

1999 BILL 22

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Third Session, 24th Legislature, 48 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 22**

**HEALTH PROFESSIONS ACT**

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MR. RENNER

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 22

1999

### HEALTH PROFESSIONS ACT

(Assented to , 1999)

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HER MAJESTY, by and with the advice and consent of the  
 Legislative Assembly of Alberta, enacts as follows:

**Interpretation**

**1(1)** In this Act,

- (a) “Advisory Board” means the Health Professions Advisory Board established under Part 1;
- (b) “alternative complaint resolution process” means a process to help the complainant, the college and the investigated person settle a complaint;
- (c) “annual permit” means a permit issued to a professional corporation under this Act;
- (d) “code of ethics” means a code of ethics adopted by a council under Part 8;
- (e) “college” means the college of a regulated profession;



- (f) “competence” means the combined knowledge, skills, attitudes and judgment required to provide professional services;
- (g) “competence committee” means a competence committee established under this Act;
- (h) “complaint review committee” means a complaint review committee established under Part 1;
- (i) “complaints director” means the complaints director of a college;
- (j) “conduct” includes an act or omission;
- (k) “continuing competence program” means a program of continuing competence provided for in the regulations;
- (l) “council” means the council of a college;
- (m) “document” includes recorded information in written, photographic, magnetic, electronic or other form;
- (n) “former Act” means an Act that regulated a profession immediately before this Act began to regulate that profession;
- (o) “former member” means a person who
  - (i) has had but no longer has a practice permit under this Act, or
  - (ii) has been but has ceased to be a regulated member pursuant to this Act or a member who was regulated under a former Act;
- (p) “health service” means a service provided to people
  - (i) to protect, promote or maintain their health,
  - (ii) to prevent illness,
  - (iii) to diagnose, treat or rehabilitate, or
  - (iv) to take care of the health needs of the ill, disabled, injured or dying;
- (q) “hearing tribunal” means a hearing tribunal established under Part 1;

- (r) “hearings director” means the hearings director of a college;
- (s) “incapacitated” means suffering from a physical, mental or emotional condition or disorder or an addiction to alcohol or drugs as defined in the *Pharmaceutical Profession Act* or other chemicals that impair the ability to provide professional services;
- (t) “investigated person” means a person with respect to whom
  - (i) a complaint has been made under Part 4,
  - (ii) information has been treated as a complaint in accordance with section 56, or
  - (iii) a notice has been given under section 57(1),
 and the proceedings with respect to the complaint, information or notice have not been concluded;
- (u) “investigator” means the complaints director or other person who conducts an investigation under Part 4;
- (v) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (w) “Ombudsman” means the Ombudsman appointed under the *Ombudsman Act*;
- (x) “other member” means a non-regulated member of a college registered on a register established under section 33(1)(b);
- (y) “physical therapy corporation” means a physical therapy corporation within the meaning of Schedule 20;
- (z) “practice” means the practice of a regulated profession within the meaning of section 3 of a schedule to this Act;
- (aa) “practice permit” means a practice permit issued to a regulated member under Part 2;
- (bb) “practice visit” means a practice visit within the meaning of Part 3;
- (cc) “president” means the president of a college;
- (dd) “professional corporation” means professional corporation within the meaning of Part 5;

- (ee) “professional fee” means a fee charged by a regulated member for a professional service;
- (ff) “professional service” means a service that comes within the practice of a regulated profession;
- (gg) “public member” means a person appointed as a public member under this Act;
- (hh) “ratified settlement” means a settlement ratified under section 60(2);
- (ii) “record of the hearing” means the record described in section 84(1)(b);
- (jj) “registrar” means the registrar of a college;
- (kk) “registration committee” means a registration committee established under Part 1;
- (ll) “restricted activity” means a restricted activity and a portion of a restricted activity, within the meaning of Schedule 7.1 of the *Government Organization Act*;
- (mm) “regulated profession” means a profession that is regulated by this Act;
- (nn) “regulated member” means a person who is registered as a member under section 33(1)(a);
- (oo) “standards of practice” means standards of practice adopted by council under Part 8;
- (pp) “unprofessional conduct” means any or all of the following, whether or not it is disgraceful or dishonourable:
  - (i) displaying a lack of knowledge of or lack of skill or judgment in the provision of professional services;
  - (ii) contravention of this Act, a code of ethics or standards of practice;
  - (iii) contravention of another enactment that applies to the profession;
  - (iv) representing or holding out that a person was a regulated member and in good standing while the person’s registration or practice permit was suspended or cancelled;

- (v) representing or holding out that person's registration or practice permit is not subject to conditions when it is or misrepresenting the conditions;
- (vi) failure or refusal
  - (A) to comply with the requirements of the continuing competence program, or
  - (B) to co-operate with a competence committee or a person appointed under section 11 undertaking a practice visit;
- (vii) failure or refusal
  - (A) to comply with an agreement that is part of a ratified settlement,
  - (B) to comply with a request of or co-operate with an investigator,
  - (C) to undergo an examination under section 117, or
  - (D) to comply with a notice to attend or a notice to produce under Part 4;
- (viii) contravening an order under Part 4, conditions imposed on a practice permit or a direction under section 117(4);
- (ix) carrying on the practice of the regulated profession with a person who is contravening section 97 or an order under Part 4 or conditions imposed on a practice permit or a direction under section 117(4);
- (x) carrying on the practice of the regulated profession of physicians, surgeons, osteopaths, dentists, chiropractors or optometrists on behalf of a corporation that does not meet the requirements of sections 103 to 114 or as a partner of a partnership that does not meet the requirements of section 97(3);
- (xi) carrying on the practice of the regulated profession of physical therapists on behalf of a corporation that does not meet the requirements of Schedule 20;
- (xii) conduct that harms the integrity of the regulated profession;
- (qq) "unprofessional conduct fines table" means the unprofessional conduct fines table in Part 10.

(2) In this Act,

- (a) a reference to “this Act” includes the regulations under this Act;
- (b) a reference to a power and duty includes the power and duty to make a decision;
- (c) a reference to conditions includes restrictions and limitations.

## **PART 1**

### **GOVERNANCE**

#### **College**

College  
established

**2** A college is a corporation that

- (a) is created or continued in a schedule to this Act,
- (b) consists of its regulated members and other members, and
- (c) has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

College's role

**3(1)** The college must

- (a) carry out its activities and govern its regulated members in a manner that protects and serves the public interest,
- (b) provide direction to and regulate the practice of the regulated profession by its regulated members,
- (c) establish, maintain and enforce standards for registration and of continuing competence and standards of practice of the regulated profession,
- (d) establish, maintain and enforce a code of ethics, and
- (e) carry on the activities of the college and perform other duties and functions by the exercise of the powers conferred by this Act.

(2) A college may not set professional fees, provide guidelines for professional fees or negotiate professional fees on behalf of some or all of its regulated members unless the Minister grants the college an approval under section 27.

(3) A college or a council or committee of a college may not be a certified bargaining agent as defined in the *Labour Relations Code*.

- Annual report
- 4(1)** A college must submit to the Minister an annual report of its activities in a form acceptable to the Minister that contains the information requested by the Minister, including but not restricted to
- (a) a statement respecting the number of complaints made and their disposition, including the number of hearings closed to the public in whole or in part, the number of appeals and the number of regulated members dealt with under section 117;
  - (b) information respecting registration;
  - (c) a description of and information about the college's continuing competence program;
  - (d) whether the college has an approval under section 27 and, if so, a statement describing how it is complying with conditions imposed on the approval, if any;
  - (e) a statement respecting the committees and tribunals established under this Act;
  - (f) audited financial information or financial information in a form and manner satisfactory to the Minister.
- (2) On receipt of a report under subsection (1), the Minister must lay a copy of it before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.
- (3) The Minister may, to ensure that the requirements of this Act are met, require reports from the college in addition to the annual report under subsection (1).

### **Council, President and Registrar**

- Council established
- 5(1)** The governing body of a college is the council.
- (2) The council consists of the president and
- (a) the regulated members provided for in the by-laws,
  - (b) the non-voting members, if any, provided for in the by-laws, and

(c) subject to section 12(1), the number of public members appointed by the Lieutenant Governor in Council.

(3) The president and members described in subsection (2)(a) and (c) are the voting members of council.

(4) A member described in subsection (2)(a), (b) or (c) continues to hold office after the expiry of the member's term until the member is reappointed or re-elected or a successor is appointed or elected.

(5) Despite section 12, if a member described in subsection (2)(a), (b) or (c) is not capable of carrying out the powers and duties of a member, the council may continue to carry out its powers and duties until a successor is appointed or elected.

Council's role      **6** A council manages and conducts the activities of the college, exercises the rights, powers and privileges and carries out the duties of the college in the name of and on behalf of the college and carries out the powers and duties of the council under this Act and the by-laws.

President      **7** A council must appoint, elect or provide for the appointment or election of an individual to be president for the purposes of this Act.

Registrar      **8** A council must appoint or provide for the appointment of an individual as registrar for the purposes of this Act.

### **Committees and Tribunals**

Registration committee      **9(1)** A council

- (a) may establish a registration committee consisting of no fewer than 3 members, the majority of which must be regulated members, and
- (b) if a registration committee is established, must designate a member of that committee to act as chair.

(2) A member of a registration committee continues to hold office after the expiry of the member's term until the member is reappointed or a successor is appointed.

(3) Despite subsection (1), if a member of a registration committee is not capable of carrying out the powers and duties of a member, the registration committee may continue a review of an application

in which the member was participating and the registration committee may carry out its powers and duties with respect to that review.

(4) A registration committee may,

- (a) if provided for in the by-laws, review an application for registration, and
- (b) undertake any other power or duty given to it under this Act or the by-laws.

Competence  
committee

**10(1)** A council

- (a) may, subject to Schedule 21, establish a competence committee, and
- (b) must establish the competence committee if the college is authorized by regulation or by Schedule 21, to undertake practice visits.

(2) Subject to Schedule 21, a competence committee must consist of no fewer than 3 members appointed by the council and the majority of members must be regulated members and the council must designate a member of that committee to act as chair.

(3) A council may, by by-law, direct the registration committee to carry out the powers and duties of a competence committee except those described in subsection (6)(b).

(4) A member of a competence committee continues to hold office after the expiry of the member's term until the member is reappointed or a successor is appointed.

(5) Despite section 12, if a member of a competence committee is not capable of carrying out the powers and duties of a member, the competence committee may continue to conduct a practice visit in which the member was participating, and the competence committee may carry out its powers and duties with respect to that practice visit.

(6) A competence committee

- (a) may make recommendations to the council on continuing competence requirements and the assessment of those requirements,
- (b) may, if authorized by the regulations, provide for practice visits as part of the continuing competence program and conduct a practice visit of regulated members, and



(c) may undertake any other power or duty given to it under this Act or the by-laws.

(7) Despite subsection (6) and section 20, if a competence committee is authorized to conduct practice visits it shall not carry out any powers or duties under sections 28 to 30.

Competence  
committee  
appointee

**11** A competence committee may appoint a person or persons who have technical expertise or other relevant knowledge to inquire into and report to the competence committee with respect to any matter related to any power or duty of the competence committee.

Required  
public  
members

**12(1)** Twenty-five percent of the voting members of a council, a complaint review committee and a hearing tribunal and of a panel of any of them must be public members but with the consent of the council the percentage of the public members may be greater than 25%.

(2) Despite the by-laws governing quorum, the number of public members required by subsection (1) must be present at a meeting of a council, a complaint review committee and a hearing tribunal and a panel of any of them.

(3) Despite subsection (2), the powers and duties of a council or a panel of council, when hearing an appeal under Part 4, are not affected

(a) by the failure of a public member to attend a meeting of the council, or

(b) by a vacancy in the office of a public member.

(4) Despite subsections (1) to (3), the powers and duties of a council, complaint review committee or hearing tribunal or a panel of any of them are not affected by a vacancy in the office of a public member for up to 2 years from the date that the schedule to this Act governs the college comes into force.

Public  
members  
appointed,  
lists

**13(1)** Subject to subsection (2), the Lieutenant Governor in Council

(a) may, after the Minister has consulted with the affected council, appoint and rescind the appointment of public members to a council, and

- (b) may appoint persons to a list of public members for the purpose of establishing complaint review committees and hearing tribunals.
- (2) The following are not eligible to be appointed to a list of public members:
- (a) with respect to an appointment to a council, a person who is a regulated member of that college;
  - (b) a person who represents or is normally engaged in representing a group of employees who are regulated members in the negotiation of collective bargaining agreements or in any proceedings under a collective bargaining agreement with respect to regulated members or who negotiates or sets professional fees or guidelines on professional fees on or on behalf of regulated members of a college;
  - (c) a member or officer of a regional health authority, the Advisory Board, the Provincial Mental Health Advisory Board or the Alberta Cancer Board.
- (3) The public members of a complaint review committee and a hearing tribunal are the persons designated by a hearings director from the list, established under subsection (1)(b), of public members, other than regulated members of the college.
- (4) A public member may be appointed to a list of public members for a term of up to 3 years and may be reappointed, but may not be appointed for more than 6 consecutive years.
- (5) A member of a council appointed under subsection (1)(a) continues to be an appointed member after the expiry of the term of the appointment until the member is reappointed, the member's appointment is rescinded or a successor is appointed.
- (6) Public members under this section may, at the rates prescribed by the Lieutenant Governor in Council, be paid remuneration for their services by and receive reasonable living and travelling expenses from the Government incurred in the course of their duties as members.

Hearings  
director,  
complaints  
director

**14(1)** A council must provide for the appointment of an individual as a hearings director for the purposes of this Act.

(2) A hearings director may not chair nor participate in a hearing, review or appeal under Part 4.

(3) A council must provide for the appointment of an individual as a complaints director for the purposes of this Act.

Membership  
lists

**15(1)** A council must appoint members to a membership list consisting of no fewer than 4 regulated members to be used for appointing members to both hearing tribunals and complaint review committees.

(2) Only regulated members are eligible to be included on a list referred to in subsection (1).

Tribunal,  
complaint  
review  
committee  
established

**16(1)** The hearings director may establish a hearing tribunal and a complaint review committee consisting of

(a) 2 or more members from the membership list established under section 15, and

(b) the number of public members required by section 12(1),

and if a hearing tribunal or complaint review committee is established, the hearings director must designate a member of that tribunal or committee to act as chair.

(2) A member of a hearing tribunal or of a complaint review committee continues to hold office after the expiry of the member's term until the member is reappointed or a successor is appointed.

(3) Despite section 12(2), if a member of a hearing tribunal or of a complaint review committee is not capable of carrying out the powers and duties of a member,

(a) the hearing tribunal may continue to hold a hearing in which the member was participating and the hearing tribunal may carry out its powers and duties with respect to that hearing, and

(b) the complaint review committee may continue to review and ratify a settlement under section 60 and to conduct a review under section 68 in which the member was participating and the complaint review committee may carry out its powers and duties with respect to that settlement or review.

(4) All members of a hearing tribunal and of a complaint review committee are voting members.

(5) The hearings director may direct one or more hearing tribunals or complaint review committees established under this section to

carry out any power or duty that a hearing tribunal or complaint review committee may carry out under this Act.

Tribunal,  
committee  
powers, duties

**17(1)** A hearing tribunal's powers and duties include holding hearings under this Act.

**(2)** A complaint review committee's powers and duties include reviewing and ratifying settlements under section 60 and conducting reviews under section 68.

### **Panels**

Council,  
committee  
panels

**18(1)** Subject to section 12,

(a) a person or committee designated by a council may designate 3 members of council to sit as a panel of council and designate a member of the panel to act as chair, or

(b) the chair of the registration committee and of the competence committee may designate 3 members of the registration committee or competence committee to sit as a panel of the registration committee or competence committee and designate a member of the panel to act as chair.

**(2)** A person or committee designated by a council may direct a panel of the council to carry out the powers and duties of the council with respect to a review under Part 2 and an appeal under Part 4 or section 117.

**(3)** The chair of the registration committee or of the competence committee may direct a panel of the registration committee or of the competence committee to carry out any power or duty that the registration committee or competence committee may carry out under this Act.

**(4)** If a member designated under subsection (1) is not capable of carrying out the powers and duties of a member, the panel may continue an appeal or review an application in which the member was participating and the panel may carry out its powers and duties with respect to that appeal or application.

**(5)** A power or duty carried out by a panel of the council, of the registration committee or the competence committee is a power or duty carried out by the council, registration committee or competence committee.

(6) Two or more panels of the council, of the registration committee or of the competence committee may carry out their powers and duties simultaneously.

(7) Any reference in this Act or any other enactment to a council, registration committee or competence committee is deemed to be also a reference to a panel of the council, of the registration committee or of the competence committee.

### **Delegation**

Council  
delegation

**19(1)** A council may delegate any of its powers and duties to one or more persons or committees, except the power to make regulations or by-laws and to adopt a code of ethics or standards of practice.

(2) A council may impose conditions on a delegation under subsection (1).

(3) When a council delegates a power or duty, it may authorize the person or committee to further delegate the power or function, subject to any conditions imposed by the council.

(4) Any reference in this Act or another enactment to a council is deemed to be also a reference to a delegate and to a delegate of the delegate under this section.

Person,  
committee  
delegation

**20(1)** Subject to the by-laws, a person or committee to whom a power or duty is given under this Act or the by-laws may delegate the power or duty to one or more other persons or committees.

(2) A person or committee making a delegation under subsection (1) may impose conditions on the delegation.

(3) Despite subsection (1),

(a) the powers and duties of both a complaints director and a hearings director may not be delegated to the same person, and

(b) a complaint review committee, a hearing tribunal or a council or panel of council may not delegate its powers or duties with respect to a review or appeal under Part 4.

(4) Any reference in this Act or any other enactment to a person or committee to whom a power or duty is given under this Act is deemed to be also a reference to a delegate of the person or committee under this section.

Officials  
directory

**21(1)** The council must establish and keep up to date a directory that contains the names of and how to contact

- (a) the complaints director and any delegate;
  - (b) the hearings director and any delegate;
  - (c) the registrar and any delegate;
  - (d) the president and any delegate;
  - (e) the council and any delegate and any delegate of the delegate.
- (2)** The information under subsection (1) must, on request,
- (a) be made available to the public during regular business hours, and
  - (b) be provided to the Minister.

### **Advisory Board**

Advisory  
Board  
established

**22(1)** The Health Professions Advisory Board is established.

- (2)** The Advisory Board consists of
- (a) not more than 12 persons appointed as members by the Lieutenant Governor in Council, of which at least 25% must be regulated members, and
  - (b) the following non-voting members, who must be employees of the Government:
    - (i) one employee designated by the Deputy Minister of Labour;
    - (ii) one employee designated by the Deputy Minister of Health;
    - (iii) one employee designated by the Deputy Minister of Advanced Education and Career Development;
    - (iv) one employee designated by the Deputy Minister of Family and Social Services.
- (3)** A person may be appointed under subsection (2)(a) for a term of up to 3 years and may be reappointed, but may not be appointed for more than 6 consecutive years.

- (4) The powers and duties of the Advisory Board are not affected
- (a) subject to subsection (5), by the failure of a voting member to attend a meeting of the Advisory Board, or
  - (b) by a vacancy in the office of a voting member.
- (5) The quorum is at least ½ of the persons appointed as voting members.
- (6) The Lieutenant Governor in Council may designate a chair of the Advisory Board from among the voting members and in the absence or inability of the chair to act the voting members may designate a voting member as acting chair.
- (7) Voting members appointed under this section may be paid remuneration and may receive reasonable living and travelling expenses while away from their ordinary places of residence in the course of their duties as members at the rates prescribed by the Lieutenant Governor in Council.
- (8) The Minister may provide administrative, secretarial and clerical services required by the Advisory Board.

Advisory  
Board's role

**23** The Advisory Board may, on the request of the Minister, investigate and provide the Minister with advice related to this Act and Schedule 7.1 of the *Government Organization Act*.

Advisory  
Board  
meetings

**24(1)** The Advisory Board must give the colleges reasonable notice of the matters to be discussed at a meeting of the Advisory Board and allow them to make submissions.

(2) A meeting of the Advisory Board must be open to the public unless the Advisory Board determines that the meeting should be closed for the purposes of discussion and voting.

(3) The portion of an Advisory Board meeting when submissions are presented must be open to the public unless the Advisory Board is satisfied that the interests of the person making the submission, or of any other person, would be detrimentally affected if the submission were not presented in private.

### Regulated Professions

Applying to be  
a regulated  
profession

**25(1)** A group of persons seeking to be a regulated profession must apply to the Minister for recommendation to the Legislature that this Act be amended to include the proposed profession as a regulated profession.

- (2) An application under subsection (1)
- (a) must be made by an organization that represents the majority of persons carrying on that profession in Alberta,
  - (b) must be in the form and contain the information requested by the Minister, and
  - (c) must be accompanied by the application fee set by the Minister.
- (3) On receipt of an application under subsection (1), the Minister may direct the Advisory Board to investigate whether the profession should be regulated under this Act.
- (4) When conducting an investigation under subsection (3), the Advisory Board may investigate as it considers necessary and, without limiting the generality of the foregoing, may do one or more of the following:
- (a) evaluate the risk to the physical and psychological health and safety of the public from incompetent, unethical or impaired practice of the profession;
  - (b) ascertain what constitutes the practice of the profession, whether persons practising the profession should be authorized to provide restricted activities and the conditions, if any, that should apply to the practice of the profession or the provision of restricted activities;
  - (c) evaluate and make recommendations on the services normally provided by a person practising the profession, including the complexity of the services and how they are carried out;
  - (d) consider whether the services normally provided by persons practising the profession are regulated by an enactment;
  - (e) consider whether the profession is a distinct and identifiable profession;
  - (f) consider whether the proposed protected title is appropriately descriptive and whether it is likely to cause public confusion;
  - (g) consider the potential costs and benefits of regulating the profession, including the expected effect on practitioner availability and on education and training programs, the expected effect on enhancement of quality of service and the expected effect on prices, access and service efficiency;



- (h) ascertain the qualifications and minimum standards of competence that are required for a person applying to practise the profession and how the continuing competence of practitioners is to be maintained, ascertain what education programs are available and evaluate the available education programs;
- (i) ascertain the ability of the proposed college of the profession to carry out its powers and duties under this Act or consider whether they could be carried out by an existing college;
- (j) evaluate the effect, if any, that there would be on any agreements on trade and mobility to which Canada or Alberta is a signatory if the profession would become a regulated profession;
- (k) on the request of the Minister, consider any other matter.

Recommendation to Minister

**26(1)** On completing an investigation under section 25(3), the Advisory Board must recommend to the Minister, with reasons for the recommendation, whether it would be in the public interest that this Act be amended to include the profession as a regulated profession and may make any other recommendation that, in its opinion, is compatible with the public interest.

**(2)** If the Advisory Board recommends that the profession be a regulated profession under this Act, the Advisory Board must also make recommendations respecting

- (a) the college for the proposed regulated profession,
- (b) a proposed practice for the proposed regulated profession, and
- (c) a name, title and initials, if any, for the proposed regulated profession and its members,

and the Advisory Board may make any other recommendations that, in its opinion, are compatible with the public interest.

Fee negotiation approval

**27** If the Minister is satisfied that a college is organized so that when it undertakes its powers, duties and functions under this Act it would not be influenced by an approval,

- (a) the Minister may approve the college to set professional fees, to provide guidelines on professional fees and to negotiate professional fees on behalf of some or all of its regulated members, and

- (b) the Minister may impose conditions on that approval.

## **PART 2**

### **REGISTRATION**

#### **Applying for Registration**

Application for  
registration

**28(1)** An application for registration as a regulated member is complete for the purpose of consideration under section 29(3) if it is in the required form and given to the registrar by the applicant along with

- (a) evidence of meeting the requirements for competence in the practice of the profession as required by subsection (2),
  - (b) the fees provided for in the by-laws,
  - (c) evidence of having the amount and type of professional liability insurance, if required by the regulations,
  - (d) evidence of being a Canadian citizen or a person lawfully permitted to work in Canada, if required by the regulations,
  - (e) evidence of having good character and reputation, if required by the regulations,
  - (f) evidence of meeting standards of language proficiency, if required by the regulations, and
  - (g) information required by the registrar under section 33(4)(b).
- (2)** An applicant may provide evidence of competence in the practice of the profession
- (a) by fulfilling one or more of the following as required by the regulations:
    - (i) education requirements, that may include being enrolled in a program of studies,
    - (ii) experience requirements,
    - (iii) successful completion of examinations, or
    - (iv) holding certificates or diplomas,
  - (b) by being registered with a profession in another jurisdiction recognized by the regulations as having substantially

equivalent competence and practice requirements and meeting the requirements for persons to be registered with that profession in that jurisdiction, or

- (c) by satisfying the registrar the registration committee or competence committee, of having as determined in accordance with the regulations, a combination of education, experience, practice or other qualifications, that demonstrates the competence required for registration as a regulated member.

(3) If there are reasonable and probable grounds to be of the opinion that an applicant by engaging in the regulated profession as a regulated member would create a danger to the public or be unsafe because of a disability or incapacity, the registrar, the registration committee or competence committee may require an applicant for registration to undergo physical or mental examinations by a person agreed on by the applicant and the registrar, registration committee or competence committee or, failing an agreement, designated by the registrar, registration committee or competence committee for the purpose of assisting the registrar, registration committee or competence committee in determining whether the applicant by engaging in the regulated profession as a regulated member would create a danger to the public or be unsafe.

Receipt of  
application

**29(1)** The registrar must, as soon as reasonably possible, on receipt of an application for registration as a regulated member, give notice to the applicant that the application has been received, whether it is complete and if it is not complete, why it is not complete.

(2) When an incomplete application is made complete by the applicant the registrar must, as soon as reasonably possible, give notice to the applicant that a complete application is received.

(3) On receipt of a complete application by the registrar, the registrar, registration committee or competence committee, as provided for in the by-laws, must consider the application, and make a decision under section 30 and notify the applicant of the decision as soon as reasonably possible.

(4) An application for registration as an other member under section 33(1)(b) must be considered by the college in accordance with the by-laws.

Decision on  
application

**30(1)** On considering a complete application for registration as a regulated member, the registrar, the registration committee or the competence committee, as provided for in the by-laws, must

- (a) approve the application,
- (b) defer registration if in the opinion of the registrar, registration committee or competence committee it is in the best interest of the public to defer the registration of the applicant until the applicant complies with conditions imposed by the registrar, registration committee or competence committee, or
- (c) refuse the application for registration.

**(2)** The registrar, registration committee or competence committee may impose conditions on an approval under subsection (1)(a) that in the opinion of the registrar, registration committee or competence committee are in the best interest of the public.

**(3)** On making a decision under subsection (1) the registrar, registration committee or competence committee must

- (a) give notice of the decision to the applicant,
- (b) in the case of the registration committee or competence committee, give notice of the decision to the registrar, and
- (c) in the case of a decision to impose conditions on a registration, to defer a registration or to refuse an application, give reasons for the decision and notify the applicant as to how the applicant may request a review of the decision under section 31.

**(4)** An applicant may, on request, review the documents used by and created by the registrar, registration committee or competence committee when considering the applicant's application.

**(5)** If the applicant is not notified of the decision under this section by the date that is 120 days after notice was given under section 29 that the application for registration is complete, the applicant may request a review under section 31.

Review  
application

**31(1)** An applicant whose application for registration is accepted subject to conditions or whose registration is deferred or whose application is refused by the registrar, registration committee or competence committee may, within 30 days of being given a copy of the decision, request a review by the council in accordance with subsection (3).

(2) An applicant who is not notified of a decision by the date described in section 30(5) may, within 30 days from that date, request a review by the council in accordance with subsection (3).

(3) A request for a review must

- (a) be in writing,
- (b) set out the reasons why the application for registration should be approved with or without conditions, and
- (c) be given to the registrar, who must give a copy of the request to the council.

(4) On being given a request for a review, the registrar must, within 30 days, notify the applicant of the date, place and time at which the council will conduct the review.

(5) A review must be commenced not later than 60 days after the registrar is given the request for a review.

(6) The college may, in accordance with the by-laws, charge a fee for a review.

Review of  
registration  
decision

**32(1)** An applicant and the registrar, the registration committee or competence committee may appear with or without counsel and make representations to the council at a review.

(2) On reviewing a decision pursuant to a request for a review under section 31, the council may

- (a) confirm, reverse or vary the decision of the registrar, registration committee or competence committee and make any decision that the registrar, registration committee or competence committee could have made,
- (b) refer the matter back to the registrar, registration committee or competence committee and direct the registrar, registration or competence committee to make a further assessment of the application and make a decision under section 30 on the application, and
- (c) make any further order the council considers necessary for the purposes of carrying out its decision.

(3) The council must conduct the review as soon as reasonably possible and on making a decision must give the applicant and the registrar a copy of its decision with the reasons for the decision.

## **Registration**

Registers of  
members

### **33(1) A council**

- (a) must establish, in accordance with the regulations, a regulated members register for one or more categories of members who provide professional services of the regulated profession, and
- (b) may, in accordance with the by-laws, establish other members registers for one or more categories of non-regulated members.

**(2)** The name of a regulated member who is suspended remains in the register.

**(3)** The registrar must enter the following information for each regulated member in the appropriate category of register established under subsection (1)(a):

- (a) the full name of the member;
- (b) the member's unique registration number;
- (c) any conditions imposed on the member's practice permit;
- (d) the status of the member's practice permit, including whether it is suspended or cancelled;
- (e) the member's practice specialization recognized by the college;
- (f) whether the member is authorized to provide a restricted activity not normally provided by regulated members of the college;
- (g) whether the member is not authorized to provide a restricted activity that is normally provided by regulated members of the college;
- (h) information described in section 118(1).

### **(4) The registrar**

- (a) may, in accordance with the regulations,
  - (i) enter in a register described in subsection (1)(a) information in addition to that required by subsection (3), and
  - (ii) remove information from a register,

and

- (b) must require regulated members and applicants for registration as regulated members to provide information related to their demographic status and their practice of the regulated profession in accordance with regulations under sections 130 and 133.

(5) The registrar may, if authorized by the by-laws, enter in a register and remove from the register information about members registered under subsection (1)(b).

Register  
information

**34(1)** If a member of the public, during regular business hours, requests information on the register respecting a named regulated member the college must provide the information described in section 33(3) with respect to that member.

(2) A college may, in accordance with the regulations or by-laws, release information about its members in addition to the information referred to in subsection (1).

Register error

**35** The council, hearing tribunal, registration committee, complaint review committee, competence committee or Appeal Committee under Schedule 21 may direct the registrar to correct or remove, and the registrar may correct or remove, any entry made in error in a register.

Registration of  
regulated  
members

**36(1)** If an application for registration as a regulated member has been approved, the registrar must assign that member a unique registration number and enter the information required by section 33(3) in the appropriate register.

(2) On entering the name of a person in the register of regulated members, the registrar must issue the person a practice permit.

(3) A practice permit must include

- (a) the name of the regulated member;
- (b) the regulated member's unique registration number;
- (c) the name of the college that is issuing the practice permit;
- (d) a statement that the practice permit is issued pursuant to the *Health Professions Act*;
- (e) any conditions imposed on the regulated member's practice permit;

- (f) the category of registration if the college has more than one category of regulated member;
  - (g) the expiry date of the practice permit.
- (4) If a college issues a registration document in addition to a practice permit, the college must clearly state on the registration document that it is not a practice permit.
- (5) A regulated member must
- (a) display the regulated member's practice permit where the regulated member provides professional services, or
  - (b) on request, make the regulated member's practice permit available for inspection.

Corporations  
not members

**37** A corporation, professional corporation or physical therapy corporation may not be registered as a regulated member nor as an other member.

### Practice Permit Renewal

Application  
date for  
practice permit

**38(1)** A regulated member must submit a complete application for a practice permit to the registrar periodically by the date provided for in the by-laws.

(2) On receipt of an application for a practice permit, the registrar, registration committee or competence committee, as provided for in the by-laws, must, as soon as possible, consider the application and make a decision under section 40(2) and notify the applicant of the decision.

(3) A regulated member's practice permit continues in force if an application for a practice permit has been received by the registrar but a decision on the application has not been made.

Cancellation if  
application not  
made

**39** The registrar may, in accordance with section 43, cancel the practice permit of a regulated member who does not comply with section 38(1).

Applying for  
practice permit

**40(1)** An application for a practice permit is complete for consideration under subsection (2) if it is in the form required and given to the registrar by a regulated member

- (a) whose registration is not suspended or cancelled,



(b) who

(i) meets the requirements for continuing competence of applicants for a practice permit provided for in the regulations or Schedule 21, or

(ii) is enrolled as a student in a program of studies provided for in the regulations or in a substantially equivalent program,

(c) who provides evidence of having the amount and type of professional liability insurance required by the regulations, if the insurance is required by the regulations,

(d) who provides the information required by the Registrar under section 33(4)(b), and

(e) who has paid the practice permit fee provided for in the by-laws and provided any information requested under section 121.

(2) The registrar, registration committee or competence committee, as provided for in the by-laws, must consider an application for a practice permit and decide whether

(a) to approve the application if the regulated member meets the requirements set out in subsection (1) and issue the member a practice permit subject to any conditions imposed by the registrar, registration committee or competence committee,

(b) to issue a practice permit but to impose conditions for the completion of the continuing competence requirements set out in the regulations within the time specified in the conditions,

(c) to suspend the practice permit of the regulated member until the member has successfully completed the continuing competence requirements set out in the regulations or is enrolled in a program of studies provided for in the regulations or a substantially equivalent program, or

(d) to refuse the application for a practice permit,

and must give the regulated member and, in the case of the registration committee or competence committee give the registrar a copy of the decision with the reasons for the decision, and the registrar may, or the registration committee or competence committee may direct the registrar to issue the practice permit or suspend the practice permit in accordance with the decision, and

notify the regulated member of the decision and how to request a review under section 41.

Review by  
council

**41(1)** An applicant whose practice permit is issued subject to conditions, suspended or refused by the registrar, registration committee or competence committee may, within 30 days of being given a copy of the decision, request a review by giving the registrar a written request for a review that sets out the reasons why the application should be approved with or without conditions.

**(2)** On being given a request for a review, the registrar must, within 30 days, notify the applicant of the date, place and time at which the council will conduct the review.

**(3)** A review must be commenced not later than 60 days after the registrar is given the request for a review.

**(4)** A regulated member whose practice permit is suspended under this section may apply to the registrar for a stay of the suspension until the council makes a decision under subsection (6), and the person or committee designated by the council must consider and make a decision on the application.

**(5)** The applicant and the registrar, registration committee or competence committee may appear with or without counsel and make representations to the council at the review.

**(6)** On completing a review, the council may

(a) confirm, reverse or vary the decision of the registrar, registration committee or competence committee and make any decision that the registrar, registration committee or competence committee could have made, or

(b) refer the matter back to the registrar, registration committee or competence committee and direct the registrar, registration committee or competence committee to make a further assessment of the application for a practice permit and make a decision under section 40(2) on the application,

and may make any further order the council considers necessary for the purposes of carrying out the decision.

**(7)** The council must give the applicant and the registrar a written copy of its decision under subsection (6) with the reasons for the decision.

**(8)** The college may, in accordance with the by-laws, charge a fee for a review.

## **Suspension, Cancellation and Reinstatement**

Suspension,  
cancellation  
grounds

- 42** A practice permit may be
- (a) cancelled in accordance with sections 39 and 43,
  - (b) suspended in accordance with section 40,
  - (c) suspended or cancelled pursuant to an order under Part 4,
  - (d) cancelled on a request under section 43(5), or
  - (e) suspended under Part 6.

Cancellation of  
practice permit

**43(1)** If a regulated member does not apply for a practice permit under section 38(1), is in default of payment of the practice permit fee or fails to pay a penalty, costs or any other fees, levies or assessments due under this Act or the by-laws, the registrar, after 30 days or a greater number of days, as set out in the notice, after giving notice to the regulated member, may cancel the regulated member's practice permit.

**(2)** The notice under subsection (1) must state that the registrar may cancel the registration and practice permit of the regulated member unless a complete application for a practice permit is received, the practice permit fee is paid, and any other penalties, costs, fees, levies or assessments are paid, as indicated in the notice.

**(3)** If a practice permit is cancelled under subsection (2) only because the practice permit fee or a penalty, cost, fee, levy or assessment is not paid, the registrar may, on its payment, issue or reissue the practice permit.

**(4)** If the registrar is satisfied that a regulated member does not comply with conditions imposed under section 40(2) within the time specified, the registrar may refer the matter to the registration committee or competence committee as provided for in the by-laws and the registration committee or competence committee on being satisfied that the conditions are not complied with, may direct the registrar to cancel the member's practice permit and registration.

**(5)** The registrar may cancel the registration or practice permit of a regulated member and cancel the registration of an other member on the member's request.

Return of  
suspended or  
cancelled  
permit

**44** If the practice permit of a regulated member is suspended or cancelled under this Part, suspended or cancelled under an order under Part 4 or suspended under Part 6, that regulated member must, on request, send the practice permit to the registrar.

Reinstatement

**45(1)** A regulated member whose practice permit is cancelled under this Act, except under Part 4, may apply for it to be reissued in accordance with the by-laws.

**(2)** A person whose practice permit is cancelled under Part 4 may apply for it to be reissued in accordance with the regulations.

### **Registration Required**

Mandatory  
registration

**46(1)** A person must apply for registration if the person

(a) is qualified to meet the requirements of section 28(2) for registration as a regulated member, and

(b) intends to provide any or all of the following:

(i) professional services directly to the public;

(ii) the manufacture of dental appliances or conducting of laboratory tests that are used by other regulated members to provide professional services directly to the public;

(iii) the teaching of the practice of a regulated profession to regulated members and students of the regulated profession;

(iv) the supervision of regulated members who provide professional services to the public.

**(2)** If a registrar is of the opinion that a person who is not a regulated member meets or may meet the requirements of subsection (1)(a) with respect to the college and provides any services described in subsection (1)(b), the registrar may give that person a written request to apply for registration.

**(3)** A person who receives a request under subsection (2) must give a complete application for registration, except for the application fee, to the registrar within 30 days of receiving the request, however, the application fee must be paid prior to registration.

**(4)** This section does not apply to a person who is

- (a) a regulated member of another college,
- (b) a student of a regulated profession, or
- (c) authorized to provide services referred to in subsection (1) pursuant to another enactment.

**Prohibition**      **47** No person shall knowingly employ a person who meets the requirements of section 46(1)(a) to provide services described in section 46(1)(b) unless that employed person is

- (a) a regulated member, or
- (b) authorized to provide the services pursuant to another enactment.

**Offence**      **48(1)** A person who meets the requirements of section 46(1) but does not comply with a request under section 46(2) is guilty of an offence.

**(2)** A person who is guilty of an offence under this section is liable

- (a) for a first offence, to a fine of not more than \$2000,
- (b) for a 2nd offence, to a fine of not more than \$4000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.

**(3)** A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards.

**Injunction**      **49** The Court of Queen's Bench, on application by a college by way of originating notice, may grant an injunction enjoining any person who meets the requirements of section 46(1)(a) from providing services described in section 46(1)(b) if the person is not a regulated member or is not authorized to provide the services pursuant to another enactment.

## PART 3

### CONTINUING COMPETENCE AND PRACTICE VISITS

#### Continuing Competence Program

Continuing  
competence  
program

**50(1)** A council must provide, by regulation, continuing competence requirements within 5 years from the date that the schedule to this Act with respect to the profession comes into force.

**(2)** Continuing competence requirements

- (a) must provide for regulated members to maintain competence and to enhance the provision of professional services, and
- (b) may, if authorized by the regulations or Schedule 21, provide for practice visits of the regulated members.

#### Practice Visits

Practice visit

**51(1)** In this section, “publicly funded facility” means an institution or facility that

- (a) is an approved hospital as defined in the *Hospitals Act*, a nursing home as defined in the *Nursing Homes Act*, a correctional institution as defined in the *Corrections Act*, a facility as defined in the *Mental Health Act*, a diagnostic or treatment centre made available under section 49(b) of the *Mental Health Act*, a hospital, clinic or centre operated by the Alberta Alcohol and Drug Abuse Commission, a facility as defined in the *Social Care Facilities Review Committee Act* or an institution or facility operated by or approved by the Minister of Health, and
- (b) is a place where professional services are provided.

**(2)** If authorized by the regulations to carry out practice visits as part of a continuing competence program, the competence committee may direct that a regulated member participate in a practice visit, and the regulated member must co-operate with the members of the competence committee and a person appointed under section 11.

**(3)** For the purposes of conducting a practice visit, any or all of the members of the competence committee and a person appointed under section 11 may, in order to ensure that continuing competence requirements are met,

- (a) subject to subsection (4), at any reasonable time and on having given notice, enter and inspect any place where the regulated member provides professional services;
  - (b) interview a regulated member about the member's professional services;
  - (c) observe the regulated member providing professional services if the person who is receiving the professional services consents;
  - (d) interview or survey patients, clients and co-workers or the regulated member about the regulated member's professional services;
  - (e) review documents, including a patient's medical records, and examine substances and things that
    - (i) are owned by or under the control of the regulated member, and
    - (ii) are related to the provision of professional services by the regulated member;
  - (f) assess the safety and condition of equipment and technology used by the regulated member in the provision of professional services.
- (4) No member of the competence committee and no person appointed under section 11 may enter
- (a) a private dwelling place or any part of a place that is designed to be used and is being used as a permanent or temporary private dwelling place except with the consent of the occupant of the dwelling place, or
  - (b) a publicly funded facility except with the consent and agreement to the carrying out of one or more of the powers and duties under subsection (3) of the person who controls or operates the publicly funded facility.
- (5) Within 90 days of completing a practice visit the competence committee must
- (a) give a report to the regulated member setting out the findings of the visit;
  - (b) decide and advise the regulated member and the registrar whether
    - (i) the results from the practice visit were satisfactory,

- (ii) the regulated member must undertake specified actions in accordance with the regulations, or
  - (iii) in accordance with section 52(2)(b), the information obtained from the practice visit has been referred to the complaints director under section 56 or 117.
- (6) The competence committee must make a referral under subsection (5)(b)(iii) if in the opinion of the competence committee
- (a) the regulated member displays a lack of competence in the provision of professional services that has not been remedied by participating in a continuing competence program,
  - (b) the regulated member may be incapacitated, or
  - (c) the conduct of the regulated member otherwise constitutes unprofessional conduct.

**Confidentiality** **52(1)** A member of the competence committee or a person appointed under section 11 shall not publish, release or disclose in any manner information obtained in the course of carrying out powers and duties under section 51 except as is necessary to carry out those powers and duties.

- (2) Despite subsection (1), information obtained under section 51 may be
- (a) provided or published by the competence committee in summarized or statistical form if the information is provided or published in such a manner that it is not possible to relate the information to any particular identifiable person or facility,
  - (b) used by the competence committee to give to the complaints director the name of a regulated member and the grounds for a referral under section 51(5), and
  - (c) released or disclosed to the counsel of the regulated member in connection with proceedings under this Part, Part 2 or Part 4.

**Offence** **53** A person who knowingly publishes, releases or discloses information in contravention of section 52 is guilty of an offence and liable to a fine of not more than \$10 000.



**PART 4**  
**PROFESSIONAL CONDUCT**

**Division 1**  
**Complaint Process**

Making a  
complaint

**54(1)** A person may give a written, signed complaint to the complaints director regarding

- (a) a regulated member, or
- (b) a former member.

(2) A complaint under subsection (1) is not affected by the person about whom the complaint is made ceasing to be a regulated member before the proceedings with respect to the complaint are completed.

(3) Despite subsection (1)(b), a complaint cannot be made about a former member if 2 years has elapsed since the person became a former member.

(4) Despite subsection (1)(b), a complaint about a former member who was a member under a former Act but has not been a regulated member under this Act may be made under this Part only if discipline proceedings under the former Act could be commenced if that Act were still in force.

(5) If information, a notice or non-compliance is treated as a complaint under section 56 and acted on under section 55, the information, notice or non-compliance is deemed to be a complaint.

Acting on a  
complaint

**55(1)** Within 30 days of being given a complaint or treating information as a complaint, the complaints director must give notice to the complainant of the action taken with respect to it.

(2) The complaints director

- (a) may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,
- (b) may make a referral to an alternative complaint resolution process under Division 2,
- (c) may request an expert to assess and provide a written report on the subject-matter of the complaint,
- (d) may conduct, or appoint an investigator to conduct, an investigation,

- (e) if satisfied that the complaint is trivial or vexatious, may dismiss the complaint,
- (f) if satisfied that there is insufficient or no evidence of unprofessional conduct, may dismiss the complaint, and
- (g) make a direction under section 117.

(3) If the complaints director dismisses the complaint, the complaints director must, within 30 days, give notice to the complainant of the dismissal and the right to apply for a review by the complaint review committee under section 68.

Aware of  
unprofessional  
conduct

**56** Despite not receiving a complaint under section 54, but subject to section 54(3) and (4), if the complaints director has reasonable grounds to believe that the conduct of a regulated member or former member constitutes unprofessional conduct, is given notice under section 57 or is aware of non-compliance with a direction under section 117, the complaints director may treat the information, notice or non-compliance as a complaint and act on it under section 55.

Termination by  
employer

**57(1)** If, because of conduct that in the opinion of the employer is unprofessional conduct, the employment of a regulated member is terminated or suspended or the regulated member resigns, the employer must give notice of that conduct to the complaints director.

(2) On being given notice under subsection (1), the complaints director must

- (a) treat the employer as a complainant,
- (b) despite not receiving a complaint under section 54, treat the information as a complaint in accordance with section 56, and
- (c) notify the employer and the regulated member accordingly.

(3) For the purposes of this section, “employment” includes being engaged to provide professional services on a full-time or part-time basis as a paid or unpaid employee, consultant, contractor or volunteer.

