

SCHEDULE "K"

**Tariff of Costs in relation to a Discipline Committee Hearing
pursuant to the *Health Professions Act*,
chapter 183 R.S.B.C. 1996, as amended**

*Section 19(1) (1.4): A board may, by bylaw for its college, do the following:
Establish a tariff of costs to partially indemnify parties for their expenses incurred in the
preparations for and conduct of hearings under sections 38 and 39, other than for investigations
under section 33.*

*Section 19(1)(1.4) A tariff costs under subsection (1)(w.1) must not provide for the recovery of
the remuneration paid to members of the discipline committee.*

Interpretation

1. In this Tariff

“Act” means the Health Profession Act, *Health Professions Act*, chapter 183 R.S.B.C. 1996, as amended

“Assessment” means a determination and an award by the Discipline Committee of appropriate costs in consideration of the relevant matters in this Tariff and any other circumstances it considers are relevant to a fair determination;

“Bill of Costs” means an itemized statement, based upon this Tariff, of costs incurred in and for the preparation and conduct of a hearing before the Discipline Committee;

“Discipline Committee” means the Discipline Committee of the College and any duly constituted Panel thereof;

“Process” means drawing, amending, filing, serving or delivering a document;

“Special Costs” means costs awarded against a party arising from serious misconduct of that party in the face of the Discipline Committee.

Powers to make Orders for Costs

2. (1) The Discipline Committee may, pursuant to Section 19 (1)(w.1) of the Act and this bylaw, after completion of a Discipline Hearing and taking action under section 39 of the Act, award costs and assess costs.
- (2) If the Discipline Committee dismisses the matter under subsection 39(2) of the Act on the basis that matter was without merit it may award costs to the Respondent against the College based on this Tariff.
- (3) If the Discipline Committee acts under subsection 39(2) of the Act it may award costs to the College against the Respondent.
- (4) The Discipline Committee may award special costs in those circumstances which, after hearing from the parties, it find warrant such an order.

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Scale of Costs

3. (1) Where the Discipline Committee has made an Order for Costs, it may fix the scale under which the costs will be assessed, and the amount of reasonable disbursements and in the event of an assessment the number of applicable units in any item.
 - (2) The Discipline Committee may order that one or more items in the Tariff may be assessed under a different scale.
 - (3) In fixing the scale of costs the Discipline Committee may fix costs using one or more of the following scales:
 - (a) Scale 1 - for matters of less than ordinary difficulty or complexity
 - (b) Scale 2 - for matters of ordinary difficulty or complexity
 - (c) Scale 3 - for matters of more than ordinary difficulty or complexity
4. Where an Order of Costs has been made but no scale has been fixed or agreed then the costs shall be on Scale 2.
5. The Discipline Committee, in determining the number of units to allow or order, shall value the units on a continuum with the minimum number reflecting a matter for which little time would ordinarily be required and the maximum number for matters for which a great amount of time would ordinarily be required.

Offers to Settle Bill of Costs

6. (1) A party to an assessment of costs may deliver in writing an offer to settle costs, and in the event that offer is not accepted and the matter is assessed, and after the assessment is completed, may produce the offer to the Discipline Committee which shall determine whether, in all of the circumstances, the offer should have been accepted and may
 - (a) allow or disallow items of the Tariff which relate to the assessment of the party that made the offer to settle costs; or
 - (b) allow, by way of set off, items of the Tariff which relate to the assessment of the party that made the offer to settle costs; or

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- (c) allow double the value of items of the Tariff which relate to the assessment of the party that made the offer to settle costs.

Value of Units

7. The value for each unit allowed on an assessment is as follows:

- (a) Scale 1 - \$ 75.00 for each unit
- (b) Scale 2 - \$120.00 for each unit
- (c) Scale 3 - \$ 150.00 for each unit

8. An award of costs against a respondent is a debt owed to the College for the purposes of bylaw 53(3)(g).

TARIFF OF COSTS FOR DISCIPLINE HEARINGS		
Item	Description	Units
1	Preparation of citation and notice of hearing and review of all documents related thereto	Min.1 Max.10
2	Preparation of statement of evidence or statement of particulars	Min.1 Max.10
3	Preparation of documents for disclosure	Min.1 Max.10
4	Disclosure and delivery of documents	Min. 1 Max. 10
5	Process of making admissions of fact	Min.1 Max. 10
6	Preparation for hearing, for each day of hearing	Min. 1 Max 10

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Item	Description	Units
7	Attendance at hearing or of an issue in a hearing for each full day	Min. 1 Max. 10
8	Attendance at hearing for part of day	Min. 1 Max.5
9	Attendance to set down date for hearing	Min. 1 Max. 5
10	Preparation of written argument or submissions	Min. 1 Max. 10
11	Preparation for attendance at pre-hearing or settlement conference	Min.1 Max. 10
12	Preparation for "sentencing hearing"	Min.1 Max. 10
13	Attendance at "sentencing hearing"	Min.1 Max. 10
14	Preparation for assessment as to costs	Min.1 Max. 10
15	Attendance before the Discipline Committee to assess costs, for each day	Min. 1 Max. 10
16	Correspondence, instructions, conferences or negotiations related to the hearing, whether before or after commencement of the hearing for which provision is not made elsewhere in this tariff	Min. 1 Max. 20

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Item	Description	Units
17	All process for which provision is not made in this Tariff	Min. 1 Max. 10
18	For any matter not referred to in this Tariff	Min. 1 Max. 10
19	Disbursements for copying, courier, parking, postage, document production, expert expenses, including travel and accommodation are at receipted cost, except that all photocopies shall be reimbursed at .25c per page.	
20	All other disbursements	At reasonable cost