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ASTTBC PRACTICE REVIEW BOARD

POLICIES AND PROCEDURES

Practice Review Board (PRB) Composition and Operation

The Practice Review Board operates under the authority of the current ASTT ACT & REGULATIONS, Section 4.0 to 4.9, and is responsible and accountable to the Council of ASTTBC.

The PRB contributes to achieving the Association's statutory objective in the regulation of all matters relating to the practice of its members/registrants including competency, moral character and professional conduct and to that end establishes and enforces standards.

The PRB consists of a Chair and not less than five ASTTBC certified members in good standing. Members will have qualifications commensurate with their appointment and must be familiar with ASTT Act and Regulations and Code of Ethics. While appointments are confirmed annually members are expected to make a two-year minimum commitment to support consistency of decisions. The Council appoints members of the PRB annually. A simple majority defines all votes of the PRB and a quorum is defined as the Chair plus three PRB members.

From time to time the Council may appoint a lay member, and a maximum of two senior members of other professional associations.

The Chair, PRB Members and the Registrar or Designate are all required to exercise due diligence in avoiding conflicts of interest, informing the PRB of unavoidable conflicts or perceived conflicts. Members may be required to exit the meeting or refrain from voting to avoid involvement in a particular case. New appointees and investigators to the PRB must agree to, and sign, a confidentiality agreement before their appointment is confirmed.

All proceedings and actions of the PRB are the ultimate responsibility of Council. All Practice Review Board proceedings and meetings are confidential.

Responsibilities and Powers

The Practice Review Board shall, upon its own initiative or at the request of Council, inquire into and at its exclusive discretion make either a finding or recommendation, which Council shall consider in respect of:

i) the assessment and development of educational standards and the experience requirements, those that are the conditions to obtaining and continuing registration and membership;

ii) the evaluation of practice standards of members and certified registrants;

iii) the evaluation of the conduct and competence of members and certified registrants;

iv) memorandums of understanding and other agreements made by Council and the Association which relate to the registration, qualification, practice standards, competence or ethical conduct of members or certified registrants;
v) any other matters that Council from time to time considers necessary and appropriate in connection with the exercise of its powers and the performance of its duties under the Act and this Regulation;

vi) investigations that the Chairperson of the Practice Review Board, and if necessary one (1) other senior member of the Association, may independently conduct. This includes a response to verbal complaints against any member or registrant of a particularly serious nature; however, a timely written report on such matters shall be submitted to the Practice Review Board by those who have investigated the complaint. The Practice Review Board will then deal with the matter according to the Act and Regulations.

In addition, on receipt of written investigative reports the Practice Review Board may then after due consideration take specific action to:

i) dismiss the complaint;

ii) write a letter of censure to those involved;

iii) inform Council if the complaint is against a registrant who is an employee or officer of ASTTBC;

iv) make a stipulated order in advance of any hearing;

v) refer the matter to a Discipline Committee for disposition;

vi) take whatever further action it, in its sole discretion, deems necessary and expedient.

**Investigation/Interview Process**

In determining whether an investigation is warranted, the Registrar or Designate may request an interview with either the complainant or member/registrant, against whom the complaint is laid. The complainant or member/registrant, against whom the complained is laid, can also request an interview with the Registrar or Designate. The Registrar or Designate may refuse to conduct an interview, even though one has been requested. The Registrar or Designate must keep notes on any interview meeting conducted, which are to be added to the complaint file.

The Practice Review Board can request that an interview be conducted and designate who should conduct the interview, but The PRB should not conduct or be directly involved with the interview.

The PRB shall regularly review these policies and procedures, and the Regulations governing the operation and conduct of the PRB and its investigators.

The PRB is required to approve the practice standards of members and registrants. The PRB may inquire into memorandums of understanding that relate to practice, the evaluation of practice standards and the approval of practice standards.
In any relevant matter the Registrar or Designate are empowered to make preliminary investigations on behalf of the PRB, either directly, or, through an appointed investigator or subcommittee and must report the findings in writing to the PRB. At their discretion, the, Registrar or Designate, may consult with the Chair of the Practice Review Board or legal counsel regarding an investigation.

The Chair may initiate and conduct an investigation, but should do so in consultation with the Registrar or Designate. Should the complainant be actively seeking relief to any of the complaint case issues by other civil or criminal litigation, the Registrar or Designate may place any investigation on hold until such litigation has been resolved. Such an action by the Registrar or Designate must be reported to the Practice Review Board.

The PRB has the power to call for a Disciplinary Hearing and appoint a Discipline Committee of not less than three certified members, who report their findings to the PRB in writing.

The Practice Review Board Chair may also appoint task committees on a temporary basis for purposes of investigation.

The PRB is empowered to make any reasonable assessment of costs and expenses associated with an investigation and may initiate action for recovery.

All actions of the PRB shall be in conformance with the ASTT Act and Regulations and all its actions shall support the Code of Ethics and its application to the members and registrants practice.

**Complaints**

The Practice Review Board approves, issues and maintains various protocols and forms, including:
1) a document to provide Guidance in the Resolution of Problems in Professional Practice
2) a document providing the Guidelines for the Submission of a Complaint
3) documents that cover the Procedures of Handling Complaints

All complaints must be in writing and signed and addressed to the Registrar or Designate. Members and registrants are recommended to use the appropriate complaint form.

Every certified and registered member of ASTTBC has a direct responsibility under the Act, the Regulations and the Code of Ethics to report, as appropriate, any perception of contravention of the code.

When making a written complaint members or non-members are required to ensure that they have:
- Correctly identified all the parties involved together with their contact information; include membership or registration numbers where possible.
- Fully identified the applicable location(s).
• Provide a detailed written description of the actual complaint, including all relevant times, dates and events.
• Provided the contact information for any and all witnesses, and any witness statements that you may have acquired.
• Submit photocopies of any relevant documents, and provide photographs if possible.

When making a complaint a member or registrant must be careful to be factual and specific; avoid making assumptions, breaching confidentiality, and above all, avoid casting aspersions on the character of an individual.

ASTTBC on receipt of a complaint will notify the member or registrant in writing and will provide them with a copy of the complaint. At the discretion of the Registrar or Designate, the complaint information presented to the member or registrant may be redacted to protect third party interests. At the same time ASTTBC will notify the complainant that a copy of the complaint has been sent to the member or registrant concerned, for comment. Response is required 14 days from the date of notification, by the member or registrant against whom the complaint is laid.