## **Division 2**

### **Alternative Complaint Resolution**

#### **Process**

**58(1)** The complaints director may, with the agreement of the complainant and the investigated person, refer the complainant and the investigated person to an alternative complaint resolution process provided for in the regulations at any time before the commencement of a hearing by the hearing tribunal.

(2) If the complaints director makes a referral under subsection (1), a member of the college must participate in or conduct the alternative complaint resolution process.

(3) The person who conducts an alternative complaint resolution process must be impartial and must act impartially.

(4) If a report has been prepared under section 55(2)(c) with respect to the complaint, the complaints director must submit a copy of the report to the person conducting the alternative complaint resolution process.

(5) If a report has not been prepared by an expert, the person conducting the alternative complaint resolution process may request an expert to assess and submit a written report on the subject-matter of the complaint or matters arising during the alternative complaint resolution process.

(6) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if

(a) in the opinion of that person a settlement is not likely to occur, or

(b) the complaint review committee does not ratify the settlement under section 60,

the person must notify the complaints director.

(7) If during the alternative complaint resolution process information is introduced that causes the person conducting the alternative complaint resolution process to believe that the matter is substantially different from the original complaint, the person must notify the complaints director and the complaints director must decide whether the alternative complaint resolution process may continue or whether the matter must be processed under subsection (8).

(8) On being notified under subsection (6) or section 60(7)(b) or on deciding under subsection (7) to process a matter under this subsection, the complaints director must

- (a) if an investigation has not been commenced, commence an investigation under Division 3,
- (b) if an investigation has been commenced but no report of the investigation has been made, refer the complaint back to the investigator, if available, or appoint another investigator to complete the investigation regarding the complaint and make a report,
- (c) dismiss the complaint, or
- (d) in all other cases, refer the matter to the hearings director for a hearing.

**Evidence**

**59(1)** A person who conducts an alternative complaint resolution process must keep any records relating to the process separate from the college records except a ratified settlement.

**(2)** Any document prepared or generated for the purposes of an alternative complaint resolution process belongs to the person who prepared or generated the document.

**(3)** Except for information described in section 58(7) or that is part of a ratified settlement or a report prepared pursuant to a request under section 58(5), any communication and evidence arising from anything said, evidence of anything said or evidence of an admission or communication made in the course of an alternative complaint resolution process is confidential and not admissible in any proceedings under this or any other Act or in any action, matter or proceeding before a court

- (a) without the written consent of the investigated person and the complainant, and
- (b) in the case of written evidence, without the written consent of the person who prepared the written evidence, the investigated person and the complainant.

**Settlement**

**60(1)** If the complainant and the investigated person agree, in writing, to a proposed settlement of a complaint in an alternative complaint resolution process, the person conducting the alternative complaint resolution process must report the settlement to the complaint review committee.

**(2)** The complaint review committee may, on reviewing a proposed settlement of a complaint referred to it under subsection (1),

- (a) ratify the settlement,

- (b) with the consent of the complainant and the investigated person, amend the settlement and then ratify the settlement, or
    - (c) refuse to ratify the settlement.
  - (3) The complaint review committee must notify the complaints director of its actions under subsection (2).
  - (4) On being aware that a ratified settlement is not complied with, the complaints director may
    - (a) treat it as information acted on under section 55, or
    - (b) treat it as a complaint and refer it to the hearings director for a hearing.
  - (5) If the complaints director makes a referral under subsection (4)(b), the information is deemed to be a complaint and the complaints director must notify the complainant and the investigated person.
  - (6) The college may publish, in accordance with the by-laws, information respecting a complaint and a ratified settlement but may reveal the identity
    - (a) of the complainant, only with the consent of the complainant and the investigated person, or
    - (b) of the investigated person, only with the consent of the complainant,
- and the college must retain a copy of the ratified settlement.
- (7) Subject to subsections (4) and (6), if a ratified settlement
    - (a) relates to all the matters complained of or that arose during the alternative complaint resolution process, no further proceedings under this Part may be taken with respect to those matters, or
    - (b) relates to only part of the matters complained of or that arose during the alternative complaint resolution process, the person who conducted the alternative complaints resolution process must notify the complaints director of the matters that do not form part of the ratified settlement and the complaints director must act on it under section 58(8).

### **Division 3 Investigations**

|                         |   |
|-------------------------|---|
| Notice of investigation | <p><b>61(1)</b> If an investigation is to be conducted under this Part, the complaints director</p> <ul style="list-style-type: none"><li>(a) must give the complainant the name of the investigator, and</li><li>(b) must, unless it would significantly harm the investigation, give the investigated person the name of the investigator and reasonable particulars of the complaint to be investigated.</li></ul> <p><b>(2)</b> If the investigated person is not given the information referred to in subsection (1)(b) when an investigation is to be conducted, the complaints director must give the information</p> <ul style="list-style-type: none"><li>(a) when there would be no significant harm to the investigation, or</li><li>(b) before the investigation is completed,</li></ul> <p>whichever is earlier.</p> |
| Investigation scope     | <p><b>62(1)</b> An investigator may investigate a complaint.</p> <p><b>(2)</b> In the course of an investigation under subsection (1), an investigator may investigate matters that are related to the conduct of the investigated person that could give rise to a finding of unprofessional conduct.</p>  |
| Investigation powers    | <p><b>63(1)</b> An investigator</p> <ul style="list-style-type: none"><li>(a) may, at any reasonable time,<ul style="list-style-type: none"><li>(i) require any person to answer any relevant questions and direct the person to answer the questions under oath, and</li><li>(ii) require any person to give to the investigator any document, substance or thing relevant to the investigation that the person possesses or that is under the control of the person,</li></ul></li><li>(b) may require any person to give up possession of any document described in clause (a) to allow the investigator to take it away to copy it, in which case the investigator</li></ul>  |

must return it within a reasonable time of being given it but must return it no later than after a hearing is completed,

- (c) may require any person to give up possession of any substance and thing described in clause (a) to allow the investigator to take it away to examine it and perform tests on it, in which case the investigator must return it, if appropriate and possible, within a reasonable time of being given it but must return it, if appropriate and possible, no later than after a hearing is completed, and
- (d) subject to subsection (7), at any reasonable time enter and inspect any building where a regulated member provides professional services, but if the building contains a private dwelling place may not enter any part of the building designed to be used as and is being used as a permanent or temporary private dwelling place.

(2) The investigator may copy and keep copies of anything given under subsection (1).

(3) The complaints director, on the request of an investigator or without a request if the complaints director is the investigator, may apply to the Court of Queen's Bench for

- (a) an order directing any person
  - (i) to produce to the investigator any documents, substances or things relevant to the investigation in the person's possession or under the person's control,
  - (ii) to give up possession of any document described in subclause (i) to allow the investigator to take it away to copy it, in which case the investigator must return it within a reasonable time after receiving it but return it no later than after a hearing is completed, or
  - (iii) to give up possession of any substance or thing described in subclause (i) to allow the investigator to take it away, examine it and perform tests on it, in which case the investigator must return it, if possible, within a reasonable time of being given it but return it, if possible, no later than after a hearing is completed;
- (b) an order directing any person to attend before the investigator to answer any relevant questions the investigator may have relating to the investigation.

(4) An application for an order under subsection (3) may be made without notice if the Court is satisfied that it is proper to make the order in the circumstances.

(5) A person may comply with a request to give documents under subsection (1)(a)(ii) or an order under subsection (3)(a)(i) by giving copies of the documents to the investigator.

(6) If a person gives copies under subsection (5), the person must on the request of the investigator allow the investigator to compare the copies with the original documents at the person's place of business during regular business hours.

(7) No investigator may enter a publicly funded facility, as defined in section 51, except with the consent of the person who controls or operates the publicly funded facility.

Proceedings  
delayed

**64** If during the investigation the complaints director refers the complainant and the investigated person to an alternative complaint resolution process in accordance with this Part, the investigation and hearing must not proceed unless the complaints director is notified as described in section 58(6) or makes a decision under section 58(7).

Conditions,  
suspension  
during  
proceedings

**65(1)** On the recommendation of the complaints director or the hearing tribunal, a person or committee designated by the council may

(a) impose conditions on an investigated person's practice permit generally or with respect to any area of the practice of that regulated profession, including the condition that the investigated person

(i) practise under supervision, or

(ii) practise with one or more other regulated members,

or

(b) suspend the practice permit of an investigated person,

until the completion of proceedings under this Part.

(2) The investigated person may apply for an order of the Court of Queen's Bench to stay a decision by a person or committee under subsection (1) by filing an originating notice with the Court and giving a copy to the registrar.



Report of  
investigation

**66(1)** When an investigator concludes an investigation, the investigator must make a report within a reasonable time and, if the investigator is not the complaints director, submit the report to the complaints director.

**(2)** If, on reviewing a report made under this section, the complaints director determines that the report is not complete or that the investigation was not properly conducted, the complaints director

(a) must direct the investigator, or appoint another investigator, to undertake further investigation and make a report and submit it to the complaints director, and

(b) may request an expert to assess and prepare a written report on the subject-matter of the complaint or matters arising from the investigation of the complaint.

**(3)** If, on reviewing a report prepared under this section or section 68(5)(b), the complaints director determines that the investigation is concluded, the complaints director must

(a) refer the matter to the hearings director for a hearing, or

(b) dismiss the complaint, if in the opinion of the complaints director

(i) the complaint is trivial or vexatious, or

(ii) there is insufficient or no evidence of unprofessional conduct.

**(4)** Despite subsection (3)(a), if the hearing tribunal has not commenced a hearing and the complaints director learns of new evidence that causes the complaints director to be of the opinion that the complaint is trivial or vexatious or there is insufficient or no evidence of unprofessional conduct, the complaints director may withdraw the complaint from the hearings director and hearing tribunal and dismiss the complaint.

Notification of  
action taken

**67** The complaints director must notify the complainant and the investigated person in writing of the action taken under section 66(3) and if the complaint is dismissed

(a) must give the reasons, and

(b) notify the complainant in writing of the right to apply to the hearings director for a review under section 68.

Review of  
dismissal of  
complaint

**68(1)** A complainant may apply, in writing with reasons, to the hearings director for a review of the dismissal of a complaint within 30 days of being notified of the dismissal under section 55 or 67.

(2) Despite section 14(2), on receipt of an application under subsection (1) the hearings director must notify the investigated person, give a copy of the application to the complaint review committee and direct the complaints director to give a copy of the report made under section 66 to a complaint review committee.

(3) Within 60 days of receipt of a report under subsection (2), a complaint review committee must commence a review of the report and the decision to dismiss the complaint.

(4) A complaint review committee may determine whether the submissions to it with respect to a review under subsection (3) by the complainant and the investigated person must be written, oral or both.

(5) The complaint review committee, on complying with subsection (3), must

- (a) refer the matter to the hearings director for a hearing,
- (b) direct the complaints director to conduct or appoint an investigator to conduct a further investigation and to prepare a report on the further investigation and submit it to the complaint review committee for its consideration before acting under clause (a) or (c), or
- (c) confirm that the complaint is dismissed if in the opinion of the complaint review committee
  - (i) the complaint is trivial or vexatious, or
  - (ii) there is insufficient or no evidence of unprofessional conduct.

(6) The complaint review committee must give the complainant and the investigated person written notification, with reasons, of any action taken under subsection (5).

Hearing to be  
scheduled

**69** Within 90 days of receiving a referral for a hearing, the hearings director must set a date for a hearing with respect to the complaint unless

- (a) the complaints director dismisses the complaint under section 66(4),

- (b) the president grants, on reasonable grounds, an extension on application by the hearings director, or
- (c) the complaints director and investigated person agree to an extension.

Admission of unprofessional conduct

**70(1)** At any time after a complaint has been made but before the hearing tribunal has made a decision as to whether unprofessional conduct has occurred, an investigated person may submit a written admission of unprofessional conduct to the hearings director.

(2) An admission under subsection (1) may not be acted on unless it is acceptable in whole or in part to the hearing tribunal.

(3) If an admission under subsection (1) is accepted in whole or in part by the hearing tribunal, any investigation of the complaint and any alternative complaint resolution process with respect to the complaint are suspended, and the hearing tribunal may hold a hearing to decide

(a) whether the admitted conduct is unprofessional conduct, and

(b) whether any orders are to be made under section 82(1).

(4) Despite subsection (3), if an admission under subsection (1) does not relate to all the matters complained of or investigated, the remaining matters may be submitted to the complaints director to be treated as information received under section 56.

## Division 4 Hearings and Decisions

Bias prevention

**71** Any person who has investigated, reviewed or made a decision on a complaint or matters related to a complaint may not subsequently sit as a member of a council, tribunal or committee while it is holding a hearing or a review with respect to that complaint.

Investigated person at hearing

**72(1)** The investigated person must appear and may be represented by counsel at a hearing before the hearing tribunal.

(2) The investigated person or counsel for the investigated person may examine any witness appearing before the hearing tribunal.

## Witnesses

|                                     |  |
|-------------------------------------|--|
| Investigated person's witnesses     | <p><b>73</b> The investigated person may call as a witness and cause to be given to any person, including the complainant, a notice to attend or a notice to attend and a notice to produce at the hearing any document, substance or thing related to the subject-matter of the hearing.</p>  |
| College witnesses                   | <p><b>74</b> The complaints director may request that any person, including the complainant and the investigated person, who in the opinion of the complaints director has knowledge of the subject-matter of the hearing be called as a witness and be given, under section 77, a notice to attend or a notice to attend and a notice to produce any document, substance or thing related to the subject-matter of the hearing.</p>   |
| Notice                              | <p><b>75</b> A notice under sections 73 and 74 must be signed by the hearings director and the college must retain a copy of the notice.</p>   |
| Rights and obligations of witnesses | <p><b>76(1)</b> A witness including the investigated person may be examined under oath, may give evidence on all matters relevant to the hearing before the hearing tribunal and is not excused from answering a question because the answer may</p> <ul style="list-style-type: none"><li>(a) tend to incriminate the witness,</li><li>(b) subject the witness to orders under this Part, or</li><li>(c) tend to establish the witness's liability in a civil proceeding or a prosecution under this or any other enactment.</li></ul> <p><b>(2)</b> If an answer given under subsection (1) by a witness could</p> <ul style="list-style-type: none"><li>(a) establish the witness's liability in a court proceeding or proceedings under any enactment, or</li><li>(b) incriminate the witness,</li></ul> <p>that answer may not be used or received against the witness in a civil proceeding, a prosecution under this Act or proceedings under any other Act, but that answer may be used or received against the witness in proceedings in respect of perjury or giving contradictory evidence under this Act.</p> <p><b>(3)</b> A witness must be advised that the hearing is open to the public unless the hearing tribunal directs that the hearing be closed.</p> |

(4) If a person who has been given a notice to attend or a notice to attend and notice to produce in accordance with section 73 or 77 and fails

- (a) to attend the hearing,
- (b) to produce the items set out in the notice to produce, or
- (c) to be sworn or to answer any question that the hearing tribunal directs the person to answer,

the college or the investigated person may apply to the Court of Queen's Bench for an order directing the person to comply with the notice.

(5) An application for an order under subsection (4) may be made without notice to the other party if the Court is satisfied that it is proper to make the order in the circumstances.

(6) If a witness is outside of Alberta, a judge of the Court of Queen's Bench may, on an application made by the college or the investigated person without notifying the witness, direct the issuing of a commission for the obtaining of evidence of the witness, but the commission may only be issued and the evidence must be taken in the same manner as under the *Alberta Rules of Court*.

## Hearings

College duties  
in respect of  
hearing

**77** The hearings director must

- (a) at least 30 days before the hearing, give the investigated person a notice to attend and give reasonable particulars of the subject-matter of the hearing,
- (b) prior to the hearing, advise the complainant of the date, time and location of the hearing,
- (c) as requested under section 74 give any person a notice to attend, and
- (d) as requested under section 74 give any person who is to produce documents or any substance or thing a notice to attend and a notice to produce.

Access to  
hearing

**78(1)** A hearing is open to the public unless

- (a) the hearing tribunal holds the hearing or part of the hearing in private on its own motion or on an application of any

person that the hearing or part of the hearing should be in private

- (i) because of probable prejudice to a civil action or a prosecution of an offence,
- (ii) to protect the safety of the person or of the public,
- (iii) because not disclosing a person's confidential personal, health, property or financial information outweighs the desirability of having the hearing open to the public,
- (iv) because the presence of the public or complainant could compromise the ability of a witness to testify, or
- (v) because of other reasons satisfactory to the hearing tribunal,

or

- (b) another Act requires that the hearing or part of the hearing be held in private.

(2) If a hearing or part of a hearing is held in private, the hearing tribunal must state the reason why and must include the reason in the record.

(3) Even if a hearing is held in private,

- (a) the investigated person and the investigated person's counsel may attend,
- (b) the complainant may attend unless the hearing tribunal directs otherwise, and
- (c) the complaints director and hearing tribunal's, complaints director's and college's counsel may attend.

(4) Even if a hearing is open to the public, a witness, except for the investigated person, may be excluded from the hearing until the witness has given evidence and has been released or dismissed from the hearing.

Tribunal at  
hearing

**79(1)** If the hearing tribunal is advised by counsel acting on behalf of the tribunal at a hearing, that counsel may not lead or present evidence at the hearing on behalf of the college nor be the counsel of the complaints director.

(2) The hearing tribunal may request an expert to assess and prepare a written report on any matter that in the opinion of the hearing tribunal is relevant to the subject-matter of the hearing.

(3) The hearing tribunal may hear evidence on any other matter that arises in the course of a hearing, but the hearing tribunal must give the investigated person notice of its intention to hear the evidence and on the request of the investigated person must grant an adjournment before hearing the evidence.

(4) If the hearing tribunal is of the opinion that a separate hearing is required with respect to a matter described in subsection (3), the hearing tribunal may

(a) refer the matter as a complaint to the complaints director under section 54, or

(b) refer the matter to the hearings director under section 69 for a hearing.

(5) Evidence may be given before the hearing tribunal in any manner that it considers appropriate, and it is not bound by the rules of law respecting evidence applicable to judicial hearings.

(6) Despite section 72(1), if the investigated person does not appear at a hearing and there is proof that the investigated person has been given a notice to attend the hearing tribunal may

(a) proceed with the hearing in the absence of the investigated person, and

(b) act or decide on the matter being heard in the absence of the investigated person.

### **Decisions and Records**

Tribunal  
decision

**80(1)** The hearing tribunal may decide that the conduct of an investigated person does or does not constitute unprofessional conduct.

(2) If the hearing tribunal is of the opinion that there are reasonable and probable grounds to believe that the investigated person has committed a criminal offence, the hearing tribunal must direct the hearings director to send a copy of the written decision under section 83 to the Minister of Justice and Attorney General and on the request of the Minister of Justice and Attorney General also send a copy of the record of the hearing.

Previous  
decisions

**81** If the hearing tribunal decides that the conduct of an investigated person constitutes unprofessional conduct, the hearing tribunal may request the college to provide it with a copy of any previous decision of unprofessional conduct with respect to the investigated person and a copy of the record of the previous hearing.

Orders of  
tribunal

**82(1)** If the hearing tribunal decides that the conduct of an investigated person constitutes unprofessional conduct, the hearing tribunal may make any one or more of the following orders:

- (a) caution the investigated person;
- (b) reprimand the investigated person;
- (c) impose conditions on the investigated person's practice permit generally or in any area of the practice of the regulated profession, including conditions that the investigated person
  - (i) practise under supervision,
  - (ii) practise with one or more other regulated members,
  - (iii) not practise in an area of the practice of the regulated profession until the investigated person has completed a specific course of studies or obtained supervised practical experience of a type described in the order,
  - (iv) not practise in an area of the regulated profession, or
  - (v) report on specific matters to the hearing tribunal, council, committee or individual specified in the order;
- (d) direct the investigated person to satisfy the hearing tribunal, committee or individual specified in the order that the investigated person is not incapacitated and suspend the investigated person's practice permit until the hearing tribunal, committee or individual is so satisfied;
- (e) require the investigated person to undertake counselling or a treatment program that in its opinion is appropriate;
- (f) direct that within the time set by the order the investigated person must pass a specific course of study, obtain supervised practical experience of a type described in the order or satisfy the hearing tribunal, committee or individual specified in the order as to the investigated



person's competence generally or in an area of the practice of the regulated profession;

(g) suspend the practice permit of the investigated person for a stated period or until

(i) the investigated person has successfully completed a specific course of studies or obtained supervised practical experience of a type described in the order, or

(ii) the hearing tribunal or a committee or individual specified in the order is satisfied as to the competence of the investigated person generally or in a specified area of the practice of the regulated profession;

(h) cancel the registration and practice permit of the investigated person;

(i) if, in the opinion of the hearing tribunal, the investigated person's fees for professional services were improper or inappropriate or the professional services that the investigated person provided were improperly rendered or required the complainant to undergo remedial treatment, the hearing tribunal may direct the investigated person to waive, reduce or repay the fee for professional services provided by the investigated person;

(j) direct, subject to the regulations, that the investigated person pay within the time set in the order all or part of the expenses of the investigation or hearing;

(k) direct that the investigated person pay to the college within the time set in the order a fine not exceeding the amount set out in the column of the unprofessional conduct fines table that is specified for the college in a schedule to this Act for each finding of unprofessional conduct or the aggregate amount set out in that column for all of the findings arising out of the hearing;

(l) any order that the hearing tribunal considers appropriate for the protection of the public.

(2) The hearing tribunal may, in an order under subsection (1), stay the order or a portion of the order on conditions set out in the order.

(3) If the complaints director is satisfied that a person has not complied with an order under this section or section 89(5)(b), the complaints director may

- (a) treat the matter as information under section 56,
- (b) refer the matter to the hearings director to schedule a hearing before the hearing tribunal, or
- (c) in the case of non-payment of a fine described in subsection (1)(k) or expenses described in subsection (1)(j) or section 89(6), suspend the practice permit of the investigated person until the fine or expenses are paid in full or the complaints director is satisfied that they are being paid in accordance with an agreement entered into with the investigated person.

**(4)** A fine or expenses ordered to be paid under this section and section 89 are a debt due to the college and may be recovered by the college by an action in debt.

Written  
decision

**83** The hearing tribunal must, within a reasonable time after the conclusion of a hearing before it, make a written decision on the matter in which it

- (a) describes each finding made by it,
- (b) states the reasons for each finding made by it, and
- (c) states any order made under this Part.

Service of  
decision and  
record of  
hearing

**84(1)** The hearing tribunal must forward to the hearings director

- (a) the written decision under section 83, and
- (b) the record of the hearing, consisting of all evidence presented before it, including
  - (i) the reports, exhibits and documents presented before it, and
  - (ii) a record of the evidence, including all testimony given before it, however recorded.

**(2)** The hearings director must, on receiving the decision and the record described in subsection (1), give a copy of the decision to

- (a) the complaints director and registrar,
- (b) the complainant,
- (c) the investigated person, and

- (d) the Minister of Justice and Attorney General, if so directed or requested under section 80(2),

and notify the investigated person of the right to appeal the decision to the council.

Examination of  
record

**85(1)** The investigated person may examine the record of the hearing and, on paying the reasonable costs of transcribing, copying and delivering the record, receive a copy of it.

(2) The complainant may examine the record of the hearing, except for the part of the record that relates to a part of the hearing that the complainant was directed by the hearing tribunal, under section 78(3)(b), not to attend and on paying the reasonable costs of transcribing, copying and delivering that record may receive a copy of it.

(3) The public may examine the decision and the record of the hearing except for the part of the record that relates to a part of the hearing that was held in private and on paying the reasonable costs of transcribing, copying and delivering that decision and record may receive a copy of them.

## **Division 5 Appeals**

Stay pending  
appeal

**86(1)** A decision of the hearing tribunal remains in effect pending an appeal to the council unless the person or committee designated by the council, on written application, stays the decision pending the appeal.

(2) The investigated person may make a written submission with respect to an application under subsection (1).

(3) If the person or committee designated by the council

(a) decides not to stay the decision of the hearing tribunal, or

(b) does not make a decision within 10 days, excluding holidays, of the application,

the applicant may apply to the Court of Queen's Bench for a stay of the decision of the hearing tribunal pending an appeal to the council.

(4) A decision of the council remains in effect pending an appeal to the Court of Appeal unless the Court, on application, stays the decision pending the appeal.

### **Appeal within College**

Appeal to  
council

**87(1)** An investigated person or the complaints director, on behalf of the college, may commence an appeal to the council of the decision of the hearing tribunal by a written notice of appeal that

- (a) identifies the appealed decision, and
- (b) states the reasons for the appeal.

**(2)** A notice of appeal must be given to the hearings director within 30 days after the date on which the decision of the hearing tribunal is given to the investigated person.

**(3)** A hearings director must, on being given a notice of appeal,

- (a) give a copy of the notice of appeal, and make a copy of the decision and record of the hearing available, to each member of the council or of the panel of council hearing the appeal,
- (b) ensure that the complaints director, investigated person and the complainant are given a notice of the hearing of an appeal that states the date, time and place at which the council will hear the appeal, and
- (c) ensure that the investigated person and the complaints director are given a copy of the record of the hearing.

Scheduling  
appeal

**88(1)** A council must,

- (a) if conditions have been imposed on the practice permit of the investigated person under section 82(1)(c)(i), (ii), (iii) or (iv) or if the registration or practice permit of the investigated person has been suspended or cancelled under section 82(1)(g) or (h), schedule the appeal within 45 days after the date of service of the notice of appeal, and
- (b) in all other cases, schedule the appeal within 90 days after the date of service of the notice of appeal.

**(2)** A council may, on the written request of the investigated person or the complaints director, extend the periods referred to in subsection (1) for one or more additional periods, but

- (a) in a case to which subsection (1)(a) applies, no extension may be granted without the consent of the investigated person, and

- (b) in a case to which subsection (1)(b) applies, no extension may be granted without the consent of the investigated person and the complaints director.

**Council's  
powers on  
appeal**

**89(1)** The complaints director and the investigated person may appear and be represented by counsel at the appeal before the council.

(2) Subject to subsection (4)(b), an appeal to the council must be based on the record of the hearing and the decision of the hearing tribunal.

(3) Subject to subsection (4)(b), sections 71, 72, 77(a) and (b), 78, 79(1), (5), (6) and 80 to 85 apply to proceedings before the council.

(4) The council on an appeal may

- (a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the council but no adjournment may be granted without the consent of the investigated person if that person's practice permit is suspended or cancelled,
- (b) on hearing an application for leave to introduce new evidence, direct the hearing tribunal that held the hearing to hear that evidence and to reconsider its decision and quash, confirm or vary the decision, and
- (c) draw inferences of fact and make a determination or finding that, in its opinion, should have been made by the hearing tribunal.

(5) The council must, within 90 days from the date of the conclusion of the appeal hearing before it, make a decision and, by order, do any or all of the following:

- (a) make any finding that in its opinion should have been made by the hearing tribunal,
- (b) quash, vary or confirm any finding or order of the hearing tribunal or substitute or make a finding or order of its own,
- (c) refer the matter back to the hearing tribunal to receive additional evidence for further consideration in accordance with any direction that the council may make, or
- (d) refer the matter to the hearings director to schedule it for rehearing before another hearing tribunal composed of persons who were not members of the hearing tribunal that heard the matter, to rehear the matter.

(6) Subject to the regulations the council may direct the investigated person to pay, within the time set by the council, all or part of the expenses of the appeal in addition to expenses referred to in section 82(1)(j).

(7) A fine or expenses ordered or directed to be paid under this section are a debt due to the college and may be recovered by the college by an action in debt.

### **Appeal to the Court**

Court of  
Appeal

**90(1)** An investigated person may appeal to the Court of Appeal any finding, order or direction of the council under section 89.

(2) An appeal under this section may be commenced

(a) by filing a notice of appeal with the clerk of the Court at Edmonton or Calgary, and

(b) by giving a copy of the notice of appeal to the complaints director and the complainant

within 30 days from the date on which the decision of the council is given to the investigated person.

Appeal on  
record

**91(1)** The appeal to the Court of Appeal must be based on the record of the hearing before the council and the council's decision, including the reasons for the decision, all of which must be certified by the hearings director.

(2) The hearings director, at the expense of the appellant, must arrange for the preparation of the record of the hearing before the council.

(3) If part of the hearing was held in private, the hearings director must ensure that the part of the record that relates to it is sealed.

(4) The part of a record that is sealed under subsection (3) may be reviewed by the Court of Appeal, and the Court of Appeal may direct that it remain sealed or that it be unsealed in whole or in part.

Power of  
Court on  
appeal

**92(1)** The Court of Appeal on hearing an appeal may

(a) make any finding that in its opinion should have been made;

- (b) quash, confirm or vary the finding or order of the council or any part of it;
  - (c) refer the matter back to the council for further consideration in accordance with any direction of the Court;
  - (d) if the appeal is wholly or partly successful, direct that all or part of the cost of preparation of the record referred to in section 91 be repaid by the college to the appellant or be applied to reduce the amount of penalties or costs otherwise payable to the college by the appellant.
- (2) The Court of Appeal may make any award as to the costs of an appeal to it that it considers appropriate.

Application to  
vary order

**93** If the time for filing an appeal under this Part has passed or due to a change in circumstances an order under this Part is impossible to carry out, the person to whom the order is directed or the complaints director may apply to the council for a variation of the order.

## **Division 6**

### **General**

Non-prejudicial  
orders

**94** A hearings director may make any order with respect to clerical and administrative matters that the hearings director considers necessary to prevent prejudice to the investigated person.

Commissioner  
for oaths

**95** A complaints director, a person appointed by the complaints director to conduct an investigation and any member of a hearing tribunal, council or complaint review committee is conferred with the powers of a commissioner for oaths under the *Commissioners for Oaths Act* for the purposes of an investigation, hearing, review or appeal under this Part.

**PART 5**  
**BUSINESS ARRANGEMENTS**

**Conducting a Practice**

Practice in  
association

**96(1)** In this section, “practice in association” means a practice conducted in co-operation with another person where any or all of the following occur:

- (a) joint advertising;
- (b) shared office telephone number;
- (c) combined client billing for services provided by more than one person;
- (d) shared office reception area;
- (e) shared office or clinic expenses;
- (f) shared administrative functions or expenses;
- (g) shared ownership or use of premises, equipment, furnishings or other property;
- (h) shared employees;
- (i) sharing or circumstances that the regulations under this section constitute as practice in association.

**(2)** Unless restricted by the regulations under this section, by a code of ethics or by the standards of practice, the regulated member may

- (a) practise in association with another regulated member or with a person who is not a regulated member, and
- (b) refer patients to and receive referrals from another regulated member of any college or a person who is not a regulated member.

**(3)** The Lieutenant Governor in Council may make regulations

- (a) restricting the persons or categories of persons with whom a regulated member or category of regulated members may practise in association;
- (b) restricting the persons or categories of persons to or from whom a regulated member or categories of regulated members may refer or receive referrals of patients;



- (c) describing additional forms of sharing or circumstances that constitute practice in association.

Partnership  
restrictions

**97(1)** Despite section 96, a regulated member

- (a) of the College of Physicians and Surgeons of the Province of Alberta,
- (b) of The Alberta Dental Association and College,
- (c) of The Alberta College of Optometrists, or
- (d) on and after September 1, 2000, of The College of Chiropractors of Alberta

shall not

- (e) provide professional services as a member of a partnership unless each member of the partnership is a regulated member of the same college, or
- (f) divide, share, split or allocate, either directly or indirectly, any fee for professional services with any person who is not a regulated member of the same college.

**(2)** Subject to the code of ethics and standards of practice, subsection (1)(f) does not apply

- (a) to a payment by a regulated member to an employee made in the regular course of employment,
- (b) to a payment to a regulated member not restricted from practising in association pursuant to section 96, or
- (c) to a payment of rent under a bona fide lease of premises that is calculated on a bona fide basis of gross fees.

**(3)** If the practice permit of a member of a partnership is suspended, that member may remain as a member of the partnership, but the member may not provide any professional service as a member of the partnership while the practice permit is suspended.

**(4)** If a partnership ceases to comply with subsection (1)(e) or (f) by reason only of

- (a) the death of a member of the partnership,
- (b) the cancellation of the registration of a member of the partnership, or

- (c) the cancellation of the practice permit of a member of the partnership

the partnership has a period of 90 days from the date of the death or cancellation in which to fulfil the condition.

Physical  
therapy  
practice  
restrictions

**98** Despite section 96, no regulated member who is a physical therapist and provides professional services on behalf of a corporation or who is a shareholder of a corporation that provides physical therapy services shall carry on the practice of physical therapy in contravention of section 10 of Schedule 20.

Practice  
arrangements

**99(1)** A regulated member is responsible, for the purposes of this Act, the code of ethics, the standards of practice and the by-laws, for how the member provides professional services and complies with this Act, the code of ethics, the standards of practice and the by-laws, that responsibility is not affected, modified or diminished by the practice arrangements of the regulated member and, without restricting the generality of practice arrangements, practice arrangements include providing professional services as, in relationship to or on behalf of

- (a) a self-employed individual,
- (b) an employee,
- (c) a partner,
- (d) a partnership,
- (e) a shareholder,
- (f) a director,
- (g) a corporation other than a professional corporation or a physical therapy corporation,
- (h) a professional corporation or a physical therapy corporation,
- (i) an employer, or
- (j) a practice in association.

**(2)** Subject to this Part, a regulated member may provide professional services as, in relationship to or on behalf of

- (a) a self-employed individual,

- (b) an employee,
  - (c) a partner,
  - (d) a partnership,
  - (e) a shareholder,
  - (f) a director,
  - (g) a corporation other than a professional corporation or a physical therapy corporation,
  - (h) a professional corporation or a physical therapy corporation,
  - (i) an employer, or
  - (j) a practice in association.
- (3) Nothing in this Part affects, modifies or limits any law or practice applicable to the confidential or ethical relationship between a regulated member and a person receiving the professional services of a regulated member.
- (4) The relationship between a practice in association, partnership, corporation, professional corporation or physical therapy corporation providing professional services and a person receiving the professional services of the practice in association, partnership, corporation, professional corporation or physical therapy corporation is subject to all applicable law and practice relating to the confidential and ethical relationship between a regulated member and the person receiving the professional services of a regulated member.
- (5) The relationship between a regulated member practising in association and a person receiving the professional services of the regulated member practising in association is subject to all applicable law and practice relating to the confidential and ethical relationships between a regulated member and the person receiving the professional services.
- (6) The rights and obligations pertaining to communications made to or information received by a regulated member apply to the shareholders, directors, officers and employees of a partnership, corporation, professional corporation or physical therapy corporation and the participants in a practice in association.

Municipal,  
settlement  
licence  
exemption

- 100** No municipality or Metis settlement has the power to require
- (a) a regulated member to obtain a licence from the municipality or Metis settlement to practise a regulated profession, or
  - (b) a professional corporation, a physical therapy corporation, a business corporation or a partnership owned by regulated members to obtain a licence from the municipality or Metis settlement to practise a regulated profession.

Advertising

- 101** A regulated member shall not engage in advertising that is untruthful, inaccurate or otherwise capable of misleading or misinforming the public.

### **Professional Corporations**

Definitions

- 102** In sections 103 to 114,
- (a) “articles” means articles as defined in the *Business Corporations Act*;
  - (b) “registrar” means the registrar of
    - (i) the College of Physicians and Surgeons of the Province of Alberta;
    - (ii) The Alberta Dental Association and College;
    - (iii) The College of Chiropractors of Alberta;
    - (iv) The Alberta College of Optometrists;
  - (c) “Registrar of Corporations” means the Registrar under the *Business Corporations Act*.

Professional  
corporation

- 103** A regulated member
- (a) of the College of Physicians and Surgeons of the Province of Alberta who is a physician, surgeon or osteopath,
  - (b) of The Alberta Dental Association and College,
  - (c) of The College of Chiropractors of Alberta, or
  - (d) of The Alberta College of Optometrists

may provide professional services on behalf of a corporation only if it is a professional corporation that holds an annual permit under this Act, and that professional corporation may only provide the professional services of a regulated member

- (e) of the College of Physicians and Surgeons of the Province of Alberta who is a physician, surgeon or osteopath,
- (f) of The Alberta Dental Association and College,
- (g) of The College of Chiropractors of Alberta, or
- (h) of The Alberta College of Optometrists.

**Name**                    **104(1)** The name of a professional corporation must meet the requirements of the by-laws.

(2) A professional corporation may provide professional services only under a name that meets the requirements of the by-laws.

**Use of name**           **105(1)** No person shall provide the professional services of a regulated member

- (a) of the College of Physicians and Surgeons of the Province of Alberta who is a physician, surgeon or osteopath,
- (b) of The Alberta Dental Association and College,
- (c) of The College of Chiropractors of Alberta, or
- (d) of The Alberta College of Optometrists,

within Alberta under any name containing the words “corporation”, “incorporated”, “company”, “limited” or “Professional Corporation” or the abbreviation “Inc.”, “Ltd.” or “P.C.” unless that person is incorporated or continued as a corporation under the *Business Corporations Act* and the corporation holds an annual permit under this Act, or unless otherwise expressly authorized by statute.

(2) A person who contravenes subsection (1) is guilty of an offence and liable to a fine not exceeding \$2000.

**Liability of shareholders**   **106** Despite anything to the contrary in the *Business Corporations Act* and despite the providing of the professional services of a regulated member

- (a) of the College of Physicians and Surgeons of the Province of Alberta who is a physician, surgeon or osteopath,

- (b) of The Alberta Dental Association and College,
- (c) of The College of Chiropractors of Alberta, or
- (d) of The Alberta College of Optometrists,

on behalf of a professional corporation, every shareholder of a professional corporation is liable to the same extent and in the same way as if the shareholder were, during that time, carrying on the business of the professional corporation as a partnership or, if there is only one shareholder, as an individual providing professional services.

Approval for  
professional  
corporation

**107** The registrar may issue an approval of the articles of a proposed professional corporation for the purposes of section 7(2) of the *Business Corporations Act* to a regulated member

- (a) of the College of Physicians and Surgeons of the Province of Alberta who is a physician, surgeon or osteopath,
- (b) of The Alberta Dental Association and College,
- (c) of The College of Chiropractors of Alberta, or
- (d) of The Alberta College of Optometrists,

who files an application in the form provided for in the by-laws, submits a copy of the proposed articles and pays all the approval application fees provided for in the by-laws.

Professional  
corporation  
registered

**108(1)** A regulated member who obtains an approval under section 107 and incorporates the proposed professional corporation under the *Business Corporations Act* may register the professional corporation under this Act if the regulated member

- (a) satisfies the registrar that the individuals who will provide professional services or who will supervise the provision of professional services on behalf of the professional corporation are regulated members of the college,
- (b) satisfies the registrar that the professional corporation is a corporation in good standing with the Registrar of Corporations,
- (c) satisfies the registrar that the professional corporation is not restricted from providing professional services regulated by the college or from carrying out its powers, duties and functions under this Act,

- (d) satisfies the registrar that the name of the corporation meets the requirements of the by-laws,
- (e) satisfies the registrar that the legal and beneficial ownership of all the issued shares of the professional corporation are vested in one or more regulated members of the college and that all of the directors of the corporation are regulated members of the college,
- (f) satisfies the registrar that no shareholder of the professional corporation has entered into a voting trust agreement, proxy or any other type of agreement vesting in another person who is not a regulated member of the same college the authority to exercise the voting rights attached to any or all of the shareholder's shares, and
- (g) submits the permit application fees provided for in the by-laws.

(2) If a registrar is satisfied that subsection (1) has been complied with, the registrar must register the professional corporation, issue an annual permit to the professional corporation, assign a unique registration number to the professional corporation and enter the name of the professional corporation in the record of professional corporations.

Annual permit **109(1)** An annual permit expires on the date provided for in the by-laws.

(2) If a professional corporation to which a unique registration number has been assigned under section 108(2) submits

- (a) an application for an annual permit in the form provided for in the by-laws,
- (b) evidence satisfactory to the registrar that the corporation complies with section 108(1)(a) to (f),
- (c) the information required by the by-laws, and
- (d) the annual permit application fee provided for in the by-laws,

the registrar must issue an annual permit to the professional corporation.

Voting of  
shares  
restrictions

**110** No shareholder of a professional corporation shall enter into a voting trust agreement, proxy or any other type of agreement vesting in another person who is not a regulated member of the same college the authority to exercise the voting rights attached to any or all of the shareholder's shares.

Change in  
organization

**111** A professional corporation must inform the registrar within 15 days in the form provided for in the by-laws of any change in the ownership or directors of the professional corporation or to the name of the professional corporation.

Record of  
professional  
corporations

**112(1)** A registrar must keep and maintain a record of professional corporations containing the following information with respect to each professional corporation:

- (a) its name and registered head office address;
- (b) the unique registration number issued to the professional corporation;
- (c) the date the annual permit was issued;
- (d) other information required by the by-laws.

**(2)** The public may, during regular office hours, inquire about the information on the record of professional corporations, and the college must on request provide the information described in subsection (1).

Cancellation of  
P.C. permit

**113(1)** An annual permit may be cancelled by a registrar if sections 103 to 112 are not complied with.

**(2)** Despite subsection (1), if a professional corporation ceases to comply with section 108(1)(a) and (d) to (f) only because of

- (a) the death of a regulated member, or
- (b) the suspension or cancellation of the registration or practice permit of a regulated member

who is a shareholder of the professional corporation, the professional corporation has 90 days from the date of death, suspension or cancellation in which to comply with section 108(1)(a) and (d) to (f), failing which the annual permit is cancelled on the expiration of the 90 days.

**(3)** If the practice permit of a regulated member who is a shareholder of a professional corporation is suspended, that member



may remain as a shareholder of the professional corporation, but the member may not provide any professional service on behalf of the professional corporation while the practice permit is suspended.

(4) In the event of the death of a regulated member, the council may in writing order that the 90-day period provided for in subsection (1) be extended for a further period that it considers reasonable.

(5) When an annual permit is not applied for, expires or is cancelled, the registrar must record in the record of professional corporations that an annual permit was not applied for or that the annual permit expired or was cancelled.

^ A registrar shall not remove any information from the record of professional corporations except in accordance with the by-laws.

4(1) When an annual permit is cancelled, a registrar must notify the Registrar of Corporations and the shareholders of the professional corporation recorded with the registrar.

Thirty days after the date that an annual permit expires, the registrar must notify the Registrar of Corporations that the annual permit has expired.

^ In addition to the information provided under subsection (1), the registrar may provide information, in accordance with the by-laws, on expired and cancelled annual permits.

### **Restrictions on Regulations and By-laws**

Regulations,  
by-laws  
inoperative

**115** A regulation and a by-law made by a council, other than a by-law under section 131(1)(i) to (m) and (p), are inoperative if they purport to regulate a matter that is regulated under sections 96 to 99 or 102 to 114.

## **PART 6**

### **OTHER MATTERS**

Being  
suspended

**116** A regulated member whose practice permit is suspended shall not provide professional services unless

- (a) the college notifies the regulated member that the suspension is lifted, or
- (b) the suspension has expired.

**117(1)** If a complaints director has grounds to believe that a regulated member is incapacitated, whether or not a complaint has been made under section 54, the complaints director may direct the regulated member to submit to specified physical or mental examinations, or both, by a person or at a facility specified by the complaints director and, despite section 99(4) to (6), request the person or facility to report to the complaints director and the regulated member within a time specified by the complaints director.

(2) On receipt of the results of any mental or physical examination under subsection (1), and if recommended by the person or facility the complaints director may direct the regulated member to submit to treatment by a person or at a facility specified by the complaints director.

(3) Despite section 99(4) to (6), the complaints director may request that the results of the treatment under subsection (2) be provided by the person or facility to the complaints director and the regulated member within the time specified by the complaints director.

(4) The complaints director may direct that the regulated member cease providing professional services until a report is received under subsection (1) or if a direction is made under subsection (2), cease providing professional services until the complaints director is satisfied that the regulated member is no longer incapacitated and the complaints director must notify the registrar of the direction to cease providing professional services.

(5) If the regulated member does not comply with a direction of the complaints director under subsection (1), (2) or (4),

- (a) the complaints director must continue with the investigation process if a complaint was previously made with respect to a matter that arose because of the alleged incapacity, and
- (b) the complaints director may treat the non-compliance as a complaint in accordance with section 56 and act on it under section 55 if no complaint has been previously made with respect to a matter that arose because of the alleged incapacity.

(6) The regulated member may appeal a direction of the complaints director under subsection (1), (2) or (4) to the council.

(7) An appeal under subsection (6) must be in writing, must set out the grounds for the appeal and must be served on the registrar within 7 days of receipt of the direction by the regulated member.

- (8) An appeal under subsection (6) must be conducted
- (a) as soon as reasonably practicable, and
  - (b) in accordance with section 89.
- (9) If a complaint has been made against a regulated member, and the complaints director
- (a) is satisfied that the matter complained of arose because of the incapacity of the regulated member,
  - (b) has made one or more directions under subsections (1) and (2), and
  - (c) is satisfied that the regulated member is complying with the directions made under subsection (2),
- the complaints director may, at any time before the matter has been referred to the hearings director, suspend any proceedings with respect to the complaint for a period of time that the complaints director considers appropriate.
- (10) Despite Part 4, if a matter has been suspended under subsection (9) and the complaints director is satisfied that the regulated member is no longer incapacitated, the complaints director may decide to suspend the proceedings indefinitely, with or without conditions.
- (11) Despite a suspension of proceedings under subsection (9) or (10), the complaints director may, despite Part 4, at any time direct that the proceedings with respect to the complaint be resumed.
- (12) If the complaints director suspends proceedings under subsection (9) or (10), the complaints director must within 14 days notify the complainant in writing of the suspension and the reasons for it.

