

**ACTION PLAN - YEAR 2 PROGRESS UPDATE
SERVICE NOVA SCOTIA – HEARING AID SALESPERSON**

This progress report demonstrates compliance with the remaining 5 Compliance Areas (6,7,8,10,12) as originally identified in the May 2021 FRPA review report.
Compliance with all other identified Compliance Areas was demonstrated in the previous progress report.

ACTION PLAN TIMELINES:

TIMELINES FOR ACTION PLAN PROGRESS UPDATES					
	Action Plan Deadline	Action Plan Progress Update 1	Action Plan Progress Update 2		
Due Date	2021-04-12	2022-06-08	2023-06-08		
Actual Completed Date	2021-05-20	2022-06-08	2023-04-21		

ACTION PLAN:

ACTION PLAN – AREA #6:	Response to FRPA Review Question #12 (Internal Review Process):				
FRPA SECTIONS:	Sections 8(c), 10(1), 16(3)(m)				
AREAS OF NON-COMPLIANCE TO BE ADDRESSED:	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document a process to ensure that applicants who are not granted registration are provided with a written decision that includes the reasons why registration has been denied - ensure that information about the internal review process is provided to applicants who have not been granted registration. 				
REGULATOR ACTION PLAN:	<p>SNS-IS will develop and document an internal process that ensures denied applicants receive a decision in writing which includes:</p> <ul style="list-style-type: none"> • an explanation of the reasons for the denial • referral to NSCASLP and NSHSC for training opportunities • information about the internal review process (i.e. the Advisory Board). 				
INTENDED COMPLETION DATE:	July 1, 2021				
Year 1: Action Plan update. Due: 2022-06-08	Pending to Jan 2023.				
FRPA Review Officer Comments (2022-06-24)	As noted by the regulating body, this area is a work in progress. Therefore, a Year 2 progress report will be required. Compliance is expected to be achieved by that time.				
Year 2: Action Plan update. Due: 2023-06-08	<p>SNSIS has added the following information to its Business Licensing Policy Document, "any applicants who are unsuccessful will be provided a written explanation why (for example, missing educational requirements) and a referral to the office of Hearing and Speech Nova Scotia to explain what steps they make take to become successful. Any applicants who are unsuccessful will be provided with a written notice, which will include:</p> <ol style="list-style-type: none"> 1) the decision; 2) the reasons for the decision (for example, missing educational requirements); 3) A referral to the office of Hearing and Speech Nova Scotia to explain what steps they may take to become successful; and 4) information on the internal review process, including how they may initiate it. 				
FRPA Review Officer Comments (2023-04-26)	The registration practices described above fully address the above noted areas of non-compliance.				

ACTION PLAN – AREA #7:	Response to ERPA Review Question #13 (Support provided to unsuccessful applicants):				
FRPA SECTIONS:	Section 8(d)				

AREAS OF NON-COMPLIANCE TO BE ADDRESSED:	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - consider opportunities that might be available to support future success such as referral to a relevant training program, practice exam, etc. - provide information with respect to measures or programs that may be available to assist unsuccessful applicants in obtaining certification, at a later date
REGULATOR ACTION PLAN:	<p>SNS-IS will develop and document an internal process that ensures denied applicants receive a decision in writing which includes:</p> <ul style="list-style-type: none"> • an explanation of the reasons for the denial • specific referral to NSCASLP and NSHSC for training opportunities • information about the internal review process (i.e. the Advisory Board).
INTENDED COMPLETION DATE:	July 1, 2021
Year 1: Action Plan update. Due: 2022-06-08	Pending to Jan 2023 Fair Registration Practices Act (nslegislature.ca)
FRPA Review Officer Comments (2022-06-24)	As noted by the regulating body, this area is a work in progress. Therefore, a Year 2 progress report will be required. Compliance is expected to be achieved by that time.
Year 2: Action Plan update. Due: 2023-06-08	<p>SNSIS has added the following to its Business Licensing Policy Document, "any applicants who are unsuccessful will be provided a written explanation why (for example, missing educational requirements) and a referral to the office of Hearing and Speech Nova Scotia (HSNS) to explain what steps they make take to become successful. If an applicant is unsuccessful on the International Licensing Examination (ILE), they have a chance to take the exam again within 30 days of being informed of their score (this is arranged through SNSIS) (see regs below for this decision)</p> <p>Section 6 of the Direct Sellers Regulations (6) An examinee who fails to obtain in an examination the pass mark shall be entitled to take a supplementary examination within 30 days of being informed of his score on the examination.</p> <p>If an applicant is unsuccessful on the practical exam with HSNS, HSNS uses the same rule below in the Regs and the applicant completes the retake of the exam within 30 days (HSNS sends SNSIS a letter with the details of the exam results however the retake is arranged through HSNS office with the applicant.</p> <p>Effective October 2022, applicants who have been unsuccessful with the International Examination for Hearing Aid Professionals (ILE) are now able to request topic level results prior to writing another exam attempt. Candidates are able to request this information from the International Hearing Society IHS directly. Test-takers will be informed of this via the Study Guide, the IHS website, and in their email communications. Candidates who request this information will receive a report that shows their percentage score in each of the five exam Domains as laid out in the Competency Model. IHS is pleased to provide this oft-requested information to testing candidates without placing any additional reporting burden on licensing agencies. This is another option when we advise the client that they were unsuccessful on the ILE.</p> <p>If after these solutions are provided, the applicant still feels the decision is unjust, they may request an Advisory board review their request</p>
FRPA Review Officer Comments (2023-02-17)	The registration practices described above meet the requirements of the above cited FRPA section, Subsection 8(d).

