

COMPLAINT PROCESS HANDBOOK



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Complaint Process under the Regulated Health Professions Act College of Paramedics of Manitoba

1.0 INTRODUCTION

As the primary role of the College is to serve and protect the public interest, Part 8 of the Regulated Health Professions Act (RHPA) is an integral part of this mandate. This handbook explains and serves as a guide to the conduct process. There are 3 parts to this document. Part One describes the key conduct roles and their associated mandate under the RHPA. Part Two illustrates the conduct process by means of a flow chart. Part Three provides a description of each step of the conduct process as illustrated in the flow chart.

Please note if there is a discrepancy between this document and the Regulated Health Professions Act (RHPA), the RHPA is the correct document.

While the College of Paramedics of Manitoba must adhere to the *Regulated Health Professions Act*, and the *College of Paramedics General Regulation*, it strives to regulate the practice of paramedicine by applying elements of "Right Touch Regulation", where possible. Right Touch Regulation has 8 elements at its core:

- Identify the problem before the solution
- Quantify and qualify the risks
- Get as close to the problem as possible
- Focus on the outcome
- Use regulation only when necessary
- Keep it simple
- Check for unintended consequences
- Review and respond to change

2.0 DEFINITIONS

Censure: an official reprimand. Usually published for the public to view.

Certificate of Practice: (formerly referred to as "license") Issued by the College to the Registrant who has satisfied the conditions of registration. A certificate of practice is **required** to practice paramedicine in Manitoba.

Complaint: An expression of discontent regarding **conduct**, specifically as it refers to the Standards and Regulations of Paramedicine. Standards include the Code of Ethics, Standards of Practice for Paramedic Profession, and Practice Directions/Expectations.

Complaints are received:

- In writing from the Complainant
- In the form of information that comes to the attention of the Registrar

Complainant: The individual making the complaint

Complaints Investigation Committee (CIC): A committee required to be established by the Council. It is responsible for investigating complaints, and when it considers it appropriate, attempts to resolve them informally.



Conduct: Refers to personal behavior and includes omissions

With regards to the College, it includes:

- Professional misconduct.
- Contravention of the RHPA, By-law, Standard of Practice for Paramedic Profession, Practice Direction, or Code of Ethics.
- Guilty of an offence that is relevant to suitability to practice.
- Displaying a lack of knowledge, skill, or judgement in the practice of Paramedicine.
- Demonstrating an incapacity or unfitness to practice.
- Suffering from an ailment that might be a danger to the public if practice is continued.
- Suffering from an ailment, emotional disturbance or addiction that impairs the ability to practice.
- Conduct unbecoming of a registrant.

Informal Resolution: Is a way to resolve a complaint, without an investigation.

Facilitated dialogue between parties. The informal resolution processes can be effective but requires the willingness of both the parties to participate. It is also reserved for more minor differences.

Inquiry Committee: A committee required to be appointed by the Council. It is responsible for holding hearings on matters referred to it by the CIC and making disciplinary decisions about the conduct of the investigated registrant.

Investigated Registrant: (also referred to as a Respondent) A registrant or former registrant of the College who is the subject of a complaint.

Investigator: A person appointed by the CIC to investigate a complaint in a fair and unbiased manner.

Mediation: A structured, interactive process where an impartial third-party assists disputing parties in resolving conflict through the use of specialized communication and negotiation techniques.

Trivial complaint: A complaint that raises issues that are unimportant, petty or insignificant.

Undertaking: A task or responsibility that the registrant must agree to fulfill, as directed by CIC

Vexatious complaint: A complaint instituted without sufficient grounds and serving only to cause annoyance to the respondent. A vexatious complaint is one commenced for an improper purpose, such as to harass, embarrass or annoy. A complaint will also be vexatious if it is duplicative of a pending complaint, or if it seeks to re-raise an issue that has already been determined.



PART ONE - COMPLAINT PROCESS BY ROLES

This section outlines the key activities by roles, that are described in s.8 of the RHPA. The description is not chronological and refers to many different sections of the conduct process. Not all activities may occur depending on decisions made throughout the process.