### **Notices and Information**

Access to  
regulated  
members  
information

**118(1)** If under Part 2 or Part 4 a regulated member's practice permit is suspended or cancelled, or if conditions are imposed on a regulated member's practice permit, or if the by-laws authorize release of information when a regulated member receives a reprimand or fine under Part 4 or a direction is made under section 117(4), the registrar

- (a) must enter the information on the register,

- (b) must enter the information on the regulated member's practice permit,
- (c) must provide the information to the regulated member's employer, if any,
- (d) must provide the information to the regional health authority of the health region where the regulated member normally provides professional services,
- (e) must provide the information to any Minister who, or an organization specified in the regulations that, administers the payment of fees for the professional services that the regulated member provides,
- (f) must provide the information to another college if the registrar knows that the regulated member is also a member of that college,
- (g) must provide the information to the governing bodies of any similar profession in other provinces, and
- (h) subject to the by-laws, may publish or distribute the information.

(2) In addition to the release of information under subsection (1), if a reprimand or other order under Part 4 relates to an improper billing practice by a regulated member, the registrar must provide the information to any Minister who, or an organization specified in the regulations that, administers the payment of fees for the professional services that were subject to improper billing practices.

(3) If a regulated member applies for a review of a decision under Part 2, appeals a decision under Part 4 or appeals a direction under section 117(4), and a cancellation or suspension is lifted or imposed conditions are varied or removed, a reprimand is removed or a direction is cancelled, the registrar must provide that information in the same manner that the information on the cancellation, suspension, conditions or reprimand was provided under subsection (1) or (2).

(4) If a member of the public, during regular business hours, requests from a college information referred to in this section or section 36(3), 60(6) or 85(3), or information as to whether a hearing is scheduled to be held or has been held under Part 4 with respect to a named regulated member, the college must provide the information with respect to that regulated member subject to the payment of costs referred to in section 85(3) and the period of time provided for in the regulations.

(5) If the governing body of a similar profession in another jurisdiction requests information as to whether a regulated member or a former member is an investigated person, the college may provide the information.

Notices

**119(1)** A notice to attend and a notice to produce must include the date, time and place at which attendance or production is required.

(2) The person who gives a notice to attend or a notice to produce may at any time amend the notice to correct errors or omissions of a minor or clerical nature.

(3) When this Act or the by-laws require that a document or notice be given to any person, the document or notice is sufficiently given if it is given by personal service to that person or sent to that person by certified or registered mail at that person's address last shown on the register or record of the registrar or, if that is not reasonably possible, then by publishing the document or notice at least twice, and not more than a week apart, in a local newspaper circulating at or near the address last shown for that person in the records of the college.

Record retention

**120** A college must keep, for at least 10 years,

- (a) a copy of ratified settlements and admissions of unprofessional conduct,
- (b) records of investigations and hearings, and
- (c) records of registration applications and reviews.

Additional information

**121(1)** A registrar must on the request of the Minister

- (a) compile the information referred to in section 33(4)(b) and release it in the form and to the persons directed by the Minister, and
- (b) compile and release the information for the purpose of health workforce planning, policy development and related research, but that information may not include
  - (i) the name of any regulated member to whom the information relates;
  - (ii) any information that would enable a person to identify the name of a regulated member to whom the information relates.

(2) A regulated member must provide the registrar with information referred to in section 33(4)(b).

### **Evidence**

Evidence of  
registration

**122(1)** A certificate purporting to be signed by the registrar that states that according to the records of the college under this Act or a former Act a named person or corporation was or was not, on a specified day or during a specified period, a regulated member, other member or former member, including the category of membership, or a professional corporation or physical therapy corporation is admissible in evidence as prima facie proof of those facts without proof of the registrar's appointment or signature.

(2) When proof of registration under this Act or a former Act is required,

- (a) a printed copy of the register or record of professional corporations or physical therapy corporations, or
- (b) an extract from the register or record of professional corporations or physical therapy corporations,

certified by the registrar is admissible in evidence instead of the original register.

(3) A certificate purporting to be signed by a person in that person's capacity as registrar and bearing the seal of the college is admissible in evidence as prima facie proof of the facts stated in the certificate without proof of the signature of the registrar or the registrar's appointment.

(4) When

- (a) proof that a person is a regulated member under this Act whose practice permit is not suspended or cancelled is required to validate a witness's evidence, and
- (b) a copy of the register or extract from the register certified by the registrar is not available and the production of the original register is not feasible without prejudicial delay to the case or the parties interested,

the evidence of the person under oath claiming to be a regulated member whose practice permit is not under suspension or cancelled is admissible in evidence as prima facie proof of those facts.

Burden of proof

**123** In a prosecution under this Act, the burden of proving that

- (a) a person is a regulated member or former member,
- (b) a corporation is a professional corporation and holds an annual permit, or
- (c) a corporation is a physical therapy corporation and holds a permit under Schedule 20,

is on the accused.

Records, evidence not admissible

**124(1)** Despite any other Act or law except the *Ombudsman Act*,

- (a) a college,
- (b) a person who is or was an officer, employee or agent of a college,
- (c) a person who conducts or has conducted an investigation or an alternative complaint resolution process under Part 4 or who is carrying out or has carried out powers and duties under Part 3, or
- (d) a person who is or was a member of a council or a committee or hearing tribunal of a college

shall not be required in any proceedings to give evidence relating to any matter that arose in any proceedings under this Act or the by-laws, or to produce any record or thing adduced in evidence in proceedings under this Act or the by-laws or forming part of the records of the college that relate to proceedings under Part 4 or section 117 or that relate to any matter that arose in a practice visit or that forms part of a practice visit, except in

- (e) proceedings under this Act, or
- (f) a prosecution with respect to perjury or the giving of contradictory evidence.

(2) Subsection (1) does not apply to information described in section 118.

### Liability

Liability exemption

**125(1)** No action lies against any of the following in respect of anything done or omitted to be done in good faith pursuant to this Act, the by-laws or any direction of the council:

- (a) a college or a person who is or was an officer, employee or agent of a college;
- (b) a person who conducts or has conducted an investigation or an alternative complaint resolution process under Part 4 or a practice visit;
- (c) the council or a person who is or was a member of a council, committee or hearing tribunal of a college;
- (d) a person who acts on the instructions of or under the supervision of a person referred to in clauses (a) to (c).

(2) No action for defamation may be founded on a communication regarding the conduct of a regulated member if the communication is made or is published in accordance with this Act by a college, a person described in subsection (1) or a council, committee or hearing tribunal in good faith and in the course of any proceedings under this Act or the by-laws relating to that conduct.

## Ombudsman

Complaints to  
Ombudsman

**126(1)** Any person may make a complaint with respect to anything under this Act in accordance with the *Ombudsman Act*.

(2) A college, the council or a committee, tribunal, registrar, president, complaints director and hearings director of a college and any officer, investigator or person engaged by a college may, on the recommendation of the Ombudsman,

- (a) rehear any matter and reconsider any decision or recommendation made by that person or body, and
- (b) quash, confirm or vary the decision or recommendation or any part of it.

(3) If a matter is reheard or reconsidered pursuant to subsection (2), the provisions of this Act governing the original hearing or consideration apply to the rehearing or reconsideration.

## PART 7

### TITLE PROTECTION

Protected  
words,  
abbreviations

**127(1)** No person or group of persons shall represent or imply that the person is a regulated member or that the group of persons consists of regulated members unless the person is a regulated member or the group of persons consists of regulated members.



(2) No person or group of persons shall use the name of a college, alone or in combination with other words, in a manner that states or implies that the person or group of persons is a college under this Act unless the person or group of persons is a college under this Act.

(3) No regulated member shall use the word “registered” in a manner that states or implies that the member is a regulated member of a regulated profession except in accordance with the regulations.

(4) No person or group of persons shall use the word “regulated” in connection with the name of a regulated profession or professional service or the words “regulated health professional” in a manner that states or implies that the person or group of persons is a college or a regulated member or group of regulated members unless the person or group of persons is a college under this Act or another enactment or is a regulated member or consists of a group of regulated members.

(5) No person, other than regulated member, shall use a title, abbreviation or initials set out in section 2 of a schedule to this Act alone or in combination with other words in a manner that states or implies that the person is a regulated member of the college to which section 2 of the schedule refers.

(6) No corporation shall use the word college, alone or in combination with other words, in a manner that states or implies that the corporation is a college under this Act unless the corporation is a college under this Act or authorized to use the word college under another enactment.

(7) No person shall use the title “doctor”, “surgeon”, “pathologist” or “oncologist” or the abbreviation “Dr.” alone or in combination with other words in connection with providing a health service unless the person is

(a) using the title or abbreviation in connection with teaching, research or administration, or

(b) authorized to use the title or abbreviation by this Act or another enactment.

(8) No person shall use the word “nurse” alone or in combination with other words that in a manner states or implies that the person is a regulated member unless the person is authorized to use the word pursuant to Schedule 10, 24 or 25 or another enactment.

(9) No person or group of persons shall use the word “registered” or “regulated” or the phrase “regulated health professional” alone or in combination with other words that in a manner states or

implies that the person is a regulated member unless the person or group of persons

- (a) is a regulated member or consists of a group of regulated members, or
- (b) is a person or group of persons authorized to use the word “registered” or “regulated” or the phrase “regulated health professional” in connection with the health service by another enactment.

Penalty

**128** A person who contravenes section 127 is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$2000,
- (b) for a 2nd offence, to a fine of not more than \$4000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.

Injunction

**129** The Court of Queen’s Bench, on application by a college by way of originating notice, may grant an injunction enjoining any person from doing any act that contravenes section 127, despite any penalty that may be provided by section 128 in respect of that contravention.

## **PART 8**

### **REGULATIONS, BY-LAWS, CODES OF ETHICS AND STANDARDS OF PRACTICE**

Council regulations

**130(1)** A council may make regulations

- (a) respecting requirements for and applications for registration and practice permits, including but not restricted to
  - (i) education, experience, enrolment in programs of studies, successful completion of examinations and holding of certificates and diplomas,
  - (ii) recognizing professions in other jurisdictions for the purposes of section 28(2)(b);
  - (iii) requirements for the purposes of section 28(2)(b);

- (iv) carrying professional liability insurance and governing the minimum coverage and type of insurance required to be carried;
  - (v) providing evidence of being a Canadian citizen or lawfully permitted to work or study in Canada;
  - (vi) providing evidence of having good character and reputation;
  - (vii) providing evidence respecting standards of language proficiency;
  - (viii) for the purposes of section 28(2)(c), determining the combination of education, experience, practice and other qualifications that demonstrates the competence required for registration as a regulated member;
- (b) respecting the evaluation of and establishing or designating the entity that may evaluate the education, training, experience, practice and competence required of applicants for registration as regulated members and of applicants for practice permits;
  - (c) respecting which restricted activities a regulated member or category of regulated members may provide and conditions respecting the provision of restricted activities and respecting how regulated members may supervise others who provide restricted activities with their consent under Schedule 7.1 of the *Government Organization Act*;
  - (d) respecting conditions on practice permits;
  - (e) establishing and respecting continuing competence programs including the requirements of those programs;
  - (f) establishing and respecting practice visits as part of a continuing competence program and respecting specified actions under section 51(5)(b)(ii) and Schedule 21;
  - (g) respecting reinstatement of registration and practice permits cancelled under Part 4;
  - (h) respecting the establishment of registers for and respecting categories of regulated members;
  - (i) imposing the conditions on categories of regulated members;

- (j) respecting the use of abbreviations, initials and titles within the meaning of the schedules to this Act and the use of the words “registered” and “regulated” and the phrase “regulated health professional” by a regulated member or a category of regulated members;
  - (k) respecting the use of and authorizing the use of the titles “doctor”, “surgeon”, “pathologist” and “oncologist” and the abbreviation “Dr.”;
  - (l) respecting the establishment of a register of regulated members and the entry of information in the register and removal of that information from the register;
  - (m) respecting information to be provided to the registrar by regulated members under section 33;
  - (n) respecting alternative complaint resolution processes;
  - (o) respecting the period of time during which a college is obliged to provide information under section 118(4);
  - (p) respecting other matters related to this Act.
- (2) A regulation under this section does not come into force unless it has been approved by the Lieutenant Governor in Council.

By-laws

**131(1)** A council may make by-laws

- (a) respecting the governance of the college and the management and conduct of its affairs including the management and carrying out of powers and duties by council, committees, tribunals, panels and other entities,
- (b) respecting the appointment, election, establishment and removal of officers, employees, committees, tribunals, panels and other entities and their members, and their powers and duties;
- (c) establishing a council and respecting the number and selection or election of the voting and non-voting members of council, their terms of office, removal from office and the filling of vacancies;
- (d) respecting quorum, procedures at meetings and the holding of council, committees, tribunals and other entities meetings by mail, telephone conference, audiovisual or other electronic means;

- (e) establishing how or by whom expenses and remuneration payable to members of council, committees, tribunals and other entities are determined;
- (f) respecting the establishment of registers of other members and the entry of information in the registers and the removal of that information;
- (g) respecting other members, including transitional provisions respecting such members under a former Act;
- (h) establishing the date by which regulated members are to apply for practice permits and providing for reinstatement of registration and practice permits cancelled under this Act except those cancelled under Part 4;
- (i) respecting the naming of a professional corporation or a physical therapy corporation and the name under which a professional corporation or a physical therapy corporation may provide professional services;
- (j) establishing a record of professional corporations and physical therapy corporations and respecting the entry of information in the records and the removal of that information from the records;
- (k) respecting the providing of information on expired and cancelled annual permits of professional corporations and permits of physical therapy corporations;
- (l) respecting registration and annual permits of professional corporations and permits of physical therapy corporations and the information to be submitted by professional corporations and physical therapy corporations;
- (m) establishing the date on which an annual permit of a professional corporation or a permit of a physical therapy corporation expires;
- (n) respecting benefits programs and educational incentives;
- (o) respecting forms and notices;
- (p) respecting costs, fees, levies and assessments to be paid by regulated members and applicants with respect to registration, practice permits, professional corporations, physical therapy corporations, annual permits, permits of physical therapy corporations and late payment fees under this Act or the by-laws and for any review, appeal, thing or service provided by the college under this Act or the by-laws;

- (q) respecting the publication and distribution of information described in sections 60(6) and 118(1);
- (r) respecting the approval of by-laws;
- (s) subject to an approval under section 27, respecting setting and negotiating professional fees and guidelines on professional fees;
- (t) respecting the development of or adoption of a code of ethics and practice standards.

(2) The *Regulations Act* does not apply to by-laws under this section.

Code of  
ethics,  
standards of  
practice

**132(1)** A council may, in accordance with procedures set out in the by-laws, develop or propose the adoption of a code of ethics and standards for the practice of a regulated profession.

(2) The college must provide, for review and comment, a copy of a proposed code of ethics and proposed standards of practice to

- (a) its regulated members,
- (b) the Minister, and
- (c) any other persons the council considers necessary.

(3) A council may adopt a code of ethics and standards of practice after it has reviewed and considered the comments received from a review described in subsection (2).

(4) The *Regulations Act* does not apply to codes of ethics and standards of practice approved under this section.

(5) The college must ensure that copies of the code of ethics and other standards of practice adopted under subsection (3) are readily available to the public and regulated members, and the copies may be distributed in the manner directed by the council.

Lieutenant  
Governor in  
Council  
regulations

**133** The Lieutenant Governor in Council may make regulations

- (a) respecting the expenses for the purposes of sections 82(1)(j) and 89(6);
- (b) respecting information to be provided by regulated members under section 33(4)(b);

- (c) authorizing the Minister to use and disclose information that is collected by the Minister in accordance with this Act;
- (d) respecting fees under sections 31(6) and 41(8);
- (e) specifying organizations for the purposes of section 118(2).

Transitional  
regulations

**134(1)** The Lieutenant Governor in Council may make regulations

- (a) respecting the transition to this Act of anything under a former Act, including the interpretation of any transitional provision in this Act;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act from a former Act.

(2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

(3) If there is a conflict between a regulation made under subsection (1) and a provision in a schedule to this Act, the regulation prevails.

(4) A regulation made under subsection (1) is repealed on the earliest of

- (a) the coming into force of an amendment that adds the subject-matter of the regulation to this Act;
- (b) the coming into force of a regulation that repeals the regulation made under subsection (1);
- (c) 2 years after the regulation comes into force.

(5) The repeal of a regulation under subsection (4)(b) or (c) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

## PART 9

### CONSEQUENTIAL AMENDMENTS, REPEALS AND COMING INTO FORCE

Amends SA  
1981 cB-15

**135** The *Business Corporations Act* is amended in section 7(2) by striking out “the approval of the articles” and substituting “an approval of the articles that is less than 2 years old”.

**136 The *Government Organization Act* is amended by adding the following after Schedule 7:**

**SCHEDULE 7.1**

**HEALTH SERVICES RESTRICTED ACTIVITIES**

Definitions

**1** In this Schedule,

- (a) “activity of daily living” means an activity that individuals normally perform on their own behalf to maintain their health and well-being, and includes
  - (i) routine and invasive self-care activities, including but not restricted to the removal of slivers and the cleaning of wounds, and
  - (ii) specifically taught procedures, which generally result in predictable and stable responses, including but not restricted to catheterization, maintenance of drainage tubes and administration of drugs by injection;
- (b) “compound” means to mix together 2 or more ingredients of which at least one is a drug for the purposes of dispensing a drug or drugs;
- (c) “dispense” means
  - (i) except in section 2(1)(h) and (r), to provide a drug pursuant to a prescription, but does not include administration of a drug to a person;
  - (ii) in section 2(1)(r), the objective verification of corrective lenses to the prescription;
- (d) “drug” means drug as defined in the Pharmaceutical Profession Act;
- (e) “health service” means a service provided to people
  - (i) to protect, promote or maintain their health,
  - (ii) to prevent illness,
  - (iii) to diagnose, treat or rehabilitate them, or
  - (iv) to take care of the health needs of the ill, disabled, injured or dying;



- (f) “Minister” means the Minister responsible for the Health Professions Act;
- (g) “restricted activity” means an activity named as a restricted activity in section 2;
- (h) “sell” includes
  - (i) distribute, trade or barter for money or other valuable consideration,
  - (ii) distributing and giving away without expectation or hope of compensation or reward,
  - (iii) keeping for sale, and
  - (iv) offering for sale;
- (i) “surrogate” means a person authorized by an individual or by the individual’s guardian, if the guardian is authorized to give such authorization, to assist the individual in carrying on an activity of daily living.

**Restricted activities**

**2(1)** The following, carried out in relation to or as part of providing a health service, are restricted activities:

- (a) to cut a body tissue, to administer anything by an invasive procedure on body tissue or to perform surgical or other invasive procedures on body tissue
  - (i) below the dermis or the mucous membrane or in or below the surface of the cornea;
  - (ii) in or below the surface of teeth, including scaling of teeth;
- (b) to insert or remove instruments, devices, fingers or hands
  - (i) beyond the cartilaginous portion of the ear canal,
  - (ii) beyond the point in the nasal passages where they normally narrow,
  - (iii) beyond the pharynx,
  - (iv) beyond the opening of the urethra,

- (v) beyond the labia majora,
- (vi) beyond the anal verge, or
- (vii) into an artificial opening into the body;
- (c) to set or reset a fracture of a bone;
- (d) to reduce a dislocation of a joint except for a partial dislocation of the joints of the fingers and toes;
- (e) to use a deliberate, brief, fast thrust to move the joints of the spine beyond the normal range but within the anatomical range of motion, which generally results in an audible click or pop;
- (f) to prescribe a Schedule 1 drug within the meaning of the Pharmaceutical Profession Act;
- (g) to dispense, compound, provide for selling or sell a Schedule 1 drug or Schedule 2 drug within the meaning of the Pharmaceutical Profession Act;
- (h) to prescribe, dispense, compound or administer a vaccine or parenteral nutrition;
- (i) to prescribe, compound or administer blood or blood products;
- (j) to prescribe or administer diagnostic imaging contrast agents;
- (k) to prescribe or administer anaesthetic gases, including nitrous oxide, for the purposes of anaesthesia or sedation;
- (l) to prescribe or administer radiopharmaceuticals, radiolabelled substances, radioactive gases or radioaerosols;
- (m) to order or apply any form of ionizing radiation in
  - (i) medical radiography,
  - (ii) nuclear medicine, or
  - (iii) radiation therapy;
- (n) to order or apply non-ionizing radiation in
  - (i) lithotripsy,

- (ii) magnetic resonance imaging, or
- (iii) ultrasound imaging, including any application of ultrasound to a fetus;
- (o) to prescribe or fit
  - (i) an orthodontic or periodontal appliance,
  - (ii) a fixed or removable partial or complete denture, or
  - (iii) an implant supported prosthesis;
- (p) to perform a psychosocial intervention with an expectation of treating a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs
  - (i) judgment,
  - (ii) behaviour,
  - (iii) capacity to recognize reality, or
  - (iv) ability to meet the ordinary demands of life;
- (q) to manage labour or deliver a baby;
- (r) to prescribe or dispense corrective lenses.

(2) Despite subsection (1), the following are not restricted activities:

- (a) activities of daily living, whether performed by the individual or by a surrogate on the individual's behalf,
- (b) giving information and providing advice with the intent of enhancing personal development, providing emotional support or promoting spiritual growth of individuals, couples, families and groups, and
- (c) drawing venous blood.

#### Regulations

**3** On consulting with the Health Professions Advisory Board under the Health Professions Act, the Minister may make regulations authorizing a person or a category of persons other than a regulated member or category of regulated members under the Health Professions Act, to

perform one or more restricted activities subject to any conditions included in the regulations.

Offence

**4(1)** No person shall perform a restricted activity or a portion of it on or for another person unless

(a) the person performing it

(i) is a regulated member as defined in the Health Professions Act, and is authorized to perform it by the regulations under the Health Professions Act,

(ii) is authorized to perform it by a regulation under section 3, or

(iii) is authorized to perform it by another enactment,

or

(b) the person is performing it

(i) with the consent of, and

(ii) under the supervision of,

a person described in clause (a)(i).

**(2)** Despite subsection (1), if no person who is authorized under subsection (1) is available to perform the restricted activity or a portion of it, a person may without expectation or hope of compensation or reward provide a restricted activity or a portion of it to provide physical comfort to or to stabilize another person who is ill, injured or unconscious as a result of an accident or other emergency.

**(3)** No person, other than a person authorized to perform a restricted activity under subsection (1)(a), shall or shall purport to consent to, provide supervision of and control of, another person performing the restricted activity or a portion of a restricted activity.

**(4)** No person shall require another person to perform a restricted activity or a portion of a restricted activity if that other person is not authorized in accordance with subsection (1) to perform it.

|                 |   |
|-----------------|---|
| Penalty         | <p><b>5</b> A person who contravenes section 4 is guilty of an offence and is liable</p> <p>(a) for a first offence, to a fine of not more than \$5000,</p> <p>(b) for a 2nd offence, to a fine of not more than \$10 000, and</p> <p>(c) for a 3rd and every subsequent offence, to a fine of not more than \$25 000 or to imprisonment for a term of not more than 6 months or to both a fine and imprisonment.</p> |
| Burden of proof | <p><b>6</b> In a prosecution under this Schedule, the burden of proving that a person was authorized to perform a restricted activity by section 4(1) is on the accused.</p>  |
| Injunction      | <p><b>7</b> The Court of Queen's Bench, on application by a person authorized by the Minister by way of originating notice, may grant an injunction enjoining any person from doing any act that contravenes section 4 despite any penalty that may be provided by section 5 in respect of that contravention.</p>  |

Amends RSA  
1980 cO-7

**137 The *Ombudsman Act* is amended**

**(a) in section 1**

**(i) by adding the following after clause (a):**

(a.1) "college" means

- (i) a college as defined in the *Health Professions Act*;
- (ii) a council, complaint review committee, appeal committee, competence committee, registration committee, hearing tribunal, panel, investigator, registrar, president, complaints director and hearings director, within the meaning of the *Health Professions Act*;
- (iii) an officer of and a person engaged by a college;

**(ii) by adding the following after clause (c):**

- (c.1) "registrar" means registrar as defined in the *Health Professions Act*;

**(b) in section 11(1) by adding “or by a college,” after “or member thereof”;**

**(c) in section 15**

**(i) in subsection (1) by striking out “department or the administrative head of the agency” and substituting “department, administrative head of the agency or registrar”;**

**(ii) in subsections (2) and (3) by adding “or registrar” after “Minister” wherever it occurs;**

**(iii) in subsection (4) by striking out “or agency, he shall refer the matter to the deputy minister of the department or the administrative head of the agency” and substituting “, agency or college, the Ombudsman shall refer the matter to the deputy minister of the department, administrative head of the agency or registrar”;**

**(d) in section 17**

**(i) in subsection (1) by striking out “department or agency” wherever it occurs and substituting “department, agency or college”;**

**(ii) in subsection (2) by striking out “department or the administrative head of the agency, the Ombudsman shall return the document, paper or thing to the department or agency” and substituting “department, administrative head of the agency or registrar or the person who produced the document, paper or thing, the Ombudsman must return the document, paper or thing to the department, agency, college or person”;**

**(iii) in subsection (3)(a) by striking out “department or agency” and substituting “department, agency or college”;**

**(e) in section 20**

**(i) in subsection (3)**

**(A) by striking out “concerned,” and substituting “concerned or to the appropriate registrar”;**

**(B) by striking out “department or agency to notify” and substituting “department, agency or registrar to notify”;**

**(ii) by adding the following after subsection (3):**

**(3.1)** If within a reasonable time after the report is made under subsection (3) to a registrar no action is taken that seems to the Ombudsman to be adequate and appropriate, the Ombudsman may, after considering the comments, if any, made by or on behalf of the college send a copy of the report to the appropriate Minister.

**(iii) in subsection (4)**

**(A) by adding** “to the Minister and department, agency or registrar under subsection (3) and to the appropriate Minister under subsection (3.1)” **after** “report is made”;

**(B) by striking out** “the department or agency” **and substituting** “the department, agency or college”;

**(iv) in subsection (5) by striking out** “department or agency” **and substituting** “department, agency or college”;

**(f) in section 21(1) by striking out** “20(3)” **and substituting** “20(3) or (3.1)”;

**(g) in section 25**

**(i) in subsection (1) by striking out** “department or agency” **and substituting** “department, agency or college”;

**(ii) in subsection (2) by adding** “or the college” **after** “agency”;

**(h) in section 27**

**(i) in subsection (2) by striking out** “person or department or agency” **and substituting** “person, department, agency or college,”;

**(ii) in subsection (3)**

**(A) by striking out** “or” **at the end of clause (b)** **and adding the following after clause (b):**

(b.1) any college, or

**(B) by adding** “college,” **after** “that department, agency,”.

ds RSA  
cL-13

**138 The *Licensing of Trades and Businesses Act* is amended in section 2(b)**

- (a) by striking out “*Pharmaceutical Profession Act*,”;
- (b) by striking out “*Chiropractic Profession Act*,”;
- (c) by striking out “*Dental Profession Act*,”;
- (d) by striking out “*Medical Profession Act*,”;
- (e) by striking out “*Optometry Profession Act*,”;
- (f) by striking out “*Nursing Profession Act*,”;
- (g) by adding “*Health Professions Act*” after “*Veterinary Profession Act*,”.

ds SA  
cM-13.1

**139 The *Mental Health Act* is amended in section 17(6)(m)(ii) by striking out “section 49 of the *Medical Profession Act* or section 72 of the *Nursing Profession Act*” and substituting “sections 73 and 74 of the *Health Professions Act*”.**

ds SA  
cP-27.1

**140 The *Public Health Act* is amended in section 21 by striking out “Notwithstanding the *Medical Profession Act* and the *Pharmaceutical Profession Act*, a” and substituting “A”.**

ds SA  
cW-16

**141 The *Workers’ Compensation Act* is amended in section 1(1)(u) by striking out “licensed” and substituting “licensed or authorized under the *Health Professions Act*”.**

sequential  
amendments

**142(1) The *Alberta Health Care Insurance Act* is amended**

- (a) by repealing section 1(e)(i) and substituting the following:
  - (i) with reference to services provided in Alberta, a regulated member of The College of Chiropractors of Alberta who holds a practice permit respecting the practice of chiropractic or a professional corporation registered with The College of Chiropractors of Alberta under the *Health Professions Act*, and
- (b) by repealing section 13(8)(d) and substituting the following:



- (d) the council or a hearing tribunal of The College of Chiropractors of Alberta under the *Health Professions Act*,

**(2) Section 16(2) and (3) of the *Companies Act* are amended by striking out “or *Chiropractic Profession Act*”.**

**(3) The *Chiropractic Profession Act* is amended by adding the following after section 27:**

Partnerships

**27.1** On and after September 1, 2000, neither a registered member nor a registered practitioner shall

- (a) provide professional services as a member of a partnership unless each member of the partnership is a registered member or a registered practitioner, or
- (b) divide, share, split or allocate, either directly or indirectly, any fee for professional services with any person who is not a registered member or registered practitioner.

Consequential amendments

**143 The *Alberta Health Care Insurance Act* is amended**

**(a) in section 1**

**(i) by repealing clause (g) and adding the following after clause (h):**

(h.1) “denturist” means,

- (i) with reference to goods and services provided in Alberta, a person who is a regulated member of the College of Alberta Denturists under the *Health Professions Act* who holds a practice permit respecting the practice of denture construction, and
- (ii) with reference to goods and services provided in a place outside Alberta, a person lawfully entitled to practise denture construction in that place;

**(ii) in clause (x) by striking out “dental mechanic” and substituting “denturist”;**

**(b) by repealing section 8(4)(f) and substituting the following:**

- (f) the council of the College of Alberta Denturists, when the practitioner concerned is a dentist;

**(c) by repealing section 13(8)(f) and substituting the following:**

- (f) the council or a hearing tribunal of the College of Alberta Denturists,

Consequential  
amendments

**144(1) The *Alberta Health Care Insurance Act* is amended**

- (a) in section 1(h)(i) by striking out “a person registered as a member of The Alberta Dental Association” and substituting “a regulated member of The Alberta Dental Association and College under the *Health Professions Act* who holds a practice permit respecting the practice of dental surgery”;

- (b) in sections 5.2(2)(b) and 8(4)(b) by adding “and College” after “Association”;

**(c) by repealing section 13(8)(b) and substituting the following:**

- (b) the council or a hearing tribunal of The Alberta Dental Association and College,

**(2) The *Companies Act* is amended in section 16(2) and (3) by striking out “*Dental Profession Act*,”.**

**(3) The *Mental Health Act* is amended by repealing section 17(6)(n) and substituting the following:**

- (n) to a person conducting an investigation, a hearing tribunal or the council of the dental profession under the *Health Professions Act* if
  - (i) an officer of The Alberta Dental Association and College makes a written request for it and the disclosure is consented to by the patient or the patient’s legal representative, or
  - (ii) the disclosure is made in compliance with a notice under sections 73 and 74 of the *Health Professions Act* to attend as a witness or to produce documents,

**(4) The *Public Health Act* is amended by repealing section 78(4)(b)(ii) and substituting the following:**

- (ii) a regulated member of the dental profession under the *Health Professions Act* but does not apply to a student enrolled in a program of studies, or

Consequential  
amendments

**145(1) The *Fatality Inquiries Act* is amended in section 8(2) by striking out “*Medical Profession Act*” and substituting “*Health Professions Act*”.**

**(2) The *Alberta Health Care Insurance Act* is amended**

- (a) in section 1(u)(i) by striking out “a person registered as a medical practitioner or as an osteopathic practitioner under the *Medical Profession Act*” and substituting “a regulated member of the College of Physicians and Surgeons of the Province of Alberta under the *Health Professions Act* who holds a practice permit respecting the practice of medicine, surgery or osteopathy”;**
- (b) by repealing section 13(8)(a) and substituting the following:**

(a) the council or a hearing committee of the College,

**(3) Section 1(1)(o.1)(i) of the *Hospitals Act* is repealed and the following is substituted:**

- (i) with reference to medical services provided in Alberta, a person registered as a regulated member of the College of Physicians and Surgeons of the Province of Alberta under the *Health Professions Act* who holds a practice permit respecting the practice of medicine, surgery or osteopathy, and

**(4) The *Companies Act* is amended**

- (a) in section 15(4)**
  - (i) by adding “or” at the end of clause (a);**
  - (ii) by striking out “or” at the end of clause (c);**
  - (iii) by repealing clause (d);**
  - (iv) by striking out “, *Legal Profession Act* or *Medical Profession Act*” and substituting “or *Legal Profession Act*”;**
- (b) in section 16(2) and (3) by striking out “*Medical Profession Act*,”;**
- (c) in section 16(5)**

(i) **by striking out** “, *Legal Profession Act* or *Medical Profession Act*” **and substituting** “or *Legal Profession Act*”;

(ii) **by striking out** “, section 116(1) of the *Legal Profession Act* or section 67(1) of the *Medical Profession Act*” **and substituting** “or section 116(1) of the *Legal Profession Act*”.

**(5) The *Dependent Adults Act* is amended in section 1(n) by striking out** “registered as a medical practitioner under the *Medical Profession Act*” **and substituting** “who is a regulated member of the College of Physicians and Surgeons of the Province of Alberta who is a physician, surgeon or osteopath”.

**(6) The *Emergency Medical Aid Act* is amended in section 1(a) by striking out** “registered as a medical practitioner under the *Medical Profession Act*” **and substituting** “a regulated member of the College of Physicians and Surgeons of the Province of Alberta who is a physician, surgeon or osteopath”.

**(7) The *Interpretation Act* is amended in section 25(1)(p.1) by striking out** “registered under the *Medical Profession Act* as a medical practitioner” **and substituting** “a regulated member of the College of Physicians and Surgeons of the Province of Alberta who holds a practice permit respecting the practice of medicine, surgery or osteopathy”.

**(8) The *Mental Health Act* is amended**

**(a) in section 1(j)**

(i) **by striking out** “registered under the *Medical Profession Act*” **and substituting** “a regulated member of the College of Physicians and Surgeons of the Province of Alberta under the *Health Professions Act*”;

(ii) **by striking out** “Alberta” **and substituting** “the Province of Alberta”;

**(b) in section 17(6)(m)**

(i) **by striking out** “of the College of Physicians and Surgeons or an investigating committee under the *Medical Profession Act*” **and substituting** “or hearing tribunal of the College of Physicians and Surgeons of the Province of Alberta”;

- (ii) in subclause (i) by adding “of Physicians and Surgeons of the Province of Alberta” after “College”.

**(9) The *Public Health Act* is amended by repealing section 78(4)(b)(i) and substituting the following:**

- (i) a regulated member of the College of Physicians and Surgeons of the Province of Alberta under the *Health Professions Act* who is a physician, surgeon or osteopath but does not apply to a student enrolled in a program of studies and to podiatrists,

Consequential  
amendments

**146(1) The *Students Finance Act* is amended in section 9(1)(d) by striking out “*Nursing Profession Act*” and substituting “*Health Professions Act*”.**

**(2) The *Alberta Health Care Insurance Act* is amended by repealing section 13(8)(h) and substituting the following:**

- (h) the council or a hearing tribunal of the Alberta Association and College of Registered Nurses.

**(3) The *Emergency Medical Aid Act* is amended in section 1(c) by striking out “under the *Nursing Profession Act*” and substituting “within the meaning of the *Health Professions Act*”.**

**(4) The *Hospitals Act* is amended in sections 26(b) and 33(1)(d) by adding “and College” after “Alberta Association”.**

**(5) The *Mental Health Act* is amended in section 17(6)(m)**

- (a) by striking out “the Professional Conduct Committee or the Appeals Committee under the *Nursing Profession Act*” and substituting “council of the Alberta Association and College of Registered Nurses”;
- (b) in subclause (i) by striking out “Association” and substituting “Association and College”.

**(6) The *Public Health Act* is amended in section 1(c.1) and (v.2) by striking out “as defined in the *Nursing Profession Act*” and substituting “within the meaning of the *Health Professions Act*”.**

Amends RSA  
1980 cA-24

**147(1) The *Alberta Health Care Insurance Act* is amended by this section.**

**(2) Section 1(p)(i) is repealed and the following is substituted:**

- (i) with reference to goods and services provided in Alberta, a person who is a regulated member of the College of Opticians of Alberta and who holds a practice permit respecting the practice of dispensing of eye glasses or contact lenses, and

**(3) Section 8(4)(g) is amended by striking out “Alberta Opticians Association” and substituting “College of Opticians of Alberta”.**

**(4) Section 13(8)(g) is repealed and the following is substituted:**

- (g) the council or a hearing tribunal of the College of Opticians of Alberta,

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**148(1) The *Alberta Health Care Insurance Act* is amended**

- (a) in section 1(s)(i) by striking out “registered under the *Optometry Profession Act* as an authorized entity” and substituting “who is a regulated member of the optometry profession under the *Health Professions Act*”;**

- (b) by repealing section 8(4)(c) and substituting the following:**

- (c) the council of The Alberta College of Optometrists;

- (c) by repealing section 13(8)(c) and substituting the following:**

- (c) the council or a hearing tribunal of The Alberta College of Optometrists,

**(2) The *Companies Act* is amended in section 16(2) and (3) by striking out “, *Optometry Profession Act*”.**

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**149(1) The *Agrologists Act* is amended in section 31 by striking out “Pharmaceutical Association under the *Pharmaceutical Profession Act*” and substituting “College of Pharmacists under the *Health Professions Act*”.**

**(2) The *Alberta Health Care Insurance Act* is amended by repealing section 13(8.1) and substituting the following:**

- (8.1) The Minister or a person authorized by the Minister may disclose information obtained under the Blue Cross agreement to the council or complaints director of the**

Alberta College of Pharmacists for that organization's use in investigating a complaint against a member of that organization or in disciplinary hearings involving that member if

- (a) an officer of the Alberta College of Pharmacists makes a written request for the information, or
- (b) the Minister considers that it is in the interests of the public and of the Alberta College of Pharmacists that the information be disclosed.

**(3) The *Hospitals Act* is amended in section 26(b) by striking out “the Alberta Pharmaceutical Association” and substituting “, the Alberta College of Pharmacists”.**

**(4) The *Livestock Diseases Act* is amended in section 9 by striking out “which (notwithstanding the *Pharmaceutical Profession Act*) persons other than pharmacists or restricted practitioners under the *Pharmaceutical Profession Act* or” and substituting “which, notwithstanding Schedule 7.1 of the *Government Organization Act* and the *Pharmacy and Drug Act*, persons other than persons authorized under section 3 of Schedule 7.1 of the *Government Organization Act*, regulated members of the Alberta College of Pharmacists under the *Health Professions Act* or”.**

Consequential  
amendments

**150 The *Alberta Health Care Insurance Act* is amended by repealing section 13(8)(g.1) and substituting the following:**

- (g.1) the council or a hearing tribunal of the College of Physical Therapists of Alberta, or

Consequential  
amendments

**151(1) The *Alberta Health Care Insurance Act* is amended**

- (a) in section 1(w)(i) by striking out “a member of the Alberta Podiatry Association and lawfully entitled to practise in Alberta, and” and substituting “a regulated member of the College of Physicians and Surgeons of the Province of Alberta who holds a practice permit respecting the practice of podiatry, and”;**
- (b) in section 8(4)(e) by striking out “Council of Management of the Alberta Podiatry Association” and substituting “board of directors of the Alberta Association of Podiatric Medicine, incorporated under the *Societies Act*,”;**
- (c) by repealing section 13(8)(e).**

**(2) The *Conflicts of Interest Act* is amended in Part 3 of the Schedule by striking out “Board of Examiners in Podiatry”.**

Consequential  
amendments

**152(1) The *Child Welfare Act* is amended in section 91(2)(c) by striking out “certified psychologist” and substituting “a regulated member of the College of Alberta Psychologists under the *Health Professions Act*”.**

**(2) The *Dependent Adults Act* is amended in section 1(o) by striking out “registered under the *Psychology Profession Act*” and substituting “who is a regulated member of the College of Alberta Psychologists under the *Health Professions Act*”.**

**(3) The *Freedom of Information and Protection of Privacy Act* is amended in section 17(2) by striking out “chartered psychologist” and substituting “regulated member of the College of Alberta Psychologists”.**

**(4) The *Mental Health Act* is amended by repealing section 17(6)(q) and substituting the following:**

- (q) to an investigator or a hearing tribunal of the psychology profession under the *Health Professions Act* if
  - (i) an officer of the College of Alberta Psychologists makes a written request for it and the disclosure is consented to by the patient or the patient’s legal representative, or
  - (ii) the disclosure is made in compliance with a notice under sections 73 and 74 of the *Health Professions Act* to attend as a witness or to produce documents.

Consequential  
amendments

**153 The *Child Welfare Act* is amended in section 91(2)(c) by striking out “registered social worker” and substituting “a regulated member of the Alberta College of Social Workers under the *Health Professions Act*”.**

Consequential  
amendments

**154(1) The *Alberta Health Care Insurance Act* is amended in section 13(4)**

- (a) in clause (i) by striking out “of the *Health Disciplines Act*” and substituting “of the *Health Disciplines Act*, or”;**
- (b) by adding the following after clause (i):**



- (j) to a hearings director of a college under the *Health Professions Act*, if the information is furnished in compliance with a notice under section 73 or 74 of the *Health Professions Act*.

**(c) by repealing clause (i).**

**(2) The *Apprenticeship and Industry Training Act* is amended in section 20 by striking out “health discipline designated or eligible to be designated under the *Health Disciplines Act*” and substituting “profession regulated or eligible to be regulated under the *Health Professions Act*”.**

**(3) The *Emergency Medical Aid Act* is amended in section 1(b) by adding “or a regulated member under Schedule 1, 10, 13, 18 or 25 of the *Health Professions Act*” after “*Disciplines Act*”.**

**(4) The *Mental Health Act* is amended in section 17(6) by adding the following after clause (o):**

- (o.1) to a hearings director of a college under the *Health Professions Act* if the disclosure is made in compliance with a notice under section 73 or 74 of the *Health Professions Act*,

**(5) The *Professional and Occupational Associations Registration Act* is amended by repealing section 5(a) and substituting the following:**

- (a) a profession regulated or eligible to be regulated under the *Health Professions Act*, or

**(6) The *Radiation Protection Act* is amended in section 16(1)**

- (a) in clause (b) by striking out “practise the discipline” and substituting “practise the discipline, and”;**

**(b) by adding the following after clause (b):**

- (c) if the radiation health officer believes that the condition involves the conduct of a worker who is a regulated member under Schedule 3 or 12 of the *Health Professions Act* and believes that the conduct is unprofessional conduct, report that conduct to the complaints director of the regulated member’s college under the *Health Professions Act*.

Repeals

**155** The following are repealed:

- (a) *Chiropractic Profession Act*;

- (b) *Dental Mechanics Act*;
- (c) *Dental Profession Act*;
- (d) *Medical Profession Act*;
- (e) *Nursing Profession Act*;
- (f) *Occupational Therapy Profession Act*;
- (g) *Opticians Act*;
- (h) *Optometry Profession Act*;
- (i) *Physical Therapy Profession Act*;
- (j) *Podiatry Act*;
- (k) *Psychology Profession Act*;
- (l) *Registered Dietitians Act*;
- (m) *Social Work Profession Act*;
- (n) *Health Disciplines Act*, except clauses (a) to (d), (f) to (i), (k) and (l) of the Schedule;
- (o) clause (a) of the Schedule to the *Health Disciplines Act*;
- (p) clause (b) of the Schedule to the *Health Disciplines Act*;
- (q) clause (c) of the Schedule to the *Health Disciplines Act*;
- (r) clause (c.1) of the Schedule to the *Health Disciplines Act*;
- (s) clause (d) of the Schedule to the *Health Disciplines Act*;
- (t) clause (f) of the Schedule to the *Health Disciplines Act*;
- (u) clause (g) of the Schedule to the *Health Disciplines Act*;
- (v) clause (h) of the Schedule to the *Health Disciplines Act*;
- (w) clause (i) of the Schedule to the *Health Disciplines Act*;
- (x) clause (k) of the Schedule to the *Health Disciplines Act*;
- (y) clause (l) of the Schedule to the *Health Disciplines Act*;
- (z) section 3 of the *Health Occupations Amendment Act, 1983* (No. 2) insofar as section 3 adds a clause (e) to the

Schedule to the *Health Occupations Act*, renamed as the *Health Disciplines Act* by section 2 of the *Health Occupations Amendment Act, 1984*;

- (aa) section 14 of the *Health Disciplines Amendment Act, 1988*;
- (bb) section 3(8) and (9) of the *Professional Statutes Amendment Act, 1994*;
- (cc) *Dental Disciplines Act*, except sections 1(e)(i) to (iii), (f), (g), (l), 2 to 4, 7(1) to (3) and 75(1)(a)(i) to (iii);
- (dd) sections 1(e)(i) and (f), 2, 7(1) and 75(1)(a)(i) of the *Dental Disciplines Act*;
- (ee) sections 1(e)(ii) and (g), 3, 7(2) and 75(1)(a)(ii) of the *Dental Disciplines Act*;
- (ff) sections 1(e)(iii) and (l), 4, 7(3) and 75(1)(a)(iii) of the *Dental Disciplines Act*.

Coming into  
force

**156** This Act, except for section 142(3), comes into force on Proclamation.

## PART 10

### PROFESSION-SPECIFIC PROVISIONS

Unprofessional  
conduct fines  
table

**157** For the purposes of this Act the unprofessional conduct fines table is the following:

#### UNPROFESSIONAL CONDUCT FINES TABLE

The following columns of maximum fines apply to proceedings under Part 4:

|  | Column 1 | Column 2 | Column 3 |
|--|----------|----------|----------|
| maximum fine for each finding of unprofessional conduct                                    | \$1000   | \$5000   | \$10 000 |
| maximum aggregate fine for all findings of unprofessional conduct arising out of a hearing | \$5000   | \$25 000 | \$50 000 |

Interpretation

**158(1)** In this Part, “proceedings” means all of the steps and procedures that are available under a former Act to investigate or inquire into conduct and to resolve a complaint, including any of the following that relate to the investigation, inquiry or complaint:

- (a) receipt of complaints;
- (b) consideration of complaints;
- (c) deliberations;
- (d) consultations;
- (e) mediation settlements and other alternative complaint resolutions processes;
- (f) investigations;
- (g) inquiries;
- (h) reports;
- (i) hearings;
- (j) findings;
- (k) decisions;
- (l) reviews;
- (m) appeals;
- (n) orders;
- (o) any other act of an administrative or quasi-judicial nature.

