

# **Draft Bylaws:**

## **College of Health and Care Professionals of British Columbia**

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## 12.0 Support Programs

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### Policies and Procedures

- 12.1 The Registrar is authorized to establish policies and procedures for the establishment and administration of Support Programs, including the terms, prohibitions, requirements, limits and conditions that apply to Support Programs, consistent with the Act, Regulations, and these Bylaws.
- 12.2 The policies and procedures established by the Registrar under Bylaw 12.1 may address, without limitation, one or more of the matters set out in section 277(1) of the Act.

### Support Programs

- 12.3 Subject to Bylaw 12.4, the Registrar must establish and administer the following Support Programs on behalf of the College:
- (a) an Information Services Program;
  - (b) a Support Services Program; and
  - (c) a Support Worker Program.
- 12.4 The Registrar may direct the College to participate in Support Programs required under Bylaw 12.3 that are established and co-administered with other Regulatory Colleges.
- 12.5 In the event of any conflict between these Bylaws and the Program Parameters of a Support Program in which the College participates with other Regulatory Colleges in accordance with Bylaw 12.4, the Program Parameters of that Support Program prevail.

### Shared Funding Agreements

- 12.6 The Registrar is authorized to enter into Shared Funding Agreements for the purposes of funding and/or administering Support Programs, in whole or in part, in collaboration with other Regulatory Colleges or with the Minister and other Regulatory Colleges.

### Appointment of Administrators

- 12.7 The Registrar must:
- (a) appoint an Administrator for each Support Program administered by the College; and
  - (b) ensure that an Administrator has been appointed for each Support Program established and co-administered with other Regulatory Colleges.

12.8 A person may be appointed as an Administrator for one or more Support Programs.

12.9 The Registrar may appoint themselves as an Administrator for one or more Support Programs.

### **Administrator may not exercise power of Support Officer**

12.10 An Administrator may not exercise the power of a Support Officer.

### **Appointment of Support Officers**

12.11 The Registrar must:

- (a) designate at least one Support Officer for the College; and
- (b) ensure that at least one Support Officer has been designated for each Support Program established and co-administered with other Regulatory Colleges.

### **Application for Support**

12.12 A person seeking Support must submit a Support Application in the form required by an Administrator together with all information and records:

- (a) required in accordance with any applicable policy established under Bylaw 12.1; and
- (b) as otherwise requested by the Administrator for the purpose of evaluating the Support Application.

12.13 A person who submits a Support Application on behalf of another person must provide proof, satisfactory to an Administrator, of authorization to act on behalf of the other person.

12.14 After receiving a completed Support Application, an Administrator must promptly give the Support Application and supporting information and records to a Support Officer unless the Administrator transfers the Support Application to another Administrator in accordance with section 280(2) of the Act.

### **Support Officer's eligibility decision**

12.15 A Support Officer must determine whether to provide Information Services to a Support Applicant based on:

- (a) the criteria set out in any applicable policy established under Bylaw 12.1; and
- (b) any other criteria that the Administrator reasonably believes are relevant to the objectives of the Support Programs in the context of the Support Applicant's circumstances.

12.16 A Support Officer must determine whether a Support Applicant is eligible for Support Services and/or the assistance of a Support Worker based on the eligibility requirements set out in section 283 of the Act and these Bylaws, and if so, determine the form of Support and any limits or conditions on that Support.

12.17 A Support Officer must promptly provide the eligibility decision with reasons to:

- (a) the Support Applicant;
- (b) the Administrator; and
- (c) if the Support Applicant provides authorization, the person who submitted the Support Application on their behalf, if applicable.

### **Reconsideration of adverse eligibility decision**

12.18 A Support Applicant who receives an adverse eligibility decision may seek Reconsideration of that decision by providing a request for Reconsideration in the form required by the Registrar within 30 days following receipt of the adverse eligibility decision.

12.19 The Registrar must provide the request for Reconsideration to the Support Officer who made the adverse eligibility decision.

12.20 The hearing of a Reconsideration will be a hearing based on written submissions unless the Support Officer determines there are exceptional circumstances requiring a different form of hearing.

### **Administrator's Support determination**

12.21 If a Support Officer determines that a Support Applicant is eligible for Support Services, the Administrator must, in addition to considering the matters enumerated in section 286 of the Act, determine the matters required under any applicable policy established under Bylaw 12.1.

12.22 If a Support Officer determines that a Support Applicant is entitled to the assistance of a Support Worker, the Administrator must, in addition to considering the matters enumerated in section 287(1)(a) of the Act, determine the matters required under any applicable policy established under Bylaw 12.1.

### **Notice of Support determination**

12.23 An Administrator must promptly provide written notice of a Support determination with respect to Support Services or the assistance of a Support Worker to:

- (a) the Support Applicant;

- (b) the Support Officer who made the eligibility decision; and
- (c) if the Support Applicant provides authorization, the person who submitted the Support Application on their behalf, if applicable.