When acting on a complaint it is vital that the complainant, the Registrar, and the PRB’s investigators, proceed with all possible speed to ensure the retention of any physical evidence and to take statements while memory of events is still fresh.

The Registrar or Designate and the Chair may discuss a complaint with the complainant prior to bringing it forward to the PRB. Discussion is used to ensure compliance and validity, and to facilitate the recommendations the Registrar may wish to put before the PRB.

The Registrar or Designate and support staff will prepare written summaries of all active files and complaints, and send them to the PRB Members with the agenda, in a timely manner, prior to the meeting of the PRB. Summaries will follow a standard format, with copies of correspondence attached only where necessary for clarity or for serious breaches of the Code of Ethics.

The Registrar or Designate is empowered to dismiss complaints that in their judgment are without merit. Complainants should be advised that a false or malicious complaint may result in legal action against them.

The PRB has the power upon completion of an investigation to either: - dismiss the complaint; write a letter of censure to those involved; or make a Stipulated Order in advance of any further hearing The PRB may also choose to appoint a Discipline Committee to hold a hearing and make a judgment. Refer to section 4.7 (g) to 4.7(q) of the regulations.

If a complaint is laid against a member of Council, Executive Director, Registrar, employee or officer of the ASTTBC, Council is to be immediately informed and must direct the Practice Review Board on how to proceed.
On completion of due process of the complaint, the Board will ensure that the Registrar or Designate notifies all parties concerned of PRB decisions in a timely manner. For further information refer to Appendix A, B, C, D, and E of this manual.

**Investigations and Investigators**

*Time is of the essence in any investigation.*

Investigators will be appointed by the Registrar or Designate and may involve consultation with the Chair or legal counsel.

While an investigator has to converse with various parties, care will be taken not to commit the PRB or the Registrar or Designate in any manner. Investigators shall clearly identify themselves to all parties and carry all appropriate equipment as deemed necessary.

Reports shall follow the ‘standard format’ approved by the PRB. All photographic evidence shall be properly identified and attached to the investigators report along with any documents necessary for the PRB to make a decision. Refer to Appendix E and F.

**Discipline Committees**

A Discipline Committee is appointed whenever the PRB cannot resolve a complaint, and censure may be a possible outcome, usually involving cases of a serious nature that require an independent hearing.

The Committee is selected from the membership at large, but may not include members of the Practice Review Board or the Council. The number of members is set by the PRB, but in any case must never be less than three, including the Chair of the Discipline Committee. The Discipline Committee has the sole discretion of formulating the charges, and may call on legal counsel to approve the charges. The Registrar is responsible for ensuring the necessary documents are properly served on all parties and may, at his/her discretion use legal counsel.

All notices shall be delivered at least fourteen days before a Disciplinary Hearing to the accused and the witnesses, and they must be personally served as provided in Regulation 4.7 (h).

Parties will be advised that if they fail to appear, the Disciplinary Hearing may proceed in their absence. If reasonable attempts to serve do not succeed, the Committee Chair has the power to substitute service in whatever manner he or she decides.

At the Disciplinary Hearing, evidence may be given in any reasonable manner considered appropriate by the Committee. Members called to appear, and all witnesses, will be examined under a statement of affirmation prescribed by the Evidence Act.
Affirmation

I solemnly promise, affirm and declare that the evidence given by me to the Discipline Hearing Committee (or as the case may be) shall be the truth, the whole truth and nothing but the truth.

A complainant has the right of attendance at a Hearing called to consider the complaint. On completion of a Disciplinary Hearing the Discipline Committee must report their findings and recommendations to the Practice Review Board and has the power to recommend any of the following:

- reprimand the registrant;
- suspend the registration, certification or licensing of the registrant for a specified time;
- impose any conditions on the registrant’s entitlement to membership, certification or licensing in the Association;
- require the registrant to undergo periodic examinations or to obtain specific continuing education;
- cancel the registration, certification or licensing of a registrant;
- make any other reasonable order or penalty it considers reasonable and appropriate in the circumstances, including an assessment of the costs of the investigation and hearing. Any financial assessment of costs made against the registrant shall be for the exclusive benefit of the Association.

On receiving the Disciplinary Hearing report the Practice Review Board will within fifteen days make a written judgment describing each finding and the reasons for the judgment. All the deliberation of the Committee and the PRB are confidential. The findings and judgments are a matter of public record and may be published if so ordered. Refer also to Appendix C and D

Appeals

Any member or registrant may apply to the Council for leave to appeal a judgment to the Council in accordance with the Regulations. An Appeal may only be served upon the Council within 30 days of the written order’s issue date.

The Registrar or Designate is empowered at their discretion to temporarily suspend any penalties imposed by the PRB pending the final disposition by Council. Council’s powers to hear or reject the Appeal are spelled out in Section 4.9 of the Regulations.

Title or Federal Mark Complaints

When a complaint involves the use or misuse of protected titles or any registered Federal Marks that are the property of ASTTBC, the Registrar or Designate reviews the complaint and sends a cease and desist letter to the individual or consults the PRB Chair or legal counsel when necessary.
Cease and desist letters are sent via overnight courier, with letters and envelopes marked ‘confidential’ and sent with a copy of the governing Act and Regulations. When a response is received, the Registrar or Designate prepares a ‘standard’ report for the next PRB meeting and both the ‘Master’ and ‘Agenda’ Complaint Summary spreadsheets are updated by support staff.

If necessary, a second letter is sent to the offender. If there is still no response, the matter is referred to the PRB for further action, which may result in legal action. Refer also to Appendix A.

**Staff Responsibilities**

The Registrar or Designate provides staff support for the PRB either directly or, with the assistance of senior administrative staff. The Registrar or Designate is responsible for handling complaints and communicating with all the parties involved in the complaint process, and doing so in a timely manner.

Each type of complaint is classified according to certified membership. The member/registrant standing is checked in the Association’s Register. The complaint is then assigned a PRB file number and entered on the master summary spreadsheet. When the report is ready to be taken to the PRB for a decision, the information on the ‘Master’ Summary will be transferred to the ‘temporary’ Agenda Summary.

All information obtained by the Registrar or staff is logged on the appropriate summary spreadsheet. Information recorded must include all of the items listed in the Complaint Section (paragraph 5) as detailed above. For complaints involving misuse of titles, designations, or Federal Marks, refer to the Cease and Desist procedure, Appendix A.