COMPLAINTS

A complaint may be made by any person and must be made in writing to the Registrar. The Registrar may also become aware of concerning behavior of a registrant/former registrant and may treat that information as a complaint. *RHPA s. 90(2), 90(3)*

REGISTRAR

The Registrar may take the following actions in respect of a complaint:

- **Determines** if it fits the definition of a complaint, is neither trivial or vexatious, and there is sufficient evidence that a finding can be made under the RHPA. *RHPA s. 90(3), 91(2)(c)*
- **Notifies** the Complainant of the action taken within 30 days of receiving the complaint. *RHPA s. 91(1)*
- **Notifies**, if dismissed, the Complainant of the right to have the decision reviewed by the CIC. *RHPA s. 92(1)*
- **Notifies** the Investigated Registrant there is a complaint received.

The registrar may make the following actions:

- **Encourage** the Complainant and investigated member to communicate and resolve the complaint if judged to be very minor and not a compromise of the Code of Ethics nor Standards of Practice for Paramedic profession nor a violation of a practice direction. This is one form of Informal Resolution. *RHPA s 91(2)(a)*
- **Dismiss** the complaint as trivial or vexatious, or because there is insufficient evidence of conduct violation (see definition of Conduct). *RHPA s. 91(2)(c)*
- **Refer** the complaint to the Complaints Investigation Committee. *RHPA s. 91(2)(b)*

If an investigation is to be conducted:

- **Informs** the Complainant that an investigator has been appointed. *RHPA s. 97(1)(a)*
- **Informs**, unless it would significantly harm the investigation, the Investigated Member of the name of the Investigator and reasonable particulars of the complaint. *RHPA s. 97(1)(b)*

If referred to Inquiry Committee and a hearing is to occur:

- **Notifies**, at least 30 days before the hearing begins, the Investigated Member and Complainant of the date, time and place of a hearing, and identifying in general terms the complaint or matter about which the hearing will be held. *RHPA s 116(4)*
- **Issues** a public Notice of Hearing in any manner considered appropriate but does not include the investigated member's name. *RHPA s. 116(5)*
- **Receives** from the Hearing Panel, a written decision, the record of proceedings, all exhibits and documents of a hearing. *RHPA s. 128(2)*
- **Provides** a copy of the Hearing Panel decision to the Investigated Member and the Complainant. *RHPA s. 128(3)*



- **Receives** from the Investigated Member a copy of the notice of appeal of the Hearing Panel decision to the Court of Appeal. *RHPA s. 131(2)*

COMPLAINTS INVESTIGATION COMMITTEE

(may work as a whole or form Panels of three or more CIC members)

Receives a **complaint** from the Registrar *RHPA s. 91(2)(b)*:

- May try to **resolve** the complaint by Informal Resolution. *RHPA s. 95*. Informal Resolution may be in the form of facilitated dialogue, a letter of acknowledgement sent to the complainant, a letter of guidance issued to the respondent, requesting the respondent to review specific documents etc.
- **Appoints** an Investigator *RHPA s. 96(1)*
- **Receives** the Investigator's report *RHPA s. 101(1)*
- **Provides** a copy of the investigator's report to the Investigated Member *RHPA s. 101(2)*
- **Informs** the Investigated Member of the right to make a written submission to the CIC *RHPA s. 101(2)*
- **Provides** the Investigated member and Complainant a copy of the CIC decision and the reasons for the decision. *RHPA s. 102(3)*

May make one or more of the following decisions *RHPA s. 102 (1)(a-g)*:

- **Refer** the complaint to the Inquiry Committee
- **Direct** no further action be taken
- **Refer** the complaint to **mediation**
- **Censure** the Investigated Member if the Investigated Member agrees to the censure or if no other action is to be taken other than the censure (*see RHPA 104(1-4) for additional information*)
- **Accept** the voluntary surrender of the Investigated Member's registration or certificate of practice (*see RHPA 105(1-4) for additional information*)
- **Accept** an undertaking provided it includes assessment of fitness to practice, counselling or treatment, monitoring or supervision of practice, completion of a course of study, conditions on the certificate of practice including conditions of reinstatement.
- **Taking** any other action, it considers appropriate

Receives a request for **review** of Registrar's decision to dismiss a complaint *RHPA s. 92(1)*:

- Gives the Investigated Member the opportunity to make written submission
- Gives the Complainant the opportunity to make written submission

