

PART 12 – SUPPORT PROGRAMS

Definitions for Part

174 In this Part:

“adverse eligibility decision”, with respect to a support application, means a decision under section 281(1) of the Act

- (a) that the proposed recipient is not eligible for support,
- (b) that the proposed recipient is not eligible for the form of support for which the proposed recipient applied, or
- (c) to set limits or conditions that will apply to the support for which the proposed recipient is eligible;

“adverse support determination”, with respect to a support application, means a determination under section 285, 286 or 287 of the Act, other than as requested under the application;

“program parameters” includes the additional program parameters established by the registrar under section 187 *[Additional powers and duty to ensure compliance with program parameters]*;

“support program” means a support program referred to in section 175 *[Support programs required]* or section 176 *[Collaboration and shared funding agreements]*.

Support programs required

175 (1) Subject to section 176 *[Collaboration and funding agreements]*, the registrar must establish and maintain the following support programs for the College:

- (a) an information services program;
- (b) a support services program;
- (c) a support worker program.

(2) The registrar must ensure that support programs referred to in subsection (1) and section 176 *[Collaboration and shared funding agreements]* are administered in accordance with Division 5 of Part 5 of the Act.

Collaboration and shared funding agreements

- 176** (1) For the purpose of meeting the requirements of section **175** [*Support programs required*], the registrar
- (a) may cause the College to
 - (i) collaborate with other regulatory colleges to provide one or more of the support programs under shared funding agreements, and
 - (ii) participate in the support programs that are established and co-administered with other regulatory colleges under those shared funding agreements, and
 - (b) is authorized to enter into shared funding agreements or other agreements, as the registrar considers necessary or appropriate.
- (2) In the event of a conflict between a provision of this Part and the program parameters of a support program in which the College participates with one or more other regulatory colleges under a shared funding agreement, the program parameters of that support program prevail.

Administrators

- 177** (1) An administrator must be designated for each support program.
- (2) The registrar may, on behalf of the College,
- (a) exercise powers and perform duties as the administrator for one or more support programs, and
 - (b) retain or employ persons to exercise the powers and perform the duties of the administrator for one or more support programs.
- (3) The registrar is authorized to consent to the designation of the administrator for any support program referred to in section **176** [*Collaboration and shared funding agreements*].
- (4) A person may be the administrator for more than one support program concurrently.

- (5) The administrator of an information services program, including without limitation the registrar when acting under subsection (2)(a), may not exercise a power of a support officer under section 282 of the Act.

Support officers

- 178**
- (1) At least one support officer must be designated for each support program.
 - (2) The registrar may, on behalf of the College, retain or employ persons to exercise the powers and perform the duties of support officers for one or more support programs.
 - (3) The registrar is authorized to consent to the designation of one or more support officers for any support program referred to in section 176 *[Collaboration and shared funding agreements]*.
 - (4) A person may be a support officer for more than one support program concurrently.

Application for support

- 179**
- (1) A support application, and all information and records required under the program parameters to be included with the application, must be submitted in the form and manner required by the administrator for the support program under which the person is seeking support.
 - (2) A person who submits a support application on behalf of another person must provide proof, satisfactory to the administrator, of authorization to act on behalf of the other person.
 - (3) Subject to subsection (4), as soon as reasonably practicable after receiving a completed support application, an administrator must give the support application, and all information and records received with the application, to a support officer for the support program under which the person is seeking support.
 - (4) Subsection (3) does not apply to a support application if the receiving administrator transfers the application to another administrator under section 280(2) of the Act.

Support officer's eligibility decision

- 180** (1) A support officer must determine whether to provide information services to a proposed recipient based on the criteria set out in the program parameters.
- (2) A support officer must determine whether a proposed recipient is eligible for support services or the assistance of a support worker, or both, based on the eligibility requirements set out in section 283 of the Act and, if so, determine the form of support and any limits or conditions that will apply to that support.
- (3) As soon as reasonably practicable after a making a decision under section 281(1) of the Act with respect to a support application, the support officer must give a copy of the decision and the reasons for the decision to
- (a) the proposed recipient for whom the application was submitted, and
 - (b) the person, if any, who submitted the application on the proposed recipient's behalf, if the proposed recipient has authorized the support officer to give the person a copy.

