

# Navigating Regulatory Investigations: A Strategic Guide for Audiologists and Speech Language Pathologists

For professionals across industries, including audiologists and speech-language pathologists, a regulatory investigation can feel like a sudden storm, threatening to upend careers built over decades. Regulators don't always arrive with a formal declaration that an investigation has been commenced. Sometimes, it's a vague email stating they're "reviewing concerns" about a specific client, or a call informing you that a complaint has been lodged against you. The language may sound innocuous, but the implications could be severe. How you respond in these early moments can shape the trajectory of the proceedings, your reputation, and even your livelihood.

Below, we outline a roadmap to navigate these high-stakes scenarios.

## The Association and the Regulator

Speech and Hearing BC is the professional association representing audiologists and speech-language pathologists who work in BC. Speech and Hearing BC supports and advocates for the interests of its members and the profession as a whole, but it is not involved in investigations or discipline and does not play any regulatory role.

As an audiologist or speech-language pathologist practising in British Columbia, your work is regulated by the College of Health and Care Professionals of BC (CHCPBC), which ensures public safety through their statutory mandate under the *Health Professions and Occupations Act*. Only individuals who are actively registered with CHCPBC may use restricted titles such as "audiologist" or "speech-language pathologist".

As a regulator, the CHCPBC is responsible for licensing professionals in the province, setting and enforcing professional and ethical standards, ensuring continuing competency and handling complaints. Investigations that require disciplinary action may be handled by a separate disciplinary body.

## Step 1: Understand the Regulator's Intent

Regulators rarely announce investigations with blunt clarity. A letter might state they're "gathering information" about a client file, or a phone call may mention "routine inquiries" into past activities. Treat every communication as significant, even if it lacks explicit language regarding an "investigation".

Start by unpacking the regulator's message: What specific issues are they raising? Are they hinting at broader concerns, like systemic non-compliance? Preserve every document, email, and record tangentially related to the matter. Deleting or editing files, however innocently, runs afoul of ethical obligations and could later be misconstrued as tampering with evidence. Make sure to also retain and safeguard any documents or communications that set out your side of the story and might help dispel the allegations made against you.

If the regulator references a client complaint, avoid contacting the complainant directly. This in and of itself could be considered misconduct and a violation of professional standards, and could escalate tensions or create unintended outcomes.

Finally, clarify the process. Politely ask the regulator to confirm whether this is a preliminary inquiry or a formal investigation, and note any deadlines. Demonstrating cooperation early can build goodwill, but avoid speculating or offering unsolicited details. Be mindful of all your communications with regulatory bodies, and avoid making

any admissions or accepting the regulator's version of events as true without having conferred with legal counsel first.

## **Step 2: Check Your Insurance and Assemble Your Team**

Take a moment to review your professional liability insurance. Many policies cover costs associated with regulatory investigations. However, it's important to note that policies often contain strict notification requirements, meaning you must alert your insurer as soon as you become aware of a potential issue, complaint or investigation. Delays in disclosure might invalidate your coverage, so it's prudent to speak without delay with your insurance provider or legal counsel to understand your obligation.

The best person to have supporting you is a lawyer specializing in regulatory law and professional negligence. A skilled regulatory lawyer understands how regulators operate. For instance, being acquainted with the unique statutory framework underlying your profession and the extent of the investigatory powers of the disciplinary body, can be crucial for successfully navigating your case.

In high-profile or sensitive matters, legal strategy must include reputational considerations. A regulatory investigation can trigger media attention, client inquiries, and internal concerns. Even the existence of an investigation—regardless of outcome—can carry reputational risks for regulated professionals.

Law firms with expertise in regulatory law and crisis management can coordinate with public relations professionals and your insurer to create a unified response that ensures your message is legally sound and reputationally calibrated, and that your insurance coverage is reviewed and used effectively to avoid an onerous burden on your personal finances.

## **Step 3: Balance Cooperation with Caution**

Regulators expect prompt responses, but cooperation doesn't mean capitulation. Work with your lawyer to craft replies that address concerns without conceding fault. For example, if asked about a client's missed deadline, provide factual information such as timelines and communications without editorializing your response.