After reviewing the decision to dismiss, the CIC may *RHPA s. 92(5)*:

- Confirm the decision
- Reverse the dismissal and attempt informal resolution or appoint an investigator

INVESTIGATOR

Receives the complaint and may exercise the following powers *RHPA s. 99(1)(a-f)*:



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- Enter and inspect any premises or place where the Investigated Member practices or has practiced
- Inspect, observe, or audit the Investigated Member's practice
- Examine any equipment, materials, or any things used by the Investigated Member
- Require the Investigated Member to respond to the complaint in writing
- Require any person to answer any question or provide information that is relevant to the investigation
- Require any person to give any record, substance or thing that is relevant to the investigation
- Provides a report to the CIC

Cooperation with the Investigator:

Please see RHPA 100(1-5) for specific information regarding consequences of non-cooperation with an Investigator

COMPLAINANT

Submits a complaint in writing to the Registrar. *RHPA s. 90(2)*

Receives the Registrar's decision of the action taken (within 30 days of Registrar receiving the complaint). *RHPA s. 91(1)*

Receives the information about the right to have the decision to dismiss reviewed by the CIC. *RHPA s. 92(1)*

Submits a written request to the Registrar for the CIC to review the registrar's decision to dismiss (within 30 days of receiving the notice of dismissal) and includes reasons for the request. *RHPA s. 92(2)*

Receives a request from the CIC for a written submission pertaining to request to review registrar's decision to dismiss. *RHPA s. 92(4)*

Receives the decision of the CIC in regard to the review of the dismissal by the Registrar *RHPA s. 92(5)*

Receives notice that CIC has ordered an investigation and the name of the Investigator. Will be interviewed by the investigator.

Receives the decision of the CIC and the reason for that decision. *RHPA s. 102(3)*

Submits a written request to the Registrar for the Council to review the CIC's decision (within 30 days of receiving the decision), if pertains to a finding in 102(1) (b), (f), or (g), and includes reasons for the request. *RHPA s. 108(1)*

Submits a written submission to the Appeal Panel. *RHPA s. 108(2)*

Receives the decision of the Appeal Panel. *RHPA s. 109(2)*

Receives in writing, a notice from the Registrar of the date of a hearing if the hearing does not take place within 120 days of receipt of the complaint by the Inquiry Committee. *RHPA s. 116(3)*

Receives from the Registrar, at least 30 days before the hearing begins, notice of date, time and place of a hearing, and identifying in general terms the complaint or matter about which the hearing will be held. *RHPA s. 116(4)*

Receives from the Registrar a copy of the Hearing Panel decision. *RHPA s. 128(3)*



INVESTIGATED MEMBER

Receives notice from the Registrar of receipt of a complaint and is asked to provide a response

Receives notice of the Registrar's decision. *RHPA s. 91(1)*

If an investigation is to be conducted:

Receives from the Registrar, unless it would significantly harm the investigation, the name of the Investigator and reasonable particulars of the complaint. *RHPA s. 97(1)(b)*

Participates in interviews with the investigator as required and cooperates with any information requests by the investigator.

Receives from the CIC a copy of the investigator's report. *RHPA s. 101(2)*

Informed by the CIC of the right to make a written submission to the CIC under *RHPA s. 101(2)*

Receives from the CIC a copy of the CIC decision and the reasons for the decision (see RHPA 102 for decision options for the CIC). *RHPA s. 102(3)*

If the CIC directs the Registrar to suspend or place conditions on the registration or certificate of practice:

Receives notice of decision to suspend and/or conditions placed on the registration or certificate of practice and the reasons for that decision. *RHPA s. 110(2)*

Submits a written request to the Registrar to appeal to the Council, the CIC's decision to suspend and/or place conditions on the certificate of practice and includes reasons for the request. *RHPA s. 110(3)*

Receives notice of date of appeal panel hearing (no later than 30 days following receipt of appeal request from the Registrar). *RHPA s. 110(4)*

Receives notice that they may appear and be represented by council at the appeal panel hearing before the Council. *RHPA 110(5)*

Serves an application to the Registrar to appeal to the Court and stay the decision of the Council related to a suspension or conditions on a certificate of practice (see *RHPA 110(7-8)*)