**(2)** Despite section 1(2), in the schedules a reference to “this Act” includes the regulations and by-laws under this Act.

**(3)** For the purposes of clarification sections 18(7) and 19(4) apply to the schedules.

**(4)** For the purposes of the schedules, a hearing or an appeal is concluded if a decision has been made and an order, if any, has been made.

## **SCHEDULE 1**

### **PROFESSION OF ACUPUNCTURISTS**

**1(1)** On the coming into force of this Schedule, a society incorporated under the Societies Act that is designated by an order of the Lieutenant Governor in Council is continued as a corporation under the name College of Acupuncturists of Alberta.

**(2)** On the coming into force of this Schedule, the College of Acupuncturists of Alberta has the ownership, custody and control of records of the Health Disciplines Board respecting the following:

- (a) current and former complaints and allegations of professional misconduct or incompetence made against registered members of the designated health discipline of Acupuncturists under the Health Disciplines Act and proceedings taken under the Health Disciplines Act in respect of those complaints and allegations,
- (b) current and former applications for registration as registered members in the designated health discipline of Acupuncturists under the Health Disciplines Act and the educational qualifications of applicants for registration in the designated health discipline of Acupuncturists,
- (c) registered members and former registered members in the designated health discipline of Acupuncturists under the Health Disciplines Act and any registers or other material relating to registration and conditions, restrictions or limitations on registration,
- (d) decisions and orders made with respect to registered members or former registered members in the designated health discipline of Acupuncturists under the Health Disciplines Act, and
- (e) records and information referred to in section 30 of the Health Disciplines Act relating to the designated health discipline of Acupuncturists under the Health Disciplines Act.

**(3)** Despite section 34(b) of the Freedom of Information and Protection of Privacy Act, on the coming into force of this Schedule the College of Acupuncturists of Alberta has the ownership, custody and control of records described in subsection (2), and the records must be given to the College of Acupuncturists of Alberta.

**(4)** The Minister may request and collect information and records described in subsection (2) from the College of Acupuncturists of Alberta for purposes directly related to or necessary for any proceeding, including an appeal described in section 8(5) of this Schedule and preparation for a proceeding, with respect to an action or claim, or with respect to the negotiation or settlement of an action or claim before it is before a Court or while it is before a Court, and the Minister may disclose the information or records collected, as the Minister considers appropriate, in carrying out those purposes.

**2** A regulated member of the College of Acupuncturists of Alberta may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) doctor of acupuncture;
- (b) acupuncturist;
- (c) student acupuncturist;
- (d) intern acupuncturist;
- (e) R. Ac.;
- (f) Ac.

**3** In their practice, acupuncturists do one or more of the following:

- (a) diagnose, treat and prevent diseases, disorders and dysfunctions using methods based on the holistic principles of traditional Chinese medicine and on using methods of stimulating acupuncture points and meridians, and
- (b) provide restricted activities authorized by the regulations.

**4** Column 1 of the unprofessional conduct fines table applies to proceedings of the College of Acupuncturists of Alberta under Part 4.

**5** On the coming into force of this Schedule, if a referral has been made under section 14 of the Health Disciplines Act or a determination has been made under section 14.1 of the Health Disciplines Act that a hearing should be held and the hearing has commenced but not concluded, the members of the committee, as defined in section 12.1 of the Health Disciplines Act, continue as

members of that committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated health discipline of Acupuncturists.

**6** On the coming into force of this Schedule, a person who is registered as a member of the designated health discipline of Acupuncturists under the Health Disciplines Act is deemed to be registered as a regulated member of, and is deemed to have been issued a practice permit by the registrar of, the College of Acupuncturists of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule an application for registration, temporary registration or renewal of registration as a member of the designated health discipline of Acupuncturists under the Health Disciplines Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Director of Health Disciplines and of the registrar of the designated health discipline of Acupuncturists under the Health Disciplines Act are vested in and may be exercised by the registrar of the College of Acupuncturists of Alberta, and any reference to the Director of Health Disciplines or the registrar in the Health Disciplines Act is deemed to be a reference to the registrar under this Act;
- (b) of the Acupuncture Committee under the Health Disciplines Act are vested in and may be exercised by the registration committee of the College of Acupuncturists of Alberta, and any reference to a committee in the Health Disciplines Act is deemed to be a reference to the registration committee under this Act;
- (c) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the College of Acupuncturists of Alberta and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act.

**(3)** On the coming into force of this Schedule, a program of studies and an examination approved by the Health Disciplines Board under the Acupuncture Regulation (AR 42/88) continue as an approved program of studies and examination for the purposes of subsection (1).

(4) For the purposes of subsection (1), a form referred to in section 10.1(1) of the Health Disciplines Act is deemed to be a reference to a form provided for by the by-laws.

(5) A person who is registered, or whose registration is renewed, under this section is deemed to be registered as a regulated member of, and deemed to have been issued a practice permit by the registrar of, the College of Acupuncturists of Alberta under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule any proceedings with respect to a complaint made under the Health Disciplines Act or with respect to a preliminary investigation commenced under section 13.1(2) of the Health Disciplines Act, before the coming into force of this Schedule, with respect to the designated health discipline of Acupuncturists under the Health Disciplines Act that have not been concluded, must be concluded in accordance with that Act.

(3) Subject to section 5 of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the registrar of the designated health discipline of Acupuncturists under the Health Disciplines Act, except under section 15(1), are vested in and may be exercised by the complaints director of the College of Acupuncturists of Alberta, and any reference to the registrar in the Health Disciplines Act, except in section 15(1), is deemed to be a reference to the complaints director under this Act;
- (b) of the registrar under section 15(1) of the Health Disciplines Act are vested in and may be exercised by the president of the College of Acupuncturists of Alberta, and any reference to the registrar in section 15(1) of the Health Disciplines Act is deemed to be a reference to the president under this Act;
- (c) of the chair of a committee under Part 4 of the Health Disciplines Act are vested in and may be exercised by the complaints director of the College of Acupuncturists of Alberta, and any reference to the chair in Part 4 of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act;



- (d) of the Director of Health Disciplines under the Health Disciplines Act, except under sections 7.6(8) and 13.1(2), are vested in and may be exercised by the hearings director of the College of Acupuncturists of Alberta, and any reference to the Director of Health Disciplines in the Health Disciplines Act, except in sections 7.6(8) and 13.1(2), is deemed to be a reference to the hearings director under this Act;
  - (e) of the committee under section 14.1 of the Health Disciplines Act are vested in and may be exercised by the complaint review committee of the College of Acupuncturists of Alberta, and any reference to a committee in section 14.1 of the Health Disciplines Act is deemed to be a reference to the complaint review committee under this Act;
  - (f) of the committee under Part 4 of the Health Disciplines Act, except under section 14.1 are vested in and may be exercised by a hearing tribunal of the College of Acupuncturists of Alberta, and any reference to the committee in Part 4 of the Health Disciplines Act, except in section 14.1, is deemed to be a reference to the hearing tribunal under this Act;
  - (g) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the College of Acupuncturists of Alberta, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act;
  - (h) of the governing body of the association under Part 5 of the Health Disciplines Act are vested in and may be exercised by the council of the College of Acupuncturists of Alberta, and any reference to the governing body of the association in Part 5 of the Health Disciplines Act is deemed to be a reference to the council under this Act;
  - (i) of the Director of Health Disciplines under section 13.1(2) of the Health Disciplines Act are vested in and may be exercised by the complaints director of the College of Acupuncturists of Alberta, and any reference to the Director in section 13.1(2) of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act.
- (4) For the purposes of subsection (2), a reference to registration in section 20 of the Health Disciplines Act is deemed to be a reference to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Health Disciplines Board has commenced but not concluded hearing an appeal, the members of the Board continue as the Board for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated health discipline of Acupuncturists.

(6) Any decision and order made by a committee, as defined in Part 4 of the Health Disciplines Act, the Health Disciplines Board, a hearing tribunal or the council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 2**

### **PROFESSION OF CHIROPRACTORS**

**1** On the coming into force of this Schedule, the corporation known as The College of Chiropractors of Alberta is continued as a corporation under the same name.

**2** A regulated member of The College of Chiropractors of Alberta may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) Chiropractor;
- (b) Doctor of Chiropractic;
- (c) D.C.

**3** In their practice, chiropractors do one or more of the following:

- (a) examine, diagnose and treat, through chiropractic adjustment and other natural means, to maintain and promote health and wellness, and
- (b) provide restricted activities authorized by the regulations.

**4** Column 3 of the unprofessional conduct fines table applies to proceedings of The College of Chiropractors of Alberta under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the Council under the Chiropractic Profession Act continue as members of the council of The College of Chiropractors of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the Registrar of The College of Chiropractors of Alberta under the Chiropractic Profession Act continues as the registrar of The College of Chiropractors of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of The College of Chiropractors of Alberta under the Chiropractic Profession Act continues as the president of The College of Chiropractors of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) if a review of a practice has commenced but not concluded, the members of the Practice Review Board of The College of Chiropractors of Alberta under the Chiropractic Profession Act continue as members of the Practice Review Board for the purposes of the review and as members of the competence committee of The College of Chiropractors of Alberta under this Act until the practice review is concluded, as if this Schedule and Part 3 had not come into force and the former Act had not been repealed;
- (e) if a referral has been made to the Discipline Committee under section 44(b) of the Chiropractic Profession Act and the hearing has commenced but not concluded, the members of the Discipline Committee continue as members of the Discipline Committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

**6(1)** On the coming into force of this Schedule, a person who is a registered member or a registered practitioner under the Chiropractic Profession Act is deemed to be registered as a regulated member of, and is deemed to have been issued a practice permit by the registrar of, The College of Chiropractors of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**(2)** On the coming into force of this Schedule, a professional corporation that holds a permit under the Chiropractic Profession Act is deemed to be registered on the record of professional corporations of The College of Chiropractors of Alberta and is deemed to have been issued an annual permit under this Act until the annual permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration as a registered member, for a permit under section 20 of the Chiropractic Profession Act or for renewal of an annual certificate or for reinstatement that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Registrar under the Chiropractic Profession Act are vested in and may be exercised by the registrar of The College of Chiropractors of Alberta under this Act, and any reference to the Registrar in the Chiropractic Profession Act is deemed to be a reference to the registrar under this Act;
- (b) of the Universities Co-ordinating Council under the Chiropractic Profession Act are vested in and may be exercised by the registrar of The College of Chiropractors of Alberta under this Act, and any reference to the Universities Co-ordinating Council in the Chiropractic Profession Act is deemed to be a reference to the registrar under this Act;
- (c) of the Registration Committee under the Chiropractic Profession Act are vested in and may be exercised by the registrar of The College of Chiropractors of Alberta under this Act, and any reference to the Registration Committee in the Chiropractic Profession Act is deemed to be a reference to the registrar of The College of Chiropractors of Alberta under this Act;
- (d) of the Council under the Chiropractic Profession Act are vested in and may be exercised by the council of The College of Chiropractors of Alberta under this Act, and any reference to the Council in the Chiropractic Profession Act is deemed to be a reference to the council under this Act;
- (e) of the committee of inquiry appointed pursuant to regulations under the Chiropractic Profession Act are vested in and may be exercised by a committee of inquiry of The College of Chiropractors of Alberta appointed pursuant to regulations under this Act and any reference to a committee of inquiry in the Chiropractic Profession Act or the regulations under that Act, is deemed to be a reference to the committee of inquiry appointed pursuant to regulations under this Act.

**(3)** On the coming into force of this Schedule, an academic institution designated as an approved faculty of chiropractic or a chiropractic professional association designated as an approved

chiropractic professional association under the Chiropractic Profession Act continues to be an approved faculty of chiropractic or an approved chiropractic professional association for the purposes of subsection (1).

(4) A person who is registered or reinstated under this section is deemed to be registered, subject to the same conditions, as a regulated member of, and deemed to have been issued a practice permit under this Act by the registrar of, The College of Chiropractors of Alberta under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

(5) A corporation that is issued a permit or reinstated under this section is deemed to be registered on the record of professional corporations of The College of Chiropractors of Alberta and is to be issued an annual permit under this Act until the annual permit expires or is cancelled under this Act.

**8(1)** On the coming into force of this Schedule, a review of a practice under the Chiropractic Profession Act that has not been concluded must be concluded in accordance with that Act.

(2) For the purposes of subsection (1), the powers and duties

- (a) of the Practice Review Board under the Chiropractic Profession Act are vested in and may be exercised by the competence committee of The College of Chiropractors of Alberta, and any reference to the Practice Review Committee in the Chiropractic Profession Act is deemed to be a reference to a competence committee under this Act, but if a complaint is to be made under section 36(2) of the Chiropractic Profession Act after this Schedule comes into force, that complaint must be made to the complaints director of The College of Chiropractors of Alberta under this Act and be dealt with under this Act;
- (b) of the Council under the Chiropractic Profession Act are vested in and may be exercised by the council of The College of Chiropractors of Alberta, and any reference to the Council in the Chiropractic Profession Act is deemed to be a reference to the council under this Act;
- (c) of the Registrar under the Chiropractic Profession Act are vested in and may be exercised by the complaints director of The College of Chiropractors of Alberta, and any reference to the Registrar in the Chiropractic Profession Act is deemed to be a reference to the complaints director under this Act;

- (d) of the president under the Chiropractic Profession Act are vested in and may be exercised by the president of The College of Chiropractors of Alberta, and any reference to the president in the Chiropractic Profession Act is deemed to be a reference to the president under this Act;
  - (e) of the chairman of the Practice Review Board under section 37(3) of the Chiropractic Profession Act are vested in and may be exercised by the complaints director of The College of Chiropractors of Alberta and any reference to the chairman of the Practice Review Board in section 37(3) of the Chiropractic Profession Act is deemed to be a reference to the complaints director under this Act.
- (3) For the purposes of subsection (2), references to a certificate of registration, an annual certificate or a permit in section 37 of the Chiropractic Profession Act are deemed to be references to a certificate of registration, practice permit or annual permit under this Act.
- 9(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.
- (2) On the coming into force of this Schedule any proceedings with respect to a complaint made under the Chiropractic Profession Act or an investigation commenced or a person appointed to commence an investigation under section 42 of the Chiropractic Profession Act before the coming into force of this Schedule that have not been concluded must be concluded in accordance with that Act.
- (3) Subject to section 5(e) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties
- (a) of the Registrar under the Chiropractic Profession Act, except under sections 49(3) and 53, are vested in and may be exercised by the complaints director of The College of Chiropractors of Alberta under this Act, and any reference to the Registrar in the Chiropractic Profession Act, except in section 49(3) or 53, is deemed to be a reference to the complaints director under this Act;
  - (b) of the Registrar under sections 49(3) and 53 of the Chiropractic Profession Act are vested in and may be exercised by the hearings director of The College of Chiropractors of Alberta under this Act, and any reference to the Registrar in section 49(3) or 53 of the Chiropractic

Profession Act is deemed to be a reference to the hearings director under this Act;

- (c) of a person conducting a preliminary investigation under the Chiropractic Profession Act are vested in and may be exercised by a complaints director or an investigator appointed under this Act, and any reference to that person in the Chiropractic Profession Act is deemed to be a reference to the complaints director or the investigator under this Act;
- (d) of a member of the Discipline Committee referred to in sections 43 to 45 of the Chiropractic Profession Act are vested in and may be exercised by the complaints director of The College of Chiropractors of Alberta, and any reference to a member of the Discipline Committee in sections 43 to 45 of the Chiropractic Profession Act is deemed to be a reference to the complaints director under this Act;
- (e) of the chairman under Part 6 of the Chiropractic Profession Act are vested in and may be exercised by the complaints director of The College of Chiropractors of Alberta, and any reference to the chairman in Part 6 of the Chiropractic Profession Act is deemed to be a reference to the complaints director under this Act;
- (f) of the president under the Chiropractic Profession Act are vested in and may be exercised by the president of The College of Chiropractors of Alberta, and any reference to the president in the Chiropractic Profession Act is deemed to be a reference to the president under this Act;
- (g) of the Discipline Committee under the Chiropractic Profession Act, except under section 46, are vested in and may be exercised by a hearing tribunal of The College of Chiropractors of Alberta, and any reference to the Discipline Committee in the Chiropractic Profession Act, except in section 46, is deemed to be a reference to the hearing tribunal under this Act;
- (h) of the Discipline Committee under section 46 of the Chiropractic Profession Act are vested in and may be exercised by the complaint review committee of The College of Chiropractors of Alberta, and any reference to the Discipline Committee in section 46 of the Chiropractic Profession Act is deemed to be a reference to the complaint review committee under this Act;
- (i) of the Council under the Chiropractic Profession Act, except under sections 48 and 66(1), are vested in and may

be exercised by the council of The College of Chiropractors of Alberta, and any reference to the Council in the Chiropractic Profession Act, except in section 48 or 66(1) is deemed to be a reference to the council under this Act;

(j) of the Council under sections 48 and 66(1) of the Chiropractic Profession Act are vested in and may be exercised by the complaints director of The College of Chiropractors of Alberta, and any reference to the Council in section 48 or 66(1) of the Chiropractic Profession Act is deemed to be a reference to the complaints director under this Act;

(k) of the College under section 52(3) of the Chiropractic Profession Act are vested in and may be exercised by the hearings director of The College of Chiropractors of Alberta, and any reference to the College in section 52(3) the Chiropractic Profession Act is deemed to be a reference to the hearings director under this Act;

(l) of the College under sections 64 and 66 of the Chiropractic Profession Act are vested in and may be exercised by the complaints director of The College of Chiropractors of Alberta, and any reference to the College in section 64 or 66 of the Chiropractic Profession Act is deemed to be a reference to the complaints director under this Act;

(m) of a member of the Discipline Committee who is also a member of Council as described in section 66(2) of the Chiropractic Profession Act are vested in and may be exercised by a member of a hearing tribunal who is a member of the council of The College of Chiropractors of Alberta under this Act, and any reference to a member of the Discipline Committee in section 66(2) of the Chiropractic Profession Act is deemed to be a reference to a member of the hearing tribunal who is a member of the council under this Act.

(4) For the purposes of subsection (2), references to a certificate of registration and an annual certificate in Part 6 of the Chiropractic Profession Act are deemed to be references to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Council under the Chiropractic Profession Act has commenced but not concluded hearing an appeal, the members of the Council continue as the Council for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.



(6) Any decision and order made by the Discipline Committee, the Council, a hearing tribunal or a council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

### **SCHEDULE 3**

#### **PROFESSION OF COMBINED LABORATORY AND X-RAY TECHNICIANS**

**1(1)** On the coming into force of this Schedule, a society incorporated under the Societies Act that is designated by an order of the Lieutenant Governor in Council is continued as a corporation under the name Alberta College of Combined Laboratory and X-ray Technicians.

(2) On the coming into force of this Schedule, the Alberta College of Combined Laboratory and X-ray Technicians of Alberta has the ownership, custody and control of records of the Health Disciplines Board respecting the following:

- (a) current and former complaints and allegations of professional misconduct or incompetence made against registered members of the designated health discipline of Combined Laboratory X-ray Technicians under the Health Disciplines Act and proceedings taken under the Health Disciplines Act in respect of those complaints and allegations,
- (b) current and former applications for registration as registered members in the designated health discipline of Combined Laboratory X-ray Technicians under the Health Disciplines Act and the educational qualifications of applicants for registration in the designated health discipline of Combined Laboratory X-ray Technicians,
- (c) registered members and former registered members in the designated health discipline of Combined Laboratory X-ray Technicians under the Health Disciplines Act and any registers or other material relating to registration and conditions, restrictions or limitations on registration,
- (d) decisions and orders made with respect to registered members or former registered members in the designated health discipline of Combined Laboratory X-ray Technicians under the Health Disciplines Act, and
- (e) records and information referred to in section 30 of the Health Disciplines Act relating to the designated health

discipline of Combined Laboratory X-ray Technicians under the Health Disciplines Act.

(3) Despite section 34(b) of the Freedom of Information and Protection of Privacy Act, on the coming into force of this Schedule the Alberta College of Combined Laboratory and X-ray Technicians has the ownership, custody and control of records described in subsection (2), and the records must be given to the Alberta College of Combined Laboratory and X-ray Technicians.

(4) The Minister may request and collect information and records described in subsection (2) from the Alberta College of Combined Laboratory and X-ray Technicians for purposes directly related to or necessary for any proceeding, including an appeal described in section 8(5) of this Schedule and preparation for a proceeding, with respect to an action or claim, or with respect to the negotiation or settlement of an action or claim before it is before a Court or while it is before a Court, and the Minister may disclose the information or records collected, as the Minister considers appropriate, in carrying out those purposes.

**2** A regulated member of the Alberta College of Combined Laboratory and X-ray Technicians may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) combined laboratory x-ray technician;
- (b) C.L.X.T.;
- (c) C.L.X.T. student.

**3** In their practice, combined laboratory and X-ray technicians do one or more of the following:

- (a) analyze biological specimens, apply ionizing radiation and perform electrocardiography procedures,
- (b) evaluate the results obtained under clause (a) for accuracy and reliability, and
- (c) provide restricted activities authorized by the regulations.

**4** Column 1 of the unprofessional conduct fines table applies to proceedings of the Alberta College of Combined Laboratory and X-ray Technicians under Part 4.

**5** On the coming into force of this Schedule, if a referral has been made under section 14 of the Health Disciplines Act or a determination has been made under section 14.1 of the Health Disciplines Act that a hearing should be held and the hearing has commenced but not concluded, the members of the committee, as defined in section 12.1 of the Health Disciplines Act, continue as members of the committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act with respect to the designated health discipline of Combined Laboratory X-ray Technicians had not been repealed.

**6** On the coming into force of this Schedule, a person who is registered or temporarily registered as a member of the designated health discipline of Combined Laboratory X-Ray Technicians under the Health Disciplines Act is deemed to be a regulated member of, and to have been issued a practice permit by the registrar of, the Alberta College of Combined Laboratory and X-ray Technicians under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration, temporary registration or renewal of registration as a member of the designated health discipline of Combined Laboratory X-Ray Technicians under the Health Disciplines Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Director of Health Disciplines and of the registrar of the designated health discipline of Combined Laboratory X-Ray Technicians under the Health Disciplines Act are vested in and may be exercised by the registrar of the Alberta College of Combined Laboratory and X-ray Technicians, and any reference to the Director of Health Disciplines or the registrar in the Health Disciplines Act is deemed to be a reference to the registrar under this Act;
- (b) of the Combined Laboratory X-Ray Technicians Committee under the Health Disciplines Act are vested in and may be exercised by the registration committee of the Alberta College of Combined Laboratory and X-ray Technicians, and any reference to a committee in the Health Disciplines Act is deemed to be a reference to the registration committee under this Act;
- (c) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the Alberta College of Combined Laboratory and X-ray Technicians, and any reference to the Health

Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act.

(3) On the coming into force of this Schedule, a program of studies, an examination and a refresher program approved by the Health Disciplines Board under the Combined Laboratory X-ray Technician Regulation (AR 391/88) continue as an approved program of studies, an examination and refresher program for the purposes of subsection (1).

(4) For the purposes of subsection (1), a form referred to in section 10.1(1) of the Health Disciplines Act is deemed to be a reference to a form provided for by the by-laws.

(5) A person who is registered or whose registration is renewed under this section is deemed to be registered as a regulated member of, and deemed to have been issued a practice permit by the registrar of, the Alberta College of Combined Laboratory and X-ray Technicians under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

8(1) Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule any proceedings with respect to a complaint made under the Health Disciplines Act or with respect to a preliminary investigation commenced under section 13.1(2) of the Health Disciplines Act, before the coming into force of this Schedule, with respect to the designated health discipline of Combined Laboratory X-Ray Technicians under the Health Disciplines Act that have not been concluded must be concluded in accordance with that Act.

(3) Subject to section 5 of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

(a) of the registrar of the designated health discipline of Combined Laboratory X-Ray Technicians under the Health Disciplines Act, except under section 15(1), are vested in and may be exercised by the complaints director of the Alberta College of Combined Laboratory and X-ray Technicians, and any reference to the registrar in the Health Disciplines Act, except in section 15(1), is deemed to be a reference to the complaints director under this Act;

(b) of the registrar under section 15(1) of the Health Disciplines Act are vested in and may be exercised by the president of the Alberta College of Combined Laboratory

and X-ray Technicians, and any reference to the registrar in section 15(1) of the Health Disciplines Act is deemed to be a reference to the president under this Act;

- (c) of the chair of a committee under Part 4 of the Health Disciplines Act are vested in and may be exercised by the complaints director of the Alberta College of Combined Laboratory and X-ray Technicians, and any reference to the chair in Part 4 of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act;
- (d) of the Director of Health Disciplines under the Health Disciplines Act, except under sections 7.6(8) and 13.1(2), are vested in and may be exercised by the hearings director of the Alberta College of Combined Laboratory and X-ray Technicians, and any reference to the Director of Health Disciplines in the Health Disciplines Act, except in sections 7.6(8) and 13.1(2), is deemed to be a reference to the hearings director under this Act;
- (e) of the committee under section 14.1 of the Health Disciplines Act are vested in and may be exercised by the complaint review committee of the Alberta College of Combined Laboratory and X-ray Technicians, and any reference to the committee in section 14.1 of the Health Disciplines Act is deemed to be a reference to the complaint review committee under this Act;
- (f) of the committee under Part 4 of the Health Disciplines Act, except under section 14.1, are vested in and may be exercised by a hearing tribunal of the Alberta College of Combined Laboratory and X-ray Technicians, and any reference to the committee in Part 4 of the Health Disciplines Act, except in section 14.1, is deemed to be a reference to the hearing tribunal under this Act;
- (g) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the Alberta College of Combined Laboratory and X-ray Technicians, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (h) of the governing body of the association under Part 5 of the Health Disciplines Act are vested in and may be exercised by the council of the Alberta College of Combined Laboratory and X-ray Technicians, and any reference to the governing body of the association is deemed to be a reference to the council under this Act;

- (i) of the Director of Health Disciplines under section 13.1(2) of the Health Disciplines Act are vested in and may be exercised by the complaints director of the Alberta College of Combined Laboratory and X-ray Technicians, and any reference to the Director in section 13.1(2) of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act.
- (4) For the purposes of subsection (2), a reference to registration in the Health Disciplines Act is deemed to be a reference to registration and a practice permit under this Act.
- (5) If on the coming into force of this Schedule the Health Disciplines Board has commenced but not concluded hearing an appeal, the members of the Board continue as the Board for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act with respect to the designated health discipline of Combined Laboratory X-ray Technicians had not been repealed.
- (6) Any decision and order made by a committee, as defined in Part 4 of the Health Disciplines Act, the Health Disciplines Board, a hearing tribunal or a council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 4**

### **PROFESSION OF DENTAL ASSISTANTS**

- 1** On the coming into force of this Schedule, the corporation known as the Alberta Dental Assistants Association is continued as a corporation under the name College of Alberta Dental Assistants.
- 2** A regulated member of the College of Alberta Dental Assistants may, as authorized by the regulations, use any of the following titles, abbreviations and initials:
  - (a) dental assistant;
  - (b) registered dental assistant;
  - (c) certified dental assistant;
  - (d) D.A.;
  - (e) R.D.A.;
  - (f) dental assistant student.

**3** In their practice, dental assistants do one or more of the following:

- (a) provide supportive dental care services to maintain and promote oral health,
- (b) provide education on and carry on research into those matters described in this section and manage regulated members who carry out those matters, and
- (c) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the College of Alberta Dental Assistants under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the Council of the Alberta Dental Assistants Association under the Dental Disciplines Act continue as members of the council of the College of Alberta Dental Assistants under this Act for the same term of office unless their terms are terminated earlier under this Act;
- (b) the Registrar of the Alberta Dental Assistants Association under the Dental Disciplines Act continues as the registrar of the College of Alberta Dental Assistants under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of the Alberta Dental Assistants Association under the Dental Disciplines Act continues as the president of the College of Alberta Dental Assistants under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) if section 41(1) of the Dental Disciplines Act has been complied with, in respect of the Alberta Dental Assistants Association and a hearing has commenced but not concluded, the members of the Discipline Committee of the Alberta Dental Assistants Association continue as members of the Discipline Committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act with respect to the dental discipline of dental assistant had not been repealed.

**6** On the coming into force of this Schedule, a person who is registered as a dental assistant under the Dental Disciplines Act is deemed to be registered as a regulated member of, and deemed to have been issued a practice permit by the registrar of, the College of Alberta Dental Assistants under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration or for an annual certificate as a member of the Alberta Dental Assistants Association that has not been concluded must be concluded in accordance with the Dental Disciplines Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Registrar under the Dental Disciplines Act are vested in and may be exercised by the registrar of the College of Alberta Dental Assistants, and any reference to the Registrar in the Dental Disciplines Act is deemed to be a reference to the registrar under this Act;
- (b) of the Council under the Dental Disciplines Act are vested in and may be exercised by the council of the College of Alberta Dental Assistants, and any reference to the Council in the Dental Disciplines Act is deemed to be a reference to the council under this Act;
- (c) of the Universities Co-ordinating Council under section 14(1)(a) of the Dental Disciplines Act are vested in and may be exercised by the Universities Co-ordinating Council, and any reference to the Universities Co-ordinating Council with respect to section 14(1)(a) of the Dental Disciplines Act is deemed to be a reference to the Universities Co-ordinating Council;
- (d) of the Universities Co-ordinating Council under sections 14 to 16(1), except under section 14(1)(a), of the Dental Disciplines Act are vested in and may be exercised by the registration committee of the College of Alberta Dental Assistants, and any reference to the Universities Co-ordinating Council in sections 14 to 16(1), except in section 14(1)(a), of the Dental Disciplines Act is deemed to be a reference to the registration committee under this Act.

**(3)** A person who is registered and issued an annual certificate under this section is deemed to be registered as a practising member of, and to have been issued a practice permit by the registrar of, the College of Alberta Dental Assistants under this Act



subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** Any complaint made after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

**(2)** On the coming into force of this Schedule, any proceedings with respect to a complaint made or a preliminary investigation under Part 6 of the Dental Disciplines Act with respect to the conduct of a dental assistant under the Dental Disciplines Act that have not been concluded must be concluded in accordance with that Act.

**(3)** Subject to section 5(d) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the Registrar of the Alberta Dental Assistants Association under the Dental Disciplines Act, except under section 41, are vested in and may be exercised by the complaints director of the College of Alberta Dental Assistants, and any reference to the Registrar in the Dental Disciplines Act, except in section 41, is deemed to be the reference to the complaints director under this Act;
- (b) of the Registrar of the Alberta Dental Assistants Association under section 41 of the Dental Disciplines Act are vested in and may be exercised by the hearings director of the College of Alberta Dental Assistants, and any reference to the Registrar in section 41 of the Dental Disciplines Act is deemed to be a reference to the hearings director under this Act;
- (c) of the Discipline Committee of the Alberta Dental Assistants Association under the Dental Disciplines Act, except under section 38, are vested in and may be exercised by a hearing tribunal of the College of Alberta Dental Assistants, and any reference to the Disciplines Committee in the Dental Disciplines Act, except in section 38, is deemed to be a reference to the hearing tribunal under this Act;
- (d) of the president of the Alberta Dental Assistants Association under the Dental Disciplines Act are vested in and may be exercised by the president of the College of Alberta Dental Assistants, and any reference to the president in the Dental Disciplines Act is deemed to be a reference to the president under this Act;

- (e) of the chairman of the Discipline Committee of the Alberta Dental Assistants Association under the Dental Disciplines Act, except in section 46(2), are vested in and may be exercised by the complaints director of the College of Alberta Dental Assistants, and any reference to the chairman of the Discipline Committee in the Dental Disciplines Act, except in section 46(2), is deemed to be a reference to the complaints director under this Act;
  - (f) of the chairman of the Discipline Committee of the Alberta Dental Assistants Association under section 46(2) of the Dental Disciplines Act are vested in and may be exercised by the hearings director of the College of Alberta Dental Assistants, and any reference to the chairman of the Discipline Committee in section 46(2) of the Dental Disciplines Act is deemed to be a reference to the hearings director under this Act;
  - (g) of a person conducting a preliminary investigation under the Dental Disciplines Act are vested in and may be exercised by a complaints director or an investigator appointed under this Act, and any reference to the person conducting a preliminary investigation in the Dental Disciplines Act is deemed to be a reference to the complaints director or the investigator under this Act;
  - (h) of the Alberta Dental Assistants Association under the Dental Disciplines Act are vested in and may be exercised by the College of Alberta Dental Assistants, and any reference to the Association in the Dental Disciplines Act is deemed to be a reference to the college under this Act;
  - (i) of a member of the Discipline Committee under sections 35 to 37 of the Dental Disciplines Act are vested in and may be exercised by the complaints director of the College of Alberta Dental Assistants, and any reference to a member of the Discipline Committee in sections 35 to 37 of the Dental Disciplines Act is deemed to be a reference to the complaints director under this Act;
  - (j) of the Discipline Committee under section 38 of the Dental Disciplines Act are vested in and may be exercised by the complaint review committee of the College of Alberta Dental Assistants, and any reference to the Discipline Committee in section 38 of the Dental Disciplines Act is deemed to be a reference to the complaint review committee under this Act.
- (4) For the purposes of subsection (2), references in Part 6 of the Dental Disciplines Act to a certificate of registration and an annual

certificate are deemed to be references to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Council under the Dental Disciplines Act has commenced but not concluded hearing an appeal, the members of the Council continue as the Council for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act with respect to the dental discipline of dental assistant had not been repealed.

(6) Any decision and order made by the Discipline Committee, a Council, hearing tribunal or the council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 5**

### **PROFESSION OF DENTAL HYGIENISTS**

**1** On the coming into force of this Schedule, the corporation known as the Alberta Dental Hygienists' Association is continued as a corporation under the name College of Registered Dental Hygienists of Alberta.

**2** A regulated member of the College of Registered Dental Hygienists of Alberta may, as authorized by the regulations, use the following titles, abbreviations and initials:

- (a) dental hygienist;
- (b) registered dental hygienist;
- (c) dental hygiene student;
- (d) registered dental hygiene student;
- (e) D.H.;
- (f) R.D.H.

**3** In their practice, dental hygienists do one or more of the following:

- (a) assess, diagnose and treat oral health conditions through the provision of therapeutic, educational and preventive dental hygiene procedures and strategies to promote wellness,

- (b) provide restricted activities authorized by the regulations, and
- (c) provide the services described in this section as clinicians, educators, researchers, administrators, health promoters and consultants.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the College of Registered Dental Hygienists of Alberta under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the Council of the Alberta Dental Hygienists' Association under the Dental Disciplines Act continue as members of the council of the College of Registered Dental Hygienists of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the registrar of the Alberta Dental Hygienists' Association under the Dental Disciplines Act continues as the registrar of the College of Registered Dental Hygienists of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of the Alberta Dental Hygienists' Association under the Dental Disciplines Act continues as the president of the College of Registered Dental Hygienists of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) the members of the Registration Committee of the Alberta Dental Hygienists' Association under the by-laws under the Dental Disciplines Act continue as members of the registration committee of the College of Registered Dental Hygienists of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (e) if section 41(1) of the Dental Disciplines Act has been complied with in respect of the Alberta Dental Hygienists' Association and a hearing has commenced but not concluded, the members of the Discipline Committee of the Alberta Dental Hygienists' Association under the Dental Disciplines Act continue as members of the Discipline Committee for the purpose of the hearing until it is concluded, as if this Schedule and Part 4 had not come into

force and the former Act had not been repealed with respect to the dental discipline of dental hygienists.

**6** On the coming into force of this Schedule, a person who is registered as an active member of the Alberta Dental Hygienists' Association and who holds an annual certificate is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Registered Dental Hygienists of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration or annual certificate as a member of the Alberta Dental Hygienists' Association that has not been concluded must be concluded in accordance with the Dental Disciplines Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Registrar under the Dental Disciplines Act are vested in and may be exercised by the registrar of the College of Registered Dental Hygienists of Alberta, and any reference to the Registrar in the Dental Disciplines Act is deemed to be a reference to the registrar under this Act;
- (b) of the Council under the Dental Disciplines Act are vested in and may be exercised by the council of the College of Registered Dental Hygienists of Alberta, and any reference to the Council in the Dental Disciplines Act is deemed to be a reference to the council under this Act;
- (c) of the Universities Co-ordinating Council under the Dental Disciplines Act are vested in and may be exercised by the registration committee of the College of Registered Dental Hygienists of Alberta, and any reference to the Universities Co-ordinating Council in the Dental Disciplines Act is deemed to be a reference to the registration committee under this Act.

**(3)** A person who is registered and issued an annual certificate under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Registered Dental Hygienists of Alberta under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** On the coming into force of this Schedule, if a Practice Review Board has commenced a review of the practice of a

member but has not concluded the review, that review must be concluded in accordance with the Dental Disciplines Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Practice Review Board under the Dental Disciplines Act are vested in and may be exercised by the competence committee of the College of Registered Dental Hygienists of Alberta under this Act, and any reference to the Practice Review Board in the Dental Disciplines Act is deemed to be a reference to the competence committee under this Act;
- (b) of the chairman of the Practice Review Board of the Alberta Dental Hygienists' Association under section 29(3) of the Dental Disciplines Act are vested in and may be exercised by the complaints director of the College of Registered Dental Hygienists of Alberta, and any reference to the chairman of the Practice Review Board in section 29(3) of the Dental Disciplines Act is deemed to be a reference to the complaints director under this Act;
- (c) of the Council of the Alberta Dental Hygienists' Association under the Dental Disciplines Act are vested in and may be exercised by the council of the College of Registered Dental Hygienists of Alberta, and any reference to the Council in the Dental Disciplines Act is deemed to be a reference to the council under this Act;
- (d) of the president of the Alberta Dental Hygienists' Association under the Dental Disciplines Act are vested in and may be exercised by the president of the College of Registered Dental Hygienists of Alberta, and any reference to a president in the Dental Disciplines Act is deemed to be a reference to the president under this Act;
- (e) of the Registrar under the Dental Disciplines Act are vested in and may be exercised by the complaints director of the College of Registered Dental Hygienists of Alberta, and any reference to the Registrar in the Dental Disciplines Act is deemed to be a reference to the complaints director under this Act.

**9(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

**(2)** On the coming into force of this Schedule, any proceedings with respect to a complaint made or with respect to a preliminary investigation commenced under Part 6 of the Dental Disciplines Act

with respect to the conduct of a dental hygienist under the Dental Disciplines Act that have not been concluded must be concluded in accordance with that Act.

(3) Subject to section 5(e) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the Registrar of the Alberta Dental Hygienists' Association under sections 30 to 40 of the Dental Disciplines Act are vested in and may be exercised by the complaints director of the College of Registered Dental Hygienists of Alberta, and any reference to the Registrar in sections 30 to 40 of the Dental Disciplines Act is deemed to be a reference to the complaints director under this Act;
- (b) of the Registrar of the Alberta Dental Hygienists' Association under sections 41 to 48 of the Dental Disciplines Act are vested in and may be exercised by the hearings director of the College of Registered Dental Hygienists of Alberta, and any reference to the Registrar in sections 41 to 48 of the Dental Disciplines Act is deemed to be a reference to the hearings director under this Act;
- (c) of the Discipline Committee of the Alberta Dental Hygienists' Association under the Dental Disciplines Act, except under section 38, are vested in and may be exercised by a hearing tribunal of the College of Registered Dental Hygienists of Alberta, and any reference to the Discipline Committee in the Dental Disciplines Act, except in section 38, is deemed to be a reference to the hearing tribunal under this Act;
- (d) of the president of the Alberta Dental Hygienists' Association under the Dental Disciplines Act are vested in and may be exercised by the president of the College of Registered Dental Hygienists of Alberta, and any reference to the president in the Dental Disciplines Act is deemed to be a reference to the president under this Act;
- (e) of the chairman of the Discipline Committee of the Alberta Dental Hygienists' Association under the Dental Disciplines Act are vested in and may be exercised by the chair of a hearing tribunal of the College of Registered Dental Hygienists of Alberta, and any reference to the chairman of the Discipline Committee in the Dental Disciplines Act is deemed to be a reference to the chair of the hearing tribunal under this Act;
- (f) of a person conducting a preliminary investigation under the Dental Disciplines Act are vested in and may be exercised by the complaints director or an investigator

appointed under this Act, and any reference to the person conducting a preliminary investigation in the Dental Disciplines Act is deemed to be a reference to the complaints director or the investigator under this Act;

(g) of the Alberta Dental Hygienists' Association under the Dental Disciplines Act are vested in and may be exercised by the College of Registered Dental Hygienists of Alberta, and any reference to the Association in the Dental Disciplines Act is deemed to be a reference to the college under this Act;

(h) of a member of the Discipline Committee under sections 35 to 37 of the Dental Disciplines Act are vested in and may be exercised by the complaints director of the College of Registered Dental Hygienists of Alberta, and any reference to a member of the Discipline Committee in sections 35 to 37 of the Dental Disciplines Act is deemed to be a reference to the complaints director under this Act;

(i) of the Discipline Committee under section 38 of the Dental Disciplines Act are vested in and may be exercised by the complaint review committee of the College of Registered Dental Hygienists of Alberta, and any reference to the Discipline Committee in section 38 of the Dental Disciplines Act is deemed to be a reference to the complaint review committee under this Act;

(j) of the Council under Part 6 of the Dental Disciplines Act are vested in and may be exercised by the council of the College of Registered Dental Hygienists of Alberta, and any reference to the Council in Part 6 of the Dental Disciplines Act is deemed to be a reference to the council under this Act.

(4) For the purposes of subsection (2), references in Part 6 of the Dental Disciplines Act to a certificate of registration and an annual certificate are deemed to be references to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Council under the Dental Disciplines Act has commenced but not concluded hearing an appeal, the members of the Council continue as the Council for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the dental discipline of dental hygienists.

(6) Any decision and order made by the Discipline Committee, Council, a hearing tribunal or the council pursuant to this section



is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 6**

### **PROFESSION OF DENTAL TECHNOLOGISTS**

**1** On the coming into force of this Schedule, the corporation known as the Alberta Association of Dental Technicians is continued as a corporation under the name College of Dental Technologists of Alberta.

**2** A regulated member of the College of Dental Technologists of Alberta may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) dental technologist;
- (b) dental technician;
- (c) registered dental technologist;
- (d) registered dental technician;
- (e) dental technology student;
- (f) registered dental technology student;
- (g) D.T.;
- (h) R.D.T.

**3** In their practice, dental technologists do one or more of the following:

- (a) fabricate, duplicate, alter and repair prosthetic and orthodontic devices,
- (b) fit those devices when fitting is incidental to the fabrication, duplication, alteration or repair, and
- (c) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the College of Dental Technologists of Alberta under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the Council of the Alberta Association of Dental Technicians under the Dental Disciplines Act continue as members of the council of the College of Dental Technologists of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the Registrar of the Alberta Association of Dental Technicians under the Dental Disciplines Act continues as the registrar of the College of Dental Technologists of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of the Alberta Association of Dental Technicians under the Dental Disciplines Act continues as the president of the College of Dental Technologists of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) the members of the Registration Committee of the Alberta Association of Dental Technicians under the by-laws under the Dental Disciplines Act continue as members of the registration committee of the College of Dental Technologists of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (e) if section 41(1) of the Dental Disciplines Act has been complied with in respect of the Alberta Association of Dental Technicians and a hearing has commenced but not concluded, the members of the Discipline Committee of the Alberta Association of Dental Technicians under the Dental Disciplines Act continue as members of the Discipline Committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act with respect to the dental discipline of dental technician had not been repealed.

**6** On the coming into force of this Schedule, a person who is registered or temporarily registered as a dental technician or as a student of dental technology under the Dental Disciplines Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Dental Technologists of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration or renewal of an annual certificate as a member of the Alberta Association of Dental Technicians or an application for registration as a student of dental technology that has not been concluded must be concluded in accordance with the Dental Disciplines Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Registrar of the Alberta Association of Dental Technicians under the Dental Disciplines Act are vested in and may be exercised by the registrar of the College of Dental Technologists of Alberta, and any reference to the Registrar in the Dental Disciplines Act is deemed to be a reference to the registrar under this Act;
- (b) of the Council of the Alberta Association of Dental Technicians under the Dental Disciplines Act are vested in and may be exercised by the council of the College of Dental Technologists of Alberta, and any reference to the Council in the Dental Disciplines Act is deemed to be a reference to the council under this Act;
- (c) of the Universities Co-ordinating Council under section 14(1)(a) of the Dental Disciplines Act are vested in and may be exercised by the Universities Co-ordinating Council, and any reference to the Universities Co-ordinating Council with respect to section 14(1)(a) of the Dental Disciplines Act is deemed to be a reference to the Universities Co-ordinating Council under this Act;
- (d) of the Universities Co-ordinating Council under sections 14 to 16(1), except under section 14(1)(a), of the Dental Disciplines Act are vested in and may be exercised by the registration committee of the College of Dental Technologists of Alberta, and any reference to the Universities Co-ordinating Council in sections 14 to 16(1), except in section 14(1)(a), of the Dental Disciplines Act is deemed to be a reference to the registration committee under this Act.