ACTION PLAN – AREA #8:	Response to FRPA Review Questions #14 and 15 (Internal Review Process):
FRPA SECTIONS:	Sections 7(a), 10(1)(2)(4) and 16(3)(m)
AREAS OF NON-COMPLIANCE TO BE ADDRESSED:	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document a clearly defined process for an internal review of the registration decision which includes: <ul style="list-style-type: none"> - procedures - timeframes - opportunities the applicant has to provide new information and to make submissions in support of their position (e.g. documented evidence, hearing, etc.) - ensure that information on the internal review process is clear and easily accessible in the public domain through print and electronic media

	- document the timeline and process by which an applicant who has been denied registration is informed about the procedures and time frames for the internal review.
REGULATOR ACTION PLAN:	<p>Section 8 of the Direct Sellers Regulations states:</p> <p>8 (1) In determining whether to grant, refuse, cancel or reinstate a Category H1 or H2 direct seller's permit or a salesperson's permit, the Registrar may, if the Registrar considers it necessary, establish an Advisory Board consisting of 4 members, as follows:</p> <p>(a) the Registrar, or another person appointed by the Registrar as the representative of the Registrar;</p> <p>(b) 1 member selected and appointed by the Registrar to represent the hearing-aid industry;</p> <p>(c) 1 member selected and appointed by the Registrar to represent the medical profession;</p> <p>(d) 1 member selected and appointed by the Registrar to represent hearing-aid users.</p> <p>(2) After the Advisory Board referred to in subsection (1) considers any matter submitted to it by the Registrar, the Board shall make a recommendation to the Registrar in writing, and the Registrar shall take such recommendation into consideration when making his decision.</p> <p>With this authority in place, SNS-IS will develop and document a plain language process which details the steps applicants may take to request a review and submit additional documentation. Instructions and timelines for the process will be publicly available and communicated to denied applicants. Decisions and rationale will be provided to applicants in writing.</p> <p>Under Subsection 3(4) of the <i>Direct Sellers' Regulation Act</i>, a deputy registrar may perform any of the duties and exercise any of the powers of the Registrar as directed by the Registrar. A policy and process will be created and documented to ensure a Registrar or Deputy Registrar does not participate in an internal review of their own decision</p>
INTENDED COMPLETION DATE:	February 1, 2022
Year 1: Action Plan update. Due: 2022-06-08	Pending to Jan 2023
FRPA Review Officer Comments (2022-06-24)	As noted by the regulating body, this area is a work in progress. Therefore, a Year 2 progress report will be required. Compliance is expected to be achieved by that time.
Year 2: Action Plan update. Due: 2023-06-08	<p>As stated in Business Licensing Policy manual, a written notice will be sent to unsuccessful applicants informing them of the registration decision. If an applicant is unsuccessful in their application, they should choose to meet with the Hearing and Speech Nova Scotia. If they disagree with the educational recommendations made by Hearing and Speech Nova Scotia, an Advisory Board may be formed to hear the appeal with the details provided in section 8 of the Direct Sellers Regulations. Direct Sellers Regulations - Direct Sellers' Regulation Act (Nova Scotia). The Advisory Committee must adhere to the concepts of procedural fairness. The process is as follows:</p> <p>The applicant will provide our office with the reasons why the appeal is being made. The applicant may be contacted by an advisory board member who may request clarification and/or further information pertaining to their appeal. The Advisory Board will conduct a thorough investigation and may require the member to produce records and accounts or submit to such an examination as they feel appropriate. Failure by a applicant to comply with the requests of the committee could result in the end of the appeal. Once the appeal has been processed, the information obtained and the investigation completed, the advisory board will review the evidence and consider the resolution. Once completed, a decision will be provided to the applicant within 30 days of final review of all evidence.</p>
FRPA Review Officer Comments (2023-04-26)	The registration practices described above fully address the above noted areas of non-compliance.