If CIC refers the complaint to IC:

Receives from the Registrar, at least 30 days before the inquiry hearing begins, notice of date, time and place of a hearing, and identifying in general terms the complaint or matter about which the hearing will be held. *RHPA s. 116(4)*

If the hearing is open to the public:

Request by making an order that the hearing or any part of it be held in private, and the complainant, investigated member or witnesses be identified by initials only. *RHPA s. 122(2)(a,b)*

The IC Hearing:

Receives notice may make a submission about the aspects of the matter (finding of Professional Misconduct) to the IC Hearing Panel. *RHPA s. 125(2)*

Submits, or has Council representing them submit, a written or oral submission addressing the finding of Professional Misconduct. *RHPA s. 125(3)*

Receives from the Registrar a copy of the Hearing Panel decision. *RHPA s. 128(3)*

Submits a written notice of appeal regarding the Hearing Panel's decision, to the Court of Appeal within 30 days after the decision of the panel is given. A copy must promptly be given to the



Registrar. The notice of appeal must be based on the record of proceedings before the Hearing Panel, the decision of the Hearing Panel, and the reasons for the decision. *RHPA s. (131)(2)(3)*

APPEAL PANEL

Appointed by the Council in response to an appeal of a CIC decision (A decision or action by the panel is a decision or action by the Council). *RHPA s. 108(3)(4)*

Provides an opportunity to Complainant and Investigated member to provide written submissions. *RHPA s. 109(3)*

Provides Investigated member and complainant written notice of the panel's decision and reasons for it. *RHPA 109(2)*

On an appeal the Panel must *RHPA s. 109(1)*:

- ***Dismiss*** the appeal
- ***Make any decision*** it feels ought to have been made by the CIC
- ***Refer*** the matter back to the CIC for further investigation or consideration in accordance with any direction the panel may give.

INQUIRY COMMITTEE

The Inquiry Committee:

Receives referral of a complaint, in whole or in part, from the CIC. *RHPA s. 102(1)(a)*

Receives notice from the CIC of non-compliance with an undertaking or condition of an undertaking, of the Investigated Member including the information regarding the conduct or complaint that was the subject of the investigation. *RHPA s. 111*

Selects a Hearing Panel from among its members. *RHPA s. 115(2)*

Determines a date for the hearing (must be within 120 days from the time the complaint was referred unless the Investigated Member consents in writing to a later date). *RHPA s. 116(1)(2)*

For more information about the Hearing Process please refer to the RHPA s.116-123

Before making an Order against a member deemed guilty of professional misconduct, the Panel must *RHPA s. 125(2)(3)*:

- ***Give*** the Investigated member an opportunity to make a submission about the aspects of the matter
- ***Allow*** written or oral response and may be made by the Counsel acting on behalf of the Investigated member

The Panel may make the following decision:

- No further action be taken against the Investigated Member. *RHPA s. 124(1)*

The Panel may make one or more of the following findings about the conduct of an Investigated Member *RHPA s. 124(2)(a-h)*:

- ***Guilty*** of professional misconduct
- Has ***contravened*** the RHPA or a regulation, by-law, standard of practice or code of ethics
- Has been found ***guilty*** of an offence that is relevant to suitability to practice
- ***Displayed*** a lack of knowledge, skill or judgement in the practice of Paramedicine



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- ***Demonstrated*** an incapacity or unfitness to practice
- ***Is suffering*** from an ailment that might be a danger to the public if practice is continued
- ***Is suffering*** from an ailment, emotional disturbance or addiction that impairs the ability to practice
- Is ***guilty*** of conduct unbecoming a member

Orders a Hearing Panel can make *RHPA 126(1) (a-i)*:

- ***Reprimand*** the Investigated Member
- ***Suspend*** the Investigated Member's certificate of practice for a stated period
- ***Suspend*** or restrict the Investigated Member's registration or certificate of practice until they have:
 - ***Complete*** a specified course of studies
 - ***Complete*** supervised practical experience under a restricted certificate of practice issued for that purpose
 - ***Comply*** with the above requirements

To the satisfaction of a person or committee specified by the Panel

Suspend the Investigated Member's registration or certificate of practice until a person or committee specified by the Panel is satisfied that the ailment, emotional disturbance, or addiction no longer impairs the ability to practice

