

Overview of Appeal Process for Registration Decisions Nova Scotia Regulator of Psychology

Appeals

An individual may appeal a registration or licensing decision of the Registrar or the Registration and Licensing Committee if:

- (a) they have been refused registration, or
- (b) they have had terms or conditions imposed on their registration without their consent.

The individual requesting an appeal is referred to as the Appellant. The Appellant and the NSRP are the parties to the appeal.

A request for an appeal must be made by the Appellant in writing to the Registrar no later than 30 days after the date of the Registrar or the Registration and Licensing Committee's decision is sent to the individual. Within the request, the Appellant must stipulate the grounds and reasons for their appeal. The Appellant must also submit an Appeal fee of \$300. In the event the appeal is successful, the fee will be returned to the Appellant.

When initiating the appeal process, an Appellant may provide any additional documentation for consideration.

Re-consideration by Registrar or the Registration and Licensing Committee

If the Appellant provides new or additional information with their request for an appeal, that information will first be reviewed by the original decision-maker (the Registrar or the Registration and Licensing Committee) at the earliest opportunity.

Upon review of the additional information, the original decision-maker may change or affirm the decision.

If the decision of the Registrar or the Registration and Licensing Committee remains unchanged after this review, or if no additional information was submitted, the appeal will proceed to the Registration and Licensing Review Committee.

Upon review of the additional information, the Registrar or the Registration and Licensing Committee may change or affirm its decision.

If after reviewing the additional information provided by the Appellant, the decision of the Registrar or the Registration and Licensing Committee remains unchanged, or in the event that no additional information is submitted with the request for appeal, all of the individual's application materials and the decision of the Registrar or the Registration and Licensing Committee will be provided to the Registration and Licensing Review Committee.

An Appellant may submit a request to withdraw an appeal when:

- the Appellant no longer wishes to pursue the appeal; or
- the Appellant is satisfied with the Registrar or the Registration and Licensing Committee's re-consideration.

Registration and Licensing Review Committee

The Registration and Licensing Review Committee (hereafter referred to as 'the Review Committee') is composed of at least three persons: 2 Registered Psychologists and 1 Public Representative. No member decision maker who considered the matter may sit on the Review Committee.

The Registration and Licensing Review Committee is established under the *Regulated Health Professions Act*. The Committee's authority and powers are set out in the *Regulated Health Professions Act* and its *General Regulations*.

A majority of the quorum of the Review Committee must agree on a decision.

The purpose of the Review Committee is to provide an independent and adjudicative review of a registration decision made by the Registrar or the Registration and Licensing Committee, when requested by an Appellant.

After receiving a request for an appeal, the Registrar will provide the Review Committee and the Appellant with all of the following:

- (a) a copy of the written decision being appealed;
- (b) a copy of all records related to the appeal and in the possession of the NSRP, subject to any lawful restrictions;
- (c) any written information the Registrar considers necessary.

Appeals before the Review Committee are typically conducted in writing; however, in certain cases the Committee may decide to conduct the appeal in person.

In an appeal hearing, both the Appellant and the NSRP have the right to the following:

- (a) representation by legal counsel;
- (b) if the parties have an opportunity to appear, the opportunity to present evidence and to make submissions;
- (c) disclosure of all relevant information and documents.

The Registrar will send the Appellant a written notice at least 10 business days before the date set for the appeal. The Review Committee must receive all supporting evidence from the Appellant and the NSRP by this date.

Decisions of the Review Committee

The Review Committee may make any decision the Registrar or the Registration and Licensing Committee could have made with respect to the Appellant's application. A decision can include the imposition of registration conditions and/or restrictions.

The Review Committee may also order the Appellant to pay costs to the NSRP.

The Review Committee must issue a decision in writing with reasons within a reasonable time after:

- (a) the appeal hearing concludes, for an appeal hearing at which the parties had an opportunity to appear; or
- (b) it completes its review of the written evidence and written submissions, for an appeal hearing conducted by written submissions.

A decision of the Review Committee is final. If you have any questions, please contact the Registrar.

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Note: A flowchart of the Appeal Process is available on the next page

APPEAL FLOWCHART

Decisions made by the Registrar or the Registration and Licensing Committee may be appealed. This flowchart shows the process starting from the point at which the individual receives the decision. This flowchart may not capture every situation. If there is a discrepancy between the flowchart and NSRP policy or regulations, the policy or RHPA / General Regulations will apply.