Providing the Registrar or Designate believes there is reasonably substantiated information and evidence the complaint may proceed.

Staff may verify complaint information, by contacting regulatory authorities, such as the local fire department. All verifications must be obtained in writing. When in doubt, refer to the Act and Regulations and the Code of Ethics.
1.0 **Receipt of Complaint**

1.1 When a complaint regarding the use of protected titles, Federal Marks or allegations of code of ethics violations, requiring investigation is received, staff will proceed as follows under the direction of the Registrar or Designate.

- Staff will check the Association Registry to see if the individual to whom the complaint is directed, is a member/registrant, a new applicant or a non-member.
- The Registrar or Designate will review the complaint and request staff, if applicable, to send the applicable cease and desist or inquiry letter and will, in special circumstances, seek advice from the PRB Chair or ASTTBC legal counsel.
- Staff will make a file, assign the next number (determined from the Master Summary) and enter the information on the appropriate Master Summary (ASTT Master Summary or Special Certification Master Summary). To determine the next number, it is necessary to check both Summary sheets.

2.0 **Unauthorized use of Titles and Registered Federal Marks**

2.1 When a response is received regarding the unauthorized use of titles or registered Federal Marks, the Registrar or Designate will review the response and advise staff accordingly to:

- Sent the appropriate closure letter (if the individual has confirmed that he/she will cease using the title or designation)
- Send the file to ASTTBC legal counsel for further advice
- Refer the file to the PRB for recommendation and possible legal action

3.0 **Allegations requiring investigation**

3.1 When a response is received from the individual to whom the complaint is directed, the Registrar or Designate will review the response and advise staff accordingly to:

- Send a copy of the response to the complainant for his/her comments.
- Once the comments are received from the complainant, the Registrar or Designate may request staff to forward the file to an appropriate third party for investigation and submission of a report.

3.2 When the investigation report is received the Registrar or Designate will complete a ‘Standard Report’ for PRB based on the recommendations in the investigative report and will advise staff to:

- Add the third party report and the Registrar’s or Designates report to the PRB Agenda and to the PRB Agenda Summary
• Enter all the information on the appropriate Master Summary and on the appropriate ‘Temporary’ PRB Agenda Summary.

(Normally only items that are to be reviewed for recommendation for closure by the PRB are entered on the Temporary’ Summary, however, in some instances, items that have been ‘ongoing’ for a considerable time are entered on the ‘Temporary’ PRB Agenda Summary to keep the PRB abreast of the investigation circumstances).

• On the judgment of the Registrar or Designate, send the file to ASTTBC legal counsel for further advice.

3.3 If no response is received by the date specified in the ‘first’ letter, the Registrar or Designate will instruct staff to prepare the appropriate ‘reminder’ letter and copy legal counsel as appropriate.

3.4 If no response to ‘reminder’ letter by the specified date the Registrar or Designate will contact the PRB Chair and/or legal counsel for advice on further action. In some cases, ASTTBC legal counsel will send the appropriate ‘follow up’ letter or the file will be taken to the next PRB meeting for a recommendation. (The Registrar or Designate will prepare a report with a recommendation to the PRB).

4.0 **When an Anonymous Complaint is received**

4.1 When an anonymous complaint is received the Registrar or Designate will decide if the complaint can be acted upon. No action will be taken if the complaint can not be substantiated, but a report will be made to the PRB for their information. Should the anonymous complaint warrant further investigation, the procedures outlined in sections 1.0 and 3.0 shall be used.

5.0 **Procedure for Practice Review Board Recommendations**

5.1 If the PRB recommends closure of a file, staff will send the appropriate closure letters using the PRB Minutes as a guide.

5.2 **Stipulated Orders**
   See Appendix B

5.3 **Discipline Hearing**
   See Appendices C and D

6.0 **Master Summary Spreadsheets and ‘Temporary’ PRB Agenda Summaries**

6.1 There are two ‘current’ Master Summary spreadsheets; ASTTBC Master Summary and Special Certification Summary, which were set up in 2004. These summaries are brief, ongoing permanent records and must be updated at all times. These two summaries are found in:
When a complaint is received, file number assigned and a file opened, all information regarding the complaint is entered on the applicable Master Summary.

When the file is ready to go to the PRB for review and recommendation the information from the ‘Master’ Summary will be copied to one of the ‘Temporary’ Summaries and attached to the PRB Agenda.

Once the file has been closed by the PRB the item is removed from the ‘Temporary Summary’ and the Master Summary will be updated using the PRB Minutes as a guide.

If a file is not closed by the PRB and information on both the Temporary Summary and the Master Summary will be updated and the item will stay on the Temporary Summary until such time as it is closed.

For information on complaints prior to 2004 there are two summaries found in directory Practice (ASTTBC Complaint Summary and Spec. Cert. Complaint Summary – Original doc. (KR))

6.2 ‘Current’ files are filed in office of Sr. Coordinator, Registrations & Professional Standards and ‘closed’ files in the office of the Director, Registrations.

7.0 Practice Review Board Agenda

7.1 Designated staff under the direction of the Registrar or Designate will prepare the PRB Agenda and send to the PRB members approximately two weeks before the meeting.

7.2 Attachments to the agenda will be only those items on the agenda including the temporary summaries for both ASTT and Special Certification complaints.

7.3 If other files are completed after the agenda has been sent to the PRB, take the applicable information to the PRB meeting. In some cases if there are numerous files completed between the time the agenda is sent out and the PRB meeting it may be necessary to complete a ‘Revised’ Agenda and present it at the beginning of the meeting allowing some time for the PRB members to review the new items.

7.4 Designated staff will take and transcribe the Minutes of the meeting.

8.0 Letters

8.1 Staff will send (normally by over night courier) the appropriate ‘first’ cease and desist or ‘inquiry’ letter along with a copy of the complaint and the Act and Regulations. All envelopes to be marked ‘Confidential’.
8.2 Title Letters
(Some letters will need to be changed to suit the particular complaint).
- C&D – using AScT (first letter) C&D – AScT 2nd (reminder)
- C&D – using CTech (first letter) C&D – CTech 2nd (reminder)
- C&D – CHI/CPI (first cease letter)

8.3 Inquiry Letters
ASTTBC/Special Cert. Inquiry letter ASTTBC/Special Cert. Reminder letter

Note: Use over night courier to send letters. Experience shows it is usually best to send letters by courier, as registered letters are often not picked up.

