



Nova Scotia College of Respiratory Therapists

Policy Title: Registration Appeal Policy	
Date Approved: November 25, 2021	Category: Membership and Licensing
Date of next revision: November 2024	Authority: Respiratory Therapists Act S17,18,19,20 Respiratory Therapists Regulations S6, 14 Fair Registration Practices Act S7(a), 10

Policy Statement:

The Nova Scotia College of Respiratory Therapists (NSCRT) aims to be transparent, objective, impartial and procedurally fair with its registration practices. Where an applicant to the NSCRT has been refused registration, pursuant to *Section 17 of the Respiratory Therapists Act of Nova Scotia*, the applicant has the right to appeal the registration decision.

This policy outlines the process for a registration appeal.

Policy:

1. In accordance with the Respiratory Therapists Act of Nova Scotia, all applications for registration or licensing that are not initially approved by the Registrar must be reviewed by the Credentials Committee.
2. Where an applicant has been refused registration or has been refused an active-practising licence, the Registrar will provide written reasons for such decision and the applicant may appeal that decision to the Registration Appeal Committee (RAC).
3. The applicant may appeal the decision in writing within 30 days of receipt of the written decision.
4. The Registrar will immediately refer the matter to the NSCRT Board of Directors (BOD) who will appoint an RAC.
5. The RAC is comprised of one public representative from the BOD and two respiratory therapists from the active-practising roster. No person who acted as a decision-maker in of the registration decision may sit on the RAC.
6. Upon receipt of the appeal, the RAC shall:
 - a. Set a date for a hearing of the appeal within 60 days;



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- b. Serve written notice to the Registrar and the Appellant of the date, time, and place for the hearing.
7. The written notice to the Appellant must include:
 - a. The date, time, and place of the hearing.
 - b. Notice of the right to be represented by legal council, a union representative, or another representative at the Appellant's own expense.
 - c. Disclosure of any information to be provided at the hearing.
 - d. Notice of the right to a reasonable opportunity to present a response and make submissions.
8. The parties to the appeal before the RAC are the College and the Appellant.
9. The RAC and the Appellant shall be provided with all material relied upon by the Registrar and Credentials Committee in making the decision that is subject to the appeal.
10. Either party may present additional evidence to the RAC and call witnesses.
11. All evidence submitted by either party must be received a minimum of 10 days before the hearing or it is considered inadmissible.
12. Evidence submitted by either party to the RAC must be received by the opposing party at least 10 days before the hearing. However, the RAC has the discretion to allow the introduction of evidence outside of this timeframe and may make directions it considers necessary to ensure that a party is not prejudiced.
13. During the hearing before the RAC, the parties have a right to present evidence, make submissions and cross examine witnesses. Testimony of witnesses at a hearing before the RAC shall be taken under oath or affirmation.
14. Upon review and consideration of the evidence received at the hearing, the RAC will make one of the following decisions:
 - a. Grant licensure.
 - b. Deny licensure.
 - c. Make any decisions that ought to have been made by the Registrar and Credentials Committee.
15. The RAC shall give its decision in writing with reasons within 30 days of the hearing and shall send a copy to the Appellant by registered mail.



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16. Decisions of the RAC are final.

References:

Respiratory Therapists Act of Nova Scotia

<https://nslegislature.ca/sites/default/files/legc/statutes/respther.htm>

Respiratory Therapy Regulations

<https://www.novascotia.ca/just/regulations/regs/resptherapists.htm>

Fair Registration Practices Act of Nova Scotia

<https://nslegislature.ca/sites/default/files/legc/statutes/fair%20registration%20practices.pdf>

Version History	
Date revised:	Reason for revision: