

Lodging a Complaint

21. DISCIPLINE AND COMPLAINT PROCEDURE

Jurisdiction of Council

21.1 The Council has jurisdiction to discipline members of the Association, subject to Section 9 of the Act.

Jurisdiction of Licensing Board

21.2 The Licensing Board has jurisdiction to discipline licensees subject to Section 6) of the Act.

Complaints

21.3 Council has jurisdiction to investigate complaints.

Complaints committee

21.4(a) Complaints Committee, chaired by the Registrar, will be established as a Committee of Council.

(b) Council shall appoint five members to the Committee one of whom shall be a non veterinarian; and the rest are from amongst the members of the PEIVMA. Other than the Registrar, Council members may not serve on the Complaints Committee.

(c) The Quorum for the Complaints Committee is set at three members independent of the chairperson.

(d) Members of the Committee shall hold office until their successors are appointed or until any hearings which are in process are completed.

(e) The Council may, at any time, remove any member of the Committee or appoint a new or additional member.

Eligibility to file a complaint

21.5 The following persons are eligible to file a complaint with the council:

(a) any applicant for registration or license;

(b) any person registered under the Act; and

(c) any person who is or was a client of a member of the Association who wishes to complain about the services, fees, or professional activities of a member of the Association, but only if such services, fees or professional activities affected such client directly and personally.

Filing a complaint

21.6 Any person eligible to make a complaint may file a complaint respecting an action, inaction, decision or policy of the Licensing Board, the Council or any officer, official or member of the Association.

Form of a complaint

21.7 Every complainant shall file a complaint on a form prescribed by the Council setting forth therein such information as is requested on the form and shall file the completed form with the Registrar of the Association.

Mediation by Registrar

21.8 The Registrar, upon receipt of a written complaint against a member signed by one or more persons, shall attempt to mediate the complaint immediately, if possible.

Preliminary investigation by Committee

21.9 If, in the opinion of the Registrar, the mediation attempt is unlikely to be successful, the Registrar will refer the complaint to the Complaints Committee which will conduct a preliminary investigation.

Notification of Preliminary Investigation

21.10 When a preliminary investigation is to be made, the Registrar shall give notice in writing, by registered mail, to the member who is the subject of the complaint and such notice shall include a copy of the complaint.

Representation by subject of complaint

21.11 The subject of the complaint will be given 30 days following receipt of the notice of the preliminary investigation, in which to submit in writing to the Committee, any explanations or representations the subject of the complaint may wish to make concerning the matter.

Powers of complaint Committee

21.12(a) The Committee may proceed with the investigation if the subject of the complaint fails to respond within the time specified by the Committee.

(b) The Committee may make such inquiries as it deems necessary in order that it is able to conduct a thorough investigation into the allegations.

(c) The Committee will examine, or make every reasonable attempt to examine, all records, and other documents related to the complaint.

(d) The Committee may attempt mediation.

Termination of Investigation

21.13 The Complaints Committee may terminate an investigation at any time if it is of the opinion that:

(a) the complaint is frivolous or vexatious, or

(b) there is insufficient evidence of unskilled practice of the profession or unprofessional conduct.

Notice of Termination

21.14 On terminating an investigation, the Complaint Committee shall direct the Registrar to serve on the subject of the complaint and on the complainant, if any, a notice that the investigation has been terminated.

Appeal by Complainant

21.15 A complainant who is served with a notice under subsection (21.14) may, by notice in writing to the Secretary Treasurer of the PEIVMA within 30 days of receipt of the notice under subsection (21.14), appeal that decision to the Council.

Decision on Appeal

21.16 On an appeal under section (21.15) or referral of a complaint by the Complaint's Committee, the Council shall determine whether:

- (a) the complaint is frivolous or vexatious, or
- (b) there is insufficient evidence of unskilled practice of the profession or unprofessional conduct, or
- (c) the complaint shall proceed to a hearing of Council.

Referral of Complaint

21.17 If the Committee, or Council after an appeal, determines that there is cause for a hearing, the Committee will refer the complaint, on the prescribed form, to the Secretary-Treasurer of the Association.

Notice of Hearing

21.18 Upon referral of the complaint by the Complaints Committee, the Secretary-Treasurer shall notify the President of the complaint and shall within fourteen days of receipt by the Secretary-Treasurer notify the subject of the complaint and complainant of the time and place of the hearing.

Hearing Date

21.19 The President shall prescribe a date for a hearing to review the complaint; the hearing shall be held within thirty days of the referral of the complaint by the Complaints Committee.

Right to be heard

21.20 The complainant may attend the hearing in person with or without counsel and may call as witnesses such persons as he may deem advisable for the purpose of supporting his cause, and any member of the Association who is the subject of a complaint shall be given notice of the hearing and may appear in person with or without counsel and may call as witnesses such persons as he may deem advisable for the purpose of protecting or defending himself in relation to the complaint.

Representation of Council

21.21 The Council may be represented at any hearing by counsel and may call as its witnesses any persons whom it thinks could assist in determining the truth of any allegation, or otherwise assist in reviewing the complaint on its merits.

Decision on a complaint

21.22 The Council shall within thirty days from the date of its hearing on a complaint render a decision on such complaint and shall notify the complainant and such other persons as the Council may deem advisable of the decision.

Reprimand

21.23 The Council may reprimand any member of the Association who as a result of a hearing under this section appears to have justified the reprimand; the Council may publish in the Association minutes a record of the reprimand and its reasons therefore.

Discipline for unethical practices

21.24 The Council may discipline any member of the Association after a hearing under this section for unethical practices as determined under the "Rules of Professional Ethics" prescribed by the bylaws.

Powers of Council if charge proven

21.25 If a charge set forth in a complaint is proven, the Council may in addition to, or as an alternative to Section 21.24:

- (a) restrict the privileges of the member for such a period as they see fit;
- (b) suspend the member's registration in the Association for such period as they see fit; or
- (c) remove his name from the register of the Association for such a period as they see fit;
- (d) require a member to undertake remedial action such as retraining courses or compulsory competency evaluations for such a period as they see fit;
- (e) require the member to practice under the supervision of a designated member for such a period as they see fit;
- (f) report the name and details of the discipline action to any relevant discipline database of which PEI Veterinary Medical Association is a member.

Reinstatement after payment of fees

21.26 A member whose name has been removed from the register for non-payment of fees may make application for reinstatement in writing to the Registrar subject to a reinstatement penalty as set by council and after paying to the Secretary-Treasurer all arrears of fees due to the Association; such person may, at the discretion of the Council, be reinstated to the registration of the Association after such payment and his name entered in the register.