*If CET is involved do not make a separate file for each complaint, but rather, staple all correspondence pertaining to that complaint together in date order and file in file no. 5.3.4 with most current dated information on top of file.
On receipt of any investigative report, *where the facts are obvious and complete*, the Practice Review Board, or the Registrar or Designate, in consultation with legal counsel and/or the Chairman of the PRB, at its sole discretion may choose to apply the Stipulated Order process. The PRB or the Registrar or Designate may prescribe a set of reasonable penalties and/or remedial actions that will be proposed to the respondent member. This action would be in lieu of: any further investigation; convening a Disciplinary Hearing; or the PRB and ASTTBC taking further legal action. The Registrar or Designate will initiate a Stipulated Order only when timing is a factor in ensuring due process. When the Stipulated Order is initiated, the Registrar or Designate will conduct a mediation meeting with the respondent member to discuss the proposed terms of the Stipulated Order. All decisions of the Registrar or Designate, with respect to proposed penalties, must be ratified by the PRB.

**Stipulated Order Mediation Meeting Process:**

**Step 1** A mediation meeting is convened by the Registrar or Designate to discuss the application of the proposed Stipulated Order with the respondent member, or members, who are the subject of the complaint. The proposed Stipulated Order will generally contain one or more penalties applied for a specific time period, and may require the member to take courses, sit exams, or cease and desist from specified activities. The Stipulated Order may also contain fines (see Appendix N) or cost recovery actions.

**Step 2** If the member(s) expresses their willingness to accept all the terms and conditions as listed, a signature of agreement will be obtained from the respondent member or members signifying acceptance of the Stipulated Order and compliance with the terms. The Stipulation Order is immediately applied, but the terms and any penalties must be ratified by the PRB at their next meeting.

**Step 3** The Registrar or Designate, after checking the wording with legal counsel, may publish the Stipulated Order in the print media, and notify any affected authorities, having jurisdiction, about the Stipulated Order.

**Step 4** The PRB and the Registrar or Designate will then be responsible to monitor compliance with the Stipulated Order.

Should it be reported at a future date that the respondent member or members have not complied with the Stipulated Order; the PRB at its sole discretion may apply other penalties, or, take other actions as is deemed necessary.
A Stipulated Order process is preferably sought in all matters as a means to a prompt resolution, to prevent further wrongdoing and to protect the public.

While all decisions of the PRB follow serious deliberation, the Association strives to treat everyone involved with respect and courtesy in a process that is responsive, fair, timely and equitable.
Once the Practice Review Board has made a recommendation to proceed with a Disciplinary Hearing the Registrar, in consultation with the Chair of the PRB, selects a Disciplinary Hearing date and members of a Discipline Committee. A Chair is then appointed from the Committee Members. The Registrar or Designate is the liaison with ASTTBC legal counsel and conducts the Disciplinary Hearing strictly in accordance with the ASTT regulations 4.7 (h) to (w). All the appointees are required to sign a confidentiality agreement prior to appointment. All parties are advised of the disciplinary Hearing including the complainant and witnesses.

1. The Chair of the Disciplinary Committee and the Committee will meet with the Registrar or Designate to review the complaint(s) against the member/registrant. The Registrar or Designate will discuss the complaint(s) with ASTTBC legal council to determine the charges.

2. ASTTBC legal counsel will advise the member/registrant (by ‘Formal Service’) of the charges, date, place and time of Disciplinary Hearing and also advise the member that his/her legal counsel may be present for the Disciplinary Hearing. All documents to be used at the Disciplinary Hearing by the Committee must also be given to the member/registrant at the time of serving.

3. The Chair of the Disciplinary Committee in consultation with the Committee, the Registrar or Designate and other senior staff then make a list of relevant questions to be asked of the accused, and the witnesses. The Disciplinary Hearing Committee Chair and legal counsel review and confirm the questions by e-mail prior to the Disciplinary Hearing.

4. Those present at the Disciplinary Hearing will be limited to and include: the member, any witnesses, the Disciplinary Hearing Committee and its Chair, the Registrar or Designate, ASTT legal counsel, the PRB Chair and a staff member acting as recorder. The Committee Chair will also record notes of the Disciplinary Hearing. The Chair of PRB, ASTT staff and legal counsel are present as observers at the Disciplinary Hearing and as advisors at any recess. The Chair of the Disciplinary Committee will outline the procedure with the member/registrant at the commencement of the Disciplinary Hearing. The Chair of the Disciplinary Committee will swear in the accused, and the witness(es) under oath.

5. Immediately following the closure of the Disciplinary Hearing the Committee members, and possibly legal counsel will review responses to the questions. The Committee will meet in private, to formulate a report and recommendation to PRB. (Staff and PRB members are not included in the 2nd meeting.). The report and recommendations will be copied to ASTT legal counsel. The Chair of the Disciplinary Committee will record the minutes of this ‘private’ meeting.
Disciplinary Hearing Procedure continued

6. The Committee’s findings will be presented by either the Chair of the Disciplinary Committee or the Registrar or Designate at the next meeting of the PRB (The Chair of the Disciplinary Committee should be present if possible to answer questions). The PRB either approves the resulting order, (it can make no significant change) or refers the matter to Council for adjudication.

7. The Registrar or Designate will write and send the appropriate letter(s) outlining the charges, Judgment and reason(s) for the judgment. In some instances legal counsel will write and serve the letter(s). Copies of the order go to Council and to the member/registrant PRB file. Follow up procedures by the Registrar or Designate may be necessary and may include actions such as striking a member or registrant from the Register, procuring the return of a Stamp and ID Membership Card, or setting up a Code of Ethics Exam. The actions of the member/registrant and the PRB may also be communicated to the member’s employer, or a regulatory authority.

8. The Registrar shall also cause to be published, notice of the Disciplinary Hearing, the resulting judgment and the penalty as directed by the PRB.

9. Update the master summary; and put a copy of all information on the member/registrant PRB file; the Registrar or Designate shall also send letters of thanks, to the Chair and the Discipline Committee.
PRACTICE REVIEW BOARD

APPENDIX D - 2005

DISCIPLINARY HEARING PROCEDURE – SPECIAL CERTIFICATION

The Registrar, in consultation with the Chair of the PRB, selects a Disciplinary Hearing date and members of a Discipline Committee. A Chair is then appointed from the Committee members. The Chair is the liaison with ASTTBC legal counsel and the Registrar or Designate and conducts the Disciplinary Hearing strictly in accordance with the ASTT regulations 4.7 (h) to (w). All the appointees are required to sign a confidentiality agreement prior to appointment.