Reconsideration of adverse eligibility decision

- 181** (1) A proposed recipient who receives an adverse eligibility decision may apply for a reconsideration by the support officer who made the decision.
- (2) A reconsideration application under this section, and all information and records required by the registrar to be included with the application, must be submitted to the registrar in the form and manner required by the registrar.
- (3) A reconsideration application under this section may be made by another person on behalf of the proposed recipient.
- (4) A person, other than the proposed recipient, who submits a reconsideration application on behalf of the proposed recipient must provide proof, satisfactory to the registrar, of authorization to act on behalf of the proposed recipient.
- (5) A reconsideration application must be submitted to the registrar no later than 30 days after the date that notice of the decision that is the subject of the application is received by the proposed recipient.

- (6) Despite subsection (5), the registrar may extend the period for filing a reconsideration application, even if the period has expired,
- (a) to allow a proposed recipient to correct a deficient reconsideration application, or
 - (b) if a person
 - (i) applies for an extension in the form and manner required by the registrar, and
 - (ii) satisfies the administrator that the application could not have been submitted within the period specified in subsection (5) due to special circumstances.
- (7) As soon as reasonably practicable after receiving a reconsideration application under this section, the registrar must give the application to the support officer who made the adverse eligibility decision.
- (8) As soon as reasonably practicable after receiving a reconsideration application under subsection (3), the support officer must provide the proposed recipient with an opportunity to be heard which may be in writing.
- (9) As soon as reasonably practicable after completing a reconsideration under this section with respect to a support application, the support officer must give notice of the reconsideration decision and the reasons for the decision to
- (a) the administrator for the support program.
 - (b) the proposed recipient for whom the support application was submitted, and
 - (c) the person, if any, who submitted the reconsideration application on the proposed recipient's behalf, if the proposed recipient has authorized the support officer to give the person a copy.

Administrator's support determination

- 182** (1) If a support officer determines that the proposed recipient is eligible for information services, the administrator must determine the scope and duration of information services to be provided in accordance with section 285(2) of the Act.

- (2) If a support officer determines that the applicant is eligible for support services, the administrator must, in addition to considering the matters enumerated in section 286 of the Act, determine the matters required under the program parameters.
- (3) If a support officer determines that the applicant is entitled to the assistance of a support worker, the administrator must, in addition to considering the matters enumerated in section 287(1)(a) of the Act, determine the matters required under the program parameters.
- (4) An administrator may defer making a support determination pending the outcome of an application for reconsideration of an eligibility decision.

Notice of support determination

- 183** As soon as reasonably practicable after making a support determination with respect to a support application, the administrator must give written notice of the decision to
- (a) the support officer who made the eligibility decision,
 - (b) the recipient for whom the support application was submitted, and
 - (c) the person, if any, who submitted the reconsideration application on the recipient's behalf, if the recipient has authorized the support officer to give the person a copy of the notice.

Reconsideration of adverse support determination

- 184**
- (1) A recipient who receives an adverse support determination may apply for a reconsideration by the administrator who made the decision.
 - (2) A reconsideration application under this section, and all information and records required by the registrar to be included with the application, must be submitted to the registrar in the form and manner required by the registrar.
 - (3) A reconsideration application under this section may be made by another person on behalf of the recipient.
 - (4) A person, other than the recipient, who submits a reconsideration application on behalf of the recipient must provide proof, satisfactory to the registrar, of authorization to act on behalf of the recipient.

