DECISION NO. 2014-HPA-164(a)

In the matter of an application for review under section 50.54 of the Health Professions Act, R.S.B.C. 1996, c. 183, as amended, (the “Act”) of a Registration decision

BETWEEN: The Applicant

AND: The College of Registered Nurses of BC

BEFORE: David A. Hobbs, Panel Chair

DATE: Conducted by way of written submissions concluding on July 24, 2015

APPEARING: For the Applicant: In Person

For the College: Jason Herbert, Counsel

DECISION ON APPLICATION FOR REVIEW OF A REGISTRATION DECISION

I INTRODUCTION

[1] The internationally educated Applicant with provisional registration seeks review of a Registration decision requiring him to complete two courses before being eligible to write the National Nursing Exam. The Applicant needs to pass the National Nursing Exam as a condition of being granted registration as a nurse.

II BACKGROUND


[3] The Registration Committee acknowledged receipt of the application on February 4, 2011 and advised the Applicant that as he was applying as a person who received his nursing education outside of Canada his application would most probably be handled in three stages: review, substantial equivalency competency assessment (“SEC”), and College assessment.

[4] The Applicant was required to provide official translations of certain documents to English and official transcripts.
By letter dated May 17, 2011 the College advised the Applicant that he was required to complete SEC in the following areas: General (Medical/Surgical Nursing) (“Area A”), Maternal/Newborn Nursing (“Area B”), and Pediatric/Child Health Nursing (“Area C”).

The SEC process: can take 1-5 days; is held at a college in British Columbia; is free of charge; and for non-citizen, non-residents such as the Applicant; a temporary resident visa may be required. The Applicant had one year to complete the SEC.

On September 21-23, 2011 the Applicant attended a college in British Columbia to undergo the SEC in the three Areas.

The Applicant’s SEC written component scores were: Area A 67%, Area B 54%, and Area C 64%.

Regarding nursing practice competencies the SEC provided the Applicant met: 39 out of 78 in Area A, 3 out of 38 in Area B, and 6 out of 38 in Area C.

The SEC assessor recommended the Applicant complete a comprehensive Re-Entry to Practise Program, theory and clinical courses in Area 2 and a theory course in Area 3.

On November 11, 2011 the College wrote the Applicant advising him of the recommendations arising from the SEC for supplementary education before the Applicant would be eligible to work as a registered nurse.

On November 14, 2011 the Applicant advised the College he was “shocked” with the results of the SEC and he wanted his “case reviewed”.

On November 17, 2011 the College sent the Applicant a grid summarizing his results. On November 25, 2011 a registration assessor met with the Applicant by telephone to review the detailed results. The SEC report is a confidential document only reviewable at the College’s premises.

The Applicant reported to the College, from his perspective, some examination issues such as the use in the SEC of abbreviations he was not familiar with and not knowing how many drops per millimetre he should use given use of a different drop size in his home country.

In late November, 2011 the Applicant looked at possible courses to take. The Applicant also made further comments to the College about his issues with the SEC, for example, that some of the questions did not have simple yes or no answers.

On December 1, 2011 the Applicant advised the College he was filing an application for review with the Review Board. The College advised the Applicant he had the option of having the Registration Committee conduct an additional review of his file. The Applicant elected to have the Registration Committee review his file.
[17] In an application for review form dated December 2, 2011 signed by the Applicant the Applicant stated: he wanted the Re-Entry to Practice Program replaced with Nursing in Canada to cover off Area A, he wanted to do the Clinical Consolidation Course after getting provisional registration, he wanted to do Fundamentals of Maternal Child Nursing but not the “preceptors (clinical)” aspect, and he wanted to do Fundamentals of Paediatric Nursing. All the courses were available at the institution in British Columbia.

[18] The Applicant provided updated documentation and his resume to the Registration Committee for review. The College advised the Applicant the Registration Committee could accept his proposal, confirm the original decision or develop a different option. The College discouraged the Applicant from having the Registration Committee review his application until the SEC documentation was received.

[19] On January 20, 2012 the College advised the Applicant by way of feedback that the Registration Committee is obliged under its bylaws to review the application in the context of substantial equivalency to an entry level graduate of a BC nursing program, not as a nurse in a specialized area. The College advised the Applicant that he may wish to revise his submissions with this point in mind.

[20] By letter dated January 30, 2012 the SEC service provider advised the College it had completed its document review regarding the Applicant and confirmed that educational intervention was warranted in the manner recommended based on the Applicant’s results.

