

How do I Become a Member of the Consent and Capacity Board?

The Consent and Capacity Board (CCB) is an independent adjudicative tribunal created under the *Health Care Consent Act, 1996*. The Board receives its adjudicative authority from the *Health Care Consent Act, 1996*, *Mental Health Act*, *Substitute Decisions Act*, *Personal Health Information Protection Act* and *Mandatory Blood Testing Act*. The CCB's mandate is to adjudicate on matters of capacity, consent, civil committal, substitute decision-making and other issues affecting citizens of Ontario, the health care community and other government agencies. The vast majority of matters heard by the CCB involve reviews of a person's involuntary status in hospital and/or reviews of a finding of incapacity to consent to a proposed treatment.

The mission of the Board is to provide fair, timely, effective and respectful hearings that balance legal and medical considerations while protecting individual rights and ensuring the safety of the community.

The Board has three categories of members: Legal Member, Medical Member (Psychiatrist, Physician, Nurse) and Public Member. Members of the CCB are appointed by the Lieutenant Governor in Council who designates one member as Chair and one or more other members as Vice-Chair(s). Members of the CCB are appointed by Order in Council for a period of 2 years, subject to renewal for a maximum of 10 years.

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A CCB Lawyer Member's responsibilities include:

- Conducting hearings in accordance with the governing statute and other applicable laws as well as within the policies, procedures and rules of practice developed by the CCB.
- Presiding over hearings in a way which is fair, dignified, inclusive, professional, and respects the rules of natural justice.
- Participating fully in deliberations by finding the facts from the evidence, then applying the law to those facts.
- Fulfilling the role of presiding member by chairing the hearing, maintaining firm control over the hearing and issuing timely Decision and/or Reasons for Decision.

- Issuing clear, well-written, soundly reasoned Decisions, Endorsements and Reasons for Decision within strict timelines.

Qualifications:

Lawyer Members are required to have the following abilities, skills and knowledge in order to carry out their responsibilities effectively:

- Experience in interpreting and applying legislation with specific knowledge of the *Mental Health Act, Health Care Consent Act, 1996, Substitute Decision Act, Personal Health Information Protection Act, Mandatory Blood Testing Act, and Statutory Powers Procedures Act.*
- Understanding of the professional, institutional and community context within which the Board operates.
- Demonstrated analytical, conceptual, problem-solving, decision-making skills.
- Well-developed writing skills.
- Ability to listen and communicate clearly and effectively.
- Hearings generally occur in hospitals throughout the province and the work of all member types involves travel.
- Hearings are scheduled within tight timeframes and flexibility among all member types is essential.
- Good standing with the Law Society of Upper Canada.

A CCB Psychiatrist Member's responsibilities include:

- Conducting hearings in accordance with the governing statute and other applicable laws as well as within the policies, procedures and rules of practice developed by the Consent and Capacity Board.
- Actively listening to parties' interests and positions, evidence and submissions.
- Contributing to making rulings necessary for the proper and expeditious conduct, control and completion of the hearing.
- Participating fully in deliberations by making findings of fact from the evidence, then applying the law to those facts.
- Using their expertise to help their fellow panel members understand relevant medical concepts, both before the hearing, through the questioning of witnesses and during deliberations.

Qualifications:

Psychiatrist Members are required to have the following abilities, skills and knowledge in order to carry out their responsibilities effectively:

- Experience in interpreting and applying legislation with specific knowledge of the *Mental Health Act, Health Care Consent Act 1996, Substitute Decision Act, Personal Health Information Protection Act, Mandatory Blood Testing Act, and Statutory Powers Procedures Act.*

- Understanding of the professional, institutional and community context within which the board operates.
- Demonstrated analytical, conceptual, problem-solving, decision-making skills.
- Ability to listen and communicate clearly and effectively.
- Hearings generally occur in hospitals throughout the province and the work of all member types involves travel.
- Hearings are scheduled within tight timeframes and flexibility among all member types is essential.
- Good standing with the Ontario College of Physicians and Surgeons.

A CCB Nurse Member's responsibilities include:

- Conducting hearings in accordance with the governing statute and other applicable laws as well as within the policies, procedures and rules of practice developed by the Consent and Capacity Board.
- Actively listening to comprehend interests and positions, which are sometimes difficult to ascertain.
- Contributing to making rulings necessary for the proper and expeditious conduct, control and completion of the hearing.
- Participating fully in deliberations by making findings of fact from the evidence, then applying the law to those facts.
- Using their expertise to help their fellow panel members understand relevant medical concepts, both before the hearing, through the questioning of witnesses and during deliberations.

