

Overview of Appeal Process for Registration Decisions Nova Scotia Board of Examiners in Psychology

Appeals

An individual may appeal a registration decision of the Registration Subcommittee 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 Board 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 Registration Subcommittee'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 Registration Subcommittee

If the Appellant provides additional information, the Registration Subcommittee will first review this information at its next meeting.

Upon review of the additional information, the Registration Subcommittee may change or affirm its decision.

If after reviewing the additional information provided by the Appellant, the decision of the Registration Subcommittee 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 Registration Subcommittee will be provided to the Registration Appeal 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 Registration Subcommittee's re-consideration.

Registration Appeal Committee

The Registration Appeal Committee is composed of at least three persons: 2 Registered Psychologists and 1 Public Representative. No member of the Registration Subcommittee that considered the matter may sit on the Registration Appeal Committee.

The Registration Appeal Committee is established under the *Psychologists Act*. The Committee's authority and powers are set out in the Psychologists Regulations.

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

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

After receiving a request for an appeal, the Registrar will provide the Registration Appeal 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 Board, subject to any lawful restrictions;
- (c) any written information the Registrar considers necessary.

Appeals before the Registration Appeal 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 Board 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 Registration Appeal Committee must receive all supporting evidence from the Appellant and the Board by this date.

Decisions of the Registration Appeal Committee

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

The Registration Appeal Committee may also order the Appellant to pay costs to the Board.

The Registration Appeal 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 Registration Appeal Committee is final.

If you have any questions, please contact the Registrar.

June 2023

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

APPEAL FLOWCHART

Decisions made by the Registration Subcommittee 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 NSBEP policy or regulations, the policy or regulations will apply.