1. The Chair of the Disciplinary Committee and the Committee will meet with appropriate senior staff to review the complaint(s) against the member/registrant. The Registrar or Designate will discuss the complaint(s) with ASTTBC legal Council to determine the charges. ASTTBC legal counsel will then advise the member/registrant (by ‘Affidavit of Service’) of the charges, date, place and time of Disciplinary Hearing and also advise the member/registrant that his/her legal counsel may be present for the Disciplinary Hearing.

2. The Chair of the Disciplinary Committee in consultation with the Committee, appropriate senior staff (and possibly the Registrar or Designate) then make a list of relevant questions to be asked of the accused, the member/registrant, and the witnesses. The Chair of the Disciplinary Committee and legal counsel will review and confirm the questions by e-mail prior to the Disciplinary Hearing.

3. Those present at the Disciplinary Hearing will be limited to and include: the Complainant, any witnesses, the Disciplinary Hearing Committee, the appropriate senior staff, ASTT legal counsel, the PRB Chair and a staff member/registrant acting as recorder. The rules of the Disciplinary Hearing are the same as any Disciplinary Hearing, and the member/registrant and the witnesses are sworn in by the Disciplinary Committee Chair, prior to giving testimony. The Chair of PRB, the ASTT Staff and legal counsel are present as observers, and as advisors at any recess. The Chair of the Disciplinary Committee will outline the procedure with the member/registrant at the commencement of the Disciplinary Hearing.

4. Immediately following the closure of the Disciplinary Hearing the Committee member/registrants, senior staff and possibly legal counsel will review responses to the questions. The committee, will then meet in private to formulate its report and recommendation to PRB. *(staff and PRB members are not included in the private meeting).*

4. The Committee’s findings are submitted to the next meeting of the PRB, and the Chair of the Disciplinary Committee should be present to answer questions. The PRB either approves the resulting order, *(it may make no significant change)* or it refers the matter to Council for adjudication. The Registrar or Designate will write and send the appropriate letter(s) outlining the charges, judgment and reason(s) for the judgment.
In some instances legal counsel will write and serve the letter(s). Copies of the order go to Council and to the member/registrant PRB file. Follow up procedures by the Registrar or Designate may be necessary and may include actions such as striking a member/registrant from the Register, procuring the return of a stamp and ID Membership Card, or setting up a Code of Ethics Exam. The actions of the member/registrant may also be communicated to the member/registrant’s employer, or a regulatory authority.
PRACTICE REVIEW BOARD

APPENDIX E - 2005
INVESTIGATIONS

Under the regulations, the Chair or the Registrar or Designate can carry out complaint investigations. In addition, the Practice Review Board can appoint an independent investigator(s). Unless there are specific and exceptional circumstances the investigator usually will hold the required qualifications in a discipline appropriate to the matter (e.g. Fire Protection, Timber Cruising).

The experienced investigator begins the assignment with a thorough appraisal of all the relevant documents; makes notes and summaries as necessary, and prepares lists of questions.

The investigator then contacts the parties as necessary to answer the questions arising and if satisfactory answers are obtained the investigator completes the report using the standard complaint report form.

If satisfactory answers are not obtainable, or not truthful, the investigator may choose to arrange a meeting or carry out a site inspection. In some circumstances a site investigation may require the presence of a second investigator acting as a witness to the inspection. A site inspection requires detailed notes and photographs, and may require as necessary, measurement or diagnostic equipment to properly establish evidence.

The investigator withholds all comment to the parties, dealing only in quietly stated questions, and recording the facts without prejudice.

The investigator prepares a report using notes and evidence as required to develop a recommendation to the PRB. Recommendations should be fair, but firm and shall have as much clarity as possible, and be written with care and firmness of purpose where matters of public safety are involved.

Out of town investigations beyond the Lower Mainland are most often completed without site visits, except where the expense is authorized by the parties or the Registrar. The Registrar and Chair may instead appoint an investigator who lives in the area and has the required qualifications, to avoid expenses.

Investigators shall carry identification and carefully observe the requirements of the confidentiality agreement.

THE MAJOR CONCERNS IN ANY INVESTIGATION ARE: FAIRNESS, ACCURACY, AND TIMELENESS. The longer a matter is not dealt with or properly investigated, the more the parties’ memories will decay and the more the physical evidence is likely to disappear.
PRACTICE REVIEW BOARD

APPENDIX F(a)
COMPLAINT FORM (2005)

To be used by the person reporting a complaint. Detailed evidence may be attached, as required. This document may be expanded as needed. Signature required.

Complaint by: Name ______________________ Date ________________

(print name)

COMPLAINT RECEIVED BY: ASTTBC

COMPLAINT MADE BY:

COMPLAINT AGAINST:

NATURE OF COMPLAINT:
(brief statement)

LOCATION:
(address where complaint took place)

BACKGROUND
(if more space required use second page, signatures required on all pages)

_________________________________
Signature
PRACTICE REVIEW BOARD

APPENDIX F (b)
INVESTIGATIVE REPORT TO PRB (2005)

DATE OF REPORT:

REPORTED PREPARED BY:

___________________________________________________________

COMPLAINT MADE BY:

COMPLAINT AGAINST:

NATURE OF COMPLAINT:

LOCATION:
(address)

DATE OF COMPLAINT:

RECEIVED AT ASTTBC:

___________________________________________________________

STATEMENT OF COMPLAINT:
(brief statement)

BACKGROUND:

INVESTIGATION:

DISCUSSION:

RECOMMENDATION(S):

___________________________________________________________

Signature
COMPLAINT PROCESS NUMBERING.

Each complaint is assigned a file number within an electronic file to record and track all complaints. The ‘file’ is then updated as each new complaint comes in, and is further updated as the “file moves through the PRB complaint handling, investigation and disposition

The file numbering system is created using the first two digits for the year, hyphenated with the complaint number, followed by the number of complaints in the same year, and that is followed by the member/registrants name and Registration Number.

Examples: 04-01 Doe, John #233 - Received in 2004 – first complaint of the year.
04-12 (2) Doe, John #233 - Received in 2004 – 12th complaint of the year – second complaint against John Doe in the same year
05-01 Smith, John #122 Received in 2005 – first complaint of the year.