**(3)** A person who is registered or issued an annual certificate under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Dental Technologists of Alberta under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** On the coming into force of this Schedule, if a Practice Review Board has commenced a review of the practice of a member but has not concluded the review, that review must be concluded in accordance with the Dental Disciplines Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Practice Review Board under the Dental Disciplines Act are vested in and may be exercised by the competence committee of the College of Dental Technologists of Alberta, and any reference to the Practice Review Board in the Dental Disciplines Act is deemed to be a reference to the competence committee under this Act;
- (b) of the chairman of the Practice Review Board of the Alberta Association of Dental Technicians under section 29(3) of the Dental Disciplines Act are vested in and may be exercised by the complaints director of the College of Dental Technologists of Alberta, and any reference to the chairman of the Practice Review Board in section 29(3) of the Dental Disciplines Act is deemed to be a reference to the complaints director under this Act;
- (c) of the Council of the Alberta Association of Dental Technicians under the Dental Disciplines Act are vested in and may be exercised by the council of the College of Dental Technologists of Alberta, and any reference to the Council in the Dental Disciplines Act is deemed to be a reference to the council under this Act;
- (d) of the president of the Alberta Association of Dental Technicians under the Dental Disciplines Act are vested in and may be exercised by the president of the College of Dental Technologists of Alberta, and any reference to a president in the Dental Disciplines Act is deemed to be a reference to the president under this Act;
- (e) of the Registrar under the Dental Disciplines Act are vested in and may be exercised by the complaints director of the College of Dental Technologists of Alberta, and any reference to the Registrar in the Dental Disciplines Act is deemed to be a reference to the complaints director under this Act.

**9(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule, any proceedings with respect to a complaint made or a preliminary investigation commenced under Part 6 of the Dental Disciplines Act with respect to the conduct of a dental technician under the Dental Disciplines Act that are not concluded must be concluded in accordance with that Act.

(3) Subject to section 5(e) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the Registrar of the Alberta Association of Dental Technicians under sections 30 to 40 of the Dental Disciplines Act are vested in and may be exercised by the complaints director of the College of Dental Technologists of Alberta, and any reference to the Registrar in sections 30 to 40 of the Dental Disciplines Act is deemed to be a reference to the complaints director under this Act;
- (b) of the Registrar of the Alberta Association of Dental Technicians under sections 41 to 58 of the Dental Disciplines Act are vested in and may be exercised by the hearings director of the College of Dental Technologists of Alberta, and any reference to the Registrar in sections 41 to 58 of the Dental Disciplines Act is deemed to be a reference to the hearings director under this Act;
- (c) of the Discipline Committee of the Alberta Association of Dental Technicians under the Dental Disciplines Act, except under section 38, are vested in and may be exercised by a hearing tribunal of the College of Dental Technologists of Alberta, and any reference to the Disciplines Committee in the Dental Disciplines Act, except in section 38, is deemed to be a reference to the hearing tribunal under this Act;
- (d) of the president of the Alberta Association of Dental Technicians under the Dental Disciplines Act are vested in and may be exercised by the president of the College of Dental Technologists of Alberta, and any reference to the president in the Dental Disciplines Act is deemed to be a reference to the president under this Act;
- (e) of the chairman of the Discipline Committee of the Alberta Association of Dental Technicians under the Dental Disciplines Act, except under section 46(2), are vested in and may be exercised by the complaints director of the College of Dental Technologists of Alberta, and any reference to the chairman of the Discipline Committee in the Dental Disciplines Act, except in section 46(2), is deemed to be a reference to the complaints director under this Act;

- (f) of the chairman of the Discipline Committee of the Alberta Association of Dental Technicians under section 46(2) of the Dental Disciplines Act are vested in and may be exercised by the chair of a hearing tribunal of the College of Dental Technologists of Alberta, and any reference to the chairman of the Discipline Committee in section 46(2) of the Dental Disciplines Act is deemed to be a reference to the chair of the hearing tribunal under this Act;
  - (g) of a person conducting a preliminary investigation under the Dental Disciplines Act are vested in and may be exercised by the complaints director or an investigator appointed under this Act, and any reference to the person conducting a preliminary investigation in the Dental Disciplines Act is deemed to be a reference to the complaints director or the investigator under this Act;
  - (h) of the Alberta Association of Dental Technicians under the Dental Disciplines Act are vested in and may be exercised by the College of Dental Technologists of Alberta, and any reference to the Association in the Dental Disciplines Act is deemed to be a reference to the college under this Act;
  - (i) of a member of the Discipline Committee under sections 35 to 37 of the Dental Disciplines Act are vested in and may be exercised by the complaints director of the College of Dental Technologists of Alberta, and any reference to a member of the Discipline Committee in sections 35 to 37 of the Dental Disciplines Act is deemed to be a reference to the complaints director under this Act;
  - (j) of the Discipline Committee under section 38 of the Dental Disciplines Act are vested in and may be exercised by the complaint review committee of the College of Dental Technologists of Alberta, and any reference to the Discipline Committee in section 38 of the Dental Disciplines Act is deemed to be a reference to the complaint review committee under this Act;
  - (k) of the Council under Part 6 of the Dental Disciplines Act are vested in and may be exercised by the council of the College of Dental Technologists of Alberta, and any reference to the Council in Part 6 of the Dental Disciplines Act is deemed to be a reference to the council under this Act.
- (4) For the purposes of subsection (2), references in Part 6 of the Dental Disciplines Act to an annual certificate are deemed to be references to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Council under the Dental Disciplines Act has commenced but not concluded hearing an appeal, the members of the Council continue as the Council for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act with respect to the dental discipline of dental technician had not been repealed.

(6) Any decision and order made by the Discipline Committee, the Council, a hearing tribunal or the council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 7**

### **PROFESSION OF DENTISTS**

**1** On the coming into force of this Schedule, the corporation known as The Alberta Dental Association is continued as a corporation under the name The Alberta Dental Association and College.

**2** A regulated member of The Alberta Dental Association and College may, as authorized by the regulations, use any of the following titles:

- (a) Dentist;
- (b) Endodontist;
- (c) Oral and Maxillofacial Surgeon;
- (d) Orthodontist and Dental Facial Orthopedist;
- (e) Pediatric Dentist;
- (f) Periodontist;
- (g) Prosthodontist;
- (h) Oral Pathologist;
- (i) Oral and Maxillofacial Radiologist;
- (j) Oral Medicine Specialist;
- (k) Public Health Dentist;
- (l) Dental Student;

- (m) Dental Intern;
- (n) Dental Resident.

**3** In their practice, dentists do one or more of the following:

- (a) evaluate, diagnose and treat, surgically or non-surgically, diseases, disorders and conditions of
  - (i) the mouth, which includes teeth, gums and other supporting structures,
  - (ii) the maxillofacial area, which includes upper and lower jaws and joints, and
  - (iii) the adjacent and associated structures of the head and neck,to maintain and improve a person's physical, psychological and social health, and
- (b) provide restricted activities authorized by the regulations.

**4** Column 3 of the unprofessional conduct fines table applies to proceedings of The Alberta Dental Association and College under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the Board of The Alberta Dental Association under the Dental Profession Act continue as members of the council of The Alberta Dental Association and College under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the president of The Alberta Dental Association under the Dental Profession Act continues as the president of The Alberta Dental Association and College under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the Registrar of The Alberta Dental Association under the Dental Profession Act continues as the registrar of The Alberta Dental Association and College under this Act for the same term of office unless the term is terminated earlier under this Act;



- (d) the members of the Peer Review Committee under the Dental Profession Act continue as members of the competence committee of The Alberta Dental Association and College under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (e) despite clause (d), if a review of a practice under section 11(1)(b) of the Dental Profession Act has not been concluded, the council of The Alberta Dental Association and College under this Act may appoint persons as members of a Peer Review Committee for the purposes of section 9 of this Schedule;
- (f) if a referral has been made under section 47(b) of the Dental Profession Act and a hearing has commenced but not concluded, the members of the Discipline Committee continue as members of the Discipline Committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

**6** On the coming into force of this Schedule, a person

- (a) who is registered on the register of licensed members, or
- (b) who is authorized by the regulations to provide restricted activities and is registered on the
  - (i) Courtesy Register,
  - (ii) Teaching and Research Register,
  - (iii) Restricted Register,
  - (iv) Education Register, or
  - (v) Associates Register

of The Alberta Dental Association under the Dental Profession Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, The Alberta Dental Association and College under this Act subject to the same conditions as under the former Act until the practice permit expires or is terminated under this Act.

**7** On the coming into force of this Schedule, a professional corporation registered on the record of professional corporations under the Dental Profession Act is deemed to be registered on the record of professional corporations of The Alberta Dental

Association and College and to be issued an annual permit under this Act until the annual permit expires or is cancelled under this Act.

**8(1)** On the coming into force of this Schedule, an application for registration under Part 5 of or for a permit under section 33 of the Dental Profession Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Registrar under the Dental Profession Act are vested in and may be exercised by the registrar of The Alberta Dental Association and College under this Act, and any reference to the Registrar in the Dental Profession Act is deemed to be a reference to the registrar under this Act;
- (b) of the Board of the Association under the Dental Profession Act are vested in and may be exercised by the council of The Alberta Dental Association and College under this Act, and any reference to the Board of the Association in the Dental Profession Act is deemed to be a reference to the council under this Act;
- (c) of the Universities Co-ordinating Council under sections 19, 20, 21 and 26 of the Dental Professions Act are vested in and may be exercised by the Universities Co-ordinating Council or the council of The Alberta Dental Association and College under this Act, and any reference to the Universities Co-ordinating Council in sections 19, 20, 21 and 26 of the Dental Profession Act is deemed to be a reference to the Universities Co-ordinating Council or to the council under this Act.

**(3)** For the purposes of subsection (1), an academic institution designated as an approved faculty of dentistry on the coming into force of this Schedule continues as an approved faculty of dentistry.

**(4)** A person who is registered under this section, except in the case of an application with respect to section 22, 23, 24, 25 or 26 of the Dental Profession Act, is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, The Alberta Dental Association and College under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**(5)** A person who is registered under this section, in the case of an application with respect to section 22, 23, 24, 25 or 26 of the Dental Profession Act, is deemed, if the person is authorized by the regulations to provide restricted activities, to be registered as a

regulated member of, and is deemed to be issued a practice permit by the registrar of, The Alberta Dental Association and College under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**9(1)** On the coming into force of this Schedule, a review of a practice under section 11(1)(b) of the Dental Profession Act that has not been concluded must be dealt with in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Peer Review Committee under the Dental Profession Act are vested in and may be exercised by a competence committee of The Alberta Dental Association and College under this Act, and any reference to a Peer Review Committee in the Dental Profession Act is deemed to be a reference to the competence committee under this Act;
- (b) of the Board of the Association under Part 3 of the Dental Profession Act are vested in and may be exercised by the council of The Alberta Dental Association and College, and any reference to the Board in Part 3 of the Dental Profession Act is deemed to be a reference to the council under this Act;
- (c) of the Registrar and the chairman of the Peer Review Committee under the Dental Profession Act are vested in and may be exercised by the complaints director of The Alberta Dental Association and College, and any reference to the Registrar or the chairman of the Peer Review Committee in the Dental Profession Act is deemed to be a reference to the complaints director under this Act;
- (d) of the president under the Dental Profession Act are vested in and may be exercised by the president of The Alberta Dental Association and College, and any reference to the president in the Dental Profession Act is deemed to be a reference to the president under this Act;
- (e) of the Association under section 11(3) of the Dental Profession Act are vested in and may be exercised by The Alberta Dental Association and College, and any reference to the Association in section 11(3) of the Dental Profession Act is deemed to be a reference to the college under this Act.

**10(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before

the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule, any proceedings with respect to a complaint made or arising from a preliminary investigation commenced under the Dental Profession Act before the coming into force of this Schedule that have not been concluded must be concluded in accordance with that Act.

(3) Subject to section 5(f) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the Registrar under the Dental Profession Act are vested in and may be exercised by the complaints director of The Alberta Dental Association and College, and any reference to the Registrar in the Dental Profession Act is deemed to be a reference to the complaints director under this Act;
- (b) of the chairman under section 50 of the Dental Profession Act are vested in and may be exercised by the complaints director of The Alberta Dental Association and College, and any reference to the chairman in section 50 of the Dental Profession Act is deemed to be a reference to the complaints director under this Act;
- (c) of the president of The Alberta Dental Association under the Dental Profession Act are vested in and may be exercised by the president of The Alberta Dental Association and College under this Act, and any reference to the president in the Dental Profession Act is deemed to be a reference to the president under this Act;
- (d) of the Discipline Committee under section 49 of the Dental Profession Act are vested in and may be exercised by the complaint review committee of The Alberta Dental Association and College under this Act, and any reference to the Discipline Committee in section 49 of the Dental Profession Act is deemed to be a reference to the complaint review committee under this Act;
- (e) of a person conducting a preliminary investigation under the Dental Profession Act are vested in and may be exercised by the complaints director or an investigator appointed by The Alberta Dental Association and College under this Act, and any reference to the person conducting a preliminary investigation in the Dental Profession Act is deemed to be a reference to the complaints director or an investigator under this Act;
- (f) of the Discipline Committee under the Dental Profession Act, except under section 49, are vested in and may be

exercised by a hearing tribunal of The Alberta Dental Association and College under this Act, and any reference to the Discipline Committee in the Dental Profession Act, except in section 49, is deemed to be a reference to the hearing tribunal under this Act;

(g) of the Board of The Alberta Dental Association under the Dental Profession Act are vested in and may be exercised by the council of The Alberta Dental Association and College under this Act, and any reference to the Board of the Association in the Dental Profession Act is deemed to be a reference to the council under this Act.

(4) For the purposes of subsection (2) a reference in Part 7 of the Dental Profession Act to registration or a license or permit is deemed to be a reference to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Board under the Dental Profession Act has commenced but not concluded hearing an appeal, the members of the Board continue as the Board for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

(6) Any decision and order made by a Disciplines Committee, Board, council or hearing tribunal pursuant to this section is deemed to be a decision and order of a hearing tribunal or council under this Act.

## **SCHEDULE 8**

### **PROFESSION OF DENTURISTS**

1(1) On the coming into force of this Schedule, the corporation known as the Alberta Denturist Society is continued as a corporation under the name College of Alberta Denturists.

(2) On the coming into force of this Schedule, the corporation known as the Alberta Certified Dental Mechanics Society is dissolved, and all its assets and liabilities are vested in the College of Alberta Denturists, and all rights of action and actions by or against the Alberta Certified Dental Mechanics Society may be continued by or maintained against the College of Alberta Denturists.

(3) On the coming into force of this Schedule, the College of Alberta Denturists has the ownership, custody and control of records of the Board of Examiners for Certified Dental Mechanics respecting the following:

- (a) current and former complaints and allegations of professional misconduct or incompetence made against certified dental mechanics under the Dental Mechanics Act and proceedings taken under that Act in respect of those complaints and allegations,
- (b) current and former applications for registration as certified dental mechanics under the Dental Mechanics Act and the educational qualifications of applicants for registration as certified dental mechanics under the Dental Mechanics Act,
- (c) certified dental mechanics under the Dental Mechanics Act and former certified dental mechanics under the Dental Mechanics Act and any registers or other material relating to registration and conditions, restrictions or limitations on registration, and
- (d) decisions and orders made with respect to certified dental mechanics or former certified dental mechanics under the Dental Mechanics Act.

(4) Despite section 34(b) of the Freedom of Information and Protection of Privacy Act, on the coming into force of this Schedule the College of Alberta Denturists has the ownership, custody and control of records described in subsection (3), and the records must be given to the College of Alberta Denturists.

(5) The Minister may request and collect information and records described in subsection (3) from the College of Alberta Denturists for purposes directly related to or necessary for any proceeding and preparation for a proceeding, with respect to an action or claim, or with respect to the negotiation or settlement of an action or claim before it is before a Court or while it is before a Court, and the Minister may disclose the information or records collected, as the Minister considers appropriate, in carrying out those purposes.

**2** A regulated member of the College of Alberta Denturists may, as authorized by the regulations, use any of the following titles:

- (a) dentist;
- (b) student dentist;
- (c) intern dentist.

**3** In their practice, denturists do one or more of the following:

- (a) assess and diagnose persons missing some or all of their natural teeth,

- (b) design, construct, repair, alter and fit any complete or partial denture for the purpose of restoring and maintaining function and appearance, and
- (c) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the College of Alberta Denturists under Part 4.

**5** On the coming into force of this Schedule,

- (a) the president of the Alberta Denturist Society continues as the president of the College of Alberta Denturists under this Act for the same term of office unless the term is terminated earlier under this Act;
- (b) the members of the Board of Directors of the Alberta Denturist Society continue as members of the council of the College of Alberta Denturists for the same term of office unless their terms are terminated earlier under this Act;
- (c) if the chairman of the Board of Examiners for certified dental mechanics under the Dental Mechanics Act has directed the Board to hold a hearing and the hearing has commenced but not concluded, the members of the Board of Examiners continue as members of the Board of Examiners for the purpose of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

**6(1)** On the coming into force of this Schedule, a person who is registered as a certified dental mechanic under the Dental Mechanics Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Alberta Denturists under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**(2)** On the coming into force of this Schedule, a person who is registered as a student dental mechanic under the Dental Mechanics Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Alberta Denturists under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration as a certified dental mechanic or as a student dental mechanic made under the Dental Mechanics Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

(a) of the Board of Examiners for certified dental mechanics under the Dental Mechanics Act are vested in and may be exercised by the council of the College of Alberta Denturists, and any reference to the Board of Examiners in the Dental Mechanics Act is deemed to be a reference to the council under this Act;

(b) of the Minister under section 17.1 of the Dental Mechanics Act are vested in and may be exercised by the council of the College of Alberta Denturists by a by-law of the council, and any reference to the Minister in section 17.1 of the Dental Mechanics Act is deemed to be a reference to the council under this Act.

**(3)** A person who is registered under this section is deemed to be registered as a regulated member of, and is deemed to be issued a practice permit by the registrar of, the College of Alberta Denturists under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

**(2)** On the coming into force of this Schedule, any proceedings with respect to a complaint made under the Dental Mechanics Act before the coming into force of this Schedule that have not been concluded before the coming into force of this Schedule must be dealt with in accordance with that Act.

**(3)** Subject to section 5(c) of this Schedule, for the purposes of subsection (2), the powers and duties

(a) of the chairman of the Board of Examiners for certified dental mechanics under the Dental Mechanics Act are vested in and may be exercised by the complaints director of the College of Alberta Denturists, and any reference to the chairman of the Board of Examiners in the Dental Mechanics Act or in the regulations under that Act is deemed to be a reference to the complaints director under this Act;



- (b) of the Board of Examiners for certified dental mechanics under the Dental Mechanics Act are vested in and may be exercised by a hearing tribunal of the College of Alberta Denturists, and any reference to the Board of Examiners in the Dental Mechanics Act is deemed to be a reference to the hearing tribunal under this Act.
- (4) For the purposes of subsection (2) a reference to a certificate of proficiency in section 18 of the Dental Mechanics Regulation (AR 106/98) is deemed to be a reference to registration and a practice permit under this Act.
- (5) Any decision and order made by the Board of Examiners or hearing tribunal pursuant to this section is deemed to be a decision and order of a hearing tribunal under this Act.

## **SCHEDULE 9**

### **PROFESSION OF HEARING AID PRACTITIONERS**

- 1(1)** On the coming into force of this Schedule, the corporation known as the Alberta Hearing Aid Practitioners Association is continued as a corporation under the name College of Hearing Aid Practitioners of Alberta.
- (2) On the coming into force of this Schedule, the College of Hearing Aid Practitioners of Alberta has the ownership, custody and control of records of the Health Disciplines Board respecting the following:
  - (a) current and former complaints and allegations of professional misconduct or incompetence made against registered members of the designated health discipline of Hearing Aid Practitioners under the Health Disciplines Act and proceedings taken under the Health Disciplines Act in respect of those complaints and allegations,
  - (b) current and former applications for registration as registered members in the designated health discipline of Hearing Aid Practitioners under the Health Disciplines Act and the educational qualifications of applicants for registration in the designated health discipline of Hearing Aid Practitioners,
  - (c) registered members and former registered members in the designated health discipline of Hearing Aid Practitioners under the Health Disciplines Act and any registers or other material relating to registration and conditions, restrictions or limitations on registration,

- (d) decisions and orders made with respect to registered members or former registered members in the designated health discipline of Hearing Aid Practitioners under the Health Disciplines Act, and
- (e) records and information referred to in section 30 of the Health Disciplines Act relating to the designated health discipline of Hearing Aid Practitioners under the Health Disciplines Act.

(3) Despite section 34(b) of the Freedom of Information and Protection of Privacy Act, on the coming into force of this Schedule the College of Hearing Aid Practitioners of Alberta has the ownership, custody and control of records described in subsection (2), and the records must be given to the College of Hearing Aid Practitioners of Alberta.

(4) The Minister may request and collect information and records described in subsection (2) from the College of Hearing Aid Practitioners of Alberta for purposes directly related to or necessary for any proceeding, including an appeal described in section 8(5) of this Schedule, and preparation for a proceeding, with respect to an action or claim, or with respect to the negotiation or settlement of an action or claim before it is before a Court or while it is before a Court, and the Minister may disclose the information or records collected, as the Minister considers appropriate, in carrying out those purposes.

**2** A regulated member of the College of Hearing Aid Practitioners of Alberta may, as authorized by the regulations, use any of the following titles:

- (a) hearing aid practitioner;
- (b) hearing aid student.

**3** In their practice, hearing aid practitioners do one or more of the following:

- (a) examine and evaluate human hearing as it relates to hearing acuity, sensitivity and communication,
- (b) select and fit the appropriate hearing instruments,
- (c) provide restricted activities authorized by the regulations, and
- (d) teach, manage and conduct research in matters referred to in this section.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the College of Hearing Aid Practitioners of Alberta under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the board of directors of the Alberta Hearing Aid Practitioners Association under the Health Disciplines Act continue as members of the council of the College of Hearing Aid Practitioners of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the Registrar of the Alberta Hearing Aid Practitioners Association under the Health Disciplines Act continues as the registrar of the College of Hearing Aid Practitioners of Alberta under this Act for the same term of office unless the term of office is terminated earlier under this Act;
- (c) the members of the registration committee established under the Hearing Aid Practitioners Regulation (AR 43/88) continue as members of the registration committee of the College of Hearing Aid Practitioners of Alberta under this Act for the same term of office unless their terms are terminated earlier under this Act;
- (d) if a referral has been made under section 14 of the Health Disciplines Act or a determination has been made under section 14.1 of the Health Disciplines Act that a hearing should be held and a hearing has commenced but not concluded, the members of the committee, as defined in section 12.1 of the Health Disciplines Act, continue as members of that committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act with respect to the designated health discipline of Hearing Aid Practitioners had not been repealed.

**6(1)** On the coming into force of this Schedule, a person who is registered as a registered member of the designated health discipline of Hearing Aid Practitioners under the Health Disciplines Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Hearing Aid Practitioners of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

(2) On the coming into force of this Schedule, a person who is registered as a hearing aid practitioner student of the designated health discipline of Hearing Aid Practitioners under the Health Disciplines Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Hearing Aid Practitioners of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

7(1) On the coming into force of this Schedule, an application for registration, temporary registration or renewal of registration as a member of the designated health discipline of Hearing Aid Practitioners under the Health Disciplines Act that has not been concluded must be concluded in accordance with that Act.

(2) For the purposes of subsection (1), the powers and duties

(a) of the Director of Health Disciplines and the registrar of the designated health discipline of Hearing Aid Practitioners under the Health Disciplines Act are vested in and may be exercised by the registrar of the College of Hearing Aid Practitioners of Alberta, and any reference to the Director of Health Disciplines or the registrar in the Health Disciplines Act is deemed to be a reference to the registrar under this Act;

(b) of the registration committee of the Alberta Hearing Aid Practitioners Association under the Health Disciplines Act are vested in and may be exercised by the registration committee of the College of Hearing Aid Practitioners of Alberta, and any reference to a committee in the Health Disciplines Act is deemed to be a reference to the registration committee under this Act;

(c) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the College of Hearing Aid Practitioners of Alberta, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act.

(3) On the coming into force of this Schedule, a program of studies, an examination and a refresher program approved by the Health Disciplines Board under the Hearing Aid Practitioners Regulation (AR 43/88) continue as an approved program of study, an examination and a refresher program for the purposes of subsection (1).

(4) For the purposes of subsection (1), a reference to a form in section 10.1(1) of the Health Disciplines Act is deemed to be a reference to a form provided for in the by-laws.

(5) A person who is registered or whose registration is renewed under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Hearing Aid Practitioners of Alberta subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule any proceedings with respect to a complaint made under the Health Disciplines Act or with respect to a preliminary investigation commenced under section 13.1(2) of the Health Disciplines Act, before the coming into force of this Schedule, with respect to the designated health discipline of Hearing Aid Practitioners under the Health Disciplines Act that have not been concluded must be concluded in accordance with that Act.

(3) Subject to section 5(d) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

(a) of the registrar of the designated health discipline of Hearing Aid Practitioners under the Health Disciplines Act, except under section 15(1), are vested in and may be exercised by the complaints director of the College of Hearing Aid Practitioners of Alberta, and any reference to the registrar in the Health Disciplines Act, except in section 15(1), is deemed to be a reference to the complaints director under this Act;

(b) of the registrar under section 15(1) of the Health Disciplines Act are vested in and may be exercised by the president of the College of Hearing Aid Practitioners of Alberta, and any reference to the registrar in section 15(1) of the Health Disciplines Act is deemed to be a reference to the president under this Act;

(c) of the chair of a committee under Part 4 of the Health Disciplines Act are vested in and may be exercised by the complaints director of the College of Hearing Aid Practitioners of Alberta, and any reference to the chair in Part 4 of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act;

- (d) of the Director of Health Disciplines under the Health Disciplines Act, except under sections 7.6(8) and 13.1(2), are vested in and may be exercised by the hearings director of the College of Hearing Aid Practitioners of Alberta, and any reference to the Director in the Health Disciplines Act, except in sections 7.6(8) and 13.1(2), is deemed to be a reference to the hearings director under this Act;
  - (e) of the committee under section 14.1 of the Health Disciplines Act are vested in and may be exercised by the complaint review committee of the College of Hearing Aid Practitioners of Alberta, and any reference to the committee in section 14.1 of the Health Disciplines Act is deemed to be a reference to the complaint review committee under this Act;
  - (f) of the committee under Part 4 of the Health Disciplines Act, except under section 14.1, are vested in and may be exercised by a hearing tribunal of the College of Hearing Aid Practitioners of Alberta, and any reference to the committee in Part 4 of the Health Disciplines Act, except in section 14.1, is deemed to be a reference to the hearing tribunal under this Act;
  - (g) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the College of Hearing Aid Practitioners of Alberta, and any reference to the Board in the Health Disciplines Act is deemed to be a reference to the council under this Act;
  - (h) of the governing body of the association under Part 5 of the Health Disciplines Act are vested in and may be exercised by the council of the College of Hearing Aid Practitioners of Alberta, and any reference to the governing body of the association in Part 5 of the Health Disciplines Act is deemed to be a reference to the council under this Act;
  - (i) of the Health Disciplines Director under section 13.1(2) of the Health Disciplines Act are vested in and may be exercised by the complaints director of the College of Hearing Aid Practitioners of Alberta, and any reference to the Director in section 13.1(2) of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act.
- (4) For the purposes of subsection (2), a reference to registration in the Health Disciplines Act is deemed to be a reference to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Health Disciplines Board has commenced but not concluded hearing an appeal, the members of the Board continue as the Board for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act with respect to the designated health discipline of Hearing Aid Practitioner had not been repealed.

(6) Any decision and order made by a committee as defined in Part 4 of the Health Disciplines Act, the Health Disciplines Board, a hearing tribunal or a council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 10**

### **PROFESSION OF LICENSED PRACTICAL NURSES**

**1(1)** On the coming into force of this Schedule, the corporation known as the College of Licensed Practical Nurses of Alberta is continued as a corporation under the same name.

(2) On the coming into force of this Schedule, the College of Licensed Practical Nurses of Alberta has the ownership, custody and control of records of the Health Disciplines Board respecting the following:

- (a) current and former complaints and allegations of professional misconduct or incompetence made against registered members of the designated health discipline of Licensed Practical Nurses under the Health Disciplines Act and proceedings taken under the Health Disciplines Act in respect of those complaints and allegations,
- (b) current and former applications for registration as registered members in the designated health discipline of Licensed Practical Nurses under the Health Disciplines Act and the educational qualifications of applicants for registration in the designated health discipline of Licensed Practical Nurses,
- (c) registered members and former registered members in the designated health discipline of Licensed Practical Nurses under the Health Disciplines Act and any registers or other material relating to registration and conditions, restrictions or limitations on registration,
- (d) decisions and orders made with respect to registered members or former registered members in the designated

health discipline of Licensed Practical Nurses under the Health Disciplines Act, and

- (e) records and information referred to in section 30 of the Health Disciplines Act relating to the designated health discipline of Licensed Practical Nurses under the Health Disciplines Act.

(3) Despite section 34(b) of the Freedom of Information and Protection of Privacy Act, on the coming into force of this Schedule the College of Licensed Practical Nurses of Alberta has the ownership, custody and control of records described in subsection (2), and the records must be given to the College of Licensed Practical Nurses of Alberta.

(4) The Minister may request and collect information and records described in subsection (2) from the College of Licensed Practical Nurses of Alberta for purposes directly related to or necessary for any proceeding, including an appeal described in section 8(5) of this Schedule, and preparation for a proceeding, with respect to an action or claim, or with respect to the negotiation or settlement of an action or claim before it is before a Court or while it is before a Court, and the Minister may disclose the information or records collected, as the Minister considers appropriate, in carrying out those purposes.

**2** A regulated member of the College of Licensed Practical Nurses of Alberta may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) licensed practical nurse;
- (b) practical nurse;
- (c) nursing assistant;
- (d) L.P.N.;
- (e) R.N.A.;
- (f) student practical nurse.

**3** In their practice, licensed practical nurses do one or more of the following:

- (a) apply nursing knowledge, skills and judgment to assess patients' needs,
- (b) provide nursing care for patients and families, and



(c) provide restricted activities authorized by the regulations.

**4** Column 1 of the unprofessional conduct fines table applies to proceedings of the College of Licensed Practical Nurses of Alberta under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the Board of Governors of the College of Licensed Practical Nurses of Alberta under the Health Disciplines Act continue as members of the council of the College of Licensed Practical Nurses of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the Registrar of the College of Licensed Practical Nurses of Alberta under the Health Disciplines Act continues as the registrar of the College of Licensed Practical Nurses of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of the College of Licensed Practical Nurses of Alberta under the Health Disciplines Act continues as the president of the College of Licensed Practical Nurses of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) if a referral has been made under section 14 of the Health Disciplines Act or a determination has been made under section 14.1 of the Health Disciplines Act that a hearing should be held and hearing has commenced but not concluded, the members of the committee, as defined in section 12.1 of the Health Disciplines Act, continue as members of that committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated health discipline of Licensed Practical Nurses;
- (e) the members of the Registration Committee established under the Licensed Practical Nurses Regulation (AR 103/97) continue as members of a registration committee of the College of Licensed Practical Nurses of Alberta under this Act for the same term of office unless their terms are terminated earlier under this Act.

**6** On the coming into force of this Schedule, a person who is registered or temporarily registered as a member of the designated

health discipline of Licensed Practical Nurses under the Health Disciplines Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Licensed Practical Nurses of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration, temporary registration or renewal of registration as a member of the designated health discipline of Licensed Practical Nurses under the Health Disciplines Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Director of Health Disciplines and the Registrar of the designated health discipline of Licensed Practical Nurses under the Health Disciplines Act are vested in and may be exercised by the registrar of the College of Licensed Practical Nurses of Alberta, and any reference to the Director or the registrar in the Health Disciplines Act is deemed to be a reference to the registrar under this Act;
- (b) of the Registration Committee of the College of Licensed Practical Nurses of Alberta under the Health Disciplines Act are vested in and may be exercised by the registration committee of the College of Licensed Practical Nurses of Alberta under this Act, and any reference to a committee in the Health Disciplines Act is deemed to be a reference to the registration committee under this Act;
- (c) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the College of Licensed Practical Nurses of Alberta, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act.

**(3)** On the coming into force of this Schedule, a program of studies and an examination approved by the Health Disciplines Board under the Licensed Practical Nurses Regulation (AR 103/97) continue as an approved program of study and an examination for the purposes of subsection (1).

**(4)** For the purposes of subsection (1), a reference to a form in section 10.1(1) of the Health Disciplines Act is deemed to be a reference to a form provided for by the by-laws.

**(5)** A person who is registered or whose registration is renewed under this section is deemed to be registered as a regulated member

of, and to have been issued a practice permit by, the College of Licensed Practical Nurses of Alberta under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

**(2)** On the coming into force of this Schedule, any proceedings with respect to a complaint made under the Health Disciplines Act or with respect to a preliminary investigation commenced under section 13.1(2) of the Health Disciplines Act, before the coming into force of this Schedule, with respect to the designated health discipline of Licensed Practical Nurses under the Health Disciplines Act that have not been concluded must be concluded in accordance with that Act.

**(3)** Subject to section 5(e) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the Registrar of the designated health discipline of Licensed Practical Nurses under the Health Disciplines Act, except under section 15(1), are vested in and may be exercised by the complaints director of the College of Licensed Practical Nurses of Alberta, and any reference to the registrar in the Health Disciplines Act, except in section 15(1), is deemed to be a reference to the complaints director under this Act;
- (b) of the registrar under section 15(1) of the Health Disciplines Act are vested in and may be exercised by the president of the College of Licensed Practical Nurses of Alberta under this Act, and any reference to the registrar in section 15(1) of the Health Disciplines Act is deemed to be a reference to the president under this Act;
- (c) of the chair of a committee under Part 4 of the Health Disciplines Act are vested in and may be exercised by the complaints director of the College of Licensed Practical Nurses of Alberta under this Act, and any reference to the chair in Part 4 of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act;
- (d) of the Director of Health Disciplines under the Health Disciplines Act, except under sections 7.6(8) and 13.1(2), are vested in and may be exercised by the hearings director of the College of Licensed Practical Nurses of Alberta, and any reference to the Director in the Health Disciplines Act,

except in sections 7.6(8) and 13.1(2), is deemed to be a reference to the hearings director under this Act;

- (e) of the committee under section 14.1 of the Health Disciplines Act are vested in and may be exercised by the complaint review committee of the College of Licensed Practical Nurses of Alberta, and any reference to the committee in section 14.1 of the Health Disciplines Act is deemed to be a reference to the complaint review committee under this Act;
- (f) of the committee under Part 4 of the Health Disciplines Act, except under section 14.1, are vested in and may be exercised by a hearing tribunal of the College of Licensed Practical Nurses of Alberta, and any reference to the committee in Part 4 of the Health Disciplines Act, except in section 14.1, is deemed to be a reference to the hearing tribunal under this Act;
- (g) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the College of Licensed Practical Nurses of Alberta, and any reference to the Board in the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (h) of the governing body of the association under Part 5 of the Health Disciplines Act are vested in and may be exercised by the council of the College of Licensed Practical Nurses of Alberta, and any reference to the governing body of the association in Part 5 of the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (i) of the Director of Health Disciplines under section 13.1(2) of the Health Disciplines Act are vested in and may be exercised by the complaints director of the College of Licensed Practical Nurses of Alberta, and any reference to the Director in section 13.1(2) of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act.

(4) For the purposes of subsection (2), a reference to registration in the Health Disciplines Act is deemed to be a reference to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Health Disciplines Board has commenced but not concluded hearing an appeal, the members of the Board continue as the Board for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act

was not repealed with respect to the designated health discipline of Licensed Practical Nurses.

(6) Any decision and order made by a committee, as defined in Part 4 of the Health Disciplines Act, the Health Disciplines Board, a hearing tribunal or a council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 11**

### **PROFESSION OF MEDICAL LABORATORY TECHNOLOGISTS**

**1(1)** On the coming into force of this Schedule, the corporation known as the Alberta Society of Medical Laboratory Technologists is continued as a corporation under the name Alberta College of Medical Laboratory Technologists.

(2) On the coming into force of this Schedule, the Alberta College of Medical Laboratory Technologists has the ownership, custody and control of records of the Health Disciplines Board respecting the following:

- (a) current and former complaints and allegations of professional misconduct or incompetence made against registered members of the designated health discipline of Medical Laboratory Technologists under the Health Disciplines Act and proceedings taken under the Health Disciplines Act in respect of those complaints and allegations,
- (b) current and former applications for registration as registered members in the designated health discipline of Medical Laboratory Technologists under the Health Disciplines Act and the educational qualifications of applicants for registration in the designated health discipline of Medical Laboratory Technologists,
- (c) registered members and former registered members in the designated health discipline of Medical Laboratory Technologists under the Health Disciplines Act and any registers or other material relating to registration and conditions, restrictions or limitations on registration,
- (d) decisions and orders made with respect to registered members or former registered members in the designated health discipline of Medical Laboratory Technologists under the Health Disciplines Act, and

- (e) records and information referred to in section 30 of the Health Disciplines Act relating to the designated health discipline of Medical Laboratory Technologists under the Health Disciplines Act.

(3) Despite section 34(b) of the Freedom of Information and Protection of Privacy Act, on the coming into force of this Schedule the Alberta College of Medical Laboratory Technologists has the ownership, custody and control of records described in subsection (2), and the records must be given to the Alberta College of Medical Laboratory Technologists.

(4) The Minister may request and collect information and records described in subsection (2) from the Alberta College of Medical Laboratory Technologists for purposes directly related to or necessary for any proceeding, including an appeal described in section 8(5) of this Schedule, and preparation for a proceeding, with respect to an action or claim, or with respect to the negotiation or settlement of an action or claim before it is before a Court or while it is before a Court, and the Minister may disclose the information or records collected, as the Minister considers appropriate, in carrying out those purposes.

**2** A regulated member of the Alberta College of Medical Laboratory Technologists may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) medical laboratory technologist;
- (b) M.L.T.;
- (c) R.M.L.T.

**3** In their practice, medical laboratory technologists do one or more of the following:

- (a) collect and analyze biological samples, perform quality control procedures and communicate results that have been critically evaluated to ensure accuracy and reliability,
- (b) teach, manage and conduct research in the science and techniques of medical laboratory technology, and
- (c) provide restricted activities authorized by the regulations.

**4** Column 1 of the unprofessional conduct fines table applies to proceedings of the Alberta College of Medical Laboratory Technologists under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the council of the Alberta Society of Medical Laboratory Technologists under the Health Disciplines Act continue as members of the council of the Alberta College of Medical Laboratory Technologists under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the registrar of the Alberta Society of Medical Laboratory Technologists under the Health Disciplines Act continues as the registrar of the Alberta College of Medical Laboratory Technologists under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of the Alberta Society of Medical Laboratory Technologists under the Health Disciplines Act continues as the president of the Alberta College of Medical Laboratory Technologists under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) if a referral has been made under section 14 of the Health Disciplines Act or a determination has been made under section 14.1 of the Health Disciplines Act that a hearing should be held and a hearing has commenced but not concluded, the members of the committee, as defined in section 12.1 of the Health Disciplines Act, continue as members of that committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated health discipline of Medical Laboratory Technologists;
- (e) the members of the Registration Committee established under the Medical Laboratory Technologists Regulation (AR 49/93) continue as the members of the registration committee of the Alberta College of Medical Laboratory Technologists under this Act for the same terms of office unless their terms are terminated earlier under this Act.

**6** On the coming into force of this Schedule, a person who is a registered member or a temporary registered member of the designated health discipline of Medical Laboratory Technologists under the Health Disciplines Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the Alberta College of Medical Laboratory Technologists under this Act subject to the same conditions as

under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration, temporary registration or renewal of registration as a member of the designated health discipline of Medical Laboratory Technologists under the Health Disciplines Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Director of Health Disciplines and the registrar of the designated health discipline of Medical Laboratory Technologists under the Health Disciplines Act are vested in and may be exercised by the registrar of the Alberta College of Medical Laboratory Technologists, and any reference to the Director of Health Disciplines or the registrar in the Health Disciplines Act is deemed to be a reference to the registrar under this Act;
- (b) of the Registration Committee of the Alberta Society of Medical Laboratory Technologists under the Health Disciplines Act are vested in and may be exercised by the registration committee of the Alberta College of Medical Laboratory Technologists, and any reference to a committee in the Health Disciplines Act is deemed to be a reference to the registration committee under this Act;
- (c) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the Alberta College of Medical Laboratory Technologists, and any reference to the Board in the Health Disciplines Act is deemed to be a reference to the council under this Act.

**(3)** On the coming into force of this Schedule, a program of studies, an examination and a refresher program approved by the Health Disciplines Board under the Medical Laboratory Technologists Regulation (AR 49/93) continue as an approved program of studies, an examination and a refresher program for the purposes of subsection (1).

**(4)** For the purposes of subsection (1), a reference to a form in section 10.1(1) of the Health Disciplines Act is deemed to be a reference to a form provided for by the by-laws.

**(5)** A person who is registered or whose registration is renewed under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the Alberta College of Medical Laboratory Technologists under this



Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

**(2)** On the coming into force of this Schedule, any proceedings with respect to a complaint made under the Health Disciplines Act or with respect to a preliminary investigation commenced under section 13.1(2) of the Health Disciplines Act, before the coming into force of this Schedule, with respect to the designated health discipline of Medical Laboratory Technologists under the Health Disciplines Act that have not been concluded, must be concluded in accordance with that Act.

**(3)** Subject to section 5(d) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the registrar of the designated health discipline of Medical Laboratory Technologists under the Health Disciplines Act, except under section 15(1), are vested in and may be exercised by the complaints director of the Alberta College of Medical Laboratory Technologists, and any reference to the registrar in the Health Disciplines Act, except in section 15(1), is deemed to be a reference to the complaints director under this Act;
- (b) of the registrar under section 15(1) of the Health Disciplines Act are vested in and may be exercised by the president of the Alberta College of Medical Laboratory Technologists, and any reference to the registrar in section 15(1) of the Health Disciplines Act is deemed to be a reference to the president under this Act;
- (c) of the chair of a committee under Part 4 of the Health Disciplines Act are vested in and may be exercised by the complaints director of the Alberta College of Medical Laboratory Technologists, and any reference to the chair in Part 4 of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act;
- (d) of the Director of Health Disciplines under the Health Disciplines Act, except under sections 7.6(8) and 13.1(2), are vested in and may be exercised by the hearings director of the Alberta College of Medical Laboratory Technologists, and any reference to the Director in the Health Disciplines Act, except in sections 7.6(8) and

13.1(2), is deemed to be a reference to the hearings director under this Act;

- (e) of the committee under section 14.1 of the Health Disciplines Act are vested in and may be exercised by the complaint review committee of the Alberta College of Medical Laboratory Technologists, and any reference to the committee in section 14.1 of the Health Disciplines Act is deemed to be a reference to the complaint review committee under this Act;
- (f) of the committee under Part 4 of the Health Disciplines Act, except under section 14.1, are vested in and may be exercised by a hearing tribunal of the Alberta College of Medical Laboratory Technologists, and any reference to the committee in Part 4 of the Health Disciplines Act, except in section 14.1, is deemed to be a reference to the hearing tribunal under this Act;
- (g) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the Alberta College of Medical Laboratory Technologists, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (h) of the governing body of the association under Part 5 of the Health Disciplines Act are vested in and may be exercised by the council of the Alberta College of Medical Laboratory Technologists, and any reference to the governing body of the association in Part 5 of the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (i) of the Director of Health Disciplines under section 13.1(2) of the Health Disciplines Act are vested in and may be exercised by the complaints director of the Alberta College of Medical Laboratory Technologists, and any reference to the Director in section 13.1(2) of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act.

(4) For the purposes of subsection (2), a reference to registration in the Health Disciplines Act is deemed to be a reference to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Health Disciplines Board has commenced but not concluded hearing an appeal, the members of the Board continue as the Board for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act

had not been repealed with respect to the designated health discipline of Medical Laboratory Technologists.

(6) Any decision and order made by a committee as defined in Part 4 of the Health Disciplines Act, the Health Disciplines Board, a hearing tribunal or a council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 12**

### **PROFESSION OF MEDICAL RADIATION TECHNOLOGISTS AND ELECTRONEUROPHYSIOLOGISTS**

1(1) On the coming into force of this Schedule, the corporation known as the Alberta Association of Medical Radiation Technologists is continued as a corporation under the name Alberta College of Medical Radiation Technologists.

(2) On the coming into force of this Schedule, the Alberta College of Medical Radiation Technologists has the ownership, custody and control of records of the Health Disciplines Board respecting the following:

- (a) current and former complaints and allegations of professional misconduct or incompetence made against registered members of the designated health discipline of Medical Radiation Technologists under the Health Disciplines Act and proceedings taken under the Health Disciplines Act in respect of those complaints and allegations,
- (b) current and former applications for registration as registered members in the designated health discipline of Medical Radiation Technologists under the Health Disciplines Act and the educational qualifications of applicants for registration in the designated health discipline of Medical Radiation Technologists,
- (c) registered members and former registered members in the designated health discipline of Medical Radiation Technologists under the Health Disciplines Act and any registers or other material relating to registration and conditions, restrictions or limitations on registration,
- (d) decisions and orders made with respect to registered members or former registered members in the designated health discipline of Medical Radiation Technologists under the Health Disciplines Act, and

- (e) records and information referred to in section 30 of the Health Disciplines Act relating to the designated health discipline of Medical Radiation Technologists under the Health Disciplines Act.

(3) Despite section 34(b) of the Freedom of Information and Protection of Privacy Act, on the coming into force of this Schedule the Alberta College of Medical Radiation Technologists has the ownership, custody and control of records described in subsection (2), and the records must be given to the Alberta College of Medical Radiation Technologists.

(4) The Minister may request and collect information and records described in subsection (2) from the Alberta College of Medical Radiation Technologists for purposes directly related to or necessary for any proceeding, including an appeal described in section 8(5) of this Schedule, and preparation for a proceeding, with respect to an action or claim, or with respect to the negotiation or settlement of an action or claim before it is before a Court or while it is before a Court, and the Minister may disclose the information or records collected, as the Minister considers appropriate, in carrying out those purposes.

