

CHIROPRACTORS COUNCIL HONG KONG

Disciplinary Procedures in Handling Complaints against Registered Chiropractors

(This leaflet is for information only)

Introduction

The Chiropractors Council is responsible for investigating complaints and disciplining registered chiropractors on matters that apply to the practice of chiropractic. It can deal with the following types of issues:

- allegations of misconduct or neglect in a professional respect;
- convictions of an offence which may bring the profession of chiropractic into disrepute;
- convictions of an offence under the Chiropractors Registration Ordinance; and
- obtaining registration by fraud or misrepresentation or when not entitled to be registered.

The Chiropractors Council has no jurisdiction whatsoever over claims for refund or compensation, which should be pursued through separate civil proceedings.

2. Complaints against registered chiropractors are handled by the Chiropractors Council in accordance with the Chiropractors Registration Ordinance, Chapter 428, Laws of Hong Kong, and the Chiropractors (Registration and Disciplinary Procedure) Rules. The steps involved are outlined in the ensuing paragraphs.

Receipt of complaints

3. On receipt of a complaint, the Secretary will refer it, in the first instance, to the Preliminary Investigation Committee (PIC) for consideration. The PIC consists of 2 members of the Council, one of whom is a non-chiropractor. If any member is or will be unable temporarily to exercise his functions, another Council member may be appointed by the Council as the acting member.

Consideration by the PIC

4. If both members of the PIC are satisfied that a complaint is frivolous or groundless, the complaint is not proceeded with. The Secretary notifies the complainant in writing of this decision, together with reasons.

5. The PIC may require the complainant to set out in writing the grounds for the allegation and to make a statutory declaration.

6. If the PIC decides to take the complaint further, the registered chiropractor against whom the complaint is made is notified of the complaint. He is told of the substance of the complaint and given a copy of any statutory declaration that has been made. He is given the opportunity to make a written representation regarding the complaint.

Meeting of the PIC

7. The PIC meets in private. It will consider the information of the complaint, any explanation given by the registered chiropractor and any other relevant information which is available. It can make further investigations and obtain advice and assistance. It will decide whether to make a recommendation to the Council as to whether the complaint should be referred to an Inquiry Committee for a hearing. Both the registered chiropractor and the complainant are notified in writing of the recommendation.

Reference of complaint by the PIC to the Council

8. When the complaint is referred to the Council, the Council decides whether an inquiry should be held. If it decides that there should be no inquiry, the complainant and the registered chiropractor are notified in writing of this, with the reasons.

Inquiry

9. If an inquiry is to be held, an Inquiry Committee will be formed. The Inquiry Committee will consist of at least 3 Council members, including one who is a non-chiropractor. The Council Chairman will usually be the chairman of the Inquiry Committee.

10. The procedure at the inquiry is set out in the Rules. The complaint is set out in the form of a charge. At the hearing, both sides are given the opportunity to present their case and adduce evidence in support. The complainant may be called upon to testify in person.

11. At the conclusion to the hearing, the Inquiry Committee will decide:-

- (a) whether the facts of the charge have been proven to its satisfaction; and
- (b) whether this amounts to a disciplinary offence.

12. The Inquiry Committee gives reasons for its decision.

Disciplinary order of Inquiry Committee

13. Where an Inquiry Committee finds that a registered chiropractor has committed disciplinary offence, the Inquiry Committee can make any one or more of the following orders:

- (a) it can order the name of the registered chiropractor to be removed from the register;
- (b) it can order the name of the registered chiropractor to be removed from the register for a specified period;
- (c) where an order under (a) or (b) has been made against a registered chiropractor, it can order that the Council does not accept an application for registration for him either for a fixed period or until that person satisfies the Council that he should be registered;
- (d) it can reprimand the registered chiropractor in writing. The reprimand is then recorded in the register;
- (e) it can order that the order is suspended, subject to conditions, for a period of not more than 2 years;
- (f) it can make any other order that it thinks fit, provided that it is not of a greater severity.

Appeal

14. If the registered chiropractor is aggrieved by the decision of the Inquiry Committee, he has the right to appeal to the Court of Appeal, but he must give notice of appeal within 3 months of the service of order on him.

Publication of disciplinary orders

15. After the time for appeal has expired or where there is appeal and the order is affirmed or varied or the appeal is abandoned, the Council-

- (a) publishes a copy of the final order in an English and a Chinese newspaper circulating in Hong Kong; and
- (b) may publish the order in any other publication or manner as it thinks fit.

Notification of results

16. Owing to the need to observe various legal requirements as well as because of complications arising from individual complaints, it may take some time before a case can be concluded. In any event, a complainant will be informed in writing of the progress of the disciplinary proceedings as far as practicable.

Secretariat of the Chiropractors Council