Accepting, in the place of a suspension, the Investigated Member's undertaking to limit their practice

Imposing conditions on the Investigated Member's right to practice including conditions that:

- Limit practice
- Practice under supervision
- Permit periodic inspections or audits of practice including audits of practice records
- Report on specific matters to a person or committee specified by the Panel
- Not engage in sole practice

Requiring the Investigated Member to take counseling or receive treatments

Directing the Investigated Member to repay money where payment was, in the Panel's opinion, unjustified for any reason

Cancelling the Investigated Member's registration or certificate of practice

Note: The Hearing Panel, to assist in making an order, may consider any censure or order previously issued to the Investigated Member, and the circumstances under which it was issued.

Costs and Fine the Hearing Panel can impose:

Please see RHPA s126-127 for more details on fines and costs

Provides Notice of The Decision of the Hearing Panel *RHPA s 128(1)(2)*:

The Hearing Panel must make, in writing, a decision consisting of its findings, any order made, and the reasons for the decisions, within 90 days after the hearing is concluded. This written decision, the record of proceedings, all exhibits and documents is promptly forwarded to the Registrar. ***For information regarding access to transcripts, please see RHPA 128(4-5)***



Note: for information regarding what information is allowed to be made public (published), please see RHPA s.129-130

COURT OF APPEAL

Receives a notice of appeal of the Hearing Panel's decision from the Investigated Member. *RHPA s. 131(1)*

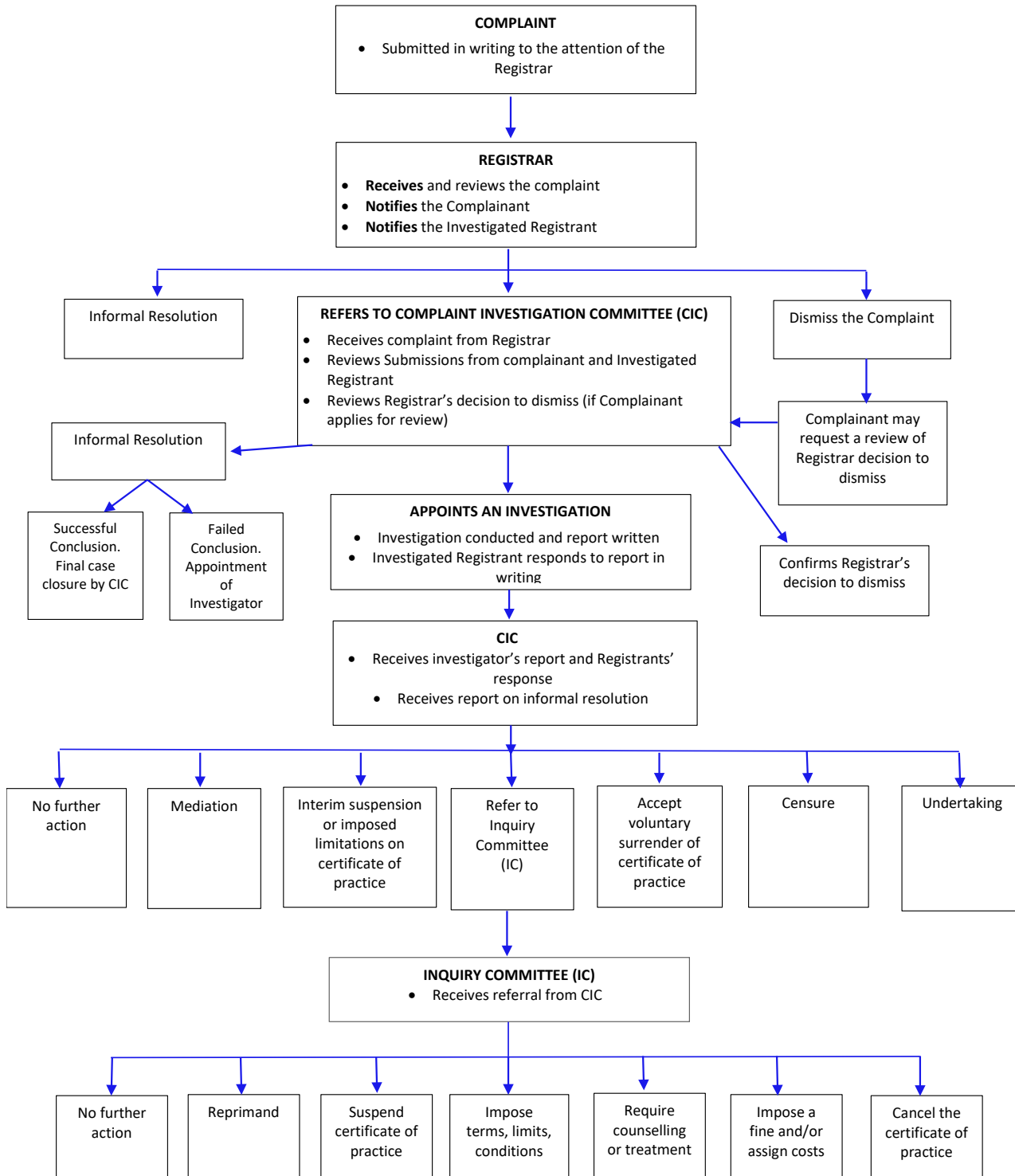
Upon hearing the appeal, the Court may *RHPA s. 132(1)*:

