




# CPSA Appeals

What to expect

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This guide contains general information to assist those who will be participating in a CPSA Appeal.

It does not include legal advice or opinion. For any legal advice or opinions, we recommend you consult a lawyer.

## About appeals

Under the [Health Professions Act](#) (HPA), if you're not satisfied with a CPSA decision, you may have the right to appeal it to an Appeal Panel, made up of CPSA Council members.

When you appeal, you will provide written submissions in advance, and then get an opportunity to speak before the Panel at the appeal. Throughout the process, you are entitled to have legal representation.

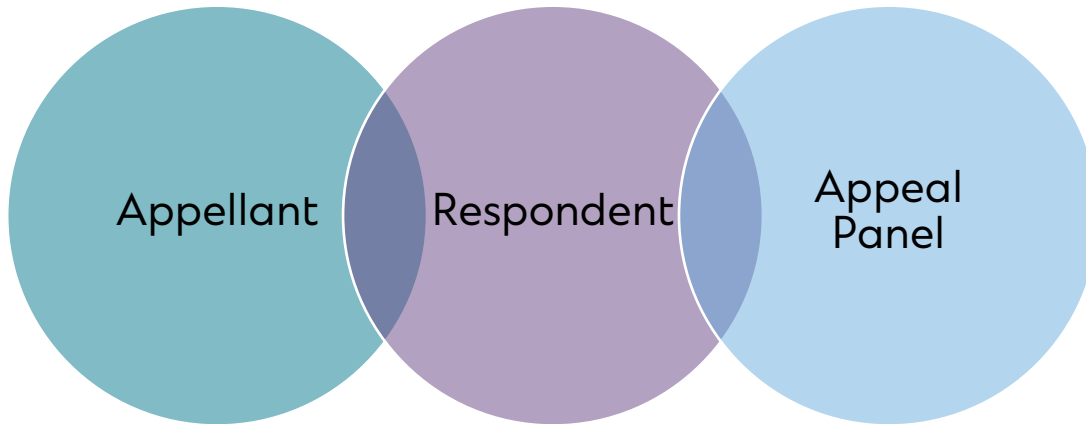
The appellant  
is the person  
making an  
appeal.

## What can be appealed, and by whom?

Three types of CPSA decisions are eligible for appeals under the HPA<sup>i</sup>:

Decision type	Who can appeal? (eligible appellants)
Hearing Tribunal Decisions	<ul style="list-style-type: none"> <li>• The investigated physician, or</li> <li>• CPSA's Complaints Director</li> </ul>
Physician Health Monitoring Decisions	<ul style="list-style-type: none"> <li>• The physician instructed by the Complaints Director to:               <ul style="list-style-type: none"> <li>○ undergo a specified physical and/or mental examination,</li> <li>○ undergo treatment, or</li> <li>○ stop providing professional services.<sup>ii</sup></li> </ul> </li> </ul>
Medical Facility Accreditation Committee (MFAC) Decisions	<ul style="list-style-type: none"> <li>• A facility's Medical Director on an:               <ul style="list-style-type: none"> <li>○ application for accreditation, or</li> <li>○ inspection of a medical facility.<sup>iii</sup></li> </ul> </li> </ul>

## Who is involved in an appeal?



**Appellant:** The party requesting the appeal and submitting a Notice of Appeal.

**Respondent:** The party who made the initial decision (for example the Complaints Director or Medical Facility Accreditation Committee).

**Appeal Panel:** The decision-maker for the appeal. Consists of CPSA council members; usually five for hearing tribunal appeals and three for physician health monitoring or medical facility appeals. At least one member of the Panel must be a public member of Council.

## How to make an appeal

The amount of time you have to make your appeal varies. You have:

- **30 days** to appeal a hearing tribunal decision
- **7 days** to appeal a physician health monitoring decision
- **15 days** to appeal a Medical Facility Accreditation Committee decision

How long you have to make an appeal varies.

Your Notice of Appeal must be in writing, and clearly state what you are appealing and why (i.e., the reasons for requesting the appeal). Please send your appeal to the Hearings Director:

BY EMAIL TO: [hearings.director@cpsa.ab.ca](mailto:hearings.director@cpsa.ab.ca), or

BY MAIL TO: College of Physicians & Surgeons of Alberta  
2700 - 10020 100 Street NW  
Edmonton, AB T5J 0N3  
Attn: Hearings Director

### **What to expect at your appeal:**

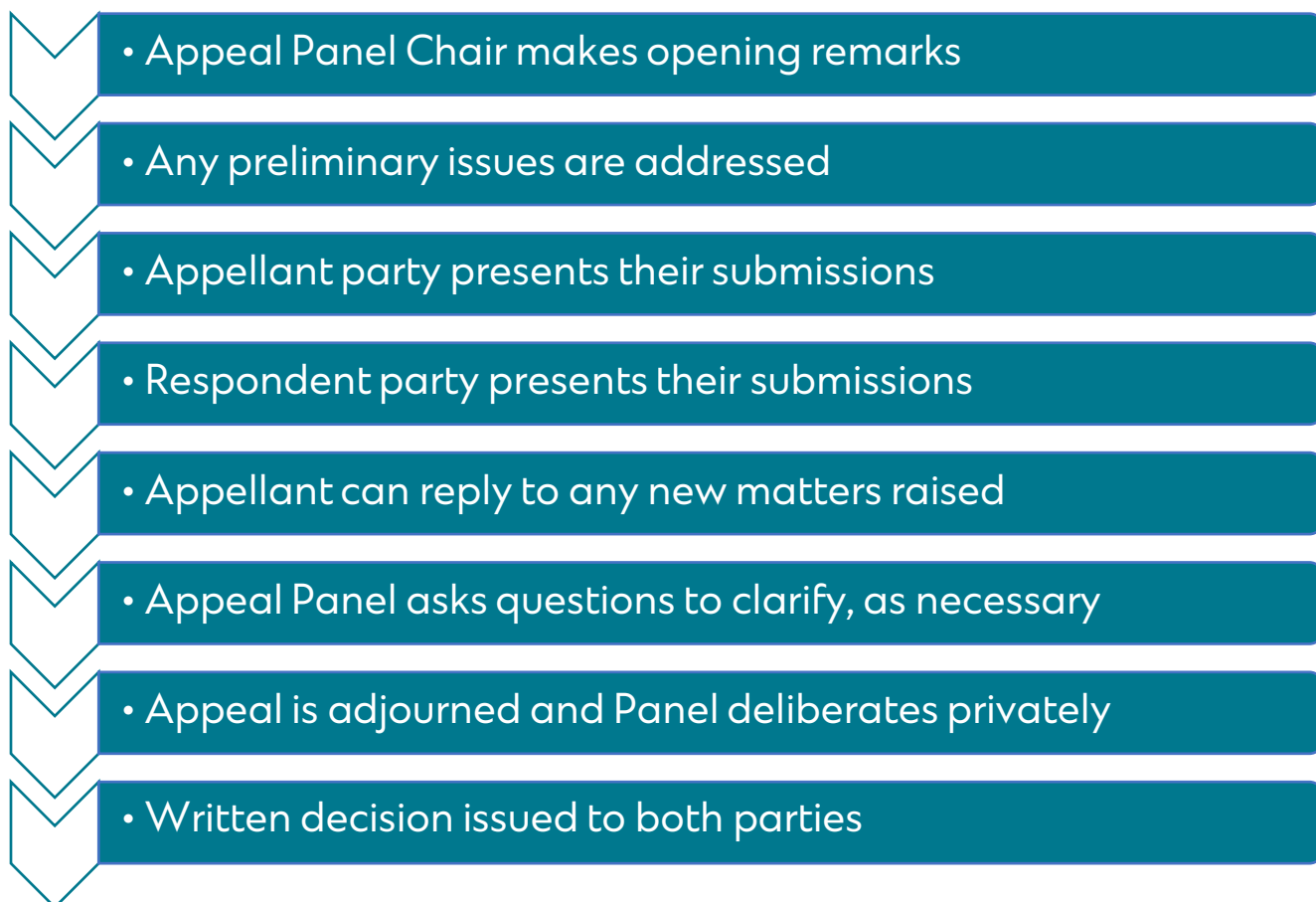
After opening remarks and taking care of preliminary issues, both parties will get 60 minutes each to present their submissions, including any reply submissions.

At any time during the proceedings, the Appeal Panel can adjourn to take a break, or to deliberate on an arising issue.

Once both sides present their submissions and respond to any questions, the Chair will adjourn the appeal to deliberate and make a decision.

The final decision is then served to both parties in writing.

Each party has  
**60 minutes**  
to present their  
case.

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- Appeal Panel Chair makes opening remarks
  - Any preliminary issues are addressed
  - Appellant party presents their submissions
  - Respondent party presents their submissions
  - Appellant can reply to any new matters raised
  - Appeal Panel asks questions to clarify, as necessary
  - Appeal is adjourned and Panel deliberates privately
  - Written decision issued to both parties

## Frequently Asked Questions:

### Can a lawyer represent me?

Yes. Although it is not required, you are entitled to have legal representation. For appeals involving hearing tribunal decisions, the Complaints Director generally does have a lawyer. The Appeal Panel also has its own independent legal counsel (separate from the respondent's legal counsel).

### **Can I introduce new evidence?**

Appeals focus on the information used to make the original decision (e.g., materials, exhibits & records). If you want to introduce new evidence outside of this, you must apply to the Appeal Panel.

### **When and where does an appeal take place?**

The Hearings Director schedules an appeal date that works for all parties involved, while still meeting HPA timelines. You will be informed on how to provide written submissions, and by when.

The appeal itself is held as a telephone conference call or virtual meeting, however, you can ask (in writing) that it take place in person at CPSA's office. Please send this request to the Hearings Director well in advance of the appeal.

### **Are appeals open to the public?**

Appeals for hearing tribunal decisions and physician health monitoring decisions are generally open to the public unless a party (or the Appeal Panel itself) makes a request to close it.

### **Do I have to pay for my appeal?**

If your appeal is unsuccessful, you may be responsible for the associated costs. The Appeal Panel makes this decision and determines the amount.

### **References:**

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<sup>i</sup> For more information on the types of CPSA decisions an individual can appeal, see sections 87, 118(6) and schedule 21, section 8.5 of the [Health Professions Act](#) (HPA).

<sup>ii</sup> For information on types of physician health monitoring decisions an individual can appeal, see section 118(1), (2) and (4) of the [HPA](#).

<sup>iii</sup> For more information on types of Medical Facility Accreditation Committee decisions an individual can appeal, see schedule 21, sections (8.3) and (8.4) of the [HPA](#).