[21] The Applicant received the review of the SEC and provided on February 10, 2012 a further “appeal letter” and “resume” to the Registration Committee for its consideration.

[22] The Registration Committee met on February 28, 2012 and resolved the Applicant complete the following coursework:

(a) In place of the Re-Entry to Practice Program:
   (1) PMUR 1100: Pharmacology;
   (2) PMUR 1101: Nursing in Canada;
   (3) PMUR1109: Health and Physical Assessments;
   (4) PMUR 1111: Psychomotor Skills;
   (5) PMUR 1120: Professional Communication.

(b) Area B; and

(c) The Applicant may be granted provisional registration upon completion of all coursework save Area B and Nursing in Canada, subject to a practice limitation that the Applicant cannot work in maternal newborn and child health nursing until Area B had been completed.
On February 29, 2012 the College informally notified the Applicant by email of the results of the Registration Committee review.

On March 1, 2012, the Applicant advised the College he was “happy” with the result, save one “detail”. The Applicant stated in his email:

The only (detail) thing I am not happy with is the clinical for maternal newborn but O.K., or can I start with all the additional education the Registration Committee decided on and appeal this single part with the Health Review Board?

The Applicant stated in a further email dated March 1, 2012: “I never really want (sic) to work in maternal care, ever.” “It is very inconvenient to do all the courses at (the institution) except this one clinical at another University”. I note the “University” is in a different part of British Columbia and the clinical is not offered at the institution where all the other courses were available.

On March 2, 2012 the College advised the Applicant by email “Yes, you could appeal one specific aspect of the requirements for registration and at the same time move forward with the other educational requirements.”

On March 11, 2012 the Applicant emailed the College and advised that he had found out about the courses and had started the internet courses and booked the “face to face” courses.

Later in March, 2012 the Applicant filed an application for review with the Review Board and the parties attended mediation on April 20, 2012.

By April 26, 2012 the Applicant had successfully completed the first 5 courses.

By October 18, 2012 the Applicant submitted his Payment Form to the College for provisional registration and was moving to British Columbia to commence work at a hospital in its intensive care unit.

By January 9, 2013 the Applicant’s registration as a provisional registered nurse was renewed for 2013.

On May 2, 2013 the Applicant asked the College if a perinatal course offered at a university would satisfy his requirement for maternal and paediatrics courses.

On August 28, 2013 the College advised the Applicant provisional registrants are generally given 12 months to meet the conditions of their registration. The Applicant’s provisional registration was due to expire on November 1, 2013. The College also advised the Applicant that some of the courses he was trying to access were now being offered at an institution. The College also said it would extend another 6 months beyond November 1, 2013 if the Applicant could not meet the conditions by November 1, 2013. After the 6 months the Registration Committee would have to consider the matter.
The Applicant emailed the College on August 30, 2013 and indicated he was confused and thought he had 3 years or until February 2016 to finish everything. The Applicant indicated he was waiting for permanent residency status to obtain a more favourable price for the courses needed than the amount quoted for foreign students. The difference was said to be $5,400 versus $1,800. The Applicant explained he was under financial pressure and that he was rethinking starting his “appeal” to the Review Board to reduce his needed courses to maternal theory only and not paediatrics theory and maternal clinical. The Applicant sought clarification of his deadline for course completion.

By email dated September 10, 2013 the College advised the Applicant that his provisional registration was good for 1.5 years and then an application for further extension would go to the Registration Committee. The expiry date was May, 2014. The College assessment date was November 14, 2014. The applicant sent an appeal letter to the Registration Committee on September 12, 2013 regarding the deadline dates.

The College advised the Applicant that the appeal letter would be taken to the Registration Committee in October, 2013. The College admonished the Applicant for providing nursing care to one maternal patient reminding the Applicant he was not to work on maternal and paediatric patients until he had completed his coursework.

The Registration Committee met on November 5, 2013 and resolved to defer making a decision on the Applicant’s request to remove the requirement to complete coursework in maternal theory and clinical and paediatric theory, and directed staff to invite further submissions from the Applicant on his request and to consult with the SEC service provider on the Applicant being permitted to re-do a focused SEC to provide additional evidence to the Registration Committee.

The Registration Committee resolved to extend the Applicant’s eligibility for provisional registration to July 31, 2015 on conditions of monitoring, maximum 3 employers and completion of the 3 courses: maternal theory, maternal clinical and paediatrics theory.

The College notified the Applicant of the Registration Committee’s decision on November 13, 2013.

