

**DRAFT**  
**PART 14 – SUPPORT SERVICES**

**14-1. Definition**

- 14-1 (1) The registrar is authorized to establish policies and procedures for the establishment and administration of support programs consistent with the Act, Regulations, and these Bylaws.
- (2) The policies and procedures established by the registrar under Bylaw 14-1 may address, without limitation, one or more of the matters set out in section 277(1) of the Act.

**14-2. Support programs**

- 14-2 (1) Subject to subsection (2), the registrar must establish and administer the following support programs on behalf of the college:
- (a) an information services program,
  - (b) a support services program, and
  - (c) a support worker program.
- (2) The registrar may direct the college to participate in support programs required under subsection (1) which are established or administered by other regulatory colleges, or established or co-administered jointly by the college and one or more other regulatory colleges.
- (3) Each bylaw in this Division that relates to a specific type of support program will apply only to the extent the college has established or is participating in that type of support program.
- (4) Without limiting section 14-1 of these Bylaws, the registrar may establish policies and procedures to address any inconsistencies between program parameters established under this Part and program parameters established under the bylaws of another regulatory college or under a shared funding agreement in respect of a support program described in subsection (2).

**14-3. Shared funding agreements**

- 14-3 The registrar is authorized to enter into shared funding agreements for the purposes of funding and/or administering support programs, in whole or in part, in collaboration with other regulatory colleges or with the Minister and other regulatory colleges.

**14-4. Appointment of administrators**

- 14-4 The registrar must:
- (a) appoint an administrator for each support program, or
  - (b) consent to the appointment of an administrator for each support program established and being co-administered with other regulatory colleges.

**14-5. Administrator may exercise power of support officer**

- 14-5 An administrator may exercise the power of a support officer for the purposes of determining eligibility for information services in accordance with the limits or conditions imposed under the program parameters.

**14-6. Application for support**

- 14-6 (1) A person seeking support must submit a support application in the form required by an administrator together with the supporting information and records required under the program parameters.
- (2) A person who submits a support application on behalf of another proposed recipient must provide proof, satisfactory to an administrator, of authorization to act on the behalf of the other proposed recipient.
- (3) As soon as reasonably practicable after receiving a completed support application, an administrator must give the support application and supporting information and records to a support officer unless the administrator:
- (a) determines the applicant is eligible to receive information services under section 282(1), or
  - (b) transfers the support application to another administrator in accordance with section 280(2).

**14-7. Support officer's eligibility decision**

- 14-7 (1) A support officer, or an administrator if authorized under the program parameters, must determine whether to provide information services to an applicant based on the criteria set out in the program parameters.
- (2) A support officer must determine whether an applicant is eligible for support services or the assistance of a support worker or both in accordance with the eligibility requirements set out in section 283 of the Act and, if so, determine the form of support and any limits or conditions on that support.
- (3) A support officer must provide the eligibility decision with reasons to the administrator and the applicant, and the recipient if the application was filed on their behalf, as soon as reasonably practicable.

**14-8. Reconsideration of adverse eligibility decision**

- 14-8 (1) An applicant who receives an adverse eligibility decision under section 14-7(3) of these Bylaws may seek reconsideration of that decision by providing a request for reconsideration to the registrar in the required form not more than 30 days following receipt of the adverse eligibility decision.
- (2) The registrar must provide the request for reconsideration to the support officer who made the adverse eligibility decision.
- (3) Upon receipt of a request for reconsideration, the support officer must provide the applicant with an opportunity to be heard which may be in writing.

- (4) The support officer must deliver the reconsideration decision with reasons to the applicant and the administrator as soon as practicable.

**14-9. Administrator's support determination**

- 14-9 (1) If a support officer or an administrator determines that the applicant is eligible for information services, the administrator must determine the following:
  - (a) the scope and duration of information services to be provided in accordance with section 285(2);
  - (b) the duration of information services to be provided;
  - (c) any other matters as required under the program parameters; and
  - (d) any other matters that are appropriate in the opinion of the administrator.
- (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, 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), 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 or review of an eligibility decision.