If the regulator requires a response deadline that seems unmanageable (i.e. demanding for response in 2 weeks for information on a decade-long project), your lawyer can negotiate extensions. Regulators often build flexibility into their timelines but rarely advertise it.

If the regulator requests an interview, treat it like a formal examination for discovery. These sessions are rarely "informal," and your responses can be determinative of the outcome of the investigation. Prepare rigorously with your lawyer by reviewing documents in detail and considering potential questions. A misplaced "I might have overlooked that" could become the basis for a disciplinary decision against you.

## **Step 4: Build a Defence Grounded in Evidence**

Once you've ensured your responses are measured, it's time to turn your attention to gathering evidence and building a concrete defence.

Gather all relevant documentary evidence. This includes client emails, third-party reports, medical notes, invoices, drafts, etc. Let your lawyer determine what supports your case.

Your lawyer will parse through the specific legislation or regulations you're accused of violating. They will consider, for instance, did the regulator misapply a licensing rule? Is their interpretation of "professional misconduct" aligned with case law? This analysis shapes your defence strategy.

If the matter escalates to a hearing, understand the implications. Hearings can range from written submissions to trial-like proceedings with witness testimony. Your lawyer will advise whether to challenge the allegations head-on or pursue a consent order, where you agree to minor sanctions (e.g., a continuing education course) to avoid protracted litigation. Consent orders may be publicized and often require admitting fault, so weigh the reputational costs against the certainty of closure.

### **Step 5: Navigate Employment Implications Carefully**

If you work for an employer, speak to your lawyer before discussing the case in detail internally. Employers may have an obligation to report information to your regulator and their insurer – and conflicts of interests may sometimes arise.

Resigning or going on leave might seem like an easy exit, but this won't relieve you from any potential or ongoing investigation. Regulators can still pursue investigations and discipline even after you voluntarily resign or stop practising. Worse, employers may also withhold severance or benefits if they view your departure as a dismissal with cause.

A firm experienced in both regulatory and employment law, and one with experience working with crisis management professionals, can help to craft a strategy that protects your legal and reputational interests. Alternatives such as temporary reassignment, administrative leave, or phased return can be negotiated to avoid prejudicing your position. These steps must be timed and communicated with care, especially if any public perception concerns are involved.

### **Step 6: Post-Hearing Strategy**

If the outcome is favourable, consider proactive reputation management. A public relations campaign crafted with legal input can clarify that the matter was resolved without wrongdoing and found innocent of the allegations. Sometimes lawyers also work with the regulators who have an obligation to publish a public citation to ensure that the language in the publication is not prejudicial to you.

For adverse rulings, explore appeal mechanisms or judicial review to the Supreme Court. This is a legal process to challenge the decision's fairness or legality. For example, judicial review might make sense if the regulator failed to consider key evidence or misinterpreted their own rules.

In rare cases, regulatory actions may stem from unfounded complaints. Caselaw in BC confirms that professionals can sue regulators for misfeasance and improperly-conducted investigations that lack a factual basis. These cases are complex, but underscore why do-it-yourself defences are risky: experienced regulatory lawyers are well-equipped to identify the strengths and weaknesses of each case.

### **Conclusion: Navigating the situation with Expert Guidance**

Regulatory investigations can be complex and sometimes the perception carries more weight than the facts. Navigating them successfully often comes down to three key principles:

1. **Engage a supportive team.** Regulatory and disciplinary processes involve complex legal frameworks that are unfamiliar and daunting to most people. You need support and guidance when navigating this dynamic process.
2. **Communicate your perspective.** From document preservation to engaging PR experts, every action should be deliberate. Ensure that your side of the story is presented consistently and backed with supporting evidence.
3. **Think long-term.** Even if a hearing goes against you, options like judicial reviews or appeals remain. Engaging with legal counsel early-on can help you pursue a path that preserves all avenues for relief.

Finally, protect your mental health and wellbeing. Investigations can affect not just your livelihood, but your identity. It can also strain your relationships and finances. Reach out to trusted peers, a therapist, or faith communities for perspective. Your career won't be defined by the investigation—but by how you respond and rise afterward.

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