- (5) A reconsideration application must be submitted to the registrar no later than 30 days after the date that notice of the decision that is the subject of the application is received by the recipient.
- (6) Despite subsection (5), the registrar may extend the period for filing a reconsideration application, even if the period has expired,
 - (a) to allow a recipient to correct a deficient reconsideration application, or
 - (b) if a person
 - (i) applies for an extension in the form and manner required by the registrar, and
 - (ii) satisfies the administrator that the application could not have been submitted within the period specified in subsection (5) due to special circumstances.
- (7) As soon as reasonably practicable after receiving a reconsideration application under this section, the registrar must give the application to the administrator who made the adverse eligibility decision.
- (8) As soon as reasonably practicable after receiving a reconsideration application under subsection (3), the administrator must provide the recipient with an opportunity to be heard which may be in writing.
- (9) As soon as reasonably practicable after completing a reconsideration under this section with respect to a support application, the administrator must give notice of the reconsideration decision and the reasons for the decision to
 - (a) the recipient for whom the support application was submitted, and
 - (b) the person, if any, who submitted the reconsideration application on the recipient's behalf, if the recipient has authorized the support officer to give the person a copy.

Application to change support determination

- 185** A recipient may make an application to change a support determination by providing an application in the required form to the administrator at any time during the period in which the recipient receives support.

Appointment of support workers

- 186** (1) The registrar must establish a support workers policy setting out the qualifications for support workers and the process for assigning, reassessing, suspending, and terminating the assignment of support workers.
- (2) When assigning a support worker to a recipient, an administrator must ensure the support worker's education, training, experience and other qualifications meet the individual needs identified by the recipient.
- (3) An administrator must require a support worker to complete a conflict of interest check prior to accepting an assignment to provide support assistance to a recipient.
- (4) Support workers are entitled to receive reimbursement for reasonable expenses necessarily incurred in assisting recipients with support services in accordance with the applicable policy established under section **187** *[Additional powers and duty to ensure compliance with program parameters]*.

Additional powers and duty to ensure compliance with program parameters

- 187** (1) An administrator or a support officer may request any information or records relevant to the administrator's or support officer's exercise of a power or performance of a duty under the Act, including the making of decisions relating to eligibility for support, provision of support, and changes to a determination, from any of the following:
- (a) a proposed recipient;
 - (b) a recipient;
 - (c) a support worker.
- (2) Administrators and support officers must take reasonable steps to ensure any person providing support services or providing assistance as a support worker complies with applicable program parameters.
- (3) The registrar may establish additional program parameters, consistent with the Act, the regulations under the Act, and these Bylaws, to do the following:

- (a) establish provisions for designating support officers;
- (b) authorize the funding of support services additional to counselling services;
- (c) establish terms, prohibitions, requirements, limits or conditions relating to one or more of the matters referred to in section 277(1)(g) of the Act;
- (d) authorize an administrator to establish policies or procedures relating to their programs.

Information services

- 188** (1) Subject to the eligibility requirements under program parameters, the following persons may receive information services:
- (a) a person who has made a regulatory complaint or a regulatory report;
 - (b) a person who received, or may have received, health services from a licensee who is not, or may not have been, fit to practise;
 - (c) a person who experienced a licensee's conduct that may be an act of misconduct;
- (2) In determining the eligibility of a proposed recipient to receive information services, a support officer must consider the following factors:
- (a) the extent to which the person might not be able to meaningfully participate in the processes provided for in the Act and these bylaws without receiving information services;
 - (b) any factors identified in any additional program parameters established by the registrar under section 187 *[Additional powers and duty to ensure compliance with program parameters]*.
- (3) For the purposes of section 285(3) of the Act, the administrator may authorize any person who, in the administrator's opinion has sufficient knowledge to address an inquiry, to provide information services.
- (4) Provision of information services under the information services program is subject to the following terms, prohibitions, requirements, limits and conditions:

(a) the administrator may decline, suspend or terminate information services if satisfied that an inquiry, or set of inquiries, is frivolous, vexatious, or an abuse of process;

(b) a person receiving information services is not entitled to information that is privileged, confidential, or not otherwise available to a person who is not receiving information services;

(c) any terms, prohibitions, limits or conditions set out in any additional program parameters established by the registrar under section 187 *[Additional powers and duty to ensure compliance with program parameters]*.

