

The Nova Scotia College of Physiotherapists (NSCP) is responsible for the investigation of complaints concerning the practice or conduct of physiotherapists registered with the NSCP.

In order to practice physiotherapy in Nova Scotia, physiotherapists must be licensed and registered with the College (NSCP). The NSCP Board regulates the practice of physiotherapy to ensure that the public receives quality care from competent professionals. We have been holding our members accountable for their practice and their professional conduct since 1958.

Information in this brochure is provided as a general information resource tool for the membership. For more detailed information consult related authorities. Contact your own lawyer for appropriate legal advice. Refer to the Physiotherapy Act S.N.S. 1998. c.22.s.41-61

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Nova Scotia College of Physiotherapist  
PO Box 22, Smiths Cove, NS B0S 1S0  
(P) 902-221-7254 (F) 902-245-3134



NOVA SCOTIA COLLEGE OF PHYSIOTHERAPISTS

# Complaints Process

A Member's Guide



## WHAT IS A COMPLAINT?

A complaint is any report or allegation in writing and signed, regarding the conduct, actions, competence, character, fitness, health or ability of a member, former member, a professional corporation or its employees. Any contravention of the Code of Ethics and Rules of Conduct would apply. The objects of the discipline process are protection of the public and assurance of quality care.

## INITIATION OF A COMPLAINT

Complaints may be initiated by any involved person or their family, the Registrar, or a member. (Ref: S.N.S.1998. c.22 s.41).

The Nova Scotia College of Physiotherapists<sup>1</sup> requests that all complaints be in writing and signed. The Investigation Committee will review each complaint it receives from the Registrar.

## THE INVESTIGATION COMMITTEE

The Investigation Committee is appointed by the Board of the College and has at least three members, one of whom is a member or former member of the Board, one who is a member of the College, and one public member.

## THE COMPLAINT INVESTIGATION

Upon receiving a copy of the complaint from the Registrar the Investigation Committee then proceeds to investigate. The member (physiotherapist) will receive a copy of the complaint from the Investigation Committee. The Committee may contact the complainant and/or the member to obtain clarification or to request more information as needed. When responding it is advisable to deal with all the issues raised in the complaint and provide copies of all relevant documents. Refrain from personal attacks. The member is entitled to receive a copy of any response that the Committee receives. The Committee may request that the member allow an

inspection or audit of his/her practice; submit to a competency exam; or produce records and accounts with respect to their practice. The committee may ask the member or any other member of the College to appear before the committee. The Committee may also investigate any other disciplinary matter concerning the member that arises in the course of their investigation. S.N.S.1998 c.22.s.46

***Failure to comply with the requests of the Committee could lead to suspension or restriction of license.***

## COMPLAINT RESOLUTION

After thoroughly reviewing the matter the Committee may:

- decide that there is not enough evidence to support the complaint or that there has been no breach of professional standards and they may dismiss the complaint.
- based on their findings, attempt to resolve the matter informally, or refer the matter in part or in whole to mediation with the member's consent
- choose to counsel, caution, or counsel and caution the member.
- with member's consent, reprimand or require the member to undergo treatment or re-education as necessary.
- Refer a disciplinary matter to a Hearing committee.

If the committee is considering a decision to caution or counsel, they shall give the member the opportunity to appear before the committee. The member and the complainant will be advised in writing of the disposition. Members may tender a settlement agreement prior to the Hearing and the investigation committee may recommend acceptance of the agreement to the Hearing committee.

## THE HEARING COMMITTEE

A Hearing Committee is composed of Board members and shall have at least three members, one of which is a public member on the Board. This committee has no previous knowledge of the complaint. Their role is to consider all the facts of the case and determine whether or not the charges are supported by the facts.

**Unless ordered otherwise, hearings are open to the public.**

## THE HEARING PROCESS

The complainant may be called to give testimony as to their understanding of the events that occurred. The member has the right to be represented by legal counsel, and to know all of the evidence being considered and may have the opportunity to present evidence and cross-examine witnesses. (1998. c.22. s.53- 60[2] d)

The Hearing Committee must then decide whether or not the member is guilty of the charge related to the investigation process. (1998. c.22. s 60[2] e-61)

- If the physiotherapist is found **guilty** of the charge then the Hearing Committee will impose the disposition it considers appropriate.
- If the physiotherapist is found **not guilty** then the Hearing Committee may dismiss the charges. A copy of the Hearing decision will be sent to the Registrar.

<sup>1</sup> Physiotherapy, physiotherapist, physical therapy, physical therapist, physiothérapeute, physiothérapeute, PT, and pht are official marks used with permission.