ASSIGNMENTS OF FILING SECTIONS

The following filing sections are assigned:-
Member/registrant complaints - File Folder with name and number – file in Section No 5.3.3
CET Complaints – all info on same complaint to be stapled together and filed in date order in one general file - Section No 5.3.4 (note: until such time as CCTT and ASTTBC have a new agreement, all CET complaints to be forwarded to CCTT to handle).
Special Certification registrant complaints – File folder with name and number – file in Section No 5.4.2

SUMMARY SHEET RECORDS

Administrative staff will prepare separate summaries for members, registrants and CET complaints for the PRB Agenda from the Master Summaries.
This guideline is designed to assist the certified practitioners of ASTTBC to resolve difficulties encountered in professional practice. Using these suggested solutions will not only improve relationships in the workplace but may preclude the necessity to enter a PRB Complaint.

**Definition of a professional practice problem:**

A situation in your working environment that
- Interferes with your ability to practice and apply the skills you have acquired that relate to the application of codes and standards
- Is detrimental to the public health or safety.
- Is a clear conflict of interest under the ASTT Code of Ethics.
- Is detrimental to a client’s best interests
- Could lead to a serious complaint against you, or, cause you to make a written complaint to the Practice Review Board

**Three suggested steps to resolution:**

1. First double-check all the facts to make absolutely sure that it is a clearly definable problem. Using the Code of Ethics consider which standard of practice are being breached and commence a written record of events and how you, the client, or your employer is affected. Be sure to record all dates and times and make copies of relevant documentary evidence and include photographs if appropriate. Note if any other professional organizations are potentially affected.

2. Communicate the precise problem to all those involved, using appropriate channels of communication available to you. **Explain, be factual and be very specific.** Be sure to set reasonable times for replies and follow up on the responses.

3. Set up a face-to-face meeting with those involved to thoroughly discuss the problem from everyone’s perspective.

If the problem still persists after your best efforts and all channels have been exhausted you should seek counsel from the Registrar or Designate. **Remember every member/registrant has to be satisfied that they have done everything in their power to meet their professional obligations and to resolve practice problems, before taking the compliant to ASTTBC. If you are going to lay a complaint, it must be in writing and be signed and should be on the ASTTBC form ‘Complaint Form (2002)’.**
PRACTICE REVIEW BOARD

APPENDIX I – 2005
CONFIDENTIALITY AGREEMENT

To be signed by all members of the Practice Review Board, appointed Discipline Committee members and all investigators or experts appointed by the PRB.

ASTTBC is a professional association with information on individuals that may be regulated under privacy legislation. Board information may involve access to information that may be restricted, confidential or highly sensitive. Therefore, conditions of being a board member are as follows:

“All records, files, publications, minutes, documents, passwords, intellectual material and information created or used during the term on the Board, shall remain the property of ASTTBC. All computer software, forms, graphics or designs used or developed in conducting the affairs of ASTTBC shall remain the property of ASTTBC. The Board person hereby acknowledges all such records will be held in strict confidence. In the event of termination, all such records or property outlined above will be delivered to the Board Chairman, or his designated representative”.

It is also understood that discussions pertaining to Board activities and decisions are confidential and may never be disclosed to a third party other than to Officers and designated staff of ASTTBC, or if required under applicable legislation.

Board members are also required to have read and adhere to the Practice Review Board Policy on Bias.

Print Name:_________________________________________

Signature:__________________________________________

Date:________________________________________________

Pat/forms/Confidentiality Agreement PRB
Revised Jan. 2006
PRACTICE REVIEW BOARD

APPENDIX J – 2005
POLICY ON BIAS

ASTTBC has the ability and duty to make decisions which affect the careers and economic opportunities of its members\(^1\) and prospective members. It also makes decisions which affect its perception by the public. As an organization created by statute for such purposes, it has an obligation to make such decisions without “bias”, either institutional or personal. Consequently, anyone adversely affected by a decision, which is premised upon bias, will have recourse to the Courts to question that decision.

Institutional bias relates to the structure and operation of the organization and, in the case of ASTTBC, is a matter for Council and the Legislature and cannot be dealt with in this format. Personal bias, on the other hand, is something that ASTTBC can take appropriate steps to guard against by staff education and policy.

What is bias?

Bias is a concern for decision makers and is most easily described in terms of what is to be achieved:

\[
\text{… decision makers must base their decisions, and must be seen to be basing their decisions, on nothing but the relevant law and the evidence that is properly before them.}^2
\]

Decision makers must, therefore, take care to avoid introducing into the decision making process those personal pre-dispositions which should, objectively, have nothing to do with the decision. If they fail to do so, and include those personal pre-dispositions in the decision making process, the decision will be susceptible to review by the Courts.

What is the test for bias?

The law does not require that actual bias be demonstrated in order to conclude that a decision was made improperly on account of bias. That would usually be impossible to prove and would, therefore, render the rule against bias illusory. Rather, it is enough that a person allegedly injured by a decision maker’s bias is reasonably apprehensive that bias has played (or will play) some role in the process. In that respect, bias is largely in the eye of the beholder, but it must be objectively reasonable:

\[
\text{… the apprehension of bias must be a reasonable one held by reasonable and right minded persons}^3
\]

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\(^{1}\) The term “members” is used in the widest sense to include specialists, licensees, etc.

\(^{2}\) Jones & Villars, “Principles of Administrative Law”, 4\(^{th}\) Ed., 2004, Carswell @ p.366
It is not enough for a person to apprehend bias, it must also be demonstrated that “reasonable and right minded persons”, when apprised of the facts, would also apprehend bias. If that occurs, the decision is tainted and is susceptible to being overturned or set aside by the Courts.

Who are the decision makers susceptible to bias?

Everyone involved with ASTTBC makes decisions on a daily basis but not all of those decisions are in issue in respect to a concern about bias. There is always a spectrum of decisions to be made. At one end of the spectrum, where there is no concern for bias, are the mundane staff decisions such as “do I review this application today or tomorrow”, “do I send this correspondence by mail or courier”, etc. At the other end, where bias is a real concern, are the key decisions which are usually made by legislative delegates\(^4\), such as “will this applicant be certified” or “should this member be disciplined”, etc. In the middle of the spectrum, where it is not always clear whether bias is a factor, are the decisions made (by staff or volunteers) such as “do I recommend that a discipline committee be struck”, “do I tell the applicant that his paperwork is deficient”, etc.