### **Reconsideration of Support determination**

12.24 A Support Applicant who receives an adverse Support determination may seek Reconsideration of that decision by providing a request for Reconsideration in the form required by the Registrar within 30 days following receipt of the adverse Support determination.

12.25 The Registrar must provide the request for Reconsideration to the Administrator who made the adverse Support determination.

12.26 The hearing of a Reconsideration will be a hearing based on written submissions unless the Administrator determines there are exceptional circumstances requiring a different form of hearing.

### **Application to change Support determination**

12.27 A Recipient may apply to change a Support determination by providing an application in the form required by the Registrar at any time during the period in which the Recipient receives Support.

### **Appointment of Support Workers**

12.28 The Registrar may establish a policy setting out the qualifications for Support Workers and the process for assigning, reassessing, suspending, and terminating the assignment of Support Workers.

12.29 When assigning a Support Worker to a Recipient, an Administrator must be satisfied that the Support Worker's education, training, experience, and other qualifications meet the individual needs of the Recipient.

12.30 Support Workers are entitled to receive reimbursement for reasonable expenses necessarily incurred in assisting Recipients with Support Services in accordance with the applicable policy established under Bylaw 12.1.

## **Additional powers and duty to ensure compliance**

12.31 An Administrator or Support Officer may request any information or records relevant to their exercise of a power or performance of a duty, including decisions relating to eligibility for Support, provision of Support, and changes to a determination from any of the following:

- (a) a Support Applicant;
- (b) a Recipient; or
- (c) a Support Worker.

12.32 An Administrator or Support Officer must take reasonable steps to ensure any person providing Support Services or providing assistance as a Support Worker complies with the Act, the Regulations, and any applicable policy established under Bylaw 12.1.

## **Information Services**

12.33 Subject to the eligibility requirements set out in any applicable policy established under Bylaw 12.1, the following persons may receive Information Services:

- (a) a person who has made a Regulatory Complaint or a Regulatory Report;
- (b) a person who received, or may have received, Health Services from a Licensee who is not, or may not have been Fit to Practise;
- (c) a person who experienced a Licensee's conduct that may be an act of Misconduct or Actionable Conduct; or
- (d) a person who assists a person who is exercising a power or performing a duty under the Act.

12.34 In determining the eligibility of a person to receive Information Services, a Support Officer may consider the following factors:

- (a) the extent to which the person might not be able to meaningfully participate in the processes provided for in the Act and these Bylaws without receiving Information Services; and
- (b) any factors identified in any applicable policy established under Bylaw 12.1.

12.35 For the purpose of section 285(3) of the Act, the Administrator may authorize any person who, in the Administrator's opinion, has sufficient knowledge to address an inquiry, to provide Information Services.

12.36 Provision of Information Services is subject to the following terms, prohibitions, requirements, limits and conditions:

- (a) the Administrator may decline, suspend or terminate Information Services if satisfied that an inquiry, or set of inquiries, is frivolous, vexatious, or an abuse of process;
- (b) a person receiving Information Services is not entitled to information that is privileged, confidential, or not otherwise available to a person who is not receiving Information Services; and
- (c) any terms, prohibitions, limits or conditions set out in any applicable policy established under Bylaw 12.1.

### **Selecting a Service Provider for Support Services**

12.37 A Recipient who is eligible for funding for Support Services may request one or more of the following as Service Providers:

- (a) a Regulated Health Practitioner accepted by the Administrator as qualified to provide Support Services;
- (b) an unregulated counselling professional accepted by the Administrator as qualified to provide Support Services;
- (c) persons or organizations accepted by the Administrator as qualified to provide trauma-informed care, or culturally-competent trauma support; and
- (d) any other person who the Administrator reasonably believes has competences and experience, including lived experience, that will allow them to effectively provide Support Services.

### **Information to Support funding for Support Services**

12.38 At any time before or after providing funding for Support Services under Bylaw 12.37, the Administrator may require any of the following information from a Service Provider in a form satisfactory to the Administrator:

- (a) confirmation that the Service Provider, if a Regulated Health Practitioner, is licensed in good standing with their Regulator and information concerning their regulatory or discipline history;
- (b) a criminal record check authorization from the Service Provider;
- (c) confirmation of the Service Provider's identity, education, training, experience, and other relevant qualifications;
- (d) a written statement from each of the Service Providers and the Recipient of Support Services confirming that:
  - (i) there is no disqualifying relationship between them; and



- (ii) the funds received from the College will only be used, or have only been used, to reimburse the provision of Support Services to the Recipient;
- (e) a description from the Service Provider of the dates, duration, and nature of the Support Service to be provided, or that was provided, to the Recipient; and
- (f) any other information required by an Administrator to satisfy themselves that the Service Provider is a fit and suitable person to provide Support Services.

### **Support Services Program Parameters**

12.39 An application for Support Services may only be made:

- (a) in conjunction with or after a Regulatory Complaint that relates to the conduct with respect to which Support Services are being sought has been submitted to the Registrar; and
- (b) not later than six months after the date on which the Regulatory Complaint referred to in Bylaw 12.39(a), or its subject matter, is subject to any of the following actions or outcomes:
  - (i) a disposition of the Registrar;
  - (ii) a disposition of the Investigation Committee;
  - (iii) the issuance of a Disciplinary Order where no Citation has been issued; or
  - (iv) the issuance of a Citation.