Selecting a service provider for support services

189 A recipient who is eligible for funding for support services may request one or more of the following as service providers:

(a) a regulated health practitioner accepted by the administrator as qualified to provide support services;

(b) an unregulated counselling professional accepted by the administrator as qualified to provide support services;

(c) persons or organizations accepted by the administrator as qualified to provide trauma-informed care, or culturally competent trauma support, and

(d) any other person who the administrator reasonably believes has competences and experience, including lived experience, that will allow them to effectively provide support services.

Information to support funding for support services

190 At any time before or after providing funding for support services under section 189 *[Selecting a service provider for support services]*, the administrator may require any of the following information from a service provider in a form satisfactory to the administrator:

(a) confirmation that the service provider, if a regulated health practitioner, is licensed and in good standing with their regulator and information concerning their regulatory or discipline history;

- (b) a criminal record check authorization from the service provider;
- (c) confirmation of the service provider's identity, education, training, experience, and other relevant qualifications;
- (d) a written statement from each of the service provider and the recipient of support services confirming that
 - (i) there is no disqualifying familial relationship between them, and
 - (ii) the funds received from the college will only be used, or have only been used, to reimburse the provision of support services to the recipient;
- (e) a description from the service provider of the dates, duration and nature of the support service to be provided, or that was provided, to the recipient;
- (f) any additional information required under the program parameters.

Support services program parameters

- 191** (1) An application for support services may only be made
- (a) with or after a regulatory complaint that relates to the conduct with respect to which support services are being sought has been submitted to the registrar, and
 - (b) not later than six months after the date on which the regulatory complaint referred to in paragraph (a), or its subject matter, is subject to any of the following:
 - (i) a disposition of the registrar;
 - (ii) a disposition of the investigation committee;
 - (iii) the issuance of a disciplinary order where no citation has been issued;
 - (iv) the issuance of a citation.
- (2) In determining the eligibility of a person to receive support services, a support officer must consider the following factors:
- (a) the financial circumstances of the applicant;
 - (b) the nature or severity of the allegations in the regulatory complaint;

- (c) a failure of an applicant to provide requested information or records without adequate reason;
 - (d) any misrepresentations by the applicant;
 - (e) any other factors specified in program parameters.
- (3) The administrator may decline, suspend or terminate support services
- (a) in accordance with a determination respecting support services under section 286 of the Act,
 - (b) in accordance with the provisions of section 298 or 299 of the Act;
 - (c) in accordance with program parameters,
 - (d) where the administrator is satisfied an applicant has obtained support services through or as a result of omission, misrepresentation, or fraud, or
 - (e) where the administrator is satisfied, on recommendation by a service provider, that support services are not necessary, no longer necessary, or should be suspended or terminated for cause.
- (4) The provision of support services is subject to the following terms, prohibitions, requirements, limits and conditions:
- (a) a recipient must agree to advise the administrator if they become eligible to have all or part of the expenses relating to a support service paid or recovered under a program of insurance, an agreement, an arbitral award, or a court or tribunal order or award;
 - (b) funding for support services will be suspended, reduced or terminated to the extent the recipient becomes eligible for alternate funding as set out under paragraph (a);
 - (c) funding for support services for any recipient will not exceed \$10,000.00 CAD;
 - (d) funding is subject to the maximum aggregate amount set out in section 193 *[Maximum aggregate funding]*;
 - (e) funding for seeking redress for sexual misconduct, sexual abuse or discrimination is limited to redress which is available under the Act, and

does not include seeking redress through a court or a tribunal governed under another enactment;

(f) funding is not available for the following services or expenses:

- (i) travel;
- (ii) medication, vitamins, or supplements;
- (iii) fees or other expenses relating to the preparation of a report;

(g) funding for support services will terminate two years from the date the determination of eligibility for support services is made, unless

- (i) the underlying regulatory complaint has not been the subject of any of the actions or outcomes set out in subsection (1)(b),
- (ii) the maximum amount of funding has not been expended, and
- (iii) the administrator determines to extend the period of funding;

(h) any terms, prohibitions, limits or conditions set out in any additional program parameters established by the registrar under section 187 *[Additional powers and duty to ensure compliance with program parameters]*.