**2** A regulated member of the Alberta College of Medical Radiation Technologists may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) registered technologist radiological;
- (b) registered technologist nuclear medicine;
- (c) registered technologist therapy;
- (d) registered technologist magnetic resonance;
- (e) registered electroneurophysiology technologist;
- (f) registered electroencephalography technologist;
- (g) registered evoked potential technologists;
- (h) registered electromyography technologist;
- (i) R.T.R.;
- (j) R.T.N.M.;
- (k) R.T.T.;
- (l) R.T.M.R.;

- (m) R.E.T.;
- (n) R.EP.T.;
- (o) R.T.EMG.

**3(1)** In their practice, medical radiation technologists do one or more of the following:

- (a) apply ionizing radiation and other forms of energy to produce diagnostic images,
- (b) evaluate the technical sufficiency of the images,
- (c) use ionizing radiation and other forms of energy for treatment purposes,
- (d) take part in patient care through interdisciplinary, peer and public education, patient counselling, radiation protection, management and research related to matters described in this subsection, and
- (e) provide restricted activities authorized by the regulations.

**(2)** In their professional practice, electroneurophysiology technologists do one or more of the following:

- (a) use sensitive electronic equipment to record and evaluate the electrical activity of patients' central and peripheral nervous systems to assist physicians, surgeons and other health professionals in diagnosing diseases, injuries and abnormalities;
- (b) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the Alberta College of Medical Radiation Technologists under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the council of the Alberta Association of Medical Radiation Technologists under the Health Disciplines Act continue as members of the council of the Alberta College of Medical Radiation Technologists under this Act for the same terms of office unless their terms are terminated earlier under this Act;

- (b) the Registrar of the Alberta Association of Medical Radiation Technologists under the Health Disciplines Act continues as the registrar of the Alberta College of Medical Radiation Technologists under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of the Alberta Association of Medical Radiation Technologists under the Health Disciplines Act continues as the president of the Alberta College of Medical Radiation Technologists under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) if a referral has been made under section 14 of the Health Disciplines Act or a determination has been made under section 14.1 of the Health Disciplines Act that a hearing should be held and a hearing has commenced but not concluded, the members of the committee, as defined in section 12.1 of the Health Disciplines Act, continue as members of that committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated health discipline of Medical Radiation Technologists.

**6** On the coming into force of this Schedule, a person who is registered or temporarily registered as a member of the designated health discipline of Medical Radiation Technologists under the Health Disciplines Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, The Alberta College of Medical Radiation Technologists under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration, temporary registration or renewal of registration as a member of the designated health discipline of Medical Radiation Technologists under the Health Disciplines Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Director of Health Disciplines and the registrar of the designated health discipline of Medical Radiation Technologists under the Health Disciplines Act are vested in and may be exercised by the registrar of the Alberta College of Medical Radiation Technologists, and any

reference to the Director of Health Disciplines or the registrar in the Health Disciplines Act is deemed to be a reference to the registrar under this Act;

(b) of the Registration Committee of the Alberta Association of Medical Radiation Technologists under the Health Disciplines Act are vested in and may be exercised by the registration committee of the Alberta College of Medical Radiation Technologists, and any reference to a committee in the Health Disciplines Act is deemed to be a reference to the registration committee under this Act;

(c) of the Health Disciplines Board to review a decision of the Registration Committee of the Alberta Association of Medical Radiation Technologists under the Health Disciplines Act are vested in and may be exercised by the council of the Alberta College of Medical Radiation Technologists, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act.

(3) On the coming into force of this Schedule, a program of study, an examination and a refresher program approved by the Health Disciplines Board under the Medical Radiation Technologists Regulation (AR 327/85) continue as an approved program of study, examination and refresher program for the purposes of subsection (1).

(4) For the purposes of subsection (1), a reference to a form in section 10.1(1) of the Health Disciplines Act is deemed to be a reference to a form provided for in the by-laws.

(5) A person who is registered or whose registration is renewed under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the Alberta College of Medical Radiation Technologists under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule, any proceedings with respect to a complaint made under the Health Disciplines Act or with respect to a preliminary investigation commenced under section 13.1(2) of the Health Disciplines Act, before the coming into force of this Schedule, with respect to the designated health discipline of Medical Radiation Technologists under the Health

Disciplines Act that have not been concluded must be concluded in accordance with that Act.

(3) Subject to section 5(d) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the registrar of the designated health discipline of Medical Radiation Technologists under the Health Disciplines Act, except under section 15(1), are vested in and may be exercised by the complaints director of the Alberta College of Medical Radiation Technologists, and any reference to the registrar in the Health Disciplines Act, except in section 15(1), is deemed to be a reference to the complaints director under this Act;
- (b) of the registrar under section 15(1) of the Health Disciplines Act are vested in and may be exercised by the president of the Alberta College of Medical Radiation Technologists, and any reference to the registrar in section 15(1) of the Health Disciplines Act is deemed to be a reference to the president under this Act;
- (c) of the chair of a committee under Part 4 of the Health Disciplines Act are vested in and may be exercised by the complaints director of the Alberta College of Medical Radiation Technologists, and any reference to the chair in Part 4 of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act;
- (d) of the Director of Health Disciplines under the Health Disciplines Act, except under sections 7.6(8) and 13.1(2), are vested in and may be exercised by the hearings director of the Alberta College of Medical Radiation Technologists, and any reference to the Director in the Health Disciplines Act, except in sections 7.6(8) and 13.1(2), is deemed to be a reference to the hearings director under this Act;
- (e) of the committee under section 14.1 of the Health Disciplines Act are vested in and may be exercised by the complaint review committee of the Alberta College of Medical Radiation Technologists, and any reference to the committee in section 14.1 of the Health Disciplines Act is deemed to be a reference to the complaint review committee under this Act;
- (f) of the committee under Part 4 of the Health Disciplines Act, except under section 14.1, are vested in and may be exercised by a hearing tribunal of the Alberta College of Medical Radiation Technologists, and any reference to the committee in Part 4 of the Health Disciplines Act, except



in section 14.1, is deemed to be a reference to a hearing tribunal under this Act;

- (g) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the Alberta College of Medical Radiation Technologists, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (h) of the governing body of the association under Part 5 of the Health Disciplines Act are vested in and may be exercised by the council of the Alberta College of Medical Radiation Technologists and any reference to the governing body of the association in Part 5 of the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (i) of the Director under section 13.1(2) of the Health Disciplines Act are vested in and may be exercised by the complaints director of the Alberta College of Medical Radiation Technologists, and any reference to the Director in section 13.1(2) of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act.

(4) For the purposes of subsection (2), a reference to registration in the Health Disciplines Act is deemed to be a reference to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Health Disciplines Board has commenced but not concluded hearing an appeal, the members of the Board continue as the Board for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated health discipline of Medical Radiation Technologists.

(6) Any decision and order made by a committee, as defined in Part 4 of the Health Disciplines Act, the Health Disciplines Board, a hearing tribunal or a council pursuant to subsection (2) is deemed to be a decision and order of a hearing tribunal or council under this Act.

## **SCHEDULE 13**

### **PROFESSION OF MIDWIVES**

**1(1)** On the coming into force of this Schedule, a society incorporated under the Societies Act that is designated by an order of the Lieutenant Governor in Council is continued as a corporation under the name College of Midwives of Alberta.

**(2)** On the coming into force of this Schedule, the College of Midwives of Alberta has the ownership, custody and control of records of the Health Disciplines Board respecting the following:

- (a) current and former complaints and allegations of professional misconduct or incompetence made against registered members of the designated health discipline of Midwives under the Health Disciplines Act and proceedings taken under the Health Disciplines Act in respect of those complaints and allegations,
- (b) current and former applications for registration as registered members in the designated health discipline of Midwives under the Health Disciplines Act and the educational qualifications of applicants for registration in the designated health discipline of Midwives,
- (c) registered members and former registered members in the designated health discipline of Midwives under the Health Disciplines Act and any registers or other material relating to registration and conditions, restrictions or limitations on registration,
- (d) decisions and orders made with respect to registered members or former registered members in the designated health discipline of Midwives under the Health Disciplines Act, and
- (e) records and information referred to in section 30 of the Health Disciplines Act relating to the designated health discipline of Midwives under the Health Disciplines Act.

**(3)** Despite section 34(b) of the Freedom of Information and Protection of Privacy Act, on the coming into force of this Schedule the College of Midwives of Alberta has the ownership, custody and control of records described in subsection (2), and the records must be given to the College of Midwives of Alberta.

**(4)** The Minister may request and collect information and records described in subsection (2) from the College of Midwives of Alberta for purposes directly related to or necessary for any proceeding, including an appeal described in section 9(5) of this

Schedule, and preparation for a proceeding, with respect to an action or claim, or with respect to the negotiation or settlement of an action or claim before it is before a Court or while it is before a Court, and the Minister may disclose the information or records collected, as the Minister considers appropriate, in carrying out those purposes.

**2** A regulated member of the College of Midwives of Alberta may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) midwife;
- (b) registered midwife;
- (c) R.M.;
- (d) registered student midwife.

**3** In their practice, midwives do one or more of the following:

- (a) provide comprehensive prenatal, labour, birth and postpartum care to clients experiencing normal pregnancy,
- (b) provide counselling, education and emotional support related to the clients' physical, psychological and social needs, and
- (c) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the College of Midwives of Alberta under Part 4.

**5** On the coming into force of this Schedule, if a referral has been made under section 14 of the Health Disciplines Act or a determination has been made under section 14.1 of the Health Disciplines Act that a hearing should be held and a hearing has commenced but not concluded, the members of the committee, as defined in section 12.1 of the Health Disciplines Act, continue as members of that committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated health discipline of Midwives.

**6** On the coming into force of this Schedule, a person who is registered or temporarily registered as a member of the designated

health discipline of Midwives under the Health Disciplines Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Midwives of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration, temporary registration or renewal of registration as a member of the designated health discipline of Midwives under the Health Disciplines Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Director of Health Disciplines and of the registrar of the designated health discipline of midwives under the Health Disciplines Act are vested in and may be exercised by the registrar of the College of Midwives of Alberta, and any reference to the Director of Health Disciplines or the registrar in the Health Disciplines Act is deemed to be a reference to the registrar under this Act;
- (b) of the Midwifery Health Discipline Committee under the Health Disciplines Act are vested in and may be exercised by the registration committee of the College of Midwives of Alberta, and any reference to a committee in the Health Disciplines Act is deemed to be a reference to the registration committee under this Act;
- (c) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the College of Midwives of Alberta, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act.

**(3)** On the coming into force of this Schedule, a program of studies, an examination and a refresher program approved by the Health Disciplines Board under the Midwifery Regulation (AR 328/94) continue as an approved program of studies, an examination and a refresher program for the purposes of subsection (1).

**(4)** For the purposes of subsection (1), a reference to a form in section 10.1(1) of the Health Disciplines Act is deemed to be a reference to a form provided for by the by-laws.

**(5)** A person who is registered under this section is deemed to be registered as a regulated member of, and to have been issued a

practice permit by, the College of Midwives of Alberta under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** On the coming into force of this Schedule, a review of a practice of a midwife by the Practice Review Committee that has not been concluded must be concluded in accordance with the Health Disciplines Act.

**(2)** For the purposes of subsection (1), the powers and duties of the Practice Review Committee are vested in and may be exercised by the competence committee of the College of Midwives of Alberta, and any reference to the Practice Review Committee in the Health Disciplines Act or in the Midwifery Regulation (AR 328/94) is deemed to be a reference to the competence committee under this Act.

**9(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

**(2)** On the coming into force of this Schedule, any proceedings with respect to a complaint made under the Health Disciplines Act or with respect to a preliminary investigation commenced under section 13(2) of the Health Disciplines Act, before the coming into force of this Schedule, with respect to the designated health discipline of Midwives under the Health Disciplines Act that have not been concluded must be concluded in accordance with that Act.

**(3)** Subject to section 5 of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

(a) of the registrar of the designated health discipline of Midwives under the Health Disciplines Act, except under section 15(1), are vested in and may be exercised by the complaints director of the College of Midwives of Alberta, and any reference to the registrar in the Health Disciplines Act, except in section 15(1), is deemed to be a reference to the complaints director under this Act;

(b) of the registrar under section 15(1) of the Health Disciplines Act are vested in and may be exercised by the president of the College of Midwives of Alberta, and any reference to the registrar in section 15(1) of the Health Disciplines Act is deemed to be a reference to the president under this Act;

- (c) of the chair of a committee under Part 4 of the Health Disciplines Act are vested in and may be exercised by the complaints director of the College of Midwives of Alberta under this Act, and any reference to the chair in Part 4 of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act;
- (d) of the Director of Health Disciplines under the Health Disciplines Act, except under sections 7.6(8) and 13.1(2), are vested in and may be exercised by the hearings director of the College of Midwives of Alberta, and any reference to the Director in the Health Disciplines Act, except in sections 7.6(8) and 13.1(2), is deemed to be a reference to the hearings director under this Act;
- (e) of the conduct and competency committee under section 14.1 of the Health Disciplines Act are vested in and may be exercised by the complaint review committee of the College of Midwives of Alberta, and any reference to a committee in section 14.1 of the Health Disciplines Act is deemed to be a reference to the complaint review committee under this Act;
- (f) of the conduct and competency committee under Part 4 of the Health Disciplines Act, except under section 14.1, are vested in and may be exercised by a hearing tribunal of the College of Midwives of Alberta, and any reference to the committee in Part 4 of the Health Disciplines Act, except in section 14.1, is deemed to be a reference to the hearing tribunal under this Act;
- (g) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the College of Midwives of Alberta, and any reference to the Board in the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (h) of the governing body of the association under Part 5 of the Health Disciplines Act are vested in and may be exercised by the council of the College of Midwives of Alberta, and any reference to the governing body of the association in Part 5 of the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (i) of the Director of Health Disciplines under section 13.1(2) of the Health Disciplines Act are vested in and may be exercised by the complaints director of the College of Midwives of Alberta, and any reference to the Director in section 13.1(2) of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act.

(4) For the purposes of subsection (2), a reference to registration in the Health Disciplines Act is deemed to be a reference to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Health Disciplines Board has commenced but not concluded hearing an appeal, the members of the Board continue as the Board for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated health discipline of Midwives.

(6) Any decision and order made by a committee as defined in Part 4 of the Health Disciplines Act, the Health Disciplines Board, a hearing tribunal or the council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 14**

### **PROFESSION OF NATUROPATHS**

**1** On the coming into force of this Schedule, the society incorporated under the Societies Act known as the Alberta Association of Naturopathic Practitioners is continued as a corporation under the name College of Naturopathic Doctors of Alberta.

**2** A regulated member of the College of Naturopathic Doctors of Alberta may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) naturopathic doctor;
- (b) naturopathic practitioner;
- (c) naturopath;
- (d) N.D.;
- (e) R.N.D.

**3** In their practice, naturopathic practitioners do one or more of the following:

- (a) promote health, prevent illness and treat disease by using natural therapies and substances that promote the body's ability to heal,

- (b) focus on the overall health of the individual on the basis of naturopathic assessment and common diagnostic procedures, and
- (c) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the College of Naturopathic Doctors of Alberta under Part 4.

**5** On the coming into force of this Schedule, a person who is a registered member of the Alberta Association of Naturopathic Practitioners is deemed to be registered as a regulated member of, and is deemed to be issued a practice permit by the registrar of, the College of Naturopathic Doctors of Alberta under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

## **SCHEDULE 15**

### **PROFESSION OF OCCUPATIONAL THERAPY**

**1** On the coming into force of this Schedule, the corporation known as The Alberta Association of Registered Occupational Therapists is continued as a corporation under the name The Alberta College of Occupational Therapists.

**2** A regulated member of The Alberta College of Occupational Therapists may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) registered occupational therapist;
- (b) occupational therapist;
- (c) O.T.

**3** In their practice, occupational therapists do one or more of the following:

- (a) in collaboration with their clients, develop and implement programs to meet everyday needs in self care, leisure and productivity,



- (b) assess, analyze, modify and adapt the activities in which their clients engage to optimize health and functional independence,
- (c) interact with individuals and groups as clinicians, consultants, researchers, educators and administrators, and
- (d) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of The Alberta College of Occupational Therapists under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the Council of The Alberta Association of Registered Occupational Therapists under the Occupational Therapy Profession Act continue as members of the council of The Alberta College of Occupational Therapists under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the Registrar of The Alberta Association of Registered Occupational Therapists under the Occupational Therapy Profession Act continues as the registrar of The Alberta College of Occupational Therapists under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of The Alberta Association of Registered Occupational Therapists under the Occupational Therapy Profession Act continues as the president of The Alberta College of Occupational Therapists under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) the members of the registration committee established under the by-laws under the Occupational Therapy Profession Act continue as members of the registration committee of The Alberta College of Occupational Therapists under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (e) the members of the Practice Review Board under the Occupational Therapy Profession Act continue as members of the competence committee of The Alberta College of Occupational Therapists under this Act for the same term of office unless their terms are terminated earlier under this Act;

- (f) if a Committee of Inquiry under the General Regulation (AR 126/90) is considering an application for reinstatement and the consideration has not been concluded, the members of the Committee of Inquiry continue as members of the Committee of Inquiry for the purposes of the consideration and are deemed to be members of the reinstatement inquiry committee established by regulations of the council of The Alberta College of Occupational Therapists under this Act for the same term of office unless their terms are terminated earlier under this Act;
- (g) if a referral has been made under section 32(b) of the Occupational Therapy Profession Act or a determination has been made under section 34 of the Occupational Therapy Profession Act that a hearing should be held and the hearing is commenced but not concluded, the members of the Discipline Committee under the Occupational Therapy Profession Act continue as members of the Discipline Committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

**6** On the coming into force of this Schedule, a person

- (a) who is registered as an occupational therapist and holds an annual certificate under the Occupational Therapy Profession Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, The Alberta College of Occupational Therapists under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act;
- (b) who is registered as a restricted practitioner or temporary registrant under the Occupational Therapy Profession Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, The Alberta College of Occupational Therapists under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act;
- (c) who is registered on the student register provided for in the by-laws under the Occupational Therapy Profession Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, The Alberta College of Occupational Therapists under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration as an occupational therapist, restricted practitioner, temporary registrant or student member or for an annual certificate, restricted permit or student registration under the Occupational Therapy Profession Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Registrar of The Alberta Association of Registered Occupational Therapists under the Occupational Therapy Profession Act are vested in and may be exercised by the registrar of The Alberta College of Occupational Therapists, and any reference to the Registrar in the Occupational Therapy Profession Act is deemed to be a reference to the registrar under this Act;
- (b) of the Council of The Alberta Association of Registered Occupational Therapists under the Occupational Therapy Profession Act are vested in and may be exercised by the council of The Alberta College of Occupational Therapists, and any reference to the Council in the Occupational Therapy Profession Act is deemed to be a reference to the council under this Act;
- (c) of the Universities Co-ordinating Council under the Occupational Therapy Profession Act are vested in and may be exercised by the registration committee of The Alberta College of Occupational Therapists, and any reference to the Universities Co-ordinating Council in the Occupational Therapy Profession Act is deemed to be a reference to the registration committee under this Act.

**(3)** On the coming into force of this Schedule, a program that is designated as an approved occupational therapy education program under section 11 of the Occupational Therapy Profession Act or is required field work under section 12(1)(b) of the Occupational Therapy Profession Act or an approved examination under section 12(1)(c) of the Occupational Therapy Profession Act continues to be an approved occupational therapy education program, required field work or an approved examination for the purposes of subsection (1).

**(4)** A person who is registered under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, The Alberta College of Occupational Therapists under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** On the coming into force of this Schedule, an application for reinstatement under the Occupational Therapy Profession Act that has not been concluded must be concluded in accordance with that Act.

**(2)** Subject to section 5(f), for the purposes of subsection (1), the powers and duties

- (a) of the Council under the Occupational Therapy Profession Act are vested in and may be exercised by the council of The Alberta College of Occupational Therapists, and any reference to the Council in the Occupational Therapy Profession Act is deemed to be a reference to the council under this Act;
- (b) of a Committee of Inquiry under the General Regulation (AR 126/90) are vested in and may be exercised by the reinstatement inquiry committee of The Alberta College of Occupational Therapists, and any reference to the Committee of Inquiry in the regulations under the Occupational Therapy Profession Act is deemed to be a reference to the reinstatement inquiry committee established by regulations made by the council under this Act.

**(3)** A person who is reinstated under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, The Alberta College of Occupational Therapists under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**9(1)** On the coming into force of this Schedule, a review of a practice under the Occupational Therapy Profession Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Practice Review Board under the Occupational Therapy Profession Act are vested in and may be exercised by the competence committee of The Alberta College of Occupational Therapists, and any reference to the Practice Review Board in the Occupational Therapy Profession Act is deemed to be a reference to the competence committee under this Act;
- (b) of the Council under the Occupational Therapy Profession Act are vested in and may be exercised by the council of The Alberta College of Occupational Therapists, and any

reference to the Council in the Occupational Therapy Profession Act is deemed to be a reference to the council under this Act;

- (c) of the Registrar under the Occupational Therapy Profession Act are vested in and may be exercised by the complaints director of The Alberta College of Occupational Therapists, and any reference to the Registrar in the Occupational Therapy Profession Act is deemed to be a reference to the complaints director under this Act;
- (d) of the president of The Alberta Association of Registered Occupational Therapists are vested in and may be exercised by the president of The Alberta College of Occupational Therapists, and any reference to the president in the Occupational Therapy Profession Act is deemed to be a reference to the president under this Act;
- (e) of the chairman of the Practice Review Board are vested in and may be exercised by the registrar of or an individual appointed by the council of The Alberta College of Occupational Therapists, and any reference to the chairman of the Practice Review Board in the Occupational Therapy Profession Act is deemed to be a reference to the registrar or the individual appointed by the council under this Act.

**10(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

**(2)** On the coming into force of this Schedule, any proceedings with respect to a complaint made under the Occupational Therapy Profession Act or with respect to a preliminary investigation commenced under section 30(b) of the Occupational Therapy Profession Act, before the coming into force of this Schedule, that have not been concluded must be concluded in accordance with that Act.

**(3)** Subject to section 5(g) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the chairman of the Discipline Committee under section 35 of the Occupational Therapy Profession Act are vested in and may be exercised by the chair of a hearing tribunal of The Alberta College of Occupational Therapists, and any reference to the chairman of the Discipline Committee in section 35 of the Occupational Therapy Profession Act is deemed to be a reference to the chair of the hearing tribunal under this Act;

- (b) of the Discipline Committee under the Occupational Therapy Profession Act, except under section 34, are vested in and may be exercised by a hearing tribunal of The Alberta College of Occupational Therapists, and any reference to the Discipline Committee in the Occupational Therapy Profession Act, except in section 34, is deemed to be a reference to a hearing tribunal under this Act;
- (c) of the Discipline Committee under section 34 of the Occupational Therapy Profession Act are vested in and may be exercised by the complaint review committee of The Alberta College of Occupational Therapists, and any reference to the Discipline Committee in section 34 of the Occupational Therapy Profession Act is deemed to be a reference to the complaint review committee under this Act;
- (d) of a person conducting a preliminary investigation under the Occupational Therapy Profession Act are vested in and may be exercised by the complaints director of The Alberta College of Occupational Therapists or an investigator appointed by the college under this Act, and any reference to a person conducting a preliminary investigation in the Occupational Therapy Profession Act is deemed to be a reference to the complaints director or an investigator under this Act;
- (e) of the Registrar under the Occupational Therapy Profession Act, except under sections 41, 48 and 53, are vested in and may be exercised by the complaints director of The Alberta College of Occupational Therapists, and any reference to the Registrar in the Occupational Therapy Profession Act, except in sections 41, 48 and 53, is deemed to be a reference to the complaints director under this Act;
- (f) of the Registrar under sections 41 and 48 of the Occupational Therapy Profession Act are vested in and may be exercised by the hearings director of The Alberta College of Occupational Therapists, and any reference to the Registrar in section 41 or 48 of the Occupational Therapy Profession Act is deemed to be a reference to the hearings director under this Act;
- (g) of the Registrar under section 53 of the Occupational Therapy Profession Act are vested in and may be exercised by the hearings director of The Alberta College of Occupational Therapists, and any reference to the Registrar in section 53 of the Occupational Therapy Profession Act is deemed to be a reference to the hearings director under this Act;

- (h) of a member of the Discipline Committee under sections 31 to 33 of the Occupational Therapy Profession Act are vested in and may be exercised by the complaints director of The Alberta College of Occupational Therapists, and any reference to a member of the Discipline Committee in sections 31 to 33 of the Occupational Therapy Profession Act is deemed to be a reference to the complaints director under this Act;
  - (i) of the president under the Occupational Therapy Profession Act are vested in and may be exercised by the president of The Alberta College of Occupational Therapists, and any reference to the president in the Occupational Therapy Profession Act is deemed to be a reference to the president under this Act;
  - (j) of the Council under the Occupational Therapy Profession Act are vested in and may be exercised by the council of The Alberta College of Occupational Therapists, and any reference to the Council in the Occupational Therapy Profession Act is deemed to be a reference to the council under this Act;
  - (k) of the Association under sections 36 and 54(1) of the Occupational Therapy Profession Act are vested in and may be exercised by the complaints director of The Alberta College of Occupational Therapists, and any reference to the Association in section 36 or 54(1) of the Occupational Therapy Profession Act is deemed to be a reference to the complaints director under this Act;
  - (l) of the Association under section 55 of the Occupational Therapy Profession Act are vested in and may be exercised by The Alberta College of Occupational Therapists, and any reference to the Association in section 55 of the Occupational Therapy Profession Act is deemed to be a reference to the college under this Act.
- (4) For the purposes of subsection (2), a reference to a certificate of registration, annual certificate or restricted permit in Part 6 of the Occupational Therapy Profession Act is deemed to be a reference to registration and a practice permit under this Act.
- (5) If on the coming into force of this Schedule the Council under the Occupational Therapy Profession Act has commenced but not concluded hearing an appeal, the members of the Council continue as the Council for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the Occupational Therapy Profession Act had not been repealed.

(6) Any decision and order made by the Discipline Committee, the Council, a hearing tribunal or the council pursuant to this section is deemed to be a decision and order of a hearing tribunal or council under this Act.

## **SCHEDULE 16**

### **PROFESSION OF OPTICIANS**

**1** On the coming into force of this Schedule, the corporation known as the Alberta Opticians Association is continued as a corporation under the name College of Opticians of Alberta.

**2** A regulated member of the College of Opticians of Alberta, may as authorized by the regulations, use any of the following titles, abbreviation and initials:

- (a) optician;
- (b) ophthalmic dispenser;
- (c) optical dispenser;
- (d) contact lens fitter;
- (e) contact lens practitioner;
- (f) contact lens dispenser;
- (g) R.O.;
- (h) R.C.L.P.

**3** In their practice, opticians do one or more of the following:

- (a) based on an optical prescription, design, supply, prepare, adjust and dispense optical appliances, including corrective lenses,
- (b) promote eye health and the correct use of optical appliances through education of consumers and regulated members,
- (c) conduct or collaborate in optical related research, and
- (d) provide restricted activities authorized by the regulations.



**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the College of Opticians of Alberta under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the council of the Alberta Opticians Association under the Opticians Act continue as members of the council of the College of Opticians of Alberta under this Act for the same term of office unless their terms are terminated earlier under this Act;
- (b) the registrar of the Alberta Opticians Association under the Opticians Act continues as the registrar of the College of Opticians of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of the Alberta Opticians Association under the Opticians Act continues as the president of the College of Opticians of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) the members of the practice review board under the Opticians Act continue as members of the competence committee of the College of Opticians of Alberta under this Act for the same term of office unless their terms are terminated earlier under this Act;
- (e) if a referral has been made under section 22(1)(b) or 29.5(1) of the Opticians Act or a determination has been made under section 22.1(2)(b) of the Opticians Act that a hearing should be held, and a hearing with respect to the referral or determination has commenced but not concluded, the members of the discipline committee under the Opticians Act continue as members of the discipline committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force, and the former Act had not been repealed.

**6** On the coming into force of this Schedule, a person who is registered as a member, temporary member or student member under the Opticians Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Opticians of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is terminated under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration or reinstatement of registration under the Opticians Act

that has not been concluded before the coming into force of this Schedule must be concluded in accordance with that Act.

(2) For the purposes of subsection (1), the powers and duties

- (a) of the registrar under the Opticians Act are vested in and may be exercised by the registrar of the College of Opticians of Alberta, and any reference to the registrar in the Opticians Act is deemed to be a reference to the registrar under this Act;
- (b) of the Universities Co-ordinating Council under the Opticians Act are vested in and may be exercised by the registrar of the College of Opticians of Alberta, and any reference to the Universities Co-ordinating Council in the Opticians Act is deemed to be a reference to the registrar under this Act.

(3) For the purposes of subsection (1), on the coming into force of this Schedule an approved program in eye glasses dispensing, an approved program in contact lens dispensing or an approved examination, granted approval by the Universities Co-ordinating Council, continue as approved programs or an approved examination under this Act.

(4) A person who is registered under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Opticians of Alberta under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** On the coming into force of this Schedule, a review of a practice that has not been concluded under the Opticians Act must be concluded in accordance with that Act.

(2) For the purposes of subsection (1), the powers and duties

- (a) of the practice review board under the Opticians Act are vested in and may be exercised by the competence committee of the College of Opticians of Alberta under this Act, and any reference to the practice review board in the Opticians Act is deemed to be a reference to the competence committee under this Act;
- (b) of the council under section 29.4 of the Opticians Act are vested in and may be exercised by the council of the College of Opticians of Alberta under this Act, and any references to the council in section 29.4 of the Opticians Act is deemed to be a reference to the council under this Act.

(3) For the purposes of subsection (1), if a referral is to be made under section 29.5 of the Opticians Act, that referral must be made as a complaint under section 54 of this Act to the complaints director of the College of Opticians of Alberta.

**9(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule, any proceedings with respect to a complaint made under the Opticians Act or with respect to a referral made under section 29.5 of the Opticians Act, before the coming into force of this Schedule that have not been concluded must be concluded in accordance with that Act.

(3) Subject to section 5(e) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the chair of the discipline committee under the Opticians Act are vested in and may be exercised by the complaints director of the College of Opticians of Alberta, and any reference to the chair of the discipline committee in the Opticians Act is deemed to be a reference to the complaints director under this Act;
- (b) the discipline committee under the Opticians Act, except under section 22.1, are vested in and may be exercised by a hearing tribunal of the College of Opticians of Alberta, and any reference to the discipline committee in the Opticians Act except in section 22.1, is deemed to be a reference to a hearing tribunal under this Act;
- (c) of a preliminary investigator under the Opticians Act are vested in and may be exercised by the complaints director of the College of Opticians of Alberta or an investigator appointed under this Act, and any reference to a preliminary investigator in the Opticians Act is deemed to be a reference to the complaints director or the investigator under this Act;
- (d) of the registrar under the Opticians Act, except under sections 23 and 24.1, are vested in and may be exercised by the complaints director of the College of Opticians of Alberta, and any reference to the registrar in the Opticians Act, except in sections 23 and 24.1, is deemed to be a reference to the complaints director under this Act;
- (e) of the registrar under sections 23 and 24.1 of the Opticians Act are vested in and may be exercised by the hearings

director of the College of Opticians of Alberta, and any reference to the registrar in section 23 or 24.1 of the Opticians Act is deemed to be a reference to the hearings director;

- (f) of the discipline committee under section 22.1 of the Opticians Act are vested in and may be exercised by the complaint review committee of the College of Opticians of Alberta, and any reference to the discipline committee in section 22.1 of the Opticians Act is deemed to be a reference to the complaint review committee under this Act;
  - (g) of the Association under the Opticians Act, except under sections 24(3) and 28, are vested in and may be exercised by the College of Opticians of Alberta, and any reference to the Association in the Opticians Act, except in sections 24(3) and 28, is deemed to be a reference to the College of Opticians of Alberta under this Act;
  - (h) of the Association under section 24(3) of the Opticians Act are vested in and may be exercised by the hearings director of the College of Opticians of Alberta, and any reference to the Association in section 24(3) of the Opticians Act is deemed to be a reference to the hearings director under this Act;
  - (i) of the Association under section 28 of the Opticians Act are vested in and may be exercised by the complaints director of the College of Opticians of Alberta, and any reference to the Association in section 28 of the Opticians Act is deemed to be a reference to the complaints director under this Act;
  - (j) of the council in sections 20 to 29.2 of the Opticians Act is vested in and may be exercised by the council of the College of Opticians of Alberta, and any reference to the council in sections 20 to 29.2 of the Opticians Act is deemed to be a reference to the council under this Act.
- (4) For the purposes of subsection (1), a reference to a membership, registration or a certificate of registration in sections 18 to 31.4 of the Opticians Act is deemed to be a reference to registration and a practice permit under this Act.
- (5) If on the coming into force of this Schedule the council under the Opticians Act has commenced but not concluded hearing an appeal, the members of the council continue as the council for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

(6) Any decision and order made by the discipline committee, a hearing tribunal or a council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 17**

### **PROFESSION OF OPTOMETRISTS**

**1(1)** On the coming into force of this Schedule, the corporation known as The Alberta College of Optometrists continues as a corporation under the same name.

**(2)** On the coming into force of this Schedule, the corporation known as the Alberta Association of Optometrists established under section 8.1 of the Optometry Profession Act is dissolved, and all its assets and liabilities are vested in a society incorporated under the Societies Act that is designated by an order of the Lieutenant Governor in Council, and all rights of action and actions by and against the Alberta Association of Optometrists may be continued or maintained by or against that society.

**2** A regulated member of The Alberta College of Optometrists may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) optometric contact lens practitioner;
- (b) optometrist;
- (c) O.D.

**3** In their practice, optometrists do one or more of the following:

- (a) examine, assess, measure and diagnose disorders and diseases of the human visual system, the eye and its associated structures,
- (b) provide and prescribe treatment, management and correction,
- (c) conduct research and promote education in the visual sciences, and
- (d) provide restricted activities authorized by the regulations.

**4** Column 3 of the unprofessional conduct fines table applies to proceedings of The Alberta College of Optometrists under Part 4.

**5(1)** In this section, “optical prescription” means a written record of the refractive error of the eye, including, if appropriate, reading add, prisms and back vertex distance.

**(2)** A regulated member who prescribes an ophthalmic appliance or other visual aid must offer the patient a written copy of the optical prescription.

**(3)** After completing all the services required to dispense contact lenses, the regulated member must offer the patient a written copy of the specifications of the contact lenses.

**6** On the coming into force of this Schedule,

- (a) the members of the Council of The Alberta College of Optometrists under the Optometry Profession Act continue as members of the council of The Alberta College of Optometrists under this Act for the same term of office unless their terms are terminated earlier under this Act;
- (b) the Registrar of The Alberta College of Optometrists under the Optometry Profession Act continues as the registrar of The Alberta College of Optometrists under this Act for the same term of office unless the term of office is terminated earlier under this Act;
- (c) the members of the Practice Review Board under the Optometry Profession Act continue as members of the competence committee of The Alberta College of Optometrists under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (d) the members of the Registration Committee under the Optometry Profession Act continue as members of the registration committee of The Alberta College of Optometrists under this Act for the same term of office unless their terms are terminated earlier under this Act;
- (e) if the Discipline Committee under the Optometry Profession Act has a matter referred to it under section 34(1) or 35(2) of the Optometry Profession Act and the hearing has commenced but not concluded, the members of the Discipline Committee continue as members of the Discipline Committee for the purposes of the hearing until it is concluded as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

**7(1)** On the coming into force of this Schedule,

- (a) a person who holds a certificate of registration under the Optometry Profession Act,
- (b) a person who is registered as a visiting project optometrist under the Optometry Profession Act, and
- (c) a person who is registered as a student under the Optometry Profession Act,

is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, The Alberta College of Optometrists under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

(2) On the coming into force of this Schedule, a person who holds a licence under the Optometry Profession Act is deemed to have been issued a practice permit by the registrar of The Alberta College of Optometrists under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

(3) On the coming into force of this Schedule, a professional corporation or company registered under the Optometry Profession Act is deemed to be registered on the record of professional corporations of The Alberta College of Optometrists and to have been issued an annual permit under this Act until the annual permit expires or is cancelled under this Act.

(4) Notwithstanding section 107 of this Act, a corporation that has been continually engaged in the practice of optometry since before the coming into force of the Optometry Profession Act (SA 1983 cO-10) and this Schedule may apply for and receive an annual permit under section 107 if

- (a) the corporation complies with this Act except for section 109(2)(b), and
- (b) there has been no change in the issued share capital of the corporation or in the ownership of the share capital after March 1, 1998, other than the purchase of previously issued shares by a registered optometrist under the Optometry Profession Act or by a regulated member of the Alberta College of Optometrists under this Act from a shareholder who is not a registered optometrist under the Optometry Profession Act nor a regulated member of the Alberta College of Optometrists under this Act.

**8(1)** On the coming into force of this Schedule, an application for registration as a registered optometrist or visiting project optometrist, for a permit as a professional corporation or for a licence that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Registrar under the Optometry Profession Act are vested in and may be exercised by the registrar of The Alberta College of Optometrists under this Act, and any reference to the Registrar in the Optometry Profession Act is deemed to be a reference to the registrar under this Act;
- (b) of the Registration Committee under the Optometry Profession Act are vested in and may be exercised by the registration committee of The Alberta College of Optometrists under this Act, and any reference to the Registration Committee in the Optometry Profession Act is deemed to be a reference to the registration committee under this Act;
- (c) of the Universities Co-ordinating Council under the Optometry Profession Act are vested in and may be exercised by the registration committee of The Alberta College of Optometrists under this Act, and any reference to the Universities Co-ordinating Council in the Optometry Profession Act is deemed to be a reference to the registration committee under this Act;
- (d) of the Council under the Optometry Profession Act are vested in and may be exercised by the council of The Alberta College of Optometrists under this Act, and any reference to the Council in the Optometry Profession Act is deemed to be a reference to the council under this Act;

**(3)** For the purposes of subsection (1), on the coming into force of this Schedule, an approved faculty and a program of optometry that in the opinion of the Universities Co-ordinating Council is substantially equivalent to the program offered by an approved faculty under the Optometry Profession General Regulation (AR 388/85) continues as approved faculties and programs under this Act.

**(4)** An individual who is registered under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, The Alberta College of Optometrists under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.



(5) A corporation to which a permit is issued as a professional corporation under this section is deemed to be registered as a professional corporation and to have been issued an annual permit by the registrar of The Alberta College of Optometrists under this Act until the annual permit expires or is cancelled under this Act.

**9(1)** On the coming into force of this Schedule, an inquiry by the Practice Review Board under the Optometry Profession Act that has not been concluded must be concluded in accordance with that Act.

(2) For the purposes of subsection (1), the powers and duties

- (a) of the Practice Review Board under the Optometry Profession Act are vested in and may be exercised by the competence committee of The Alberta College of Optometrists under this Act, and any reference to the Practice Review Board in the Optometry Profession Act is deemed to be a reference to the competence committee under this Act;
- (b) of the Council under the Optometry Profession Act are vested in and may be exercised by the council of The Alberta College of Optometrists under this Act, and any reference to the Council in the Optometry Profession Act is deemed to be a reference to the council under this Act;
- (c) of the Discipline Committee under the Optometry Profession Act, except under section 27, are vested in and may be exercised by a hearing tribunal of The Alberta College of Optometrists under this Act, and any reference to the Discipline Committee in the Optometry Profession Act, except in section 27, is deemed to be a reference to a hearing tribunal under this Act;
- (d) of the Discipline Committee under section 27 of the Optometry Profession Act are vested in and may be exercised by the registrar of The Alberta College of Optometrists under this Act, and any reference to the Discipline Committee in section 27 of the Optometry Profession Act is deemed to be a reference to the registrar under this Act.

**10(1)** On the coming into force of this Schedule, an application for reinstatement under the Optometry Profession Act that has not been concluded must be concluded in accordance with that Act.

(2) For the purposes of subsection (1), the powers and duties

- (a) of the Council under the Optometry Profession Act are vested in and may be exercised by the council of The Alberta College of Optometrists under this Act, and any reference to the Council in the Optometry Profession Act is deemed to be a reference to the council under this Act;
- (b) of a Committee of Inquiry under the Optometry Profession Act are vested in and may be exercised by the registration committee of The Alberta College of Optometrists, and any reference to the Committee of Inquiry in the Optometry Profession Act is deemed to be a reference to the registration committee under this Act;
- (c) of the Registrar under the Optometry Profession Act are vested in and may be exercised by the registrar of The Alberta College of Optometrists under this Act, and any reference to the Registrar in the Optometry Profession Act is deemed to be a reference to the registrar under this Act.

**11(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

**(2)** On the coming into force of this Schedule, any proceedings with respect to a complaint made before the coming into force of this Schedule under the Optometry Profession Act or a preliminary investigation commenced under section 32(b) of the Optometry Profession Act that have not been concluded must be concluded in accordance with that Act.

**(3)** Subject to section 6(e) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the Council under section 35 of the Optometry Profession Act are vested in and may be exercised by the complaint review committee of The Alberta College of Optometrists under this Act, and any reference to the Council in section 35 of the Optometry Profession Act is deemed to be a reference to the complaint review committee under this Act;
- (b) of the Council under section 37 of the Optometry Profession Act are vested in and may be exercised by the president of The Alberta College of Optometrists under this Act, and any reference to the Council in section 37 of the Optometry Profession Act is deemed to be a reference to the president under this Act;

- (c) of the Council under the Optometry Profession Act, except under sections 35 and 37, are vested in and may be exercised by the council of The Alberta College of Optometrists under this Act, and any reference to the Council in the Optometry Profession Act, except in sections 35 and 37, is deemed to be a reference to the council under this Act;
- (d) of the Discipline Committee under the Optometry Profession Act are vested in and may be exercised by a hearing tribunal of The Alberta College of Optometrists under this Act, and any reference to the Discipline Committee in the Optometry Profession Act is deemed to be a reference to a hearing tribunal under this Act;
- (e) of the Registrar under the Optometry Profession Act, except under sections 38 and 42, are vested in and may be exercised by the complaints director of The Alberta College of Optometrists under this Act, and any reference to the Registrar in the Optometry Profession Act, except in sections 38 and 42, is deemed to be a reference to the complaints director under this Act;
- (f) of the Registrar under sections 38 and 42 of the Optometry Profession Act are vested in and may be exercised by the hearings director of The Alberta College of Optometrists under this Act, and any reference to the Registrar in section 38 or 42 of the Optometry Profession Act is deemed to be a reference to the hearings director under this Act;
- (g) of The Alberta College of Optometrists under the Optometry Profession Act, except under section 41(3), are vested in and may be exercised by The Alberta College of Optometrists under this Act, and any reference to the College in the Optometry Profession Act, except in section 41(3), is deemed to be a reference to the college under this Act;
- (h) of The Alberta College of Optometrists under section 41(3) of the Optometry Profession Act are vested in and may be exercised by the hearings director of The Alberta College of Optometrists under this Act, and any reference to the College in section 41(3) of the Optometry Profession Act is deemed to be a reference to the hearings director under this Act;
- (i) of a person carrying out a preliminary investigation under the Optometry Profession Act are vested in and may be exercised by the complaints director or an investigator appointed under this Act, and any reference to a person carrying out a preliminary investigation in the Optometry

Profession Act is deemed to be a reference to the complaints director or the investigator under this Act.

- (4) For the purposes of subsection (2),
- (a) a reference to registration in Part 6 of the Optometry Profession Act is deemed to be a reference to registration and a practice permit under this Act;
  - (b) a reference to entitlement to practise in Part 6 of the Optometry Profession Act is deemed to be as reference to a practice permit under this Act.
- (5) If on the coming into force of this Schedule the Council under the Optometry Profession Act has commenced but not concluded hearing an appeal, the members of the Council continue as the Council for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.
- (6) Any decision and order made by the Discipline Committee, the Council, a hearing tribunal or the council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 18**

### **PROFESSION OF PARAMEDICS**

- 1(1)** On the coming into force of this Schedule, the corporation known as the Alberta College of Paramedics is continued as a corporation under the same name.
- (2) On the coming into force of this Schedule the Alberta College of Paramedics has the ownership, custody and control of records of the Health Disciplines Board respecting the following:
- (a) current and former complaints and allegations of professional misconduct or incompetence made against registered members of the designated health discipline of Emergency Medical Technicians under the Health Disciplines Act and proceedings taken under the Health Disciplines Act in respect of those complaints and allegations,
  - (b) current and former applications for registration as registered members in the designated health discipline of Emergency Medical Technicians under the Health Disciplines Act and the educational qualifications of

applicants for registration in the designated health discipline of Emergency Medical Technicians,

- (c) registered members and former registered members in the designated health discipline of Emergency Medical Technicians under the Health Disciplines Act and any registers or other material relating to registration and conditions, restrictions or limitations on registration,
- (d) decisions and orders made with respect to registered members or former registered members in the designated health discipline of Emergency Medical Technicians under the Health Disciplines Act, and
- (e) records and information referred to in section 30 of the Health Disciplines Act relating to the designated health discipline of Emergency Medical Technicians under the Health Disciplines Act.

(3) Despite section 34(b) of the Freedom of Information and Protection of Privacy Act, on the coming into force of this Schedule the Alberta College of Paramedics has the ownership, custody and control of records described in subsection (2), and the records must be given to the Alberta College of Paramedics.

(4) The Minister may request and collect information and records described in subsection (2) from the Alberta College of Paramedics for purposes directly related to or necessary for any proceeding, including an appeal described in section 8(5) of this Schedule, and preparation for a proceeding, with respect to an action or claim, or with respect to the negotiation or settlement of an action or claim before it is before a Court or while it is before a Court, and the Minister may disclose the information or records collected, as the Minister considers appropriate, in carrying out those purposes.

**2** A regulated member of the Alberta College of Paramedics may, as authorized by the regulations, use the following titles, abbreviations and initials:

- (a) emergency medical responder;
- (b) emergency medical technician;
- (c) emergency medical technologist-paramedic;
- (d) student emergency medical technician;
- (e) student emergency medical technologist-paramedic;
- (f) E.M.R.;

- (g) E.M.T.;
- (h) E.M.T.-P.