12.40 In determining the eligibility of a person to receive Support Services, a Support Officer may consider the following factors:

- (a) the nature and severity of the allegations in the Regulatory Complaint; and
- (b) any factors set out in any applicable policy established under Bylaw 12.1.

12.41 The Administrator may decline, suspend, or terminate Support Services:

- (a) in accordance with a determination respecting Support Services under section 286 of the Act;
- (b) in accordance with the provisions of sections 298 or 299 of the Act;
- (c) in accordance with any applicable policy established under Bylaw 12.1;
- (d) where the Administrator is satisfied a Recipient has obtained Support Services through or as a result of omission, misrepresentation, or fraud; or

- (e) where the Administrator is satisfied, on recommendation by a Service Provider, that Support Services are not necessary, no longer necessary, or should be suspended or terminated.

12.42 The provision of Support Services is subject to the following terms, prohibitions, requirements, limits, and conditions:

- (a) funding for Support Services for a Recipient will not exceed \$7,500.00;
- (b) funding is subject to the maximum aggregate amount set out in Bylaw 12.49;
- (c) funding for seeking redress for sexual misconduct, sexual abuse or discrimination is limited to redress which is available under the Act, and does not include seeking redress through a court or tribunal governed under another enactment;
- (d) funding for Support Services will terminate two years from the date the determination of eligibility for Support Services was made, unless:
  - (i) the underlying Regulatory Complaint has not been the subject of any of the actions or outcomes in Bylaw 12.39 (b);
  - (ii) the maximum amount of funding has not been expended; and
  - (iii) the Administrator determines to extend the period of funding; and
- (e) any additional terms, prohibitions, requirements, limits or conditions set out in any applicable policy established under Bylaw 12.1.

12.43 The Registrar must establish a policy setting out the process and criteria for a funding extension under Bylaw 12.42(d)(iii).

#### **Support Worker Program Parameters**

12.44 An application for the assistance of a Support Worker may only be made:

- (a) in conjunction with or after a Regulatory Complaint that relates to the conduct with respect to which the assistance of a Support Worker is being sought has been submitted to the Registrar; and
- (b) before the Regulatory Complaint referred to in Bylaw 12.44(a), or its subject matter, is subject to any of the following actions or outcomes:
  - (i) a disposition of the Registrar;
  - (ii) a disposition of the Investigation Committee;
  - (iii) the issuance of a Disciplinary Order where no Citation has been issued; or
  - (iv) the conclusion of a Discipline Hearing.

12.45 In determining the eligibility of a person to receive the assistance of a Support Worker, a Support Officer may consider the following factors:

- (a) the nature and severity of the allegations in the Regulatory Complaint; and
- (b) any factors set out in any applicable policy established under Bylaw 12.1.

12.46 The Administrator may decline, suspend, or terminate assistance of a Support Worker:

- (a) in accordance with the provisions of sections 298 or 299 of the Act;
- (b) in accordance with any applicable policy established under Bylaw 12.1;
- (c) where the Administrator is satisfied an Applicant has obtained assistance through or as a result of omission, misrepresentation, or fraud; and
- (d) where the Administrator is satisfied, on recommendation by a Support Worker, that assistance of a Support Worker is not necessary, no longer necessary, or should be suspended or terminated.

12.47 The provision of assistance of a Support Worker is subject to the following terms, prohibitions, requirements, limits, and conditions:

- (a) funding for the assistance of a Support Worker will not exceed \$7,500.00;
- (b) funding is subject to the aggregate maximum amount set out in Bylaw 12.49;
- (c) subject to a Support Worker completing an oversight complaint process under section 296(2)(b) of the Act, assistance of a Support Worker will terminate on or before the following date as applicable:
  - (i) on the date which the Regulatory Complaint is subject to a Termination Order;
  - (ii) three months from the date on which the deadline for filing an application for review with the Review Board expires in relation to a Regulatory Complaint which is dismissed or, in the event of an application for review to the Review Board, the date on which the Review Board confirms the dismissal of the Regulatory Complaint;
  - (iii) three months from the date on which the deadline for filing an application for review with the Review Board expires in relation to a Regulatory Complaint disposed of by Disciplinary Order, Continuing Practice Order, or Termination Order or, in the event of an application for review to the Review Board, the date on which the Review Board confirms or varies the disposition; or
  - (iv) three months from the date on which the Citation issued in relation to the Regulatory Complaint is dismissed or resolved by Disciplinary Order; and

- (d) any additional terms, prohibitions, requirements, limits and conditions set out in any applicable policy established under Bylaw 12.1.

12.48 A Support Worker, in making a recommendation under section 296 of the Act, must not disclose a Recipient's personal information without the Recipient's written consent.

**Maximum aggregate funding**

12.49 The maximum aggregate funding available to a Recipient under all Support Programs is \$10,000.00.