Qualifications:

Nurse in the Extended Class Members are required to have the following abilities, skills and knowledge in order to carry out their responsibilities effectively:

- Experience in interpreting and applying legislation with specific knowledge of the *Mental Health Act*, *Health Care Consent Act 1996*, *Substitute Decision Act*, *Personal Health Information Protection Act*, *Mandatory Blood Testing Act*, and *Statutory Powers Procedures Act*.
- Understanding of the professional, institutional and community context within which the board operates.
- Demonstrated analytical, conceptual, problem-solving, decision-making skills.
- Ability to listen and communicate clearly and effectively.
- Ability and willingness to travel within the province on short notice (e.g. within 24 hours).
- Current registration and good standing with the College of Nurses of Ontario as a Registered Nurse in the Extended Class.

A CCB Physician Member's responsibilities include:

- Conducting hearings in accordance with the governing statute and other applicable laws as well as within the policies, procedures and rules of practice developed by the Consent and Capacity Board.
- Actively listens to comprehend interests and positions, which are sometimes difficult to ascertain.
- Contributing to making rulings necessary for the proper and expeditious conduct, control and completion of the hearing.
- Participating fully in deliberations by making findings of fact from the evidence, then applying the law to those facts.
- Using their expertise to help their fellow panel members understand relevant medical concepts, both before the hearing, through the questioning of witnesses and during deliberations.

Qualifications:

Physician Members are required to have the following abilities, skills and knowledge in order to carry out their responsibilities effectively:

- Experience in interpreting and applying legislation with specific knowledge of the *Mental Health Act, Health Care Consent Act 1996, Substitute Decision Act, Personal Health Information Protection Act, Mandatory Blood Testing Act, and Statutory Powers Procedures Act.*
- Understanding of the professional, institutional and community context within which the board operates.
- Demonstrated analytical, conceptual, problem-solving, decision-making skills.
- Ability to listen and communicate clearly and effectively.
- Ability and willingness to travel within the province on short notice (i.e. 24 hours).
- Current registration and good standing with the College of Physicians and Surgeons.

A CCB Public Member's responsibilities include:

- Conducting hearings in accordance with the governing statute and other applicable laws as well as within the policies, procedures and rules of practice developed by the Consent and Capacity Board.
- Actively listening to parties' interests and positions, evidence and submissions.
- Contributing to making rulings necessary for the proper and expeditious conduct, control and completion of the hearing.
- Participating fully in deliberations by making findings of fact from the evidence, then applying the law to those facts.

Qualifications:

Public Members are required to have the following abilities, skills and knowledge in order to carry out their responsibilities effectively:

- Experience in interpreting and applying legislation with specific knowledge of the *Mental Health Act, Health Care Consent Act, 1996, Substitute Decision Act, Personal Health Information Protection Act, Mandatory Blood Testing Act, and Statutory Powers Procedures Act*.
- Understanding of the professional, institutional and community context within which the Board operates.
- Demonstrated analytical, conceptual, problem-solving, and decision-making skills.
- Ability to listen and communicate clearly and effectively.
- Hearings generally occur in hospitals throughout the province and the work of all member types involves travel.
- Hearings are scheduled within tight timeframes and flexibility among all member types is essential.

Selection Process

Appointments to the Consent and Capacity Board follow a competitive, merit-based selection process that includes the following:

1. An appointment advertisement will be posted on a government website for a minimum of ten days excluding Saturday, Sunday and holidays. The appointment advertisement will include the skills, knowledge, experience, other attributes and specific qualifications required for the position.
2. Applications on file and those received during the posting period will be reviewed by the Public Appointments Secretariat to assess the following criteria: Experience, knowledge or training in the subject matter and legal issues dealt with by the tribunal; aptitude for impartial adjudication; aptitude for applying alternative adjudicative practices and procedures that may be set out in the tribunal's rules.
3. Applicants that meet the above criteria may be considered for further evaluation in the selection process through writing samples, reasons writing, personal or videoconference interviews, enhanced reference checks and/or stakeholder consultations.

Applying to Become a Member

When the Board has openings for new members, a posting with all available information can be found on the Public Appointments Secretariat (PAS) website: [<https://www.pas.gov.on.ca/scripts/en/home.asp>]. Interested applicants can click this link for the “Advertised Positions” to find out the recent CCB part-time member postings.

If you are interested in applying you will need to:

1. Send an application directly to the Public Appointments Secretariat (PAS) by mail, fax or online. If there is a current posting for CCB Members, the job ad can be found under the “Advertised Positions” and ensure that your application includes the Posting File #.

- A downloadable application form is available at www.pas.gov.on.ca.
 - Alternatively you can apply online on the PAS website.
2. Send a copy of your application, along with the proof of submission to PAS, to the CCB either by fax to (416) 327-4207; or by email to ccb@ontario.ca.

For more information:

Telephone: 416-327-4142, Consent and Capacity Board