

## POLICY P-020

Discipline Committee  
Approved by Council: October 28, 1995  
Amended: November 15, 1996,  
November 30, 2012

# Adjournment of Discipline Hearings

*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, the member or counsel shall immediately contact the Chair of the Discipline Committee (or his/her designate) and the Independent Legal Counsel (ILC) 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 Chair of the Discipline Committee to exercise his/her discretion to grant an adjournment include:
  - o death in the family;

- o emergency health situation;
- o personal matters of extreme crises;
- o uncovering of new evidence that is critical and, despite reasonable efforts, was not available at an earlier point in time; and
- o 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 chair of the Discipline Committee or his/her designate and ILC;
- be copied to all counsel involved in the hearing (prosecutor, defense counsel and ILC);
- be made at the earliest opportunity that counsel becomes aware that an adjournment is required; and
- set out clearly the extenuating circumstances which necessitate an adjournment.

In addition, the Registrar will:

- 2 • advise members served with a Notice of Hearing that they are strongly encouraged to immediately retain legal counsel;
- draw the attention of the members and his/her counsel to subsections 42 and 42.1 of the Health Professions Procedural Code (Code), Schedule 2 to the *Regulated Health Professions Act, 1991* 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

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- urge counsel to advise all potential witnesses of the hearing date at the earliest opportunity.

**Procedure**

The Registrar will notify 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.