It is the middle of the spectrum where it is most difficult to assess whether bias is a factor to be considered and avoided. In this area, it will typically arise where someone – usually a staff member or a volunteer – is charged with an administrative responsibility to move an application, a complaint, etc. either toward or away from a decision. The staff member or volunteer involved would probably not have the power to make the ultimate decision but would have the power to influence either the decision itself or whether a decision is made at all.

How does bias commonly appear?

The following are the key indicators of potential bias:

- Financial interest in the outcome of the decision:
  If you have a business relationship with someone who is the subject of a decision, or a competitor of the subject, and you might gain/lose financially from the outcome, you have a potential bias;

- Personal relationship with persons involved in the decision:
  If you have any personal relationship (good or bad) with someone who is the subject of a decision which might suggest to a reasonable observer that you are personally interested in the outcome of the decision, you have a potential bias;

- Outside knowledge of the subject matter of the decision:
  If you have any knowledge of the subject matter of the decision, which knowledge has been gained outside of your employment with ASTTBC, and it would appear to a reasonable observer that you would likely employ that knowledge in your role in the decision process, you have a potential bias;

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3 Committee for Justice & Liberty v. Canada (National Energy Board) [1978] 1 SCR 369
4 e.g. Council, Board of Examiners, etc.
Inappropriate comments or behavior:
If you employ any inappropriate comments or behavior in your role in a decision, which would make you appear to an outside observer as having some interest in the outcome, you have a potential bias;

What is required to be done when bias is a concern!

The quality of ASTTBC’s decisions are put into issue when there is any reasonable apprehension of bias and, further, ASTTBC may be exposed to embarrassment and expense where its decisions are challenged on this basis. Accordingly, the reasonable apprehension of bias should be avoided whenever possible.

Where the potential for bias is recognized the person involved should, where possible, excuse himself/herself from the decision making process. Where it is not practical to excuse, legal advice should be obtained before continuing further. Where there is any serious doubt as to the potential for a reasonable apprehension of bias, any error should be on the side of caution.
PRACTICE REVIEW BOARD

APPENDIX K – 2005

POLICY FOR RECORDING IN THE MINUTES THE NAMES OF BOARD MEMBERS WHO EXCUSE THEMSELVES FROM OR LEAVE PRIOR TO THE END OF A MEETING.

1. **PURPOSE:** It has been determined that it is necessary to record in the Minutes of the meeting, the name of any Board member who excuses themselves from discussion, leaves the room or leaves prior to adjournment of the meeting and the time the member left. If the member returns to the meeting, this time also needs to be noted in the Minutes.

2. **BACKGROUND:** It was discussed at the November 17, 2005, PRB meeting that perhaps it should be recorded in the Minutes of the meeting, the names of members leaving the meeting prior to adjournment and the time the members left. It was felt that in this way it would be possible to determine if a member did or did not vote on a ‘specific’ agenda item.

3. **IMPLEMENTATION:** Immediate, upon approval of the Practice Review Board.

4. **IMPLICATIONS:** The ability to track if a member was or was not present during a vote on a specific agenda item.

5. **RECOMMENDATION:** That the Practice Review Board approves the Policy for recording the names of any Board members who excuse themselves from discussion, leave the room or leave prior to adjournment of the meeting and that the time the member left is recorded. If the member returns to the meeting, this time also needs to be noted in the Minutes.

This Policy is to become part of the PRB Operating Policies and Procedures Manual and the Board of Examiners Policy.
PRACTICE REVIEW BOARD

APPENDIX L – 2005
GUIDELINES FOR DISCLOSURE OF SPECIFIC INFORMATION FOR RESOLVED
AND TO BE REPORTED PRB CASES

The following guideline will be used for the reporting of names of individuals,
companies, locations, cities and dates, as part of case histories for resolved PRB cases:

1. For cases that require a Discipline Hearing to resolve and result in censure of
   a member, all detail and specific information of the case will be reported
   unless the PRB requires that some of the detailed information be restricted.

2. For cases resolved by a Stipulated Order, a Cease and Desist Order, a
   Discipline Hearing where no breach of the Code is determined or some other
   PRB directed action, only generic information will be reported unless the
   PRB requires specific details be reported in consideration of the public
   interest.

Approved by PRB Sept. 7/06
ADMINISTRATIVE POLICY CHANGE

**PRB administrative file closure for members to complete, within specific time limits, requirements of PRB recommendations.**

The administrative handling for closing files, with specified time limits for members to complete requirements of PRB recommendations, was brought to the February 26, 2009 PRB meeting for discussion. This was raised because, in particular, when ROWP members are asked to complete courses and/or submit copies of Filings for audit, it has in several instances, taken over two years to complete this requirement. The file thus remains open during this time period simply for the purpose of tracking the successful completion of courses and the submission of Filings for audit.

It is proposed that providing there is written and signed confirmation regarding the intent to complete specified training courses and/or submissions for audit, provided that all other conditions have been completed to the satisfaction of the Registrar, the Registrar may recommend that the file be closed and that staff will administratively monitor the successful completion of the PRB requirements. Should the member not fulfill his/her obligations within the time frame specified, the Registrar will bring the file back to the PRB for further recommendation.

**RECOMMENDATION:**
That the administrative and procedural change - PRB administrative file closure for members to complete, within specific time limits, requirements of PRB recommendations, be approved.

Approved by PRB April 23, 2009
Policy Guidelines for Application of Censure

September 30, 2010

Censure Principles and Objectives

As a tribunal body, ASTTBC should have a policy outlining guidelines to assist in the application of censure, which will support consistency for all complaint cases. The overriding priority of ASTTBC is to ensure protection of the public interest and the appropriate conduct of its members in that regard. In all actions initiated by the Association, the principles of natural justice and procedural fairness must prevail.

The following objects of the Association are outlined in the Applied Science Technologist and Technician Act:

(a) to maintain, improve and increase the knowledge, ability and competence of the members of the association;
(b) to regulate standards of training and practice of and for its members and to protect the interests of the public;
(c) to establish, maintain and develop standards of ethics among its members;
(d) to do all lawful things that are incidental or conducive to the accomplishment of these objects.

Under the ASTT Act, Council has the power to create Regulations “governing the conduct of members of the association in their practice by prescribing a code of ethics, rules of conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for misconduct, incapacity or incompetence”. This role is assigned to the Practice Review Board (PRB) under Section 4 of the Regulations.

The duty of the PRB is to review members practice such that the high standards and public image of the profession are maintained. In determining censure of a member’s practice the PRB must consider the censure (word ‘penalty’ is interchangeable term) to be of a general and specific deterrence and provide an element of rehabilitation. Punishment or retribution is not the goal of censure.

