



Complaint Process

PEI College of Occupational Therapists

1. Any person may make a complaint to the Registrar alleging that the conduct of a member or former member of PEICOT constituted professional misconduct or incompetence as set out in section 57 of the *Regulated Health Professions Act* ("Act").
2. To ensure adequate assessment of the complaint, complaints must be in writing and state in detail the grounds for the complaint. Complaints must be signed by the complainant and contact information must be provided. Written complaints together with supporting documents (if any) must be sent to the attention of the Registrar at:

Prince Edward Island College of Occupational Therapists
PO Box 2248
Stn Central,
Charlottetown, PE C1A 8B9

3. Within thirty (30) days of receiving the complaint, the Registrar shall:
 - a) serve on the respondent member ("Respondent") a copy of the complaint together with written notice of the Respondent's right to submit a response; and
 - b) notify the Council of PEICOT of the complaint.
4. The Registrar shall inquire into a complaint to the extent that the Registrar determines is warranted. In addition, the Registrar:
 - a) may attempt to resolve the complaint informally if determined to be appropriate in the circumstances and not contrary to the public interest;
 - b) may dismiss the complaint if the Registrar finds that the complaint is frivolous, vexatious or without merit, or that the complaint has been resolved and the Complainant wishes no further action to be taken and the dismissal is not contrary to the public interest; and
 - c) shall report to the Council within sixty (60) days of receiving the complaint with respect to the status of the complaint, and shall provide further reports as directed by the Council.
5. On dismissing a complaint, the Registrar shall serve on the Complainant and the Respondent written notice of and reasons for the dismissal, and written notice of the Complainant's right to request a review of the dismissal, and shall advise the Council.
6. If the Registrar does not resolve or dismiss a complaint, the Registrar shall request that the Council appoint an Investigation Committee and refer the matter to the Investigation Committee. The Investigation Committee shall consist of three (3) persons and shall be constituted and have the powers as set out in the Act.

7. Within thirty (30) days after the referral of a complaint, the Investigation Committee shall consider the complaint and any response to the complaint and, in accordance with the Act, may either:
 - a) dismiss the complaint;
 - b) refer the complaint to mediation;
 - c) investigate the complaint;
 - d) refer the complaint to an investigator; or
 - e) make such order that it is authorized to make under subsection 58(2).
8. If the Investigation Committee finds there is not a sufficient basis for proceeding, it will recommend to the Council that there be no further action.
9. If the Investigation Committee finds that cause exists for a full investigation, it will inform the Complainant and the Respondent in writing and carry out such full investigation as considered appropriate in accordance with the Act. The Investigation Committee shall report to the Council within sixty (60) days and after completing an investigation shall provide its report to the Complainant and the Respondent.
10. The Investigation Committee may either dismiss the complaint; make any order under subsection 58(2) of the Act; or request the appointment of a Hearing Committee.
11. The Hearing Committee shall consist of three (3) persons and shall be constituted and have the powers as set out in the Act. The Hearing Committee shall hold a hearing into a complaint referred to it within forty-five (45) days of the referral.
12. The Hearing Committee shall have thirty (30) days from the completion of a hearing to determine whether or not the conduct of the Respondent constituted professional misconduct or incompetence.
13. A Complainant and a Respondent maintain a right of appeal to the PEI Supreme Court within thirty (30) days of a decision being rendered.
14. The Registrar may initiate a complaint of professional misconduct or incompetence of a member in the absence of a complaint to the Registrar.

The above information is provided as a resource only and is not intended to represent the precise or complete process to be taken with respect to a complaint. For detailed information regarding the Complaint Process, please refer to the *Regulated Health Professions Act*. In all cases the provisions and requirements of the Act will prevail in the event of any omissions or discrepancies with the information provided above.

If you have any questions or comments, you may contact us by phone: (902) 626-8323 or via email at: hkcutcliffe@gmail.com