

**Practitioner Staff Appeals Tribunal
Practice and Procedure Guidelines**

November 2008

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Introduction

The Practitioner Staff Appeals Tribunal is established under Section 45(1) of *The Regional Health Services Act* to hear appeals filed by practitioners regarding a decision of a board of a regional health authority or an affiliate made in relation to the following matters:

- (a) the appointment of the person to the practitioner staff or the reappointment, suspension or termination of appointment of the person;
- (b) the disciplining of the person as a member of the practitioner staff;
- (c) the granting of privileges to the person as a member of the practitioner staff, or the amending, suspending or revoking of privileges granted to the person

The Practitioner Staff Appeals Tribunal may:

- (a) confirm the decision of the board;
- (b) vary the decision of the board; or
- (c) quash the decision of the board and substitute its own decision for that of the board.

Pursuant to section 45(4) of *The Regional Health Services Act*, which provides that subject to the regulations of the Act the tribunal may determine its own procedures for the hearing of an appeal, the Tribunal has determined that the following practices and procedures guidelines are applicable to all such appeals.

The Practitioner Staff Appeals Tribunal Practice and Procedure Guidelines

Title

1 These guidelines may be cited as *The Practitioner Staff Appeals Tribunal Practice and Procedure Guidelines*.

Service and Filing of Documents

2(1) Service on the tribunal may be made by delivering to

The Registrar
Practitioner Staff Appeals Tribunal
c/o Capital and Regional Services Branch
Saskatchewan Ministry of Health
3475 Albert Street
Regina, SK S4S 6X6

(2) The appellant and the respondent must each provide to the tribunal written notice of their address of record for purposes of service or delivery of notices, documents and orders.

(3) If a party's address of record changes, the party must immediately file a notice of the change and deliver a copy of the notice of change to all other parties and the registrar.

(4) All communications with the tribunal are to be made to the attention of the registrar, unless otherwise ordered by the tribunal.

(5) When filing any documents with the registrar a party must deliver four (4) hole punched copies of each document, unless otherwise directed by the tribunal.

Disclosure of Documents

3(1) Each party is required to disclose to the other party, as soon as practicable, a list of documents in that party's possession or control relating to the matters in question in the appeal.

(2) Where a party has delivered a list of documents under section 3(1), that party is encouraged to allow the other party to inspect those documents respecting which there is no objection to production, during regular business hours and copy them at that other party's expense, or on request of the other party, deliver copies of any of the documents, if reproducible, on payment in advance of the costs of reproduction and delivery.

(3) The tribunal may, on application, order a party to disclose documents in relation to an appeal if a party satisfies the tribunal that disclosure is just and appropriate in the circumstances of the appeal.

(4) For greater certainty, nothing limits the tribunal's powers to order a party to produce or exchange documents or copies of documents to any other party at such time, under such conditions established by the tribunal.

Pre-hearing conferences

4(1) The tribunal may give written notice directing the parties or their representatives to attend one or more pre-hearing conferences for the purpose of considering any matter including:

- (a) identification of parties and other interested persons and the scope of their participation at the hearing;
- (b) issues relating to document disclosure;
- (c) process and timing for the exchange of documents and witness lists;
- (d) identification and simplification of issues;
- (e) identification of preliminary motions or applications;
- (f) procedural issues, including the dates by which any steps in the proceeding are to be taken, the estimated duration of the hearing and the date that the hearing will begin;
- (g) identification of facts or evidence that may be agreed upon;
- (h) identification of documents upon which each party intends to rely at the hearing;
- (i) issues regarding requirements for prior notice of expert opinion evidence at the hearing;
- (j) the possibility of settlement and whether the parties have an interest in participating in a settlement conference; and
- (k) any other matter that may assist in the just and most expeditious disposition of the proceeding.

(2) A pre-hearing conference may be held in person or by telephone or videoconference.

(3) The tribunal may direct the parties to file documents or submissions prior to the pre-hearing conference.

Withdrawing an appeal

5(1) An appellant may withdraw all or part of an appeal by serving written notice to the tribunal and the respondent.

(2) The notice should:

- (a) identify the proceeding to be withdrawn;
- (b) identify the parties to the proceeding;
- (c) state that the appellant wishes to withdraw all or part of the appeal; and
- (d) be signed by the appellant or representative.

Notice of hearing

6(1) Written notice of a hearing specifying the date, time and place of hearing will be given by the tribunal to the parties and other persons as required by the Act and the regulations and to such other persons as the tribunal considers necessary.

(2) The tribunal may include in a notice of hearing any other information or directions it considers necessary for the proper conduct of the hearing.

Adjournments

7(1) A request for adjournment must be made as early as practicable prior to the date set for the hearing.