Aggravating and Mitigating Factors Affecting Censure

There are aggravating and mitigating factors that affect the degree of censure recommended for approval. There is also the principle of a ‘Baseline Penalty’. In other words, all else being equal, the misconduct in question warrants a penalty within a certain narrow range, which must be consistent with penalties issued in similar circumstances. Aggravating factors will suggest a penalty harsher than the baseline and mitigating factors will suggest a lesser penalty.

Aggravating factors include but are not limited to:
- seriousness of the misconduct
- previous discipline history
- conduct repeated over time
- dishonesty or breach of trust involved
- harm to specific individuals (potential or actual)
- misleading the PRB or Discipline Committee during the Hearing
- willful nature of the misconduct
- misconduct committed for personal gain
- lack of remorse
- misconduct brought discredit on the profession

**Mitigating factors** include but are not limited to:
- evidence of good character
- absence of prior discipline history
- signs of remorse
- guilty plea / cooperation with the PRB investigation
- misconduct was brief, isolated incident
- restitution or remedial action already taken by member
- member has already suffered significant consequences (e.g. court proceedings, loss of employment)
- impact of penalties would be unusually onerous
- wishes of the victim

It should be noted that a decision by the member to defend against allegations in a contested Discipline Committee Hearing is not an aggravating factor and cannot be used as a basis to increase the penalty from the baseline. Consequently, a decision to enter into a voluntary stipulated order or other agreement with the PRB should not be seen as a mitigating factor.

**Available Censure Options**

The Practice Review Board shall, upon its own initiative or at the request of Council, inquire into and make either a finding or recommendation, which Council may consider in respect of the establishment of fines and appropriate costs to be applied in disciplinary matters. The Regulations also empower the PRB, at its sole discretion, to:

A) dismiss complaints;
B) issue a letter of censure to the member or registrant;
C) enter into a Stipulated Order with the member or registrant;
D) cause formal charges to be issued to the member or registrant and appoint a Discipline Committee to adjudicate the charges by means of a hearing; or
E) take any other action that it deems advisable in the circumstances, including the temporary suspension of the membership, registration, certification or licensing (all subject to Regulation conditions).

Censure options could include one or more of:
1. Suspension (worst case scenario requiring a Discipline Hearing Committee decision)
2. Imposing of terms, conditions or restrictions on a member’s certification/registration
3. Issuance of a letter of reprimand with expectations as to future behaviour
4. Issuance of a fine (as a means of a deterrent to all members)
5. A requirement for a Practice Assessment (further PRB action could be taken based on outcome)
6. A requirement to achieve additional training or Continuing Professional Development (CPD)
7. Public publication of findings and resulting censure
8. Requiring the member to pay costs related to Hearings or Investigation (typically only direct outside costs related to contractor investigators or legal counsel billing are acceptable to court challenges for a tribunal body to apply)

Under appropriate conditions (i.e. giving a member the opportunity to settle the matter with the complainant, which would possibly mitigate the level of censure), it may be possible to suspend or postpone the imposition of possible censure.

Levels of censure

Past censure decisions are not binding on future PRB or Discipline Hearing Committees. However, for both the PRB and Discipline Hearing Committees, past censure precedents determined for very similar cases should be taken into account to satisfy the ‘fairness’ requirements of administrative law and natural justice. Having said this, there is a slim likelihood of an identical past case (given aggravating and mitigating circumstances) being so similar as to make a previous degree of censure an overriding factor, but these precedents may be used for guidance. The level of fines may differ depending on the discipline and perceived seriousness to public health and welfare. It should also be recognized that regulatory and professional standards/expectations change over time.

In regards to the Discipline Committee, once guilt has been established (and only until then) does the Registrar and guilty member make submissions, as to a recommended level of censure. It is up to the Registrar to point out any previous case histories, if any, that could be used as guidance. This should also include any voluntarily accepted censure previously issued by the PRB. It should be noted that the PRB can only censure members if the censure has been negotiated with the member and voluntarily accepted. Failure of either the PRB or member to reach consensus on a fair level of censure will automatically result in a Discipline Hearing. It would also be expected that the necessity to convene a Discipline Hearing would be an aggravating factor and generally result in a higher level of censure than applied under a similar circumstance for a PRB voluntary agreement or stipulated order. A previous attempt by the PRB to reach a voluntary agreement with a member and the terms of such a proposed agreement may be introduced as information to a Discipline Hearing Committee only once there is a finding of guilt.

Reasons for censure

Any penalty decision requires sound, well-articulated reasons, which should:
- explain to the member, complainant and public why the particular penalty was chosen,
- help to set a benchmark for reference in future similar discipline cases and
- help minimize the risk of successful appeal

Fines

The application of fines, as a form of censure, has as its purpose the provision of a deterrent to the member and for other members by way of an example. The purpose of fines is not for cost recovery related to practice review or other Association operating costs. Practice review is a duty of ASTTBC under the ASTT Act and the responsibility of the Association and its members to adequately fund. Members who have a fine imposed on them should have clearly stated to them that the fine is as a deterrent to future unprofessional conduct.

As there are aggravating and mitigating factors affecting the level of censure, these same principles also apply to the level of fines. There are not specific rules that can be applied by ASTTBC to the level of fines, just law precedents that help to establish the principles by which fines can be applied. The court must not see the amount of the fine as a punitive act by the PRB or Discipline Hearing Committee.

The underlying principle is that of fairness. What would a reasonable person consider as a fair amount of fine to pay as a deterrent under the circumstances of the case? The members of the PRB or Discipline Hearing Committee, as reasonable practitioners, must determine this for each practice area for which fines would be a suitable option of censure. They must understand that, once a fine is imposed, this may set the standard by way of precedent and the level of fine may become the norm. The courts have not generally found fault with the level of fines by Regulators as long as the fines were perceived to be fair and reasonable given the circumstances. The fine should take into account the member’s fees for service and the level of harm created or potentially created.

There is court precedent that will allow the censure to provide a member with choices as to which penalty he may choose. In other words, a member may be required to correct a current condition resulting from unprofessional practice or pay a fine. Fines are not to be used in lieu of correcting a condition resulting from unprofessional practice. Whenever possible, having the practitioner step up and correct the problem would be the first choice.

Approved by Practice Review Board September 23, 2010
Approved by Council September 30, 2010