On December 10, 2013 the College advised the Applicant there was an opportunity for him to retake the maternity and child health SEC prior to March 31, 2014.

On December 10, 2013 the Applicant advised the College he would like to know what passing grade he needed to obtain and expressed the opinion he thought 60% was fair. The Applicant noted he previously achieved 64% in paediatrics theory.

By email dated December 11, 2013 the College explained that SEC assessors do not make their recommendations based on a “passing” grade. The assessor’s recommendations are based on a qualitative assessment of the candidate’s overall
The College advised that the SEC is designed to assess “substantial equivalency” to an entry level program, using multiple sources of information obtained from the written and practical components. The College is not bound by the recommendations and can deviate. This occurred in the Applicant’s situation when the Registration Committee changed the requirement to complete a Re-Entry to Practice program with the 5 courses. The score of 64% in the written component of child health assessment was noted to be only a portion of the assessment.

[43] By email dated January 5, 2014 the Applicant returned the release of information form required to take the SEC, but stated he was doing so under “protest.”

[44] By “protest” the Applicant explained he felt the College was “infracting (sic) on the rights that I feel I have to let my case by reviewed by the HPRB...” The Applicant stated the SEC assessment was “open to discrimination.” The Applicant expressed frustration with the delay and stated he did not believe Registration Committee members were “independent”.

[45] By email dated January 10, 2014 the College advised the Applicant of the names of the three Registration Committee members in attendance at the meeting on November 5, 2013. The members in attendance were two registrants and a public representative.

[46] On January 15, 2014 the Applicant was notified by the College he was granted provisional registration as a registered nurse until February 28, 2014.

[47] The Applicant attended the SEC on March 3 and 4, 2014 and the College advised the Applicant it had received the results by email dated May 6, 2014. Arrangements were made for the College staff person responsible and the Applicant to meet to review the SEC results.

[48] The College staff person and Applicant spoke by phone on May 30, 2014. The SEC and outstanding course requirements needed to go back to the Registration Committee for review. The Applicant needed to complete further coursework in Health and Physical Assessment, Psychomotor Skills and Nursing in Canada. The College staff person sent the Applicant a summary of the assessment and suggested the Applicant submit any further information he may wish to submit to the Registration Committee.

[49] At this time the Review Board was also seeking an update on the status of the Applicant’s registration application.

[50] On June 25, 2014 the Applicant advised the Review Board he wished to adjourn his application for review. The Applicant explained: “After the Registration Committee has come to a decision I feel comfortable dropping the current case file Review Board Decision No. 2013-HPA-213 and I will do so straight away after a decision has been made.” After further communication with the Review Board the said application for
review was withdrawn as the Registration Committee’s pending decision would be a new decision subject to review, if applied for.

[51] The Applicant provided the College with a reference letter for consideration by the Registration Committee. The Applicant sought the College staff person’s opinions on the content of the reference letter and ultimately the College staff person stated in an email dated July 21, 2014, “I think we can move forward with taking your file to the Committee...”

[52] The Registration Committee met on August 19, 2014 and advised the Applicant by email dated September 5, 2014 that it had revised its assessment of his application.

[53] The Registration Committee required the Applicant to complete “Step One” by July 31, 2015 and then “Step Two” by December 31, 2015 or he would no longer be eligible for provisional registration.

[54] Step One was completion of Maternal/Newborn Nursing theory and Child Health Nursing theory courses available at an institution. Step Two was writing and passing the National Nursing Exam.

[55] On September 9, 2014 the Review Board received the Applicant’s application for review of the registration decision dated August 19, 2014 (the “Decision”). The Applicant stated in his reasons for requesting the review “I believe that I am currently substantially equivalent to a Canadian “new grad” and therefore should be allowed to write the Canadian Nurses Exam.” The Applicant asks the Review Board to cause the Step One (two courses) requirement to be “dropped”, and if the requirements still remain, to change the dates for completion to accommodate for time needed to complete the steps.

[56] On November 22, 2014, the Applicant consented to the Review Board receiving as evidence, in confidence to his exclusion, the October 2011 and March 2014 SECs to protect the confidentiality of these examination materials.

[57] The Applicant provided his statement of points dated February 10, 2014 to the Review Board. I conclude the correct date is February 10, 2015 (“Applicant’s SOP”)

[58] In the Applicant’s SOP he submits the Decision:

(a) Was made unfairly, arbitrarily or in bad faith;
(b) Was made for an improper purpose;
(c) Was based entirely or predominantly on irrelevant factors; and
(d) Failed to take requirements under the Act into account.