- Dismiss the appeal
- Make any finding or order that in its opinion ought to have been made
- Refer the matter back to the Hearing Panel for further consideration in accordance with any direction of the Court of Appeal

May stay the Hearing Panel decision or order pending the appeal. *RHPA s. 132(2)*



PART 2. Complaint Process Flow Chart





PART 3 - Complaint Process (Narrative Explanation to Flow Chart)

Complaint: A complaint may be made by any person and must be made in writing to the Registrar. The Registrar may also become aware of concerning behavior of a registrant/former registrant and may treat that information as a complaint. *RHPA s. 90(2), 90(3)*

Registrar: Once a complaint is received, the Registrar will determine if the definition of a complaint has been met; if the complaint received is trivial or vexatious, and if there is a strong likelihood that there will be sufficient evidence that a finding can be made under the RHPA.

If the complaint is determined to be valid, the Registrar will notify the Complainant that the complaint has been received and notify the Respondent that s/he is the subject of a complaint.

The Respondent will be asked to provide a written response to the complaint. The response will be shared with the Complainant unless there are compelling reasons not to do so.

After receiving and reviewing the Respondent's response, the registrar must choose from the following options:

- Offer the Complainant and the Respondent the option of informal resolution (used infrequently).
- Dismiss the complaint if the Registrar is satisfied it is trivial or vexatious.
- Refer the complaint to the Complaints Investigation Committee (CIC). In some circumstances, if the complaint is clearly one by which a finding under section 124(2) can be made, the Registrar may immediately refer the complaint to the CIC.

If informal resolution is chosen, the Registrar (or delegate) will facilitate this process. The informal resolution will be documented on the Respondent's profile but will not appear on the "find a paramedic" function of the website.

If the complaint is deemed to be trivial or vexatious, the Registrar will dismiss the complaint. The Complainant and Respondent shall be notified and there will be no record of the complaint on the Respondent's profile.

If the Registrar dismisses the complaint, the Complainant may request a review of the decision by the CIC. This request for review must be made in writing to the registrar and include the reasons for the request.

Complaints Investigation Committee (CIC): If a complaint is referred to the Complaints Investigation Committee, the Committee must choose from the following options:

- Attempt to resolve the complaint by informal resolution.
- Assign an investigator.

If the Registrar has made the decision to dismiss the complaint, the Complainant may submit to the Registrar an application to review this decision. The Registrar must forward the application to the CIC. The CIC may support the decision of the Registrar to dismiss the complaint or may attempt to resolve it through an informal resolution process or assign an investigator.

Investigator: An appointed investigator may, for the purposes of the investigation:

- Enter and inspect any premises or place where the Respondent practices or has practiced.
- Inspect, observe or audit the Respondent's practice.
- Examine any equipment, materials or any other thing used by the Respondent.
- Require the Respondent to respond to the complaint in writing.
- Require any person to answer any questions, or provide any information that the investigator considers relevant; and



- Require any person to give the investigator any record, substance, or thing the investigator considers relevant.