- (5) The registrar must establish a policy setting out the process and criteria for a funding extension under subsection (4)(g)(iii).

Support worker program parameters

192 (1) An application for the assistance of a support worker may only be made

(a) with or after a regulatory complaint that relates to the conduct with respect to which the assistance of a support worker is being sought has been submitted to the registrar, and

(b) before the regulatory complaint referred to in paragraph (a), or its subject matter, is subject to any of the following:

- (i) a disposition of the registrar;
- (ii) a disposition of the Investigation committee;
- (iii) the issuance of a disciplinary order where no citation has been issued;
- (iv) the conclusion of a discipline hearing.

- (2) In determining the eligibility of a person to receive the assistance of a support worker, a support officer must consider the following factors:
- (a) the financial circumstances of the applicant;
 - (b) the nature or severity of the allegations in the regulatory complaint;
 - (c) a failure of an applicant to provide requested information or records without adequate reason;
 - (d) any misrepresentations by the applicant;
 - (e) any other factors specified in program parameters.
- (3) The administrator may decline, suspend or terminate assistance of a support worker as follows:
- (a) in accordance with the provisions of sections 298 or 299 of the Act;
 - (b) in accordance with program parameters;
 - (c) where the administrator is satisfied an applicant has obtained assistance through or as a result of omission, misrepresentation, or fraud;
 - (d) where the administrator is satisfied, on recommendation by a support worker, that assistance of a support worker is not necessary, no longer necessary, or should be suspended or terminated for cause.
- (4) The provision of assistance of a support worker is subject to the following terms, prohibitions, requirements, limits and conditions:
- (a) a recipient must agree to advise the administrator if they become eligible to have all or part of the expenses relating to a support worker paid or recovered under a program of insurance, an agreement, an arbitral award, or a court or tribunal order or award;
 - (b) funding for the support worker will be suspended, reduced or terminated to the extent the recipient becomes eligible for alternate funding as set out under paragraph (a);
 - (c) funding for the assistance of a support worker for any recipient will not exceed \$10,000.00 CAD;

(d) funding is subject to the maximum aggregate amount set out in section 193 *[Maximum aggregate funding]*;

(e) subject to a support worker completing an oversight complaint process under section 296(2)(b) of the Act, assistance of a support worker will terminate on the earliest of the following dates as applicable:

(i) the date which the regulatory complaint is subject to a termination order;

(ii) three months from the date on which the deadline for filing an application for review with the Health Professions Review Board expires in relation to a regulatory complaint that is dismissed or, in the event of an application for review to the Health Professions Review Board, the date on which the Health Professions Review Board confirms the dismissal of the regulatory complaint;

(iii) three months from the date on which the deadline for filing an application for review with the Health Professions Review Board expires in relation to a regulatory complaint disposed of by disciplinary order, continuing practice order, or termination order or, in the event of an application for review to the Health Professions Review Board, the date on which the Health Professions Review Board confirms or varies the disposition; or

(iv) three months from the date on which the citation issued in relation to the regulatory complaint is dismissed or resolved by disciplinary order;

(f) any terms, prohibitions, limits or conditions set out in any additional program parameters established by the registrar under section 187 *[Additional powers and duty to ensure compliance with program parameters]*.

- (5) A support worker must, before making any recommendation or report under section 296(1) or (2) of the Act and before disclosing protected information for those purposes, obtain the written consent of the recipient of the support worker services, in relation to the proposed action under section 296(1) or (2) of the Act and to the proposed disclosure of protected information.

Maximum aggregate funding

- 193** The maximum aggregate funding available to a recipient under all support programs is \$10,000.00 CAD.

Rate of interest for recovered funding amounts

- 194** If not paid on or before the required date, a funding amount for which an order to recover has been made under section 302 of the Act is subject to interest payable at the rate of 12% per annum, calculated monthly.

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