

Policy P-020
Discipline Committee
Approved by Council: October 28, 1995
Amended: November 15, 1996

Note to Readers: In the event of any inconsistency between this document and the legislation that affects chiropractic practice, the legislation governs.

Intent

To reduce the number of adjournments of discipline hearings.

CCO is concerned about the number of requests for adjournments of discipline hearings. Members of discipline panels are notified well in advance of the discipline hearing dates so they may make appropriate arrangements to travel to and attend the hearing.

Prosecutors and members charged with allegations of professional misconduct, incompetence or incapacity are similarly given notice of the date and time of a hearing well in advance of the hearing date.

Requests for adjournments result in delays in the hearing, time and expense for panel members, and increased costs for all parties. Further, adjournments generally do not serve the public interest, which CCO is charged with the responsibility of protecting.

Description of Policy

The Registrar will advise all members and counsel that:

- The general practice is to decline requests for an adjournment of discipline hearings.
- If, on receiving the Notice of Hearing, the member or counsel has a conflict on the date referred to in the Notice of Hearing, he/she should immediately contact the Registrar to advise him/her of the conflict.
- There may be extenuating circumstances for which an adjournment is required. Examples of the types of extenuating circumstances that may persuade the Registrar and the Chair of the Discipline Committee to exercise their discretion to grant an adjournment include:
 - death in the family;
 - emergency health situation;
 - personal matters of extreme crises;

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- uncovering of new evidence that is critical and, despite reasonable efforts, was not available at an earlier point in time; and
 - counsel is required to attend to another matter that was scheduled before receipt of the Notice of Hearing and about which counsel immediately advised the Registrar.

Requests for Adjournment

All requests for adjournments must:

- be in writing;
- be directed to the attention of the Registrar and the Chair of the Discipline Committee;
- be copied to all counsel involved in the hearing (prosecutor, defense counsel and independent counsel);
- be made at the earliest opportunity that counsel becomes aware that an adjournment is essential; and
- clearly set out the extenuating circumstances which necessitate an adjournment.

In addition, the Registrar will:

- advise all members served with a Notice of Hearing that they are strongly encouraged to immediately retain legal counsel;
- draw the attention of all members and counsel to subsections 42 and 42.1 of the Regulated Health Professions (Code), Schedule 2 to the *Regulated Health Professions Act* (Code) respecting disclosure of evidence and section 66 of the Code relating to reports of health professionals;
- encourage counsel to make proper disclosure in accordance with the Code well in advance of the hearing date; and
- urge counsel to advise all potential witnesses of the hearing date at the earliest opportunity.

Procedure

The Registrar will notify all members and counsel involved in a discipline hearing of the contents of this policy by appropriate means, which may include providing them with a copy of the policy.