

BOARD OF DIRECTORS

POLICY: Board Hearing

Number: 1-037

Developed by: Chief of Staff	Review or Revision by: Chief of Staff
Approval Date: Initial: October 29, 2019	Review or Revision Date: Every Three Years
Approved by: MAC Board of Directors	Signature(s) _____

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*By-Law indicated in italics

Policy

As per the GGH By-Law Section 16.6:

Board Hearing

“(a) A hearing by the Board of Directors shall be held when one of the following occurs:

- i) the Medical Advisory Committee recommends to the Board of Directors that a Professional Staff application for appointment, reappointment or requested privileges not be granted and the applicant requests a hearing in accordance with the Public Hospitals Act; or*
- ii) the Medical Advisory Committee makes a recommendation to the Board of Directors that the privileges of a member of the Professional Staff be restricted, suspended or revoked or an appointment be revoked and the member requests a hearing.”*

Process

1. The Board of Directors will name a place, date and time for the hearing and will choose sitting Board members to participate in the Hearing based on their interest and availability for all components of the Hearing. Members of the Board who have been exposed to the case in other contexts will be denied a voting position at the Hearing.
2. In the case of immediate suspension or revocation of privileges, the Board hearing shall be held within seven (7) business days of the date the applicant or member's request the hearing under GGH By-Law 2019 s.16.6(a). In the case of non-immediate suspension or revocation of privileges, subject to paragraph 3 below the Board hearing will be held as soon as practicable but not later than twenty-eight (28) business days after the Board of Directors receives the written notice from the member or applicant requesting the hearing.
3. The Board of Directors may extend the time for the hearing date if it is considered appropriate.
4. The Board of Directors will give written notice of the hearing to the applicant or member and to the Medical Advisory Committee at least five (5) business days before the hearing date.
5. The notice of the Board hearing will include:
 - a) the place, date and time of the hearing;
 - b) the purpose of the hearing;
 - c) a statement that the applicant or Professional Staff member and Medical Advisory Committee will be afforded an opportunity to examine prior to the hearing, any written or documentary evidence that will be produced, or any reports the contents of which will be given in evidence at the hearing;
 - d) a statement that the applicant or member may proceed in person or be represented by counsel, call witnesses and tender documents in evidence in support of his or her case;
 - e) a statement that the time for the hearing may be extended by the Board of Directors on the application of any party; and
 - f) a statement that if the applicant or member does not attend the meeting, the Board of Directors may proceed in the absence of the applicant or member, and the applicant or member will not be entitled to any further notice in the hearing.
6. The parties to the Board hearing are the applicant or member, the Medical Advisory Committee and such other persons as the Board may specify.

7. The applicant or member requesting a hearing and the Medical Advisory Committee shall be afforded an opportunity to examine, prior to the hearing, any written or documentary evidence that will be produced, or any reports the contents of which will be used in evidence at least 48 hours prior to such hearing.
8. *“Members of the Board holding the hearing will not have taken part in any investigation or consideration of the subject matter of the hearing and will not communicate directly or indirectly in relation to the subject matter of the hearing with any person or with any party or their representative, except upon notice to and an opportunity for all parties to participate. Despite the foregoing, the Board may obtain legal advice.”*
9. *“The findings of fact of the Board pursuant to a hearing will be based exclusively on evidence admissible or matters that may be noticed under the Statutory Powers Procedure Act.”*
10. *“No member of the Board of Directors will participate in a decision of the Board pursuant to a hearing unless they are present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board will be given unless all members so present participate in the decision.”*
11. *“The Board shall make a decision to follow, amend or not follow the recommendation of the Medical Advisory Committee. The Board of Directors, in determining whether to make any appointment or reappointment to the Professional Staff or approve any request for a change in privileges shall take into account the recommendation of the Medical Advisory Committee and such other considerations it, in its discretion, considers relevant including, but not limited to, the considerations set out in GGH By-Law 2019 s.13.2, s.13.5 and s.13.6 respectively.”*
12. *“A written copy of the decision of the Board of Directors will be provided to the applicant or member and to the Medical Advisory Committee.”*
13. *“Service of a notice to the parties may be made personally or by registered mail addressed to the person to be served at their last known address and, where notice is served by registered mail, it will be deemed that the notice was served on the third (3rd) day after the day of mailing unless the person to be served establishes that they did not, acting in good faith, through absence, accident, illness or other causes beyond their control, receive it until a later date.”*