**14-10. Notice of support determination**

- 14-10 An administrator must provide written notice of a support determination with respect to support services or the assistance of a support worker as soon as reasonably practicable to:
  - (a) the person who made the support application,
  - (b) the recipient if the support application was made on their behalf, and
  - (c) the support officer who made the eligibility decision.

**14-11. Reconsideration of support determination**

- 14-11 (1) An applicant, or a recipient if the support application was made on their behalf, who receives an adverse support determination may seek reconsideration of that decision by providing a request for reconsideration to the registrar in the required form not more than 30 days following receipt of the adverse support determination.
- (2) The registrar must provide the request for reconsideration to the administrator who made the adverse support determination.
- (3) Upon receipt of a request for reconsideration, the administrator must provide the applicant, or recipient if the support application was made on their behalf, with an opportunity to be heard which may be in writing.
- (4) The administrator must deliver the reconsideration decision with reasons to the applicant and recipient if the support application was made on their behalf, and the support officer as soon as reasonably practicable.

**14-12. Application to change support determination**

14-12 A recipient may make an application to change a support determination by providing an application under section 297 of the Act in the required form to the administrator at any time during the period in which the recipient receives support.

**14-13. Appointment of support workers**

- 14-13 (1) The board establishes the Support Workers Policy which outlines the qualification for support workers and the process for assigning, reassigning, 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) Support workers are entitled to receive reimbursement for reasonable expenses necessarily incurred in assisting recipients with support services in accordance with the tariff set out in Schedule "♦".

**14-14. Additional powers and duty to ensure compliance with program parameters**

- 14-14 (1) An administrator or support officer may request any information or records relevant to their exercise of a power or performance of a duty, including decisions relating to eligibility for support, provision of support, and changes to a determination.
- (2) An administrator or support officer must take reasonable steps to ensure any person providing support services or providing assistance as a support worker complies with applicable program parameters.
- (3) Without limiting section 14-1 of these Bylaws, the registrar may establish policies and procedures consistent with the Act, the Regulations, and these Bylaws which:
- (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 provision of support, pursuant to section 277(1)(g), and
  - (d) authorize an administrator to establish policies or procedures relating to their programs.

**14.15. Information services program parameters**

- 14-15 (1) All individuals who inquire to the college about the support programs are eligible to receive information services.
- (2) Information services may be withdrawn when inquiries or use of services are reasonably deemed vexatious, abusive, or superfluous by the administrator or a support worker.
- (3) For purposes of section 285(3), the administrator may authorize any person who, in the administrator's opinion has sufficient knowledge to address an inquiry, to provide information services.

- (4) The administrator or a support worker may decline, suspend, limit, or terminate information services if they are reasonably satisfied that an inquiry, or set of inquiries, is frivolous, vexatious, or an abusive of process.

#### **14-16. Selecting a service provider for support services**

14-16 A recipient who is eligible for funding for support services may select one or more of the following in combination as service providers:

- (a) a regulated health professional 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 relevant trauma support, and
- (d) such other service providers authorized by the program parameters.

#### **14-17. Information to support funding for support services**

14-17 At any time before or after providing funding for support services under section 14-16 of these Bylaws, the administrator may require the following in a form satisfactory to the administrator:

- (a) confirmation that the service provider, if a regulated health practitioner, is licensed in good standing with their regulatory college 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 relationship described in section 292(1) of the Act, 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, and
- (f) any additional information required under the program parameters.

