

Policy

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Background

Unsuccessful applicants to the College of Kinesiologists of Ontario or those issued with terms, conditions or limitations have the right to appeal the decision of the College.

The *Regulated Health Professions Act (1991)* requires the Registrar to refer to the Registration Committee all applications for which negative decisions are proposed, including decisions to attach terms, conditions, or limitations to a license.

Registration decisions in the health professions may be appealed to the Health Professions Appeal and Review Board (HPARB). Applicants have 30 days from the date of the Registration Committee decision to file a notice of appeal to HPARB, indicating whether they wish to have a paper review or an oral hearing.

Policy and Procedure

General

1. An applicant who has received an order from a panel of the College's Registration Committee, refusing to issue a certificate of registration or giving a certificate that has some limits or conditions, can require the Health Professions Appeal and Review Board (HPARB) to either review or hold a hearing of his/her application for registration.

Notice of the Right to Appeal

2. Applicants will be notified by letter of their right to appeal the Registration Committee's decision to HPARB at the same time as they are advised of the decision of the Registration Committee. The letter will provide contact information of HPARB.

Timing

3. Applicants have 30 days from the date of the Registration Committee decision to file a notice of appeal with HPARB, indicating whether they wish to have a paper review or an oral hearing.

Provision of Information

4. Applicants can request all the information concerning the decision(s) with respect to their case, which will be provided to them by the Registrar.
5. Within 15 days of the College receiving the notice, the registration committee must give HPARB a copy of the decision being appealed, the reasons for the decision, and the documents upon which the decision was based. HPARB then sends that record to the applicant.

HPARB Remedies

6. After the hearing or review, the Board will make an order doing any one or more of the following:
 - a. Confirming the order made by the panel.
 - b. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant if the applicant successfully completes any examinations or training the Registration Committee may specify.
 - c. Requiring the Registration Committee to make an order directing the Registrar to issue a certificate of registration to the applicant and to impose any terms, conditions and limitations the Board considers appropriate.
 - d. Referring the matter back to the Registration Committee for further consideration by a panel, together with any reasons and recommendations the Board considers appropriate.

**Further Appeals to
the Courts**

7. Both the applicant and the regulatory body have a right of appeal to the Divisional Court from a decision of HPARB.

Costs

8. The applicant is responsible for the costs related to an appeal.