The Applicant uses the words: unfair, non-impartial, biased, non-objective and non-transparent. The Applicant asks for relief that Step One be “dropped” and for an extension of time to write the “Canadian Nurses Exam”. If Step One has to be
completed, the Applicant asks for extensions of the deadline dates and extension of his provisional registration.

[59] The Applicant submits that as Canadian educated nurses are considered safe to practice in British Columbia without SEC assessment, then as an internationally educated applicant he also should not have to undergo SEC. The Applicant says not every Canadian educated nurse is substantially equivalent to a British Columbia educated nurse.

[60] The Applicant submits he has had sufficient education already.

[61] The Applicant complains about redacted parts of the Record so as to preserve confidentiality.

[62] The Applicant submits the Registration Committee members were “influenced from outside their committee while making their decisions, by members who are not part of the Registration Committee”. No specific evidence is referred to in support of this assertion.

[63] The Applicant submits the SEC service provider is part of the institution that offers the courses he is required to take and there is a conflict of interest based on financial gain.

[64] The Applicant submits his references show he is better than what the SEC shows.

[65] The Applicant submits that his knowledge and competency “have stayed pretty much the same” between his first and second SEC yet differences in his scores occurred, suggesting the testing is full of “bias, non impartial, non objective, unfair and non transparent.”

[66] I reiterate, after the College informed the Applicant of his results in the first SEC in 2011: the College sent him a grid of his results, a registration assessor met with the Applicant by telephone to review his results, the Registration Committee reviewed his file with additional information provided, and the SEC service provider completed a document review confirming further educational intervention was warranted. The Applicant received the review of the SEC and provided a further “appeal letter” and “resume” to the Registration Committee for its consideration. The Registration Committee met and advised the Applicant of the revised coursework he needed to complete. The Applicant stated he was “happy” with the result on March 1, 2012.

[67] I also reiterate, on December 10, 2013 the Applicant was advised he could redo the SEC. The Applicant understood the SEC was a qualitative assessment based on overall performance. The Applicant was given the names of the three Registration Committee members in attendance at the meeting on November 5, 2013, being two registrants and one public representative. The Applicant took the SEC again in March, 2014. A College staff person reviewed the Applicant’s results with him by telephone on
May 30, 2014. The College sent the Applicant a summary of his assessment and suggested he submit further information to the Registration Committee. The Registration Committee gave the Applicant its revised requirements for coursework to be completed.

[68] Some confidentiality of the SEC assessment process is maintained to preserve the integrity of the assessment process for use with future applicants.

[69] The Applicant submits the absence of pass or fail grading makes the SEC assessment non-objective, open to bias and unfair.

[70] The Applicant submits the scores for theory and practical should be graded separately like in a Canadian university.

[71] At the conclusion of the Applicant’s SOP he seeks additional time to complete the requirements.

[72] The Review Board received the College’s Statement of Points (“College SOP”) on June 15, 2015.

[73] The College submits that the requirement of the Registration Committee that the Applicant complete theory courses in Maternal/Newborn nursing and Child Health nursing is based on a discretionary assessment of all available evidence including information and submissions provided by the Applicant, as well as, results and recommendations from the SEC assessor.

[74] The College says there is no merit to the Applicant’s application for review as the Applicant is asking the Review Board to substitute its own assessment of the Applicant’s eligibility for full registration as a registered nurse for that of the Registration Committee.

[75] The College submits the Registration Committee is a specialized College committee and the Review Board should extend deference to its expertise in nursing practice.

[76] The College submits the Decision that the Applicant needs to complete two theory courses is within the range of possible, acceptable outcomes defensible in respect of the facts and law.

[77] The Applicant submitted new evidence in the form of an annual performance evaluation he received in December, 2014 and portions of the institution’s calendar and webpage regarding its Bachelor of Science in Nursing Program, the assessment service and its general calendar. The College does not object to the new evidence, save the two page excerpt from the institution’s general calendar describing its grading system. The College submits the latter new evidence is irrelevant as it is not specific to the institution’s nursing program.
The College submits eight categories of documentation as new evidence including: Schedule C to its bylaws, a corrected copy of a summary page for the Applicant’s March 2014 SEC, a chain of email correspondence between the Applicant and College staff person on September 8 and 10, 2014, an email to the Applicant and a letter from another nursing provincial regulator, a letter to the College’s Registrar from a health authority, a letter to the College’s Registrar from another nursing provincial regulator and a letter to the College’s Registrar from another nursing provincial regulator.