The Respondent is usually required to produce relevant records. The Investigator has the power to compel the member to produce documents/records.

The Chair(s) of the CIC may issue an immediate interim suspension or restrict a Respondent's certificate of practice if a serious risk to public safety exists. Where this occurs, the notice will be made public, but the reasons will not be made public. The Respondent may appeal this decision to the Council of the College of Paramedics of Manitoba. The investigation continues after a decision to suspend or restrict a certificate of practice.

As part of the investigation, the investigator may require the Respondent to attend an interview. The Respondent may bring legal counsel to this meeting.

The investigator will produce a report of their findings and provide a copy to the respondent and advise the respondent of the right to make a written submission.

Following an investigation, the CIC will receive and review the investigator's report and the written response from the Respondent and may choose from the following options:

- Direct that the matter be referred to the Inquiry Committee (IC) for a hearing. Referrals to the Inquiry Committee will occur in the more serious cases or in circumstances which cannot be resolved by the following steps:
- Direct that no further action be taken.
- Refer the complaint to mediation if both parties agree.
- Censure the Respondent.
- Accept the voluntary surrender of the Respondent's certificate of practice.
- Accept an undertaking from the Respondent to provide for one or more of the following:
 - a) An assessment of the Respondent's capacity/fitness to practice
 - b) Counseling and/or treatment
 - c) Monitoring and /or supervision of the Respondent's practice
 - d) Remedial studies/training
 - e) Placing conditions on the Respondent's certificate of practice
- Take any other action that the CIC deems appropriate.

If the Complainant is dissatisfied with the decision of the CIC, they have the option to ask to have the matter reviewed by the Council of the College of Paramedics. (This only applies to options b, f and g above) To do so, the Complainant must give the Registrar a written notice of appeal within 30 days after receiving the notice of the Committee's decision. This option does not apply where the CIC has referred the matter to the Inquiry Committee, accepted the voluntary surrender of the Respondent's certificate of practice, or censured the Respondent.

The Respondent does not have the right to appeal a decision of CIC (a through g above). Interim suspensions, censures, voluntary surrenders of certificates of practice, and undertakings are reflected on a Respondent's profile and may be available to the public through the "find a paramedic" function on the website.

If a referral is made to the Inquiry Committee, the registrant will receive formal charges set out in a Notice of Hearing.



Inquiry Committee: The Inquiry Committee is a separate committee from CIC.

The Inquiry Committee will:

- Receive the formal charges against the Respondent as set out in the Notice of Hearing.
- Conduct a hearing of matters referred to it by the CIC. (Hearings are open to the public.)
- The Respondent may be represented by a lawyer and may examine and cross-examine witnesses.

At the conclusion of the hearing, the IC may consider the following findings:

- Guilty of professional misconduct.
- Contravention of the RHPA or Regulation, By-laws, Standard of Practice or Practice Directions or the Code of Ethics.
- Guilty of an offence that is relevant to the Respondent's suitability to practice paramedicine.
- The Respondent has displayed a lack of knowledge or a lack of skill or judgment in the practice of paramedicine.
- The Respondent has demonstrated an incapacity or unfitness to practice paramedicine.
- The Respondent is suffering from an ailment, emotional disturbance or addiction that impairs their ability to practice paramedicine.
- The Respondent is guilty of conduct unbecoming a registrant.

The Inquiry Committee may choose from the following orders:

- Determine there will be no further action.
- Reprimand the Respondent.
- Suspend the Respondent's certificate of practice.
- Impose conditions on the Respondent's right to practice.
- Require remediation and/or treatment.
- Cancel the Respondent's registration.
- Order the Respondent to pay a fine and/or
- Order costs against the registrant for the investigation and hearing

Before making an Order against a Respondent deemed guilty of professional misconduct, the panel must give the Respondent an opportunity to make a written or oral submission to it about any aspect of the matter.

The Inquiry Panel's decision and reasons are made public. Adverse findings are recorded on the Respondent's profile and available to the public through the "Find a Paramedic" function on the CPMB website. The Respondent or the College may appeal the decision of the Inquiry Committee to the Manitoba Court of Appeal.