



# Hospital Appeal Board

**Citation:** *Katherine Puchala v. Northern Health Authority*, 2023 BCHAB 2

**Decision No.** HAB-HA-20-A001(d)

**Decision Date:** 2023-03-15

**Method of Hearing:** Conducted by way of written submissions concluding on March 14, 2023

**Decision Type:** Post-Decision Application to Vary Order

**Panel:** Cheryl Vickers (Panel Chair), Sandra Pullin, Dr. Anita Molzahn

**Appealed Under:** *Hospital Act*, RSBC 1996, c 200

**Between:**

Katherine Puchala

**Appellant**

**And:**

Northern Health Authority

**Respondent**

**Appearing on behalf of the parties:**

For the Appellant: Katherine Puchala, Self-represented

For the Respondent: Melissa Perry, Counsel

## Decision on Application to Vary Order

### APPLICATION

[1] On March 16, 2022, the Hospital Appeal Board (the “Board”) issued its decision on the merits of this appeal. The Board ordered as follows:

Subject to the Appellant completing, within a year of the date of this order, any requirement imposed by the College to reinstate her license to provide intrapartum services, Northern Health shall, as soon as practicable, grant the Appellant provisional privileges (in accordance with the Bylaws) at MMH [Mills Memorial Hospital] and KHHHC [Kitimat Hospital and Health Centre], with MMH being her primary site.<sup>1</sup>

[2] By application dated March 6, 2023, the Appellant, Ms. Puchala, asks the Board to extend and amend the Order to grant her privileges at MMH in order to complete a supervised practice within Northern Health. We have reviewed Ms. Puchala’s submission of March 6, 2023, Northern Health’s Reply of March 10, 2023, and Ms. Puchala’s Reply of March 14, 2023.

### DISCUSSION AND ANALYSIS

[3] In its decision on the merits, the Board retained “jurisdiction to resolve any issues relating to the integration of Ms. Puchala to the Medical Staff at MMH and KHHHC”.<sup>2</sup>

[4] The Board is *functus officio* with respect to the merits of Ms. Puchala’s original appeal and consequently without jurisdiction to substantively amend its Order of March 16, 2022 to now order that Ms. Puchala be granted privileges at MMH without being licensed to provide intrapartum care, something that was not contemplated by the decision on the merits. We find that the Board has narrow jurisdiction, however, to extend its Order to provide Ms. Puchala with more time to complete her supervised practice, in order to facilitate her integration to the Medical Staff at MMH and KHHHC.

[5] Considering that Ms. Puchala experienced health issues taking up much of her attention in the months following the Board’s decision and given that Northern Health is not opposed to providing Ms. Puchala with more time to complete requirements imposed by the College to reinstate her license to provide intrapartum care, we are willing to extend the Order of March 16, 2022 to September 30, 2023.

---

<sup>1</sup> HAB-HA-20-A001(c) (2022 BCHAB 2) at paragraph 215.

<sup>2</sup> Paragraph 217.

[6] The decision of March 16, 2022 found a need for full scope midwifery services in Northern Health. It was and remains the Board's expectation that Ms. Puchala have the opportunity to fulfill that need, recognizing that Ms. Puchala required time to reinstate her license to provide intrapartum care.

[7] During the hearing, Ms. Puchala indicated she would likely undergo the required supervised practice in another health authority. Ms. Puchala now proposes to complete her supervised practice in Terrace and submits she requires privileges at MMH to do so. If Ms. Puchala wants to complete her supervised practice in Northern Health, specifically Terrace, and there is a midwife in Terrace or able to relocate to Terrace capable of providing the required supervision, we expect Northern Health, Ms. Puchala and the supervising midwife to work cooperatively to ensure a supervised practice at MMH can be completed before September 30, 2023.

## ORDER

[8] The Board extends the time for Ms. Puchala to complete any requirements of the College to reinstate her licence to provide intrapartum care to September 30, 2023.

"Cheryl Vickers"

---

Cheryl Vickers, Panel Chair  
Hospital Appeal Board

"Sandra Pullin"

---

Sandra Pullin, Panel Member  
Hospital Appeal Board

"Dr. Anita Molzahn"

---

Dr. Anita Molzahn, Panel Member  
Hospital Appeal Board