The College submits that for the Review Board to grant the Applicant the relief sought to “drop” the two theory courses all three elements of the three part test in s. 50.54(10) of the Act must be met.

The College says it has no objection to the Applicant being granted reasonable additional time to meet his outstanding course requirements.

The College submits that the Applicant has failed to meet any of the tests to be met under s. 50.54(10) of the Act and that the Decision meets the reasonableness standard of review.

The Applicant delivered to the Review Board his Response to the College’s SOP on July 24, 2015 generally disagreeing with the submissions made by the College.

III DISCUSSION AND ANALYSIS

The jurisdiction of the Review Board under s. 50.54 of the Act is to conduct a review of the Decision on the record. The Review Board may hear evidence that is not part of the record as reasonably required for a full and fair disclosure of all matters relevant to the issues under review.

The Decision requiring the Applicant to complete theory courses in Maternal/Newborn and Child Health nursing falls under the Registration Committee’s discretionary statutory jurisdiction set out in s. 20(4.3) of the Act, whereby provisional registrants, such as the Applicant, may be required to complete examinations the Registration Committee considers necessary.

The Applicant seeks to have the Decision “dropped” or in other words for me to direct the Registration Committee that he does not have to take the two courses and he may proceed to write the National Nursing Exam and be registered if he passes.

Section 50.54(9) of the Act states:

On completion of its review under this section, the review board may make an order

(a) confirming the registration decision,

(b) directing the registration committee to make a decision that could have been made by the registration committee in the matter, or
(c) sending the matter back to the registration committee for reconsideration with directions.

[87] This request for relief triggers s. 50.54(10) of the Act, which states:

The review board may make an Order under subsection (9) directing the registration committee to grant registration with or without limits or conditions, or certification, as the case may be, only if the review board is satisfied that

(a) all of the following apply:

(1) the registration committee failed to act fairly in considering the application for registration or certification;

(2) the registration decision
   (i) was made arbitrarily or in bad faith,
   (ii) was made for an improper purpose,
   (iii) was based entirely or predominantly on irrelevant factors, or
   (iv) failed to take requirements under this Act into account;

(3) the conditions described in subsection (11)(a) or (b) are met, or

(b) the person is a person to whom the registration committee is obliged under the Labour Mobility Act to grant registration or certification.”

[88] Section 50.54(11) of the Act states:

The following conditions apply for the purposes of subsection (10)(a)(iii):

(a) in the case of a person applying for registration as a member of the college,
   (i) the person’s knowledge, skills and abilities must be substantially equivalent to the standards of academic or technical achievement and the competencies or other qualifications required for registration in a class of registrants, and
   (ii) the applicant must meet any other conditions or requirements for registration in the class of registrants;

(b) in the case of a person applying for certification as a certified non-registrant,
   (i) the applicant’s knowledge, skills and abilities must be substantially equivalent to the training or educational requirements for certification in a class of certified non-registrants, and
   (ii) the applicant must meet any other conditions or other requirements for certification in the class of certified non-registrants.”
As can be readily seen by reviewing s. 50.54(10), the Applicant must satisfy me that the Registration Committee acted unfairly in considering the application for registration, that the Decision offended one or more of ss. s. 50.54(10)(a)(ii)(A)-(D), and that the conditions under s. 50.54(11)(a) or (b) are met.

The evidence in this matter is summarized as follows:

(a) The Applicant’s 2011 SEC competency results in Maternal/Newborn and Child Health Nursing were 3 out of 38 and 6 out of 38 competencies respectively;

(b) The College staff met with the Applicant by telephone in 2011 to review his results;

(c) The Applicant admitted he had difficulties with things such as abbreviations, local techniques involving drop sizes and questions that did not have “yes” or “no” answers;

(d) In March 2012, after the Registration Committee had altered the requirements to be met, the Applicant said he was “happy” with the results, save one “detail”, being the clinical for maternal/newborn requirements;

(e) The Applicant stated in March 2012 that he didn’t want to work in maternal care and it was inconvenient to do all the courses;

(f) The College extended time for the Applicant to complete his requirements;

(g) The Applicant stated he was under financial pressure;

(h) The more serious allegations made by the Applicant such as discrimination, bias and unfairness were not raised until late 2013/2014; and

(i) The Applicant underwent a second SEC in March 2014 and the Registration Committee, based on the results and other information and submissions reaffirmed its requirement the Applicant complete the two theory courses in Maternal/Newborn and Child Health nursing. The Registration Committee removed the requirement for completion of a clinical program in Maternal/Newborn nursing.

