

Dismissed Complaints

How to request a review

Under the *Health Professions Act* (HPA), CPSA's Complaints Director has the option to dismiss a complaint, with or without an investigation. This is done when a complaint has insufficient or no evidence of unprofessional conduct or is trivial or vexatious in nature.

If your complaint is dismissed, you have the right to request a review of that decision.

HOW TO REQUEST A REVIEW

To request a review, you must make sure it:

1. Is made in **writing**;
2. Includes your **reasons** for making the request (simply restating your initial complaint will not be considered a reason), and
3. Is sent **within 30 days** after receiving the Dismissal Letter (see below for when the 30-day period starts).

Please send your request to the Hearings Director via email to **CRC@cpsa.ab.ca** or via Canada post mail using the address shown at the end of this information sheet.

**It's your right to
request a review**

Please note if you do not meet these requirements, we may have to deny your request.

IS YOUR REQUEST REASONABLE?

As you are requesting a review of the decision to dismiss and your complaint is not being investigated or re-investigated, your request must explain how and why the Complaints Director's decision to dismiss your complaint was unreasonable. New or additional evidence not originally submitted to the Complaints Director cannot be introduced.

WHEN DOES THE 30-DAY PERIOD START?

The 30-day period to request a review begins after CPSA notifies you of the dismissal. Typically, the 30-day period starts:

- **Registered mail:** From the date you sign/pick up the registered mail
- **Regular mail in Canada:** 7 days from the date on the Dismissal Letter
- **Regular mail outside of Canada:** 14 days from the date on the Dismissal Letter

When we receive your request for a review, the Hearings Director will review it and determine if your request includes reasons (reminder: restating your complaint is not considered a reason), and if it was received within the 30-day time period. The Hearings Director will then write you to let you know if and when a review will take place.

HOW THE REVIEW PROCESS WORKS

The Hearings Director will:

1. Collect information from the Complaints Director including:
 - A copy of the letter the Complaint Director sent to you dismissing your complaint
 - A copy of the letter the Complaint Director sent to the physician(s) dismissing your complaint.
 - A copy of the Investigation Report (when available)
 - Other documentation used by the Complaints Director in deciding to dismiss the complaint, if available.
2. Notify the physician(s) of your request for review and obtain their response.
3. Provide a copy of your request for review along with the Complaint Director's information and the physician's response to the Complaint Review Committee (CRC). Both you and the respondent physician(s) will receive a copy of the documentation.

The CRC is a decision body, made up of two physicians and two public members

The CRC will review the documentation provided and make one of the following decisions:

1. Refer the matter to the Hearings Director to arrange for a hearing tribunal;
2. Ask the Complaints Director to investigate the matter further, then prepare a report and submit it back to the CRC; or
3. Confirm that your complaint is dismissed.

The CRC will notify you and the physician in writing of their decision, including their reasons.

Send your request for a review to the Hearings Director at
CRC@cpsa.ab.ca or
2700, 10020 100 ST NW
Edmonton AB T5J 0N3