Public Member
Ryan Elliott	Kathleen	07-Mar-07	06-Mar-09	Public Member
Shamess	Carol	30-May-06	29-May-09	Public Member
Sossin	Lorne	25-Oct-06	24-Oct-08	Public Member
Stasila	David	21-Feb-07	20-Feb-09	Public Member
Taylor	Phillip	05-Jan-06	04-Jan-09	Public Member
Vauthier	Janice Helen	15-Dec-05	14-Dec-08	Vice-Chair
Vethamany	Ravi	13-Feb-08	12-Feb-10	Public Member
Wright	Nancy	18-Oct-06	17-Oct-08	Public Member`

THE HEALTH PROFESSIONS APPEAL AND REVIEW BOARD STAFF as at MARCH 31, 2008

Lori Coleman*	Registrar
Natalya Demyanenko	Deputy Registrar
Maureen Baker	Review Officer
Graham Kennedy	Review Officer
Sharon Dwight	Disclosure Officer
Antonella Nucci	Disclosure Officer
Anne Simon	Intake Officer
Stephanie Pashapouri	Administrative Officer
Sofiea Choudhary	Administrative Assistant
Christine Nieckarz*	Coordinator, Business Operations
Therese McGuirk*	Financial Coordinator
Irith Alterescu*	Secretary to the Chairs/COO
Lihua Jiang*	Records Clerk
Sarah Paul-Lutchman*	Receptionist
Mathanan Kailas*	Senior Technology/Business Systems Administrator
Aravinth Ramalingam*	Systems Support Analyst

* Shared resource with Health Boards Secretariat