ACTION PLAN – AREA #10: Response to FRPA Review Questions #17 and 18 (Internal Review Process):

FRPA SECTIONS:	Sections 10(5) and 16(3)(n)
AREAS OF NON-COMPLIANCE TO BE ADDRESSED:	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - document the process that is used to ensure that no one who acted as a decision-maker in a registration decision may act as a decision-maker in an internal review of the same decision - include in the description of the internal review process a statement to the effect that no one who acted as a decision maker in a registration decision may act as a decision maker in an internal review of the same decision
REGULATOR ACTION PLAN:	<p>SNS-IS will develop and document a plain language process which details the steps applicants may take to request a review and submit additional documentation.</p> <p>Instructions and timelines for the process will be publicly available and communicated to denied applicants. Decisions and rationale will be provided to applicants in writing.</p> <p>This process will include the requirement that no one who acted as a decision-maker will take part in the internal review process and will contain a clear statement to that effect.</p> <p>Under Subsection 3(4) of the <i>Direct Sellers' Regulation Act</i>, a deputy registrar may perform any of the duties and exercise any of the powers of the Registrar as directed by the Registrar. A policy and process will be created and documented to ensure a Registrar or Deputy Registrar does not participate in an internal review of their own decision.</p> <p>SNS-IS will consult with Justice to determine whether to implement policy that the Registrar must accept the recommendation of the Advisory Board, or to amend the Regulations to formal referral to the Ministerial level.</p>
INTENDED COMPLETION DATE:	February 1, 2022
Year 1: Action Plan update. Due: 2022-06-08	Pending to Jan 2023 .
FRPA Review Officer Comments (2022-06-24)	As noted by the regulating body, this area is a work in progress. Therefore, a Year 2 progress report will be required. Compliance is expected to be achieved by that time.
Year 2: Action Plan update. Due: 2023-06-08	If the Deputy Registrar was involved in the decision to deny an applicant, the appeal will be heard by the Registrar. If a staff member from Hearing and Speech Nova Scotia was involved in the decision to deny the applicant, they would not be involved with the appeal board. As stated in if an applicant is unsuccessful in their application and they choose not to meet with the Hearing and Speech Nova Scotia (or disagree with their educational recommendations), an Advisory Board will be formed to hear the appeal with the details provided in section 8 of the Direct Sellers Regulations. Direct Sellers Regulations - Direct Sellers' Regulation Act (Nova Scotia) .
FRPA Review Officer Comments (2023-02-17)	The registration practices described above meet the requirements of the above cited FRPA sections.

ACTION PLAN – AREA #12:	Response to FRPA Review Question #20 (Internal Review Training):
FRPA SECTIONS:	Sections 11, 16(3)(p)
AREAS OF NON-COMPLIANCE TO BE ADDRESSED:	<p>Areas of non-compliance to be addressed in an action plan are as follows:</p> <ul style="list-style-type: none"> - ensure that individuals acting as decision-makers in internal reviews receive training on conducting an internal review. - develop a plan and document training provided to individuals who make internal review decisions
REGULATOR ACTION PLAN:	<p>SNS-IS will consult other regulatory bodies under FRPA and research external options for training on conducting internal reviews.</p> <p>A training plan will be developed and documented to ensure accepted standards of formal review practices, and training will be provided to any individuals who may participate on the Advisory Board.</p>
INTENDED COMPLETION DATE:	February 1, 2022

Year 1: Action Plan update. Due: 2022-06-08	Pending to Jan 2023.
FRPA Review Officer Comments (2022-06-24)	As noted by the regulating body, this area is a work in progress. Therefore, a Year 2 progress report will be required. Compliance is expected to be achieved by that time.
Year 2: Action Plan update. Due: 2023-06-08	The training will be formalized (defined reading list) and focus on the process of conducting an internal review. The Registrar has been trained by Nova Scotia Department of Justice to provide a fair review following administrative justice guidelines such as procedures and processes that allow the applicant to present his/her argument as to why the application should be approved. The internal decision makers/appeal board members as per section 8 of the Direct Sellers Regulations Direct Sellers Regulations - Direct Sellers' Regulation Act (Nova Scotia) will be trained to follow the administrative justice guidelines when considering any matter submitted to it by the Registrar and making a recommendation to the Registrar. They will be provided documentation that may include information on administrative tribunal processes, conscious and unconscious biases, decision-making process training, etc. Members of the Advisory Board will be chosen on previous experience on hearing appeals to ensure an experienced fair decision-making process. All board members must verify (signed declaration) that they have received and understood their training.
FRPA Review Officer Comments (2023-02-17)	The registration practices described above meet the requirements of the above cited FRPA sections.

SIGNATURE OF THE AUTHORIZED MEMBER OF THE REGULATING BODY:

X 

Name (print): K. Wyer

DATE: Click here to enter a date April 27/23