

DECISION REVIEWS and RECONSIDERATIONS

Environmental Public Health (EPH) staff will undertake decision reviews or reconsideration in a transparent, courteous, fair, impartial, reasonable, and timely manner. We track and report on how we respond to decision reviews to ensure appropriate and timely response, and to develop and monitor performance. Personal information and client confidentiality are handled and protected by privacy laws [[BC Freedom of Information and Protection of Privacy Act \(FIPPA\)](#)] and are only disclosed in the event of court action or with authorization.

Some statutory decisions will have a formal review, reconsideration, and/or appeal mechanism written into the applicable legislation. We will advise you as to whether a formal review process exists under legislation and how to access it.

For the decision under review, we will determine whether the health authority operational guidelines were followed in a reasonable and fair manner. As well, the review will ensure that the client was treated in a procedurally fair manner; had a fair chance to be heard in the decision making process and that the decision was made impartially.

In following this process, clients should be aware that officers including health officers, drinking water officers and their delegates cannot be directed by any officials within the health authority in the exercise of their statutory discretion in particular cases. Similarly, their decisions cannot be modified by other officials.

RECONSIDERATION

[Public Health Act](#) and [Drinking Water Protection Act](#):

A reconsideration can be requested by a person affected by an Order under the *Public Health Act* or a decision under the *Drinking Water Protection Act*, when certain conditions are met. The *Public Health Act* (section 43) and the *Drinking Water Protection Act* (section 39.1) lay out the conditions for a reconsideration.

If there is new evidence available, a person may request a reconsideration by the Officer who made the decision. Any new evidence should be submitted to the Officer in the manner requested by the Officer. The Officer will consider the new evidence and assess whether a change to the decision or Order is warranted. This reconsideration will be provided to the person affected in writing.

[Community Care and Assisted Living Act \(CCAL Act\)](#):

When an action or summary action, as defined under section 17 and 28 of the *CCAL Act*, is to be taken by a Medical Health Officer (or designate), the licensee must be given 30 days to provide a written response requesting reconsideration. This written response must provide facts or arguments to establish grounds for the Medical Health Officer (or designate) to reconsider the

proposed action or summary action. After reconsideration, the Medical Health Officer (or designate) will provide a written response outlining reasons for their final decision.

REVIEW

[Public Health Act](#) and [Drinking Water Protection Act](#):

A review can be requested by a person affected by an Order under the *Public Health Act* or a decision under the *Drinking Water Protection Act*. The *Public Health Act* (section 44) and *Drinking Water Protection Act* (section 39.1) outline the requirements for a review.

APPEAL

[Community Care and Assisted Living Act \(CCAL Act\)](#):

Under certain conditions as outlined in section 29 of the *Community Care and Assisted Living Act* a licensee may appeal to the CCAL Appeal Board in a prescribed manner for reconsideration. The prescribed appeal process is outlined in section 29 of the CCAL Act.

If you believe Interior Health's response is unfair, unreasonable or inconsistent with relevant policy, procedures or legislation, you may wish to raise your concerns with the Office of the Ombudsperson. The Ombudsperson is an independent Officer of the B.C. Legislature who impartially investigates complaints from the public to ensure people are treated fairly in the delivery of government services. For more information, visit their website www.bcombudsperson.ca or call 1-800-567-3247.