**3** In their practice, emergency medical technicians, emergency medical technologists and emergency medical responders do one or more of the following:

- (a) assess an individual's health status to determine the need, priority and method of treatment and transportation in order to provide a range of emergency services, and
- (b) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the Alberta College of Paramedics under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the Board of Governors of the Alberta College of Paramedics under the Health Disciplines Act continue as members of the council of the Alberta College of Paramedics under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the registrar of the designated health discipline of Emergency Medical Technicians under the Health Disciplines Act continues as the registrar of the Alberta College of Paramedics under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the chair of the Board of Governors of the Alberta College of Paramedics under the Health Disciplines Act continues as the president of the Alberta College of Paramedics under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) the members of a committee, as defined in section 8 of the Health Disciplines Act, of the Alberta College of Paramedics continue as members of the registration committee of the Alberta College of Paramedics under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (e) if a referral has been made under section 14 of the Health Disciplines Act or a determination has been made under section 14.1 of the Health Disciplines Act that a hearing should be held and a hearing has commenced but not

concluded, the members of the committee, as defined in section 12.1 of the Health Disciplines Act, continue as members of that committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act was not repealed with respect to the designated health discipline of Emergency Medical Technicians.

**6** On the coming into force of this Schedule, a person who is registered or temporarily registered as a member of the designated health discipline of Emergency Medical Technicians under the Health Disciplines Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the Alberta College of Paramedics under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration, temporary registration or renewal of registration as a member of the designated health discipline of Emergency Medical Technicians under the Health Disciplines Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the registrar of the designated health discipline of Emergency Medical Technicians under the Health Disciplines Act are vested in and may be exercised by the registrar of the Alberta College of Paramedics, and any reference to the registrar in the Health Disciplines Act is deemed to be a reference to the registrar under this Act;
- (b) of the Registration Committee of the Alberta College of Paramedics under the Health Disciplines Act are vested in and may be exercised by the registration committee of the Alberta College of Paramedics, and any reference to a committee in the Health Disciplines Act is deemed to be a reference to the registration committee under this Act;
- (c) of the Health Disciplines Board to review a decision of the Registration Committee of the Alberta College of Paramedics under the Health Disciplines Act are vested in and may be exercised by the council of the Alberta College of Paramedics, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (d) of the Director of Health Disciplines under the Health Disciplines Act are vested in and may be exercised by the

registrar of the Alberta College of Paramedics under this Act, and any reference to the Director of Health Disciplines in the Health Disciplines Act is deemed to be a reference to the registrar under this Act.

(3) On the coming into force of this Schedule, a program of studies, an examination, a refresher program and educational credits approved by the Health Disciplines Board under the Emergency Medical Technicians Regulation (AR 48/93) continue as an approved program of studies, examination, refresher program and educational credits for the purposes of subsection (1).

(4) For the purposes of subsection (1), a reference to a form in section 10.1(1) of the Health Disciplines Act is deemed to be a reference to a form provided for by the by-laws.

(5) A person who is registered or whose registration is renewed under this section is deemed to be registered, subject to the same conditions, as a regulated member of, and to have been issued a practice permit by the registrar of, the Alberta College of Paramedics under this Act until the practice permit expires or is cancelled under this Act.

**8(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule, any proceedings with respect to a complaint made under the Health Professions Act or with respect to a preliminary investigation commenced under section 13.1(2) of the Health Disciplines Act, before the coming into force of this Schedule, with respect to the designated health discipline of Emergency Medical Technicians under the Health Disciplines Act that have not been concluded, must be concluded in accordance with that Act.

(3) Subject to section 5(e) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

(a) of the registrar of the designated health discipline of Emergency Medical Technicians under the Health Disciplines Act, except under section 15(1), are vested in and may be exercised by the complaints director of the Alberta College of Paramedics, and any reference to the registrar in the Health Disciplines Act, except in section 15(1), is deemed to be a reference to the complaints director under this Act;



- (b) of the chair of a committee under Part 4 of the Health Disciplines Act are vested in and may be exercised by the complaints director of the Alberta College of Paramedics, and any reference to the chair in Part 4 of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act;
- (c) of the Director of Health Disciplines under the Health Disciplines Act, except sections 7.6(8) and 13.1(2), are vested in and may be exercised by the hearings director of the Alberta College of Paramedics, and any reference to the Director of Health Disciplines in the Health Disciplines Act, except in section 7.6(8) or 13.1(2), is deemed to be a reference to the hearings director under this Act;
- (d) of the committee under section 14.1 of the Health Disciplines Act are vested in and may be exercised by the complaint review committee of the Alberta College of Paramedics, and any reference to a committee in section 14.1 of the Health Disciplines Act is deemed to be a reference to the complaint review committee under this Act;
- (e) of the registrar under section 15(1) of the Health Disciplines Act are vested in and may be exercised by the president of the Alberta College of Paramedics, and any reference to the registrar in section 15(1) of the Health Disciplines Act is deemed to be a reference to the president under this Act;
- (f) of the governing body of the association under Part 5 of the Health Disciplines Act are vested in and may be exercised by the council of the Alberta College of Paramedics, and any reference to the governing body of the association in Part 5 of the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (g) of the committee under Part 4 of the Health Disciplines Act, except under section 14.1, are vested in and may be exercised by a hearing tribunal of the Alberta College of Paramedics, and any reference to committee in Part 4 of the Health Disciplines Act, except in section 14.1, is deemed to be a reference to a hearing tribunal under this Act;
- (h) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the Alberta College of Paramedics, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act;

- (i) of the Director of Health Disciplines under section 13.1(2) of the Health Disciplines Act are vested in and may be exercised by the complaints director of the Alberta College of Paramedics, and any reference to the Director in section 13.1(2) of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act.
- (4) For the purposes of subsection (2), a reference to registration in the Health Disciplines Act is deemed to be a reference to registration and a practice permit under this Act.
- (5) If on the coming into force of this Schedule the Health Disciplines Board has commenced but not concluded hearing an appeal, the members of the Board continue as the Board for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated health discipline of Emergency Medical Technicians.
- (6) Any decision and order made by a committee as defined in Part 4 of the Health Disciplines Act, the Health Disciplines Board, a hearing tribunal or the council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 19**

### **PROFESSION OF PHARMACISTS**

- 1** On the coming into force of this Schedule, the corporation known as the Alberta Pharmaceutical Association is continued as a corporation under the name Alberta College of Pharmacists.
- 2** A regulated member of the Alberta College of Pharmacists may, as authorized by the regulations, use any of the following titles, abbreviations and initials:
  - (a) pharmacist;
  - (b) pharmaceutical chemist;
  - (c) druggist;
  - (d) apothecary;
  - (e) pharmacy intern;
  - (f) pharmacist student;

- (g) pharmacist intern;
- (h) pharmacy student;
- (i) Ph. C;
- (j) R. Ph.

**3** In their practice, pharmacists promote health and prevent and treat diseases, dysfunction and disorders through proper drug therapy and non-drug decisions and, in relation to that, do one or more of the following:

- (a) assist and advise clients, patients and other health care providers by contributing unique drug and non-drug therapy knowledge on drug and non-drug selection and use;
- (b) monitor responses and outcomes to drug therapy,
- (c) compound, prepare and dispense drugs,
- (d) provide non-prescription drugs, blood products, parenteral nutrition, health care aids and devices,
- (e) supervise and manage drug distribution systems to maintain public safety and drug system security,
- (f) educate clients, patients and regulated members of the Alberta College of Pharmacists and of other colleges in matters described in this section,
- (g) conduct or collaborate in drug-related research,
- (h) conduct or administer drug and other health-related programs, and
- (i) provide restricted activities authorized by the regulations

**4** Column 3 of the unprofessional conduct fines table applies to proceedings of the Alberta College of Pharmacists under Part 4.

**5** In addition to any order under section 82 of this Act, one or more of the following orders may be made by a hearing tribunal or by the council of the Alberta College of Pharmacists:

- (a) an order to suspend a pharmacy licence under the Pharmacy and Drug Act;

- (b) an order to cancel a licence under the Pharmacy and Drug Act.

**6(1)** If a prescription refers to a drug or drug combination by a brand name or a name other than its generic name, the regulated member who dispenses the prescription may dispense a drug or drug combination that is the generic or brand name equivalent of that named in the prescription unless the prescriber indicates otherwise

- (a) by designating the name of the manufacturer on the prescription, or
- (b) by specifying in the prescriber's original handwriting that no generic or brand name equivalent may be dispensed.

**(2)** No action may be commenced against a regulated member for dispensing a drug that is the generic or brand name equivalent of the drug named in the prescription unless the prescriber has indicated in accordance with subsection (1) that no drug other than the drug specified in the prescription may be dispensed.

**7** On the coming into force of this Schedule,

- (a) the members of the Council, except the member under section 8(1)(c) of the Pharmaceutical Profession Act, continue as members of the council of the Alberta College of Pharmacists under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the Registrar of the Alberta Pharmaceutical Association under the Pharmaceutical Profession Act continues as the registrar of the Alberta College of Pharmacists under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the President of the Alberta Pharmaceutical Association under the Pharmaceutical Profession Act continues as the president of the Alberta College of Pharmacists under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) the members of the Practice Review Committee of the Alberta Pharmaceutical Association under the Pharmaceutical Profession Act, except the member under section 39(b) of that Act, continue as members of the competence committee of the Alberta College of Pharmacists under this Act for the same terms of office unless their terms are terminated earlier under this Act;

- (e) the members of the Registration Committee of the Alberta Pharmaceutical Association under the Pharmaceutical Profession Act continue as members of the registration committee of the Alberta College of Pharmacists under this Act for the same term of office unless their terms are terminated earlier under this Act;
- (f) if an Investigating Committee has commenced a hearing but has not made its written decision, that Investigating Committee and its members are continued until a written decision is made in accordance with the former Act, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

**8** On the coming into force of this Schedule,

- (a) pharmacists, military pharmacists or academic practitioners under the former Act are deemed to be registered as regulated members of the Alberta College of Pharmacists, and
- (b) pharmacy interns under the former Act are deemed to be registered as regulated members of the Alberta College of Pharmacists, subject to the same conditions established under this Act for the category of regulated members known as pharmacy interns

and these members are deemed to be issued the applicable practice permit, under this Act, by the Registrar of the Alberta College of Pharmacists until it expires or is cancelled under this Act.

**9(1)** On the coming into force of this Schedule, an application for registration or for an annual certificate of registration as a pharmacist, military practitioner or an academic practitioner under the Pharmaceutical Profession Act or as a pharmacy intern that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Universities Co-ordinating Council under section 9 of the Pharmaceutical Profession Act are vested in and may be exercised by the Universities Co-ordinating Council;
- (b) of the Universities Co-ordinating Council under sections 13 and 14 of the Pharmaceutical Profession Act are vested in and may be exercised by the registration committee of the Alberta College of Pharmacists, and any reference to the Universities Co-ordinating Council in sections 13 and 14 of

the Pharmaceutical Profession Act is deemed to be a reference to the registration committee under this Act;

- (c) of the Registrar under the Pharmaceutical Profession Act are vested in and may be exercised by the registrar of the Alberta College of Pharmacists, and any reference to the Registrar in the Pharmaceutical Profession Act is deemed to be a reference to the registrar under this Act;
- (d) of the Registration Committee under the Pharmaceutical Profession Act are vested in and may be exercised by the registration committee of the Alberta College of Pharmacists, and any reference to the Registration Committee in the Pharmaceutical Profession Act is deemed to be a reference to the registration committee under this Act;
- (e) of the Internship Committee under the Pharmaceutical Profession Act are vested in and may be exercised by the registration committee of the Alberta College of Pharmacists, and any reference to the Internship Committee in the regulations under the Pharmaceutical Profession Act is deemed to be a reference to the registration committee under this Act;
- (f) of the Council under the Pharmaceutical Profession Act are vested in and may be exercised by the council of the Alberta College of Pharmacists, and any reference to the Council in the Pharmaceutical Profession Act is deemed to be a reference to the council under this Act.

(3) A person who is registered or whose application for an annual certificate is approved under this section is deemed to be registered, subject to the same conditions appropriate to the applicable category of regulated member, as a regulated member of, and to have been issued a practice permit by the registrar of, the Alberta College of Pharmacists under this Act until the practice permit expires or is cancelled under this Act.

**10(1)** On the coming into force of this Schedule, a review of a practice of a pharmacist or a restricted practitioner under Part 6 of the Pharmaceutical Profession Act that is commenced but not concluded must be concluded in accordance with that Act.

(2) For the purposes of subsection (1), the powers and duties

- (a) of the Practice Review Committee under the Pharmaceutical Profession Act are vested in and may be exercised by the competence committee of the Alberta College of Pharmacists, and any reference to the Practice

Review Committee in the Pharmaceutical Profession Act is deemed to be a reference to the competence committee under this Act;

- (b) of the Registrar under the Pharmaceutical Profession Act are vested in and may be exercised by the complaints director of the Alberta College of Pharmacists, and any reference to the Registrar in the Pharmaceutical Profession Act is deemed to be a reference to the complaints director under this Act;
- (c) of the Infringement Committee under section 40(2) of the Pharmaceutical Profession Act are vested in and may be exercised by the complaints director of the Alberta College of Pharmacists, and any reference to the Infringement Committee in section 40(2) of the Pharmaceutical Profession Act is deemed to be a reference to the complaints director under this Act;
- (d) of the Infringement Committee under section 41(2) of the Pharmaceutical Profession Act are vested in and may be exercised by the person or committee designated by the council of the Alberta College of Pharmacists under this Act, and any reference to the Infringement Committee in section 41(2) of the Pharmaceutical Profession Act is deemed to be a reference to that person or committee designated by the council under this Act;
- (e) of the Council under the Pharmaceutical Profession Act are vested in and may be exercised by the council of the Alberta College of Pharmacists, and any reference to the Council in the Pharmaceutical Profession Act is deemed to be a reference to the council under this Act;
- (f) of a person authorized by the Practice Review Committee under section 27 of the Pharmaceutical Profession Regulation (AR 322/94) are vested in and may be exercised by a person appointed by the competence committee of the Alberta College of Pharmacists under section 11 of Part 1, and any reference to the authorized person in the Pharmaceutical Profession Regulation (AR 322/94) is deemed to be a reference to the person appointed by the competence committee under this Act.

**11(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule, any proceedings with respect to a complaint under the Pharmaceutical Profession Act or a referral made under section 49(b) of the Pharmaceutical Profession Act, before the coming into force of this Schedule that have not been concluded, must be concluded in accordance with that Act.

(3) Subject to section 7(f) of this Schedule, and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the Infringement Committee under the Pharmaceutical Profession Act are vested in and may be exercised by the complaints director of the Alberta College of Pharmacists, and any reference to the Infringement Committee in the Pharmaceutical Profession Act is deemed to be a reference to the complaints director under this Act;
- (b) of the Appeals Committee under the Pharmaceutical Profession Act are vested in and may be exercised by the complaint review committee of the Alberta College of Pharmacists, and any reference to the Appeals Committee in the Pharmaceutical Profession Act is deemed to be a reference to the complaint review committee under this Act;
- (c) of an Investigating Committee under the Pharmaceutical Profession Act are vested in and, subject to section 7(f), may be exercised by a hearing tribunal of the Alberta College of Pharmacists, and any reference to an Investigating Committee in the Pharmaceutical Profession Act is deemed to be a reference to a hearing tribunal under this Act;
- (d) of the Registrar under the Pharmaceutical Profession Act are vested in and may be exercised by the complaints director of the Alberta College of Pharmacists, and any reference to the Registrar in the Pharmaceutical Profession Act is deemed to be a reference to the complaints director under this Act;
- (e) of the Council under the Pharmaceutical Profession Act are vested in and may be exercised by the council of the Alberta College of Pharmacists, and any reference to the Council in the Pharmaceutical Profession Act is deemed to be a reference to the council under this Act;
- (f) of the Practice Review Committee are vested in and may be exercised by the competence committee of the Alberta College of Pharmacists, and any reference to the Practice Review Committee in the Pharmaceutical Profession Act is



deemed to be a reference to the competence committee under this Act.

(4) For the purposes of subsection (2), references to a certificate of registration and annual certificate in the Pharmaceutical Profession Act are deemed to be references to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Council under the Pharmaceutical Profession Act has commenced hearing an appeal but not made a written decision, the Council and its members are continued until a written decision is made in accordance with the former Act, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

(6) Any decision and order made by an Investigating Committee, the Council, a hearing tribunal or the council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

**12(1)** Any complaint made before the coming into force of the Pharmaceutical Profession Act that relates to conduct governed by the Pharmaceutical Association Act (RSA 1980 cP-7) that occurred before the coming into force of the Pharmaceutical Profession Act must be dealt with in accordance with the Pharmaceutical Association Act as provided for in section 99 of the Pharmaceutical Profession Act as if this Schedule and Part 4 had not come into force and the Pharmaceutical Profession Act had not been repealed.

(2) For the purposes of subsection (1), the powers and duties of the Council and Registrar under the Pharmaceutical Association Act may be exercised and performed by the council and registrar of the Alberta College of Pharmacists under this Act, and any reference in the Pharmaceutical Association Act to the Council or Registrar is deemed to be a reference to the council or registrar under this Act.

## **SCHEDULE 20**

### **PROFESSION OF PHYSICAL THERAPISTS**

**1** On the coming into force of this Schedule, the corporation known as The College of Physical Therapists of Alberta is continued as a corporation under the name College of Physical Therapists of Alberta.

**2** A regulated member of the College of Physical Therapists of Alberta may, as authorized by the regulations, use any of the following titles and abbreviations:

- (a) physical therapist;
- (b) physiotherapist;
- (c) physiotherapy student;
- (d) physical therapy student;
- (e) physical therapy intern;
- (f) physiotherapy intern;
- (g) P.T.

**3** In their practice, physical therapists do one or more of the following:

- (a) assess physical function,
- (b) diagnose and treat dysfunction caused by a pain, injury, disease or condition in order to develop, maintain and maximize independence and prevent dysfunction, and
- (c) provide restricted activities authorized by the regulations.

**4** Column 3 of the unprofessional conduct fines table applies to proceedings of the College of Physical Therapists of Alberta under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the Council of The College of Physical Therapists of Alberta under the Physical Therapy Profession Act continue as members of the council of the College of Physical Therapists of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the Registrar of The College of Physical Therapists of Alberta under the Physical Therapy Profession Act continues as the registrar of the College of Physical Therapists of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;

- (c) the president of The College of Physical Therapists of Alberta under the Physical Therapy Profession Act continues as the president of the College of Physical Therapists of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) the members of the Registration Committee of The College of Physical Therapists under the Physical Therapy Profession Act continue as members of the registration committee of the College of Physical Therapists of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (e) if a reference has been made under section 41(b) of the Physical Therapy Profession Act or a determination has been made under section 43(2)(b) of the Physical Therapy Profession Act that a hearing should be held and a hearing has commenced but not concluded, the members of the Discipline Committee under the Physical Therapy Profession Act continue as members of the Discipline Committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

**6(1)** On the coming into force of this Schedule, a registered practitioner who is registered on the Special Clinical Practice Register or on the Courtesy Practitioner Register established in the General Regulation (AR 298/85) under the Physical Therapy Profession Act and a person who is a physical therapist registered on the register of physical therapists under the Physical Therapy Profession Act deemed to be registered as regulated members of, and deemed to have been issued a practice permit by the registrar of, the College of Physical Therapists of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**(2)** On the coming into force of this Schedule, a corporation that has been issued a permit under the Physical Therapy Profession Act is deemed to be a physical therapy corporation under this Act and to have been issued a permit by the registrar of the College of Physical Therapists of Alberta under this Act until the permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration or for renewal of an annual certificate made under the Physical Therapy Profession Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Universities Co-ordinating Council under the Physical Therapy Profession Act are vested in and may be exercised by the Universities Co-ordinating Council;
  - (b) of the Registrar under the Physical Therapy Profession Act are vested in and may be exercised by the registrar of the College of Physical Therapists of Alberta under this Act, and any reference to the Registrar in the Physical Therapy Profession Act is deemed to be a reference to the registrar under this Act;
  - (c) of the Council of The College of Physical Therapists of Alberta under the Physical Therapy Profession Act are vested in and may be exercised by the council of the College of Physical Therapists of Alberta under this Act, and any reference to the Council in the Physical Therapy Profession Act is deemed to be a reference to the council under this Act;
  - (d) of the Registration Committee under the Physical Therapy Profession Act are vested in and may be exercised by the registration committee of the College of Physical Therapists of Alberta under this Act, and any reference to the Registration Committee in the Physical Therapy Profession Act is deemed to be a reference to the registration committee under this Act.
- (3) A person who is registered or whose annual certificate is renewed under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Physical Therapists of Alberta under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** On the coming into force of this Schedule, a review of a practice under the Physical Therapy Profession Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Practice Review Board under the Physical Therapy Profession Act are vested in and may be exercised by the competence committee of the College of Physical Therapists of Alberta under this Act, and any reference to the Practice Review Board in the Physical Therapy Profession Act is deemed to be a reference to the competence committee under this Act;
- (b) of the Council under the Physical Therapy Profession Act are vested in and may be exercised by the council of the

College of Physical Therapists of Alberta under this Act, and any reference to the Council in the Physical Therapy Profession Act is deemed to be a reference to the council under this Act;

- (c) of the Registrar under the Physical Therapy Profession Act are vested in and may be exercised by the complaints director of the College of Physical Therapists of Alberta under this Act, and any reference to the Registrar in the Physical Therapy Profession Act is deemed to be a reference to the complaints director under this Act;
- (d) of the president of The College of Physical Therapists of Alberta under the Physical Therapy Profession Act are vested in and may be exercised by the president of the College of Physical Therapists of Alberta under this Act, and any reference to the president in the Physical Therapy Profession Act is deemed to be a reference to the president under this Act.

(3) For the purposes of subsection (1), the members of the Practice Review Board of The College of Physical Therapists under the Physical Therapy Profession Act continue as members of the competence committee of the College of Physical Therapists of Alberta under this Act for the same terms of office until the review of the practice is concluded unless their terms are terminated earlier under this Act.

**9(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule, any proceedings with respect to a complaint made under the Physical Therapy Profession Act or with respect to a preliminary investigation commenced or the appointment of persons to commence a preliminary investigation under section 39 of the Physical Therapy Profession Act that have not been concluded must be concluded in accordance with that Act.

(3) Subject to section 5(e) of this Schedule and subsection (5), for the purposes of subsection (1), the powers and duties

- (a) of the chairman of the Discipline Committee under the Physical Therapy Profession Act are vested in and may be exercised by the complaints director of the College of Physical Therapists of Alberta under this Act, and any reference to the chairman of the Discipline Committee in

the Physical Therapy Profession Act is deemed to be a reference to the complaints director under this Act;

- (b) of the Discipline Committee under the Physical Therapy Profession Act, except under section 43, are vested in and may be exercised by a hearing tribunal of the College of Physical Therapists of Alberta, and any reference to the Discipline Committee in the Physical Therapy Profession Act, except in section 43, is deemed to be a reference to the hearing tribunal under this Act;
- (c) of the Registrar under the Physical Therapy Profession Act are vested in and may be exercised by the complaints director of the College of Physical Therapists of Alberta, and any reference to the Registrar in the Physical Therapy Profession Act is deemed to be a reference to the complaints director under this Act;
- (d) a member of the Discipline Committee under sections 40(4)(b), 41 and 42 of the Physical Therapy Profession Act are vested in and may be exercised by the complaints director of the College of Physical Therapists of Alberta, and any reference to a member of the Discipline Committee in sections 40(4)(b), 41 and 42 of the Physical Therapy Profession Act is deemed to be a reference to the complaints director under this Act;
- (e) of the Discipline Committee under section 43 of the Physical Therapy Profession Act are vested in and may be exercised by the complaint review committee of the College of Physical Therapists of Alberta, and any reference to the Discipline Committee in section 43 of the Physical Therapy Profession Act is deemed to be a reference to the complaint review committee under this Act;
- (f) of the College under the Physical Therapy Profession Act are vested in and may be exercised by the College of Physical Therapists of Alberta under this Act, and any reference to the College in the Physical Therapy Profession Act is deemed to be a reference to the college under this Act;
- (g) of the president under the Physical Therapy Profession Act are vested in and may be exercised by the president of the College of Physical Therapists of Alberta under this Act, and any reference to the president in the Physical Therapy Profession Act is deemed to be a reference to the president under this Act;

(h) of the Council under the Physical Therapy Profession Act are vested in and may be exercised by the council of the College of Physical Therapists of Alberta under this Act, and any reference to the Council in the Physical Therapy Profession Act is deemed to be a reference to the council under this Act.

(4) For the purposes of subsection (1), references to a certificate of registration or annual certificate in sections 54 and 55 of the Physical Therapy Profession Act are deemed to be references to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Council under the Physical Therapy Profession Act has commenced but not concluded hearing an appeal, the members of the Council continue as the Council for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

(6) Any decision and order made by the Discipline Committee, the Council, a hearing tribunal or the council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

**10(1)** A regulated member of the College of Physical Therapists of Alberta shall not provide a professional service

- (a) for or on behalf of a person, other than a physical therapy corporation described in clause (c), who is not a regulated member of the College of Physical Therapists of Alberta,
- (b) for or on behalf of a partnership unless legal and beneficial ownership of not less than 75% of the partnership assets is vested in regulated members of the College of Physical Therapists of Alberta, other than physiotherapy students, physical therapy students, physical therapy interns and physiotherapy interns, or in physical therapy corporations described in clause (c), or
- (c) for or on behalf of a physical therapy corporation unless
  - (i) the legal and beneficial ownership of
    - (A) 75% of the issued and outstanding shares of the corporation, and
    - (B) 75% of the issued voting shares of the corporation

is vested in regulated members of the College of Physical Therapists of Alberta, other than physiotherapy students, physical therapy students, physical therapy interns and physiotherapy interns, and

- (ii) at least 75% of the directors of the corporation are regulated members of the College of Physical Therapists of Alberta.

(2) Subsection (1) does not apply to a regulated member of the College of Physical Therapists of Alberta or to a physical therapy corporation employed by

- (a) an institution owned, operated or controlled by a government or an agency or department of a government,
- (b) a nursing home, whether or not it is owned, operated or controlled by a government or an agency or department of a government,
- (c) an approved hospital as defined in the *Hospitals Act*,
- (d) a regional health authority, or
- (e) other employers approved by the council of the College of Physical Therapists of Alberta.

**11** The council must establish a record of physical therapy corporations.

**12** The registrar must issue a permit to a corporation that

- (a) files an application for a permit in the form provided for in the by-laws,
- (b) pays the fees provided for in the by-laws,
- (c) satisfies the registrar that it is a corporation in good standing with the registrar under the Business Corporations Act,
- (d) satisfies the registrar that the corporation, by law or by virtue of its incorporating documents, has the capacity to carry on the business and exercise the powers set out in the by-laws,
- (e) satisfies the registrar that the name of the corporation meets the requirements of the by-laws,



- (f) satisfies the registrar that the corporation meets the requirements of section 10(1)(c) of this Schedule,
- (g) satisfies the registrar that no shareholder or director of the corporation who is a regulated member has entered into a voting trust agreement, proxy or any other type of agreement vesting in another person who is not a regulated member of the college the authority to exercise the voting rights attached to any of the shareholder's or director's shares or of the voting rights of the directors if to do so would conflict with the requirements of section 10(1)(c) of this Schedule, and
- (h) satisfies the registrar that the persons who will carry on the practice of physical therapy on behalf of the corporation are regulated members of the college.

**13(1)** A permit issued to a physical therapy corporation expires on the date provided for in the by-laws.

(2) A permit may be suspended or cancelled or its renewal withheld by the council when any of the conditions specified in section 12 no longer continue to exist.

**14(1)** When the registrar issues a permit to a physical therapy corporation under this Schedule, the registrar must enter the name of the physical therapy corporation in the record of physical therapy corporations.

(2) When a permit issued to a physical therapy corporation expires or is cancelled, the registrar must record in the record of physical therapy corporations that the permit expired or was cancelled.

(3) The registrar shall not remove any information from the record of physical therapy corporations, except in accordance with the by-laws.

**15** No shareholder or director of a physical therapy corporation who is a regulated member of the College of Physical Therapists of Alberta shall enter into a voting trust agreement, proxy or any other type of agreement vesting in another person who is not a regulated member of the College of Physical Therapists of Alberta the authority to exercise the voting rights attached to any or all of the shareholder's or directors shares or the voting rights of the director if to do so would conflict with the requirements of section 10(1)(c) of this Schedule.

**16(1)** If a physical therapy corporation ceases to fulfil any condition specified in section 12(h) by reason only of

- (a) the death of a physical therapist, or
- (b) the cancellation of the registration or practice permit of a physical therapist,

who is a shareholder or director of the physical therapy corporation, the physical therapy corporation has a period of 90 days from the date of death, striking off or other removal or cancellation in which to fulfil the condition, failing which the permit is automatically cancelled effective on the expiration of the 90-day period without the necessity of an order of the council.

**(2)** In the event of the death of a physical therapist, the council may in writing order that the 90-day period provided for in subsection (1) be extended for a further period that it considers reasonable.

**(3)** If the practice permit of a physical therapist, who is a shareholder or director of the physical therapy corporation, is suspended, that physical therapist may remain as a shareholder or director of the physical therapy corporation but the member may not carry out the practice of physical therapy on behalf of the corporation while the practice permit is suspended.

**17** A physical therapy corporation must advise the registrar in writing of any change in its shareholders, directors or officers within 60 days of the change.

## **SCHEDULE 21**

### **PROFESSION OF PHYSICIANS, SURGEONS, OSTEOPATHS AND PODIATRISTS**

**1(1)** On the coming into force of this Schedule, the corporation known as the College of Physicians and Surgeons of the Province of Alberta is continued as a corporation under the same name.

**(2)** On the repeal of the Podiatry Act,

- (a) the corporation known as the Alberta Podiatry Association under the Podiatry Act is dissolved,
- (b) all the assets and liabilities of the Alberta Podiatry Association are vested in the Alberta Association of Podiatric Medicine, a society incorporated under the Societies Act, and

- (c) all rights of action by and against the Alberta Podiatry Association are vested in and may be continued and maintained by and against the Alberta Association of Podiatric Medicine, a society incorporated under the Societies Act.
- (3) Despite subsection (2) on the repeal of the Podiatry Act, the College of Physicians and Surgeons of the Province of Alberta has the ownership, custody and control of records of the Alberta Podiatry Association respecting the following:
- (a) current and former complaints and allegations of professional misconduct or incompetence made against members of the Alberta Podiatry Association and proceedings taken under the Podiatry Act in respect of those complaints and allegations,
  - (b) current and former applications for membership in the Alberta Podiatry Association and the educational qualifications of applicants for membership in, and of members of, the Alberta Podiatry Association,
  - (c) members and former members in the Alberta Podiatry Association and any registers or other material relating to membership and conditions, restrictions or limitations on membership, and
  - (d) decisions and orders made with respect to members or former members of the Alberta Podiatry Association under sections 12.5 and 12.6 of the Podiatry Act.
- (4) On the repeal of the Podiatry Act, the College of Physicians and Surgeons of the Province of Alberta has the ownership, custody and control of the records of the Board of Examiners in Podiatry respecting matters described in section 7(5) of the Podiatry Act.
- (5) Despite section 34(b) of the Freedom of Information and Protection of Privacy Act, on the repeal of the Podiatry Act the College of Physicians and Surgeons of the Province of Alberta has the ownership, custody and control of records of the Board of Examiners in Podiatry described in subsection (4), and the records must be given to the College of Physicians and Surgeons for the Province of Alberta.
- (6) The Minister may request and collect information and records described in subsection (4), from the College of Physicians and Surgeons of the Province of Alberta for purposes directly related to or necessary for any proceeding, including preparation for a proceeding, with respect to an action or claim, or with respect to the negotiation or settlement of an action or claim before it is before a Court or while it is before a Court, and the Minister may

disclose the information or records collected, as the Minister considers appropriate, in carrying out those purposes.

**2** A regulated member of the College of Physicians and Surgeons of the Province of Alberta may, as authorized by the regulations, use any of the following titles:

- (a) physician;
- (b) medical surgeon;
- (c) general practitioner;
- (d) family physician;
- (e) osteopath;
- (f) osteopathic practitioner;
- (g) podiatrist;
- (h) podiatric medical practitioner;
- (i) podiatric surgeon;
- (j) podiatric orthopedist;
- (k) anesthesiologist;
- (l) cardiologist;
- (m) clinical immunologist and allergist;
- (n) clinical pharmacologist;
- (o) intensivist;
- (p) dermatologist;
- (q) diagnostic radiologist;
- (r) endocrinologist;
- (s) gastroenterologist;
- (t) geriatrician;
- (u) hematologist;
- (v) internist;

(w) medical geneticist;  
(x) medical oncologist;  
(y) neonatologist;  
(z) nephrologist;  
(aa) neurologist;  
(bb) occupational medicine specialist;  
(cc) industrial medicine specialist;  
(dd) pediatrician;  
(ee) physiatrist;  
(ff) psychiatrist;  
(gg) radiation oncologist;  
(hh) rheumatologist;  
(ii) community medicine specialist;  
(jj) emergency medicine specialist;  
(kk) infectious disease specialist;  
(ll) nuclear medicine specialist;  
(mm) respiratory medicine specialist;  
(nn) perinatologist;  
(oo) anatomical pathologist;  
(pp) general pathologist;  
(qq) hematological pathologist;  
(rr) medical biochemist;  
(ss) medical microbiologist;  
(tt) neuropathologist;  
(uu) cardiovascular and thoracic surgeon;  
(vv) general surgeon;

- (ww) general surgical oncologist;
- (xx) gynecologic oncologist;
- (yy) gynecologic reproductive endocrinologist;
- (zz) neurosurgeon;
- (aaa) obstetrician;
- (bbb) ophthalmologist;
- (ccc) orthopedic surgeon;
- (ddd) otolaryngologist;
- (eee) pediatric general surgeon;
- (fff) plastic surgeon;
- (ggg) thoracic surgeon;
- (hhh) urologist;
- (iii) vascular surgeon;
- (jjj) gynecologist.

**3(1)** In their practice, physicians, surgeons and osteopaths do one or more of the following:

- (a) assess the physical, mental and psychosocial condition of individuals to establish a diagnosis,
- (b) assist individuals to make informed choices about medical and surgical treatments,
- (c) treat physical, mental and psychosocial conditions,
- (d) promote wellness, injury avoidance, disease prevention and cure through research and education,
- (e) engage in research, education and administration with respect to health, and
- (f) provide restricted activities authorized by the regulations.

**(2)** In their practice, podiatrists do one or more of the following:

- (a) diagnose and treat ailments, diseases, deformities and injuries of the human foot, including the articulation of the tibia and fibula and those muscles and tendons directly affecting foot function, including the employment of preventive measures and the use of medical, physical or surgical methods but not including treatment of systemic disease, except the local manifestations in the foot,
- (b) engage in research, education and administration with respect to health, and
- (c) provide restricted activities authorized by the regulations.

**4** Column 3 of the unprofessional conduct fines table applies to proceedings of the College of Physicians and Surgeons of the Province of Alberta under Part 4.

**5** Despite anything in this Act, a regulated member is not guilty of unprofessional conduct or of a lack of competence solely because the regulated member employs a therapy that is non-traditional or departs from the prevailing practices of physicians, surgeons, osteopaths or podiatrists unless it can be demonstrated that the therapy has a safety risk for that patient that is unreasonably greater than that of the traditional or prevailing practices.

**6(1)** There is hereby established a committee of the College of Physicians and Surgeons of the Province of Alberta called the Standing Committee on Podiatry consisting of the following members appointed by the council:

- (a) 3 regulated members who are podiatrists, one of whom must be designated as chair of the Committee, and
- (b) 2 regulated members who are physicians, surgeons or osteopaths, one of whom is a member of the council of the College of Physicians and Surgeons of the Province of Alberta.

**(2)** Subject to subsection (3), the council of the College of Physicians and Surgeons of the Province of Alberta must not discuss or vote on any matter specifically pertaining to the practice of podiatry, to podiatrists as a category, or to a particular podiatrist or category of podiatrists, unless

- (a) the matter is discussed or voted on at a meeting of the council of which the Standing Committee on Podiatry has been notified in accordance with the by-laws, and

- (b) the chair of the Standing Committee on Podiatry, or another member of the Committee who is a podiatrist and is designated for the purpose by the chair, is permitted by the council
    - (i) to participate in the discussion of the matter before a vote is taken on it, and
    - (ii) if the Standing Committee on Podiatry has prepared a report and recommendations on the matter, to present the report and recommendations before a vote is taken on the matter.
- (3) Subsection (2) does not apply to proceedings of the council under Part 4 relating to a podiatrist.

**7** In accordance with the by-laws,

- (a) if no regulated member who is a podiatrist is elected as a member of the council of the College of Physicians and Surgeons of the Province of Alberta, one regulated member who is a podiatrist must be appointed as a member of the council;
- (b) at least one regulated member who is a podiatrist must be appointed as a member of any committee, tribunal or panel of the College of Physicians and Surgeons of the Province of Alberta when any of those bodies
  - (i) considers or hears a matter affecting, or makes a decision about, a podiatrist, whether related to professional conduct, competence or any other matter, or
  - (ii) considers or makes a decision on an application for registration or renewal of registration, or an application for or renewal of a practice permit, of a podiatrist;
- (c) the registrar must consult with the Standing Committee on Podiatry before making decisions on the registration of a regulated member as a podiatrist under section 16 of this Schedule.

**8(1)** This section applies to all facilities in which regulated members of the College of Physicians and Surgeons of the Province of Alberta provide or cause to be provided diagnostic or treatment services, but does not apply to



- (a) an approved hospital within the meaning of the Hospitals Act,
  - (b) a hospital operated by the federal government,
  - (c) a health care facility operated by the federal government or the Government of Alberta,
  - (d) a hospital, clinic or centre operated by the Alberta Alcohol and Drug Abuse Commission, or
  - (e) a facility within the meaning of the Mental Health Act or a diagnostic and treatment centre established for the purpose of section 49(b) of the Mental Health Act.
- (2) The council may, for the protection of the public and to promote the continuing competent and ethical practice of physicians, surgeons, osteopaths and podiatrists, grant accreditation to or continue the accreditation of a facility where regulated members of the College of Physicians and Surgeons of the Province of Alberta provide or propose to provide diagnostic or treatment services, including prescribing and administering drugs and conducting surgical procedures, with or without anaesthetic, as specified in the regulations, that are of a specialized nature and that, in the opinion of the council,
- (a) cannot be safely provided in a medical office or clinic, but
  - (b) can be safely provided outside of an approved hospital within the meaning of the Hospitals Act.
- (3) A regulated member of the College of Physicians and Surgeons of the Province of Alberta shall not provide or cause to be provided diagnostic or treatment services in a facility that, in the opinion of council, requires accreditation under this section unless accreditation has been granted to that facility by the council.
- (4) The council may make regulations respecting
- (a) the establishment and operation, including the requirement for medical directors, of facilities that require or are granted accreditation under this section;
  - (b) the provision of diagnostic or treatment services by regulated members of the College of Physicians and Surgeons of the Province of Alberta in facilities that require or are granted accreditation under this section;
  - (c) subject to sections 96 to 99 of this Act, the ownership of the practice of physicians, surgeons, osteopaths and podiatrists and the financial and contractual arrangements

with respect to the provision of diagnostic or treatment services by the regulated members in facilities that require or are granted accreditation under this section;

- (d) the diagnostic or treatment services that may be provided by regulated members of the College of Physicians and Surgeons of the Province of Alberta in a facility that requires or has been granted accreditation under this section.

(5) A regulation under subsection (4) does not come into force unless it is approved by the Lieutenant Governor in Council.

(6) The council may establish a medical facility assessment committee to investigate and inspect facilities and proposed facilities in which regulated members of the College of Physicians and Surgeons of the Province of Alberta offer or propose to offer diagnostic or treatment services described in subsection (2) or (4)(d) for the purpose of advising the council on the practice of physicians, surgeons, osteopaths and podiatrists conducted by those regulated members, including advice respecting

- (a) the ownership and operation or the proposed ownership and operation of the practice of physicians, surgeons, osteopaths and podiatrists in the facilities;
- (b) the financial and contractual arrangements for the provision of diagnostic or treatment services in the facilities;
- (c) the diagnostic or treatment services appropriate to be provided in the facilities;
- (d) the standard of care appropriate and required for the provision of the diagnostic or treatment services in the facilities;
- (e) whether the results of any inspection of a facility were satisfactory;
- (f) establishing the standard of care to be provided or that is being provided to patients in the facilities;
- (g) the granting of accreditation or the continuation of a grant of accreditation of a facility under this section.

(7) The medical facility assessment committee must, on completion of an inspection under subsection (6), provide a report of its findings to council and to the medical director of the facility.

(8) If the medical facility assessment committee provides a report to the council stating that an accredited facility or a proposed

accredited facility does not meet the requirements established in the regulations, the medical facility assessment committee must also provide a copy of the report to the medical director of the facility, who may appeal the report to the council.

(9) An appeal by the medical director of a facility must be by a written notice of appeal and must

(a) identify the report appealed from, and

(b) state the reasons for the appeal.

(10) A notice of appeal must be given to the registrar by the medical director of the facility within 15 days after the date that the report was given to the medical director of the facility.

(11) The registrar must, on receiving a notice of appeal, provide a copy of the notice of appeal and the report of the medical facility assessment committee to each member of the council or of its delegates.

(12) A council must schedule an appeal hearing within 30 days of the date the registrar is given the notice of appeal, and the registrar must, as soon as possible, notify the medical director of the facility of the date, time and place of the appeal hearing.

(13) The chair of the medical facility assessment committee and the medical director of the facility may appear and be represented by counsel at the appeal hearing.

(14) An appeal to the council must be based on the report of the medical facility assessment committee.

(15) An appeal hearing must be open to the public unless an application is granted in accordance with section 78 of this Act.

(16) Sections 84 and 85 of this Act apply to the record resulting from the appeal.

(17) The council may

(a) grant adjournments of the proceedings to, or reserve the determination of the matters before it for, a future meeting of the council,

(b) on granting special leave, receive further evidence,

(c) vary, quash or confirm the findings of the medical facility assessment committee,

- (d) make any other finding that in its opinion ought to have been made, and
  - (e) order that the matter be referred back to the medical facility assessment committee for further assessment and that the medical facility assessment committee report back to the council for the council's consideration on the appeal.
- (18)** The council must issue its decision at or within a reasonable time after the conclusion of all proceedings under subsections (6) to (17).
- (19)** For the purposes of Part 4 it is unprofessional conduct for a regulated member of the College of Physicians and Surgeons of the Province of Alberta
- (a) to provide or cause to be provided diagnostic or treatment services in a facility that requires accreditation under this section but is not accredited;
  - (b) to provide or cause to be provided diagnostic or treatment services that are not allowed in the accreditation granted pursuant to the regulations under this section.

**9(1)** Despite Part 1, the competence committee of the College of Physicians and Surgeons of the Province of Alberta is hereby established and may be called the Performance Committee, and it must have at least 5 members and not more than 9 members consisting of

- (a) members from the categories of regulated members required by the by-laws, and
- (b) one member of the public who is not a physician, surgeon, osteopath or podiatrist.

**(2)** The council must designate annually a member of the Performance Committee to act as chair.

**(3)** If the Performance Committee establishes a subcommittee under section 10(2) of this Schedule to conduct a practice visit under section 11(2)(b) of this Schedule, at least one member of the subcommittee must possess competence respecting the area of practice under assessment.

**10(1)** The Performance Committee may adopt the by-laws of the council for the conduct of its business or, with the approval of the council, may establish its own rules and procedures.

(2) The Performance Committee may establish one or more subcommittees consisting of one or more persons who are not members of the Performance Committee to perform the duties and functions and exercise the powers of the Performance Committee.

(3) Any decision or other action made or taken under this Act by a subcommittee of the Performance Committee is the decision or action of the Performance Committee.

(4) Members of the Performance Committee or a subcommittee established under subsection (2) may be paid fees for attendance and reasonable travelling expenses in accordance with the by-laws.

**11(1)** The Performance Committee may, in accordance with the regulations, conduct a general assessment of the competence of each regulated member of the College of Physicians and Surgeons of the Province of Alberta once every 5 years.

(2) Within 90 days of completing a general assessment of a regulated member, the Performance Committee must prepare a report containing its findings, give a copy of the report to the regulated member and direct that

- (a) no further specified action be taken,
- (b) the regulated member participate in a practice visit, or
- (c) the regulated member undertake further specified action.

(3) Part 3 and the regulations under Part 8 apply to the practice visit and action referred to in subsections (2)(b) and (c) and (4)(b), but if there is a conflict between subsection (4) or (5) and Part 3 and the regulations under Part 8, subsections (4) and (5) prevail.

(4) Within 90 days of completing a practice visit, the Performance Committee must prepare a report containing its findings, give a copy of the report to the regulated member and

- (a) direct that no further specified action be taken,
- (b) direct that the regulated member undertake further specified action, or
- (c) refer the matter to the complaints director.