In my view the Applicant has failed to establish that the Registration Committee acted unfairly. The Applicant has consistently tried to avoid completing the final coursework required since 2011 in the areas of maternal/newborn and child health care for reasons of inconvenience, cost and personal belief that such education is unnecessary. The Applicant has had some success in reducing the original requirements to be met by satisfying the Registration Committee that such changes were warranted, including removal of the “detail” of completion of a clinical program in Maternal/Newborn nursing.
[92] The Applicant makes arguments but provides no evidence to substantiate the serious, late made allegations of unfairness, bias or discrimination. The courses the Applicant is being asked to complete appear reasonable in light of his SEC competency results and his own admissions as to not intending to practice nursing care in Maternal/Newborn and Child Health nursing. The Applicant must meet the standard of a general entry level nursing graduate, not a specialized nurse with limitations on areas of nursing practice. The issue for the Registration Committee is not the personal preferences of the Applicant, but requiring foreign educated applicants to meet an established standard via by-laws addressing substantial equivalence competency the intent of which is to protect the public.

[93] The Applicant’s submission that his knowledge stayed the same from 2011 to 2014 yet his scores differed, as a basis for his submission that the testing is biased, non-impartial, non-objective, unfair and non-transparent is a self-serving opinion which carries little or no weight in supporting his argument. My review of the evidence persuades me the process was fair, transparent, impartial and led consistently to the same conclusion of a need for further educational intervention before writing the National Nursing Examinations. In my view the Applicant received sufficient communication and opportunity to understand why further educational intervention was needed in the areas identified.

[94] The Applicant has failed to satisfy me that the Registration Committee failed to act fairly in considering the application for registration. Even if the Applicant had satisfied that factor, he has not met the onus of showing that the Decision offends any of ss. 50.54(10)(a)(ii)(A)-(D) or that the conditions in ss. (11)(a) or (b) are met.

[95] I note the Registration Committee has looked at the Applicant’s circumstances more than once and has remained consistent since 2011 in its threshold requirement that the Applicant complete courses in these two areas of study. I do not see any reason why the matter should be reconsidered by the Registration Committee, other than to grant the extension of time that the College has conceded would be appropriate given the passage of time in relation to the Review Board process, a point I will discuss further below.

[96] Finally, I will simply note that the College in this case advanced much broader and more generalized arguments about the deference it says it is owed by the Review Board, even if an order is not being sought under s. 50.54(9) and even on questions of law. I decline to address those arguments for three reasons. First, it is unnecessary to do so given that the Applicant is seeking an order under s. 50.54(9), and I am therefore governed by a legislated standard of review, which I have applied. Second, the Applicant, as a lay person, was in no position to respond meaningfully to the College’s extensive legal submissions on these broader issues. Third, the College’s submissions, while extensive, were silent regarding the significance of the specific legislative structure here, including the absence of a general legislated “reasonableness” standard of review for registration reviews, as exists for complaint disposition reviews. For all these reasons, the consideration of these arguments is best left to another day.
IV CONCLUSION

[97] I confirm the Decision of the Registration Committee.

[98] The College made the following submission:

CRNBC will have no objection to the Review Board directing the Registration Committee to grant [the Applicant] a reasonable time extension to complete the outstanding requirements imposed on his provisional registration, if such a time extension appears to be necessary due to the passage of time when the Review Board issues its final decision in this matter. Indeed, as noted at par. 151 above, the Registration Committee has already granted one such time extension to [the Applicant].

[99] Given that I have confirmed the Decision, it is not apparent to me from where in the statute my jurisdiction exists to make such a direction. I will therefore simply note that the Review Board strongly encourages and supports the College’s recognition that reasonable revised deadlines should be set for the Applicant’s completion of the two courses and extension of his provisional registration. If the parties think it would be helpful, the Review Board is prepared to make the good offices of its Case Management staff available to assist the parties in facilitated discussions, for the purpose establishing a mutually agreeable deadline.

[100] I should add finally that I do not consider the new evidence sought to be admitted by either party to have been necessary for the full and fair hearing of this matter and decline to admit same. If I had admitted the new evidence its admission would not have changed my decision.

[101] I have read the record and statements of points of the parties though not referred to in their entirety herein.

“David A. Hobbs”

David A. Hobbs, Panel Chair
Health Professions Review Board

October 22, 2015