#### **14-18. Support services program parameters**

14-18 (1) An application for support services may only be made:

- (a) in conjunction 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) unless otherwise extended by the administrator, within six months after the date the regulatory complaint referred to in Bylaw 14-18(1)(a) , or its subject matter, has resulted in any of the following actions or outcomes:
    - (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; or
    - (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:
  - (c) a failure of an applicant to provide requested information or records without adequate reason;
  - (d) any misrepresentations by the applicant;
  - (e) or such other factors specified in program parameters or any applicable policy established under these Bylaws.
- (3) The administrator may decline, suspend or terminate support services
  - (a) in accordance with a determination respecting support services under section 286,
  - (b) in accordance with program parameters,
  - (c) where the administrator is satisfied an applicant has obtained support services through or as a result of omission, misrepresentation, or fraud, or
  - (d) 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 promptly 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 subsection (a),
  - (c) funding for support services for a recipient shall not exceed \$10,000.00, and is further subject to the aggregate maximum funding amount available to a recipient under Bylaw 14-20,
  - (d) 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,
  - (e) funding is not available for the following services or expenses:
    - (i) travel,

- (ii) medication, vitamins, or supplements, or
  - (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 was made, unless:
  - (i) the underlying regulatory complaint has not been the subject of any of the actions or outcomes in Bylaw 14-18(b);
  - (ii) the maximum amount of funding has not been expended; and
  - (iii) the Administrator determines to extend the period of funding; and
- (h) any additional terms, prohibitions, requirements, limits or conditions set out in any applicable program parameters or policy established under these Bylaws.
- (5) The registrar must establish a policy setting out the process and criteria for a funding extension under Bylaw 14-18(4)(g)(iii).

#### **14-19. Support worker program parameters**

- 14-19 (1) An application for assistance by a support worker may only be made:
- (a) in conjunction with or after a regulatory complaint that relates to the conduct with respect to which the assistance of the support worker is being sought has been submitted to the registrar, and
  - (b) unless otherwise extended by the administrator, within six months after the date the regulatory complaint referred to in Bylaw 14-19(a) , or its subject matter, has resulted in any of the following actions or outcomes:
    - (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; or
    - (iv) the conclusion of a Discipline Hearing.
- (2) In determining the eligibility of a person to receive assistance of a support worker, a support officer must consider the following factors:
- (a) a failure of an applicant to provide requested information or records without adequate reason,
  - (b) any misrepresentations by the applicant; or
  - (c) such other factors specified in program parameters or any applicable policy established under these Bylaws.
- (3) In addition to the grounds set out in section 299 of the Act, the administrator may decline, suspend or terminate assistance of a support worker:
- (a) in accordance with program parameters,
  - (b) where the administrator is satisfied an applicant has obtained assistance through or as a result of omission, misrepresentation, or fraud, or

- (c) 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) Subject to the program parameters and an order of the registrar, if any, the provision of assistance of a support worker is subject to the following terms, prohibitions, requirements, limits and conditions:
  - (a) funding for the assistant of a support worker for a recipient shall not exceed \$ 10,000.00, and is further subject to the aggregate maximum funding amount available to a recipient under Bylaw 14-20.
  - (b) the recipient agrees to promptly 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,
  - (c) 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 subsection (a),
  - (d) subject to a support worker completing an oversight complaint process under section 296(2)(b), assistance of a support worker shall terminate on the following date as applicable:
    - (i) the date on which the regulatory complaint is withdrawn or subject to a termination order,
    - (ii) three months from the date on which the deadline for filing an application for review with the Review Board expires in relation to a regulatory complaint which is dismissed or, in the event of an application for review to the Review Board, the date on which Review Board confirms the dismissal of the regulatory complaint,
    - (iii) three months from the date of on which the deadline for filing an application for review with the 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 Review Board, the date on which the Review Board confirms or varies the disposition, or
    - (iv) three months from the date on which a citation issued in relation to the regulatory complaint is dismissed or resolved by disciplinary order.
- (5) A support worker must, before making any recommendation or report under section 296(1) or (2) and prior to disclosing protected information for those purposes, obtain the written informed consent of the recipient of the support worker services in relation to proposed action under section 296(1) or (2) and to the proposed disclosure of protected information.



**14-20. Maximum Aggregate Funding**

14-20 The maximum aggregate funding available to a recipient under all support programs is \$10,000.00

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