

# Kahnawake Health Care Professions Law

## Regulation I

### Requirements for Permit Application

#### 1. Health care practice within a Community Organization

- 1.1 The hiring procedures for each Community organization must be approved annually by the Permit Inspector, as advised by Onkwata'karitáhtshera.
- 1.2 On September 1 of each year, all Community Organizations must submit, for review and approval, their hiring procedures for health professionals to the Permit Inspector and a list of all health care professionals working for their organization who have met these requirements.
- 1.3 In addition, the Permit Inspector may, on recommendation of Onkwata'karitáhtshera, require a review of a Community organization's hiring procedures at any other time during the year.
- 1.4 Health care professionals who wish to work within a Community Organization must apply to the human resources department of the organization and follow the applicable procedures.

#### 2. Health care practice outside a Community organization

- 2.1 A person who wishes to practice a health care profession outside of a Community Organization must complete and submit the following forms to the Permit Inspector on an annual basis. The Permit Inspector will consult with Onkwata'karitáhtshera prior to rendering a decision:
  - a) Curriculum Vitae
  - b) Copy of professional license to practice
  - c) Two work-related letters of reference
  - d) Kahnawake Health professional Release Authorization form
  - e) Copy of private permit
  - f) Copy of proof of malpractice liability insurance
  - g) Privacy waiver

## Renewal of Permits

3.1 All health care professionals providing services within the Territory of Kahnawá:ke operating under a private permit, must complete and submit the following documents to the Permit Inspector every second year:

- a) Two work-related letters of reference
- b) Kahnawake Health professional Release Authorization form
- c) Kahnawake professional permit application form
- d) Copy of professional license to practice
- e) Copy of proof of malpractice liability permit
- f) Privacy waiver

## Kahnawake Health Care Profession Law

### Regulation II

#### Complaints against Health Professionals Practicing under a Community Organization Permit

- 1.1 In the event a person wishes to lodge a complaint against a health professional practicing under a Community Organization Permit, they will send a letter of complaint to the Community Organization for whom the professional works.
- 1.2 The Community Organization will contact the complainant and explain to the complainant the internal complaint policy that will be used to deal with the complaint.
- 1.3 If at the end of the complaint procedure, the complainant is dissatisfied with the outcome, the complainant may request that the Onkwata'karitáhtshera Committee review the complaint.
- 1.4 The Onkwata'karitáhtshera Committee will review the complaint and make their recommendations to the Mohawk council of Kahnawá:ke.

#### Complaints against Health Professionals Practicing under a Private Permit

- 2.1 In the event a person wishes to lodge a complaint against a health professional practicing under a Private Permit, they will send a letter of complaint to the Permit Inspector.
- 2.2 The Permit Inspector will, within five (5) working days of having received the letter of complaint acknowledge receipt of the letter and forward the letter to the Onkwata'karitáhtshera Standing committee.
- 2.3 The Onkwata'karitáhtshera Standing committee will first determine whether the complaint should also be forwarded to the relevant professional order, to the Kahnawake Peacekeepers or to any other body within or outside the Territory.
- 2.4 The Onkwata'karitáhtshera Standing committee will confirm in writing receipt of the complaint to the Complainant.

- 2.5 A copy of the complaint will be forthwith transmitted to the Permittee who is the object of the complaint.
- 2.6 The Onkwata'karitáhtshera Standing committee will examine the complaint within forty-five (45) days. This period may be prolonged at the discretion of the Onkwata'karitáhtshera Standing committee. The Complainant will be informed of any such extension.
- 2.7 The Onkwata'karitáhtshera Standing committee will decide within 7 days of receipt of the complaint whether or not to take the complaint to a hearing. The Onkwata'karitáhtshera Standing committee will study any relevant documents and shall hear any testimony it considers useful. Should a hearing take place, both the Permittee and the Complainant will be informed of the time and place of the hearing and both parties will be provided an opportunity to express their views.
- 2.8 The Onkwata'karitáhtshera Standing committee will give the Permittee and the Complainant (7) working days notice of the hearing. The Permit Inspector will serve the required notice form personally or by registered mail to the Permittee at the address shown in the Permit application and to the Complainant. If either party does not appear at the hearing after having been served, an ex parte decision will be issued.
- 2.9 As soon as the hearing has taken place, the Onkwata'karitáhtshera Standing committee will render its recommendations in the form of a report to the Permit Inspector. The Permit Inspector will within five (5) working days of having received the report, issue a copy of the report to the Permittee, the Complainant and the Mohawk Council of Kahnawake.
- 2.10 If the Permittee or the Complainant is dissatisfied with the outcome of the recommendations, either party can within ten (10) days of having received a copy of the recommendations, request that Onkwata'karitáhtshera review the recommendations.
- 2.11 Onkwata'karitáhtshera will review the recommendations of the Onkwata'karitáhtshera Standing committee, within fifteen (15) days of having received the abovementioned request.
- 2.12 Onkwata'karitáhtshera may uphold, revoke or vary the Onkwata'karitáhtshera Standing committee's recommendations and their decision will be final. Onkwata'karitáhtshera will forward their decision to the Permittee, the Complainant, the Permit Inspector and to the Mohawk Council of Kahnawá:ke.

## Kahnawá:ke Health Care Profession Law

### Regulation III

#### Procedure in the Event of Revocation or Suspension of Permit by the Permit Inspector

##### Power to immediately revoke or suspend a Permit.

- 1.1 The Permit Inspector is authorized to immediately and without prior notice, suspend a Permittee's permit under the following circumstances:
  - (a) if during an inspection he/she deems that the Permittee is practicing under conditions which so drastically depart from the norm with respect to sanitation, and safety that patients' health is seriously jeopardized;
  - (b) if he/she becomes aware that the Permittee is practicing a profession without holding a valid professional license;
  - (c) if he/she becomes aware that the Permittee has been convicted of a criminal offense;
  - (d) if as result of deficient professional conduct and practices the Permittee is jeopardizing the environment.
- 1.2 In the event that the Permit Inspector suspends the Permittee's permit he/she will immediately affix a notice to that effect in plain view on the door or window in the premises where the Permittee was practicing.
- 1.3 No one may remove or tamper with the notice that is affixed to the door or window of the premises where the Permittee was practicing.
- 1.4 The Permit Inspector will inform the Permittee of the procedures set out in the present regulation and will issue a report concerning his/her decision to suspend the Permittee's permit, to the Onkwata'karitáhtshera Standing committee, Onkwata'karitáhtshera and to the Mohawk Council of Kahnawá:ke.

##### Procedure to review the Permit Inspector's decision to suspend a Permit

- 2.1 The Permittee may notify the Onkwata'karitáhtshera Standing committee of their request that the Permit Inspector's decision to suspend their permit be reviewed. The notice must be sent by registered mail or be hand delivered to the Onkwata'karitáhtshera Standing committee within seven (7) days of the permit suspension.
- 2.2 The Onkwata'karitáhtshera Standing committee will review the Permittee's request and issue a report within five (5) working days of having received the Permittee's request for review. The Permittee will be afforded an opportunity to be heard and submit documentary evidence to the Onkwata'karitáhtshera Standing committee before they issue their report to the Mohawk Council of Kahnawá:ke.
- 2.3 The Onkwata'karitáhtshera Standing committee's report will contain a recommendation to the Mohawk Council of Kahnawá:ke that the Permittee's permit be reinstated, that the suspension continue until such time as the Permittee complies with certain requirements imposed by the Onkwata'karitáhtshera Standing committee, or that the permit be revoked.
- 2.4 The Mohawk Council of Kahnawá:ke's decision with respect to the Permittee's permit is final and without appeal.