(2) A request for adjournment should be made in writing, copied to all other parties and must include the following:

- (a) an indication of whether the other parties have been canvassed as to their position on the adjournment request, and if not, why not;
- (b) reasons for the request;
- (c) the amount of time needed for the adjournment; and
- (d) available replacement dates.

(3) In granting an adjournment the tribunal may impose conditions.

Evidence

8(1) The parties may file an agreed statement of facts, which will be determinative of those facts for purposes of the appeal.

(2) To reduce unnecessary duplication of legal authorities and other documents, the parties should endeavour to provide a joint book of documents and legal authorities to the tribunal, wherever possible.

(3) Any person tendering a document as evidence in a hearing must provide one copy for each panel member at the hearing and one copy for each party.

(4) Where an original document has been filed in evidence at a hearing, the tribunal may permit the original to be replaced by a copy.

(5) When a party presents written submissions at a hearing, the party must provide four (4) hole punched copies of the submission for the panel, and one copy for each other party.

Witnesses

9(1) A party may request the tribunal to issue a summons requiring a witness to attend a hearing or produce a document or thing by:

- (a) completing a summons in Form 1 or 2;
- (b) forwarding the complete summons to the tribunal for issuance; and
- (c) serving a copy of the issued summons on the witness.

(2) A party serving a summons upon a witness shall provide the witness reasonable estimated traveling costs.

(3) A person who is served with a summons to appear at a hearing by a party may apply to the tribunal in writing before the hearing, or in person at the hearing, for the summons to be set aside.

(4) The tribunal may set aside a summons issued by a party on any grounds it deems just, including but not limited to the following:

- (a) the evidence of the person is not relevant;
- (b) the evidence may be obtained through some other means;
- (c) the evidence is protected by solicitor-client privilege;
- (d) the person is not able to provide the evidence sought; or
- (e) the attendance of the person will be unduly inconvenient.

(5) Where the tribunal sets aside a summons to witness it may make any other order that the tribunal thinks is fair, including an order changing the date of the witness's appearance at the hearing.

Conduct of hearings

10(1) The tribunal may provide for the recording of all hearings before the tribunal by a qualified court reporter.

(2) If any party wishes to have a court reporter attend any application or preliminary matter prior to the hearing, the party requesting the recording may subject to an order of the tribunal arrange and pay for such reporting by a court reporter approved by the tribunal.

(3) The tribunal may order the parties to make written submissions on any issue and may give directions as to the form and timing of such written arguments.

Decisions

11 The tribunal may post a copy of its decision on the tribunal's website and may make copies available to the public on request.

FORMS

FORM 1

C A N A D A)
PROVINCE OF SASKATCHEWAN)
TO WIT:)

IN THE MATTER OF _____

SUMMONS AD TESTIFICANDUM

ELIZABETH THE SECOND BY THE GRACE OF GOD OF THE UNITED KINGDOM,
CANADA AND HER OTHER REALMS AND TERRITORIES QUEEN, HEAD OF THE
COMMONWEALTH, DEFENDER OF THE FAITH

TO: _____
(NAME)

(ADDRESS)

Greeting:

WE COMMAND YOU to attend before the Practitioner Staff Appeals Tribunal at _____
_____, Saskatchewan, on _____, the _____, day of _____
_____, _____, at the hour of _____ o'clock in the _____noon, and so from day to day
until the above hearing is completed, and in case the said hearing is adjourned to attend on the
date to which it is adjourned and so from day to day until such hearing is completed, to give
evidence on behalf of _____.

ISSUED at the City of _____, in the Province of Saskatchewan, this _____ day of _____
_____, _____.

_____(name of tribunal member)
Practitioner Staff Appeals Tribunal

FORM 2

C A N A D A)
PROVINCE OF SASKATCHEWAN)
TO WIT:)

IN THE MATTER OF _____

SUMMONS DUCES TECUM

ELIZABETH THE SECOND BY THE GRACE OF GOD OF THE UNITED KINGDOM,
CANADA AND HER OTHER REALMS AND TERRITORIES QUEEN, HEAD OF THE
COMMONWEALTH, DEFENDER OF THE FAITH

TO: _____
(NAME)

(ADDRESS)

Greeting:

We command you to attend before the Practitioner Staff Appeals Tribunal at _____, Saskatchewan on _____ day, the _____ day of _____, _____, at the hour of _____ o'clock in the _____ noon and so from day to day until the above hearing is completed and in case the said hearing is adjourned to attend on the date to which it is adjourned and so from day to day until such hearing is completed, to give evidence on behalf of _____, and also to bring with you and produce at the time and place aforesaid such documents that you may have in your possession.

ISSUED at the City of _____, in the Province of Saskatchewan, this _____ day of _____, _____.

(name of tribunal member)
Practitioner Staff Appeals Tribunal