



APPLICATION APPEALS PROCESS

The Nova Scotia College of Dispensing Opticians fulfills its mandate by ensuring new applicants for registration meet certain standards for entry to practice in Nova Scotia. That the decision to register an applicant is made in the interest of the public and to safeguard registration practices are transparent, impartial, and procedurally fair. This procedure is consistent with the requirements outlined in the Dispensing Opticians Act and in keeping with the Fair Registration Practices Act.

Appeal of refusal

10 (1) The Registrar shall give to an applicant who is refused registration, or a licence written reasons for the refusal and the applicant may, by written notice, appeal that decision to a registration committee to be appointed by the Board and composed of such members as determined by the Board.

(2) The registration committee, upon receipt of an appeal pursuant to subsection (1), shall

(a) set a date for the hearing of the appeal, which is not later than sixty days following receipt of the written notice of appeal; 2005, c. 39 dispensing opticians 9 SEPTEMBER 10, 2013

(b) serve written notice of the date, time, and place for the hearing of the appeal upon the applicant and the Registrar; and

(c) advise the appellant of the right to

(i) be represented by legal counsel at the expense of the appellant,

(ii) disclosure of any information provided to the registration committee, and

(iii) a reasonable opportunity to present a response and make submissions.

(3) Evidence is not admissible before the registration committee unless, at least ten days before the appeal, the opposing party has been given

(a) in the case of written or documentary evidence, an opportunity to examine the evidence;

(b) in the case of evidence of an expert, a copy of the expert's written report or, where there is no written report, a written summary of the evidence; and

(c) in the case of evidence of any other witness, the identity of the witness.

(4) Notwithstanding subsection (3), the registration committee may, in its discretion, allow the introduction of evidence that is otherwise inadmissible under subsection (3) and make directions it considers necessary to ensure that a party is not prejudiced.

(5) The registration committee shall set the procedure for the hearing of the appeal, which procedure must not be in conflict with this Act.

(6) The registration committee, in accordance with the information it receives, when hearing an appeal, may make any determination that, in its opinion, ought to have been made by the Registrar.

(7) The registration committee shall give its decision in writing and shall send to the applicant a copy of the written decision by registered mail or personal service.

(8) The decision of the registration committee is final. 2005, c. 39,