(5) The Performance Committee must refer a matter to the complaints director as information under section 56 or 117 of this Act if the Performance Committee is of the opinion that the regulated member

- (a) may be guilty of unprofessional conduct or criminal conduct, whether in a professional capacity or otherwise,
  - (b) may be incapacitated, or
  - (c) displays a lack of skill or judgment in carrying out the professional practice that has not been remedied by participation in a continuing competence program.
- (6)** The council may make regulations respecting general assessments.
- (7)** A regulation under subsection (6) does not come into force unless it is approved by the Lieutenant Governor in Council.
- 12(1)** An Appeal Committee is hereby established consisting of the members provided for by the by-laws.
- (2)** A regulated member who receives a direction from the Performance Committee under section 11(2) or (4) of this Schedule
- (a) may appeal to the Appeal Committee by filing a notice of appeal with the registrar within 30 days of the date of being given the direction, and the registrar must give a copy of the notice of appeal to the Performance Committee, and
  - (b) may apply in writing to the president to stay the decision of the Performance Committee pending the appeal, and the president must decide, as soon as possible, whether to grant a stay.
- (3)** A notice of appeal under subsection (2) must
- (a) be in writing, and
  - (b) set out the grounds for the appeal.
- (4)** On being given a copy of a notice of appeal by the registrar, the Performance Committee must prepare a report including a copy of the notice of appeal and must forward to the Appeal Committee the report and a statement of any direction given to the regulated member.
- (5)** The Appeal Committee must schedule the hearing of the appeal within 30 days of being given the notice of appeal, and the registrar must, as soon as possible, notify the appellant of the date, time and place of the appeal hearing.
- (6)** The Appeal Committee must consider the report and direction and must

- (a) hear any representation that the regulated member or the regulated member's counsel wishes to make respecting the report and directions, and
  - (b) hear any representation by counsel representing the Performance Committee.
- (7) The Appeal Committee may
- (a) confirm, reverse or vary the direction appealed and make any direction that the Performance Committee could have made, and
  - (b) make any further order the Appeal Committee considers necessary for the purposes of carrying out its decision.
- (8) The regulated member must comply with the decision of the Appeal Committee or any further order of the Appeal Committee under subsection (7).

**13(1)** A member of the Performance Committee, its subcommittees or the Appeal Committee and any person appointed under section 11 of Part 1 shall not publish, release or disclose in any manner information obtained in the course of carrying out any powers and duties under sections 11 and 12 of this Schedule and Part 3 except as is necessary to carry out those powers and duties.

(2) Information obtained by a regulated member from the Performance Committee or the Appeal Committee during or after a general assessment, practice visit or appeal shall not be published, released or disclosed by the regulated member in any manner unless the information is

- (a) published, released or disclosed in accordance with a direction of the Performance Committee or a decision of the Appeal Committee, or
- (b) released or disclosed to the counsel of the regulated member in connection with proceedings under section 11 or 12 of this Schedule or Part 3.

**14** On the coming into force of this Schedule,

- (a) the members of the Council of the College of Physicians and Surgeons of the Province of Alberta under the Medical Profession Act continue as members of the council of the College of Physicians and Surgeons of the Province of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;

- (b) the president of the College of Physicians and Surgeons of the Province of Alberta under the Medical Profession Act continues as the president of the College of Physicians and Surgeons of the Province of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the registrar of the College of Physicians and Surgeons of the Province of Alberta under the Medical Profession Act continues as the registrar of the College of Physicians and Surgeons of the Province of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) the members of the Appeal Committee of the College of Physicians and Surgeons of the Province of Alberta under the Medical Profession Act continue as members of the Appeal Committee of the College of Physicians and Surgeons of the Province of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (e) the members of the Physician Performance Committee of the College of Physicians and Surgeons of the Province of Alberta under the Medical Profession Act continue as members of the competence committee of the College of Physicians and Surgeons of the Province of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act, but may be referred to as the Performance Committee;
- (f) if a review panel has been appointed and the review has not been concluded, the members of the review panel continue as members of the review panel for the purposes of the review under the Medical Profession Act and as members of a committee under section 16(2)(d) of this Schedule and are deemed to be appointed to the committee by the Minister until the review is concluded;
- (g) if a direction is made under section 41(2) of the Medical Profession Act and the investigating committee has met for the purposes of taking evidence under section 47 of the Medical Profession Act but has not made a recommendation under section 51 of the Medical Profession Act, the members of the investigating committee continue as members of the investigating committee for the purposes of the proceedings under the Medical Profession Act until the proceedings are concluded, and a recommendation is made under the Medical Profession Act, as if this Schedule and Part 4 had not come into force and the Medical Profession Act had not been repealed;



- (h) despite clause (d), if a notice of appeal is filed under section 33.6(2) of the Medical Profession Act and the hearing is not concluded the members of the Appeal Committee continue as members of the Appeal Committee for the purposes of the review and as members of the Appeal Committee under this Schedule for the same term of office unless their terms are terminated earlier under this Act.

**15(1)** On the coming into force of this Schedule, a person who is registered under the Medical Profession Act on the Alberta Medical Register, Special Register, Educational Register, Courtesy Register or temporary register is deemed to be registered as a regulated member of, and is deemed to have been issued a practice permit by the registrar of, the College of Physicians and Surgeons of the Province of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

(2) On the coming into force of this Schedule, a person who holds a certificate as a specialist under section 79 of the Medical Profession Act is deemed to be certified, subject to the same conditions, as a specialist under this Act.

(3) On the coming into force of this Schedule, a professional corporation under the Medical Profession Act is deemed to be registered on the record of professional corporations of the College of Physicians and Surgeons of the Province of Alberta and to be issued an annual permit under this Act until the annual permit expires or is cancelled under this Act.

(4) On the coming into force of this Schedule, a person who is a member of the Alberta Podiatry Association is deemed to be a regulated member of the College of Physicians and Surgeons of the Province of Alberta and deemed to have been issued a practice permit that is subject to

- (a) the same conditions on practice imposed by the Alberta Podiatry Association that existed, on the coming into force of this Schedule, with respect to that person under the Podiatry Act, and
- (b) the same authority and conditions on the practice of a podiatrist under the Drugs, Chemicals and Compounds Regulation (AR 21/99), that existed on the coming into force of this Schedule,

until the practice permit expires, is modified or cancelled under this Act.

**16(1)** On the coming into force of this Schedule, an application for registration in the Alberta Medical Register, Special Register, Courtesy Register, Educational Register or temporary register under the Medical Profession Act that has not been concluded must be concluded in accordance with that Act, including the payment of fees and providing information required under that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the registrar under the Medical Profession Act are vested in and may be exercised by the registrar of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the registrar in the Medical Profession Act is deemed to be a reference to the registrar under this Act;
- (b) of the Universities Co-ordinating Council under the Medical Profession Act are vested in and may be exercised by the registrar of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the Universities Co-ordinating Council in the Medical Profession Act is deemed to be a reference to the registrar under this Act;
- (c) of the council under Part 2 of the Medical Profession Act are vested in and may be exercised by the council of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the council in Part 2 of the Medical Profession Act is deemed to be a reference to the council under this Act;
- (d) of a review panel under section 29 of the Medical Profession Act are vested in and may be exercised by a committee of 3 regulated members of the College of Physicians and Surgeons of the Province of Alberta under this Act appointed by the Minister, which is deemed to be a review panel appointed by the Minister under section 29 of the Medical Profession Act, and any reference to a review panel in section 29 of the Medical Profession Act is deemed to be a reference to the committee under this Act.

**(3)** On the coming into force of this Schedule, an application for registration under the Podiatry Act that is not concluded must be concluded in accordance with that Act, but the registrar may issue a practice permit and impose conditions on the practice permit under this Act.

**(4)** A decision of the registrar under subsection (3) may be appealed to the council of the College of Physicians and Surgeons

of the Province of Alberta in accordance with sections 31 and 32 of this Act.

(5) For the purposes of subsection (3), the powers and duties

- (a) of the Council of Management and of the Board of Examiners in Podiatry under the Podiatry Act are vested in and may be exercised by the registrar of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the Council of Management or the Board of Examiners in the Podiatry Act is deemed to be a reference to the registrar under this Act;
- (b) of the registrar under the Podiatry Act are vested in and may be exercised by the registrar of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the registrar in the Podiatry Act is deemed to be a reference to the registrar under this Act;
- (c) of the Minister under section 8(5) of the Podiatry Act remain with the Minister.

**17(1)** On the coming into force of this Schedule, an application for a permit under section 65 of the Medical Profession Act that has not been concluded must be concluded in accordance with that Act.

(2) For the purposes of subsection (1), the powers and duties of the registrar under the Medical Profession Act are vested in and may be exercised by the registrar of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the registrar in the Medical Profession Act is deemed to be a reference to the registrar under this Act.

(3) A corporation that is issued a permit under this section is deemed to be a professional corporation issued an annual permit under this Act until the annual permit expires or is cancelled under this Act.

**18(1)** On the coming into force of this Schedule, a general assessment, an individual assessment and a specified action commenced but not concluded under Part 2.1 of the Medical Profession Act must be concluded in accordance with that Act.

(2) For the purposes of subsection (1), the powers and duties

- (a) of the Physician Performance Committee under the Medical Profession Act are vested in and may be exercised by the Performance Committee of the College of Physicians and

Surgeons of the Province of Alberta under this Act, and any reference to the Physician Performance Committee in the Medical Profession Act is deemed to be a reference to the Performance Committee under this Act;

- (b) of the investigation chairman under the Medical Profession Act are vested in and may be exercised by the complaints director of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the investigation chairman in the Medical Profession Act is deemed to be a reference to the complaints director under this Act;
- (c) of the council under the Medical Profession Act are vested in and may be exercised by the council of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the council in the Medical Profession Act is deemed to be a reference to the council under this Act;
- (d) of the Appeal Committee under the Medical Profession Act are vested in and may be exercised by an Appeal Committee of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the Appeal Committee in the Medical Profession Act is deemed to be a reference to the Appeal Committee under this Act.

(3) For the purposes of subsection (1), a reference to a registered practitioner in the Medical Profession Act is deemed to be a reference to a regulated member under this Act.

**19(1)** Any complaint made on or after this Schedule comes into force with respect to a person described in subsection (2), that relates to conduct that occurred all or partly before the coming into force of this Schedule, must be dealt with under this Act.

(2) Subsection (1) applies to

- (a) a person who was a registered practitioner under the Medical Profession Act when the conduct that was the subject of the complaint was alleged to have occurred, but only if the complaint was made within the 2 years of that person ceasing to be a registered practitioner,
- (b) a person who was a member of the Alberta Podiatry Association when the conduct that was the subject of the complaint was alleged to have occurred, but only if the complaint was made within the 2 years of that person ceasing to be a registered practitioner, and

- (c) a regulated member of the College of Physicians and Surgeons of the Province of Alberta who was a registered practitioner under the Medical Profession Act or a member of the Alberta Podiatry Association when the conduct that was the subject of the complaint was alleged to have occurred.

(3) In dealing with a complaint about a podiatrist under subsection (2)(b), the podiatrist is deemed to have been a regulated member of the College of Physicians and Surgeons of the Province of Alberta when the conduct that was the subject of the complaint is alleged to have occurred.

(4) On the coming into force of this Schedule, any proceedings

- (a) with respect to a complaint or allegations referred to in section 36 of the Medical Profession Act made under the Medical Profession Act before the coming into force of this Schedule, or
- (b) with respect to any matter under review referred to in section 36 of the Medical Profession Act,

that have not been concluded must be concluded in accordance with that Act.

(5) Subject to section 14(g) and (h) of this Schedule, and subsection (6), for the purposes of subsection (4), the powers and duties

- (a) of the investigation chairman under the Medical Profession Act are vested in and may be exercised by the complaints director of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the investigation chairman in the Medical Profession Act is deemed to be a reference to the complaints director under this Act;
- (b) of the registrar under the Medical Profession Act are vested in and may be exercised by the registrar of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the registrar in the Medical Profession Act is deemed to be a reference to the registrar under this Act;
- (c) of a person conducting or making a preliminary investigation under the Medical Profession Act are vested in and may be exercised by an investigator of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to that person in the

Medical Profession Act is deemed to be a reference to an investigator under this Act;

- (d) of the Complaints Committee under the Medical Profession Act are vested in and may be exercised by the complaint review committee of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the Complaints Committee in the Medical Profession Act is deemed to be a reference to the complaint review committee under this Act;
- (e) of the investigating committee under the Medical Profession Act are vested in and may be exercised by a hearing tribunal of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the investigating committee in the Medical Profession Act is deemed to be a reference to the hearing tribunal under this Act;
- (f) of the council and the executive committee under the Medical Profession Act are vested in and may be exercised by the council of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the council or the executive committee in the Medical Profession Act is deemed to be a reference to the council under this Act.

(6) If on the coming into force of this Schedule the council under the Medical Profession Act has commenced but not concluded hearing an appeal, the members of the council continue as the council for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the Medical Profession Act had not been repealed.

(7) Any decision or order made by an investigating committee, the council or a hearing tribunal pursuant to subsection (5) or (6) is deemed to be a decision and order of a hearing tribunal or the council under this Act.

(8) For the purposes of subsection (4), a reference to a registered practitioner in Part 3 of the Medical Profession Act is deemed to be a reference to a regulated member under this Act, and a reference to registration in Part 3 of the Medical Profession Act is deemed to be a reference to registration and a practice permit under this Act.

(9) On the coming into force of this Schedule, any proceedings with respect to a complaint under the Podiatry Act made before the coming into force of this Schedule that have not been concluded must be concluded in accordance with that Act.

(10) Subject to subsection (11), for the purposes of subsection (9), the powers and duties

- (a) of the registrar under the Podiatry Act are vested in and may be exercised by the complaints director of the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the registrar in the Podiatry Act is deemed to be a reference to the complaints director under this Act;
- (b) of the Council of Management under the Podiatry Act are vested in and may be exercised by a hearing tribunal of the College of Physicians and Surgeons of the Province of Alberta, and any reference to the Council in the Podiatry Act is deemed to be a reference to the hearing tribunal under this Act;
- (c) of the Association under the Podiatry Act are vested in and may be exercised by the College of Physicians and Surgeons of the Province of Alberta under this Act, and any reference to the Association in the Podiatry Act is deemed to be a reference to the College of Physicians and Surgeons of the Province of Alberta.

(11) If on the coming into force of this Schedule the Council of Management under the Podiatry Act has commenced but not concluded hearing a matter, the Council and those members hearing the matter must continue until a written decision is made under the Podiatry Act as if this Schedule and Part 4 had not come into force and the Podiatry Act had not been repealed.

(12) For the purposes of subsections (9) and (11), a reference in section 12.5 of the Podiatry Act to the registration of an investigated member is deemed to be a reference to the registration and practice permit of a regulated member under this Act.

(13) On the coming into force of this Schedule, every order of the Council of Management made under section 12.5 or 12.6 of the Podiatry Act is deemed to be an order of the council of the College of Physicians and Surgeons of the Province of Alberta, and may be amended or cancelled by the council under this Act.

## **SCHEDULE 22**

### **PROFESSION OF PSYCHOLOGISTS**

**1** On the coming into force of this Schedule, the corporation known as The College of Alberta Psychologists is continued as a corporation under the same name.

**2** A regulated member of The College of Alberta Psychologists may, as authorized by the regulations, use any of the following titles:

- (a) psychologist;
- (b) psychological assistant;
- (c) provisional psychologist;
- (d) associate psychologist.

**3** In their practice, psychologists do one or more of the following:

- (a) assess, diagnose and treat mental, emotional, cognitive, behavioural and interpersonal difficulties of persons or groups of persons in order to prevent, remedy or ameliorate the difficulties and to enhance human effectiveness and quality of life, and
- (b) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of The College of Alberta Psychologists under Part 4.

**5** No regulated member except a regulated member who has obtained an earned doctoral degree in a program in psychology approved by the Credentials Evaluation Committee of The College of Alberta Psychologists shall use the title "Doctor" or the abbreviation "Dr." or "Ph.D." in connection with the practice of psychology without identifying the program or discipline in which the regulated member earned or received the doctoral degree.

**6** On the coming into force of this Schedule,

- (a) the members of the Council of The College of Alberta Psychologists under the Psychology Profession Act continue as members of the council of The College of



Alberta Psychologists under this Act for the same terms of office unless their terms are terminated earlier under this Act;

- (b) the Registrar of the College of Alberta Psychologists under the Psychology Profession Act continues as the registrar of The College of Alberta Psychologists under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of The College of Alberta Psychologists under the Psychology Profession Act continues as the president of The College of Alberta Psychologists under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) the members of the Registration Committee under the Psychology Profession Act continue as members of the registration committee of The College of Alberta Psychologists under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (e) if a matter is referred under section 32(b) of the Psychology Profession Act and a hearing has commenced but not concluded, the members of the Discipline Committee continue as members of the Discipline Committee until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

**7** On the coming into force of this Schedule, a person who is a chartered psychologist, provisional chartered psychologist, courtesy registrant or psychological assistant under the Psychology Profession Act is deemed to be registered as a regulated member of and to have been issued a practice permit by, the College of Alberta Psychologists under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**8(1)** On the coming into force of this Schedule, an application for registration or for renewal of an annual certificate or a reinstatement made under the Psychology Profession Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Registration Committee under the Psychology Profession Act are vested in and may be exercised by the registration committee of The College of Alberta

Psychologists under this Act, and any reference to the Registration Committee in the Psychology Profession Act is deemed to be a reference to the registration committee under this Act;

(b) of the Registrar under the Psychology Profession Act are vested in and may be exercised by the registrar of The College of Alberta Psychologists under this Act, and any reference to the Registrar in the Psychology Profession Act is deemed to be a reference to the registrar under this Act;

(c) of the Council under the Psychology Profession Act are vested in and may be exercised by the council of The College of Alberta Psychologists under this Act, and any reference to the Council in the Psychology Profession Act is deemed to be a reference to the council under this Act.

(3) On the coming into force of this Schedule, an approved program of psychology under section 9 of the Psychology Profession Act continues as an approved program of psychology for the purposes of subsection (1).

(4) A person who is registered or reinstated or whose application for an annual certificate is approved under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, The College of Alberta Psychologists under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**9(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule, any proceedings with respect to a complaint made under the Psychology Act or a preliminary investigation commenced by a person appointed to commence or continue a preliminary investigation under section 30.1 of the Psychology Profession Act, before the coming into force of this Schedule that have not been concluded must be concluded in accordance with that Act.

(3) Subject to section 6(e) of this Schedule and subsection (5), for the purposes of subsection (1), the powers and duties

(a) of the chairman of the Discipline Committee under the Psychology Profession Act are vested in and may be exercised by the complaints director of The College of Alberta Psychologists, and any reference to the chairman of the Discipline Committee in the Psychology Profession

Act is deemed to be a reference to the complaints director under this Act;

- (b) of the Discipline Committee under the Psychology Profession Act, except under section 34, are vested in and may be exercised by a hearing tribunal of The College of Alberta Psychologists, and any reference to the Discipline Committee in the Psychology Profession Act, except in section 34, is deemed to be a reference to a hearing tribunal under this Act;
- (c) of the Discipline Committee under section 34 of the Psychology Profession Act are vested in and may be exercised by the complaint review committee, and any reference to the Discipline Committee in section 34 of the Psychology Profession Act is deemed to be a reference to the complaint review committee under this Act;
- (d) of a member of the Discipline Committee under sections 31 to 33 of the Psychology Profession Act and the Registrar under the Psychology Profession Act are vested in and may be exercised by the complaints director of the College of Alberta Psychologists, and any reference to a member of the Discipline Committee in sections 31 to 33 of the Psychology Profession Act and any reference to the Registrar in the Psychology Profession Act are deemed to be references to the complaints director under this Act;
- (e) of a person conducting a preliminary investigation under the Psychology Profession Act are vested in and may be exercised by an investigator appointed under this Act, and any reference to a person conducting a preliminary investigation in the Psychology Profession Act is deemed to be a reference to an investigator under this Act;
- (f) of the president under the Psychology Profession Act are vested in and may be exercised by the president of The College of Alberta Psychologists under this Act, and any reference to the president in the Psychology Profession Act is deemed to be a reference to the president under this Act;
- (g) of The College of Alberta Psychologists under the Psychology Profession Act are vested in and may be exercised by The College of Alberta Psychologists under this Act, and any reference to the College in Part 6 of the Psychology Profession Act is deemed to be a reference to the college under this Act;
- (h) of the Council of The College of Alberta Psychologists under the Psychology Profession Act are vested in and may be exercised by the council of The College of Alberta

Psychologists under this Act, and any reference to the Council in Part 6 of the Psychology Profession Act is deemed to be a reference to the council under this Act.

(4) For the purposes of subsection (1), a reference to registration in the Psychology Profession Act is deemed to be a reference to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Council under the Psychology Profession Act has commenced but not concluded hearing an appeal, the members of the Council continue as the Council for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

(6) Any decision and order made by the Discipline Committee, the Council, a hearing tribunal or the council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 23**

### **PROFESSION OF REGISTERED DIETITIANS AND REGISTERED NUTRITIONISTS**

**1** On the coming into force of this Schedule, the corporation known as The Alberta Registered Dietitians Association is continued as a corporation under the name College of Dietitians of Alberta.

**2** A regulated member of the College of Dietitians of Alberta may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) registered dietitian;
- (b) dietitian;
- (c) registered nutritionist;
- (d) dietetic intern;
- (e) R.D.

**3** In their practice, registered dietitians and registered nutritionists do one or more of the following:

- (a) assess nutritional status and develop, implement and evaluate food and nutrition strategies and interventions to promote health and treat illness,
- (b) apply food and nutrition principles to the management of food service systems and to the development and analysis of food and food products,
- (c) promote optimal health, food security and food safety through the development and delivery of food and nutrition education, programs and policies, and
- (d) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the College of Dietitians of Alberta under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the Board of Directors of The Alberta Registered Dietitians Association under the Registered Dietitians Act continue as members of the council of the College of Dietitians of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the Registrar of The Alberta Registered Dietitians Association under the Registered Dietitians Act continues as the registrar of the College of Dietitians of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of The Alberta Registered Dietitians Association under the Registered Dietitians Act continues as the president of the College of Dietitians of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) the members of the Practice Review Committee of The Alberta Registered Dietitians Association under the Registered Dietitians Act continue as members of the competence committee under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (e) the members of the Registration Committee of The Alberta Registered Dietitians Association under the Registered Dietitians Act continue as members of the registration

committee under this Act for the same terms of office unless their terms are terminated earlier under this Act;

- (f) if a notice is served on an investigated person under section 29 of the Registered Dietitians Act and a hearing has commenced but not concluded, the members of the Discipline Committee under the Registered Dietitians Act continue as members of the Discipline Committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

**6** On the coming into force of this Schedule, a person who is registered as a registered dietitian and holds an annual certificate under the Registered Dietitians Act and a person who is registered as a registered dietitian (candidate) are deemed to be registered regulated members of, and to have been issued a practice permit by the registrar of, the College of Dietitians of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration or for reinstatement as a registered dietitian or for an annual certificate made under the Registered Dietitians Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Registrar under the Registered Dietitians Act are vested in and may be exercised by the registrar of the College of Dietitians of Alberta under this Act, and any reference to the Registrar in the Registered Dietitians Act is deemed to be a reference to the registrar under this Act;
- (b) of the Registration Committee under the Registered Dietitians Act are vested in and may be exercised by the registration committee of the College of Dietitians of Alberta under this Act, and any reference to the Registration Committee in the Registered Dietitians Act or the regulations under that Act is deemed to be a reference to the registration committee under this Act;
- (c) of the Board of Directors under the Registered Dietitians Act are vested in and may be exercised by the council of the College of Dietitians of Alberta under this Act, and any reference to the Board of Directors in the Registered Dietitians Act is deemed to be a reference to the council under this Act;

(d) of the Universities Co-ordinating Council under the regulations under the Registered Dietitians Act are vested in and may be exercised by the registrar or registration committee of the College of Dietitians of Alberta under this Act, and any reference to the Universities Co-ordinating Council in the regulations under the Registered Dietitians Act is deemed to be a reference to the registrar or registration committee under this Act.

(3) A person who is registered, reinstated or issued an annual certificate under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Dietitians of Alberta under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** On the coming into force of this Schedule, an inquiry by the Practice Review Committee under the Registered Dietitians Act that has not been concluded must be concluded in accordance with that Act.

(2) For the purposes of subsection (1), the powers and duties

(a) of the Practice Review Committee under the Registered Dietitians Act are vested in and may be exercised by the competence committee of the College of Dietitians of Alberta, and any reference to the Practice Review Committee in the Registered Dietitians Act is deemed to be a reference to the competence committee under this Act;

(b) of the Discipline Committee under the Registered Dietitians Act are vested in and may be exercised by the complaints director of the College of Dietitians of Alberta, and any reference to the Discipline Committee in the Registered Dietitians Act is deemed to be a reference to the complaints director under this Act;

(c) of the Board of Directors of The Alberta Registered Dietitians Association under the Registered Dietitians Act are vested in and may be exercised by the council of the College of Dietitians of Alberta, and any reference to the Board of Directors in the Registered Dietitians Act is deemed to be a reference to the council under this Act.

**9(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule, any proceedings, with respect to a complaint made before the coming into force of this Schedule under the Registered Dietitians Act that have not been concluded must be concluded in accordance with that Act.

(3) Subject to section 5(f) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the Registrar of The Alberta Registered Dietitians Association under the Registered Dietitians Act, except under sections 29 and 35, are vested in and may be exercised by the complaints director of the College of Dietitians of Alberta, and any reference to the Registrar in the Registered Dietitians Act, except in sections 29 and 35, is deemed to be a reference to the complaints director under this Act;
- (b) of the Registrar under sections 29 and 35 of the Registered Dietitians Act are vested in and may be exercised by the hearings director of the College of Dietitians of Alberta, and any reference to the Registrar in section 29 or 35 of the Registered Dietitians Act is deemed to be a reference to the hearings director under this Act;
- (c) of the chairman of the Discipline Committee under the Registered Dietitians Act, except under section 30, are vested in and may be exercised by the complaints director of the College of Dietitians of Alberta, and any reference to the chairman of the Discipline Committee in the Registered Dietitians Act, except in section 30, is deemed to be a reference to the complaints director under this Act;
- (d) of the chairman of the Discipline Committee under section 30 of the Registered Dietitians Act are vested in and may be exercised by the president of the College of Dietitians of Alberta, and any reference to the chairman of the Discipline Committee in section 30 of the Registered Dietitians Act is deemed to be a reference to the president under this Act;
- (e) of the Board of Directors under the Registered Dietitians Act, except under section 28, are vested in and may be exercised by the council of the College of Dietitians of Alberta, and any reference to the Board of Directors in the Registered Dietitians Act, except in section 28, is deemed to be a reference to the council under this Act;
- (f) of the Board of Directors under section 28 of the Registered Dietitians Act are vested in and may be exercised by the complaint review committee of the College of Dietitians of Alberta, and any reference to the



Board of Directors in section 28 of the Registered Dietitians Act is deemed to be a reference to the complaint review committee under this Act;

- (g) of the Discipline Committee under the Registered Dietitians Act are vested in and may be exercised by a hearing tribunal of the College of Dietitians of Alberta, and any reference to the Discipline Committee in the Registered Dietitians Act is deemed to be a reference to the hearing tribunal under this Act;
- (h) of The Alberta Registered Dietitians Association under the Registered Dietitians Act, except under sections 31, 34(3) and 41(2), are vested in and may be exercised by the council of the College of Dietitians of Alberta, and any reference to the Association in the Registered Dietitians Act, except in sections 31, 34(3) and 41(2), is deemed to be a reference to the council under this Act;
- (i) of The Alberta Registered Dietitians Association under section 34(3) of the Registered Dietitians Act are vested in and may be exercised by the hearings director of the College of Dietitians of Alberta, and any reference to the Association in section 34(3) of the Registered Dietitians Act is deemed to be a reference to the hearings director under this Act;
- (j) of the Registered Dietitians Association under sections 31 and 41(2) of the Registered Dietitians Act are vested in and may be exercised by the complaints director of the College of Dietitians of Alberta, and any reference to the Registered Dietitians Association in section 31 or 41(2) of the Registered Dietitians Act is deemed to be a reference to the complaints director under this Act.

(4) For the purpose of subsection (2), a reference in Part 5 or 6 of the Registered Dietitians Act to a certificate of registration and annual certificate is deemed to be a reference to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Board of Directors under the Registered Dietitians Act has commenced but not concluded a hearing, the members of the Board of Directors continue as the Board of Directors for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

(6) Any decision and order made by the Discipline Committee, a hearing tribunal, a Board of Directors or a council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 24**

### **PROFESSION OF REGISTERED NURSES**

**1** On the coming into force of this Schedule, the corporation known as the Alberta Association of Registered Nurses is continued as a corporation under the name Alberta Association and College of Registered Nurses.

**2** A regulated member of the Alberta Association and College of Registered Nurses may, as authorized by the regulations, use any of the following titles and initials:

- (a) registered nurse;
- (b) certified graduate nurse;
- (c) nursing student;
- (d) student nurse;
- (e) R.N.;
- (f) C.G.N.

**3** In their practice, registered nurses do one or more of the following:

- (a) based on an ethic of caring and the goals and circumstances of those receiving nursing services, registered nurses apply nursing knowledge, skill and judgment to
  - (i) assist individuals, families, groups and communities to achieve their optimal physical, emotional, mental and spiritual health and well-being,
  - (ii) assess, diagnose and provide treatment and interventions and make referrals,
  - (iii) prevent or treat injury and illness,
  - (iv) teach, counsel and advocate to enhance health and well-being,
  - (v) co-ordinate, supervise, monitor and evaluate the provision of health services,

- (vi) teach nursing theory and practice,
  - (vii) manage, administer and allocate resources related to health services, and
  - (viii) engage in research related to health and the practice of nursing,
- and
- (b) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the Alberta Association and College of Registered Nurses under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the Council of the Alberta Association of Registered Nurses continue as members of the council of the Alberta Association and College of Registered Nurses under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the Registrar of the Alberta Association of Registered Nurses continues as the registrar of the Alberta Association and College of Registered Nurses under this Act;
- (c) the President of the Alberta Association of Registered Nurses continues as the president of the Alberta Association and College of Registered Nurses under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) if the Professional Conduct Committee has commenced a hearing but has not made its decision, the Professional Conduct Committee and its members are continued until a written decision is made in accordance with the Nursing Profession Act as if this Schedule and Part 4 had not come into force and the Nursing Profession Act had not been repealed.

**6(1)** On the coming into force of this Schedule, a person who is registered on the Register of Registered Nurses and who holds an annual certificate is deemed to be a regulated member registered on the Register of Registered Nurses whose annual certificate is deemed to be a practice permit under this Act.

(2) On the coming into force of this Schedule, a person who holds a special permit or temporary permit under the former Act is deemed to be a regulated member under this Act, whose special permit or temporary permit is deemed to be a practice permit under this Act subject to the same conditions as under the Nursing Profession Act.

**7(1)** On the coming into force of this Schedule, an application for registration under the Nursing Profession Act that has not been concluded must be concluded in accordance with this Act and subject to the requirements for qualification that applied when the application was made.

(2) On the coming into force of this Schedule, an application for a special permit or for a temporary permit that has not been concluded under the Nursing Profession Act must be concluded in accordance with this Act and subject to the requirements for qualification that applied when the application was made.

(3) On the coming into force of this Schedule, an application for an annual permit under section 46 of the Nursing Profession Act that has not concluded must be concluded in accordance with this Act and subject to the requirements for qualification that applied when the application was made.

(4) On the coming into force of this Schedule, an application for reinstatement of registration or an annual certificate under the Nursing Profession Act that is not concluded must be concluded in accordance with this Act and the requirements to qualify for reinstatement that existed when the application was made apply to the application.

**8(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule, any proceedings with respect to a complaint made before the coming into force of this Schedule under the Nursing Profession Act that have not been concluded must be concluded in accordance with that Act.

(3) Subject to section 5(d) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the chairman of the Professional Conduct Committee under the Nursing Profession Act, except under section 65, are vested in and may be exercised by the chair of the complaint review committee of the Alberta Association and

College of Registered Nurses, and any reference to the chairman of the Professional Conduct Committee in the Nursing Profession Act, except in section 65, is deemed to be a reference to the chair of the complaint review committee under this Act;

- (b) of an investigator under the Nursing Profession Act are vested in and may be exercised by an investigator appointed under this Act, and any reference to an investigator in the Nursing Profession Act is deemed to be a reference to an investigator under this Act;
- (c) of the Professional Conduct Committee under section 64 of the Nursing Profession Act are vested in and may be exercised by the complaint review committee of the Alberta Association and College of Registered Nurses, and any reference to the Professional Conduct Committee in section 64 of the Nursing Profession Act is deemed to be a reference to the complaint review committee under this Act;
- (d) of the Executive Director under the Nursing Profession Act, except under section 67(3), are vested in and may be exercised by the complaints director of the Alberta Association and College of Registered Nurses under this Act, and any reference to the Executive Director in the Nursing Profession Act, except in section 67(3), is deemed to be a reference to the complaints director under this Act;
- (e) of the Executive Director under section 67(3) of the Nursing Profession Act are vested in and may be exercised by the hearings director of the Alberta Association and College of Registered Nurses and any reference to the Executive Director in section 67(3) of the Nursing Profession Act is deemed to be a reference to the hearings director under this Act;
- (f) of a mediator under the Nursing Profession Act are vested in and may be exercised by a person authorized to conduct an alternative complaint resolution process under this Act, and any reference to a mediator in the Nursing Profession Act is deemed to be a reference to the person authorized to conduct an alternative complaint resolution process under this Act;
- (g) of the Professional Conduct Committee under the Nursing Profession Act, except under section 64, are vested in and may be exercised by a hearing tribunal of the Alberta Association and College of Registered Nurses under this Act, and any reference to the Professional Conduct Committee in the Nursing Profession Act, except in section

64, is deemed to be a reference to a hearing tribunal under this Act;

(h) of the chairman of the Professional Conduct Committee under section 65 of the Nursing Profession Act are vested in and may be exercised by a person or committee designated by the council of the Alberta Association and College of Registered Nurses, and any reference to the chairman of the Professional Conduct Committee in section 65 of the Nursing Profession Act is deemed to be a reference to the person or committee designated by the council under this Act;

(i) of the Appeals Committee under the Nursing Profession Act are vested in and may be exercised by a panel of the council of the Alberta Association and College of Registered Nurses, and any reference to the Appeals Committee in the Nursing Profession Act is deemed to be a reference to the panel of the council under this Act.

(4) For the purposes of subsection (2), a reference to registration or permit in section 76 of the Nursing Profession Act is deemed to be a reference to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Appeals Committee under the Nursing Profession Act has commenced hearing an appeal but not made a written decision the Appeals Committee and its members are continued until a written decision is made in accordance with the Nursing Profession Act, as if this Schedule and Part 4 had not come into force and the Nursing Profession Act had not been repealed.

(6) Any decision and order made by the Professional Conduct Committee, Appeals Committee or hearing tribunal pursuant to this section is deemed to be a decision and order of a hearing tribunal under this Act.

**9** In sections 10 to 17 of this Schedule,

(a) “Board” means the Board of Directors of the Trust;

(b) “College” means the Alberta Association and College of Registered Nurses;

(c) “Trust” means the Alberta Registered Nurses Educational Trust continued by this Schedule.

**10(1)** The corporation known as the “Alberta Registered Nurses Educational Trust” is continued as a corporation under the same

name and is composed of those persons who are the members of the Trust.

(2) A member of the Board is a member of the Trust.

**11** In addition to the powers that it has under section 16 of the Interpretation Act, the Trust may

- (a) solicit, receive and hold any gift or devise on any trusts or conditions that seem appropriate to the Board, and administer the gift or devise in accordance with those trusts or conditions;
- (b) invest its funds in such investments as are considered appropriate by the Board;
- (c) borrow money for the purposes of the Trust and mortgage or charge real or personal property of the Trust, or its sources of funds, as security;
- (d) guarantee the repayment of loans in accordance with the by-laws of the Trust.

**12** The objects of the Trust are as follows:

- (a) to provide grants, bursaries, scholarships and fellowships and to make loans to persons enrolled in educational institutions for the purpose of obtaining a baccalaureate, master's or doctoral degree in a subject area in or related to nursing;
- (b) to provide grants and bursaries and make loans to persons enrolled in educational, administrative or clinical educational programs in or related to nursing;
- (c) to do those things that the Board considers necessary to promote the advancement and application of the knowledge of nursing.

**13(1)** The governing body of the Trust called the "Board of Directors" is continued and is composed of the number of persons prescribed by the by-laws of the Trust.

(2) The Board must manage and conduct the business and affairs of the Trust and exercise the powers of the Trust in the name of and on behalf of the Trust.

**14(1)** The Board may make by-laws

- (a) establishing the head office of the Trust and governing the internal operation and management of the Trust;
- (b) prescribing a seal for the use of the Trust;
- (c) governing the number of persons on the Board and the categories of person that must be represented;
- (d) providing for the appointment and conditions of employment of employees of the Trust or entering into an agreement with the council for the use of employees of the College;
- (e) respecting the calling, quorum and conduct of meetings of the Board and the members of the Trust;
- (f) governing the use and management of funds and of the real and personal property of the Trust;
- (g) governing the purposes for which loans, grants, bursaries, scholarships, fellowships or guarantees of loans may be granted;
- (h) prescribing applications for and conditions that may be attached to loans, grants, bursaries, scholarships, fellowships or guarantees of loans;
- (i) providing for the appointment of committees of the Board and delegating any power or duty of the Board to a person or committee, subject to any prescribed conditions;
- (j) respecting the honoraria and travelling and living expenses of directors or members of committees and employees of the Trust;
- (k) governing the appointment of patrons of the Trust and establishing categories of membership in the Trust and the fees, duties and privileges attached to each category and the manner in which membership may be terminated;
- (l) establishing and operating one or more funds for the purpose of carrying out the objects of the Trust.

**(2)** A by-law under subsection (1) does not come into force until it is approved by the council of the College.

**(3)** The Regulations Act does not apply to the by-laws of the Trust.



**15(1)** The accounts of the Trust must be audited annually by a chartered accountant appointed for that purpose by the Board.

**(2)** The fiscal year of the Trust is the calendar year unless the Board, by by-law, establishes another period as the fiscal year.

**16(1)** The Trust shall not be voluntarily wound up unless a special resolution to do so is passed by the members of the Trust.

**(2)** In the event that the Trust is wound up, the liquidator must transfer the remaining property of the Trust to the College to be used for the same or similar objects for which the Trust would have used the property if it had not been wound up.

**17** On the coming into force of this Schedule, in accordance with section 32 of the Interpretation Act, the by-laws of the Board continue under this Act.

## **SCHEDULE 25**

### **PROFESSION OF REGISTERED PSYCHIATRIC AND MENTAL DEFICIENCY NURSES**

**1(1)** On the coming into force of this Schedule, the corporation known as the Registered Psychiatric Nurses Association of Alberta is continued as a corporation under the name College of Registered Psychiatric Nurses of Alberta.

**(2)** On the coming into force of this Schedule, the College of Registered Psychiatric Nurses of Alberta has the ownership, custody and control of records of the Health Disciplines Board respecting the following:

- (a)** current and former complaints and allegations of professional misconduct or incompetence made against registered members of the designated health disciplines of Psychiatric Nurses and Mental Deficiency Nurses under the Health Disciplines Act and proceedings taken under the Health Disciplines Act in respect of those complaints and allegations,
- (b)** current and former applications for registration as registered members in the designated health disciplines of Psychiatric Nurses and Mental Deficiency Nurses under the Health Disciplines Act and the educational qualifications of applicants for registration in the designated health

disciplines of Psychiatric Nurses and Mental Deficiency Nurses,

- (c) registered members and former registered members in the designated health disciplines of Psychiatric Nurses and Mental Deficiency Nurses under the Health Disciplines Act and any registers or other material relating to registration and conditions, restrictions or limitations on registration,
- (d) decisions and orders made with respect to registered members or former registered members in the designated health disciplines of Psychiatric Nurses and Mental Deficiency Nurses under the Health Disciplines Act, and
- (e) records and information referred to in section 30 of the Health Disciplines Act relating to the designated health disciplines of Psychiatric Nurses and Mental Deficiency Nurses under the Health Disciplines Act.

(3) Despite section 34(b) of the Freedom of Information and Protection of Privacy Act, on the coming into force of this Schedule the College of Registered Psychiatric Nurses of Alberta has the ownership, custody and control of records described in subsection (2), and the records must be given to the College of Registered Psychiatric Nurses of Alberta.

(4) The Minister may request and collect information and records described in subsection (2) from the College of Registered Psychiatric Nurses of Alberta for purposes directly related to or necessary for any proceeding, including an appeal described in section 8(5) of this Schedule, and preparation for a proceeding, with respect to an action or claim, or with respect to the negotiation or settlement of an action or claim before it is before a Court or while it is before a Court, and the Minister may disclose the information or records collected, as the Minister considers appropriate, in carrying out those purposes.

**2** A regulated member of the College of Registered Psychiatric Nurses of Alberta may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) registered psychiatric nurse;
- (b) psychiatric nurse;
- (c) mental deficiency nurse;
- (d) registered mental deficiency nurse;
- (e) psychiatric nursing student;

- (f) R.P.N.;
- (g) P.N.;
- (h) P.N.S.;
- (i) M.D.N.;
- (j) R.M.D.N.

**3(1)** In their practice, psychiatric nurses apply nursing knowledge and skills and judgment and do one or more of the following:

- (a) work with individuals of all ages, families, groups and communities,
- (b) assess physical, mental, emotional and spiritual health needs,
- (c) develop diagnoses and plan, implement and evaluate nursing care, and
- (d) provide restricted activities authorized by the regulations.

**(2)** In their practice, mental deficiency nurses, with a focus on developmentally challenged individuals, apply nursing knowledge, skill and judgment and do one or more of the following:

- (a) work with individuals of all ages, groups, families and communities,
- (b) assess physical, mental, emotional and spiritual health needs,
- (c) develop diagnoses and plan, implement and evaluate nursing care, and
- (d) provide restricted activities authorized by the regulations.

**4** Column 1 of the unprofessional conduct fines table applies to proceedings of the College of Registered Psychiatric Nurses of Alberta under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the Council of the Registered Psychiatric Nurses Association of Alberta under the Health Disciplines Act continue as members of the council of the College of

Registered Psychiatric Nurses under this Act for the same terms of office unless their terms are terminated earlier under this Act;

- (b) the registrar of the designated health discipline of Psychiatric Nurses under the Health Disciplines Act continues as the registrar of the College of Registered Psychiatric Nurses under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of the Registered Psychiatric Nurses Association of Alberta under the Health Disciplines Act continues as the president of the College of Registered Psychiatric Nurses under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) the members of the Registration Committee established under the Psychiatric Nurses Regulation (AR 509/87) continue as members of the registration committee of the College of Registered Psychiatric Nurses of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (e) if a referral has been made under section 14 of the Health Disciplines Act or a determination has been made under section 14.1 of the Health Disciplines Act that a hearing should be held and a hearing has commenced but not concluded,
  - (i) the members of the committee, as defined in section 12.1 of the Health Disciplines Act, with respect to the designated health discipline of Psychiatric Nurses, and
  - (ii) the members of the committee, as defined in section 12.1 of the Health Disciplines Act, with respect to the designated health discipline of Mental Deficiency Nurses

continue as members of the respective committees for the purposes of the respective hearings until the hearing is concluded, including the making of a decision and order, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated health disciplines of Psychiatric Nurses and Mental Deficiency Nurses.

**6** On the coming into force of this Schedule, a person who is registered as a member of the designated health discipline of Psychiatric Nurses or Mental Deficiency Nurses under the Health

Disciplines Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Registered Psychiatric Nurses of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration, temporary registration or renewal of registration as a member of the designated health discipline of Psychiatric Nurses or Mental Deficiency Nurses under the Health Disciplines Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Director of Health Disciplines under the Health Disciplines Act are vested in and may be exercised by the registrar of the College of Registered Psychiatric Nurses of Alberta, and any reference to the Director of Health Disciplines in the Health Disciplines Act is deemed to be a reference to the registrar under this Act;
- (b) of the Registration Committee of the Registered Psychiatric Nurses Association of Alberta under the Health Disciplines Act are vested in and may be exercised by the registration committee of the College of Registered Psychiatric Nurses of Alberta, and any reference to a committee in the Health Disciplines Act is deemed to be a reference to the registration committee under this Act;
- (c) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the College of Registered Psychiatric Nurses of Alberta, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (d) of the registrar of the designated health discipline of Psychiatric Nurses or Mental Deficiency Nurses under the Health Disciplines Act are vested in and may be exercised by the complaints director of the College of Registered Psychiatric Nurses of Alberta, and any reference to the registrar in the Health Disciplines Act is deemed to be a reference to the complaints director under this Act.

**(3)** On the coming into force of this Schedule, a program of studies, an examination or a refresher program approved by the Health Disciplines Board under the Psychiatric Nurses Regulation (AR 509/87) continue as an approved program of studies, examination or refresher program for the purposes of subsection (1).

(4) For the purposes of subsection (1), a reference to a form in section 10.1(1) of the Health Disciplines Act is deemed to be a reference to a form provided for by the by-laws.

(5) A person who is registered or whose registration is renewed under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College of Registered Psychiatric Nurses of Alberta under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule, any proceedings with respect to a complaint made under the Health Disciplines Act or with respect to a preliminary investigation commenced under section 13.1(2) of the Health Disciplines Act, before the coming into force of this Schedule, with respect to the designated health discipline of Psychiatric Nurses or Mental Deficiency Nurses under the Health Disciplines Act that have not been concluded must be concluded in accordance with that Act.

(3) Subject to section 5(e) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

(a) of the registrar under the Health Disciplines Act, except under section 15(1), are vested in and may be exercised by the complaints director of the College of Registered Psychiatric Nurses of Alberta, and any reference to the registrar in the Health Disciplines Act, except in section 15(1), is deemed to be a reference to the complaints director under this Act;

(b) of the registrar under section 15(1) of the Health Disciplines Act are vested in and may be exercised by the president of the College of Registered Psychiatric Nurses of Alberta, and any reference to the registrar in section 15(1) of the Health Disciplines Act is deemed to be a reference to the president under this Act;

(c) of the chair of a committee under Part 4 of the Health Disciplines Act are vested in and may be exercised by the complaints director of the College of Registered Psychiatric Nurses of Alberta, and any reference to the chair in Part 4 of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act;

- (d) of the Director of Health Disciplines under the Health Disciplines Act, except under sections 7.6(8) and 13.1(2), are vested in and may be exercised by the hearings director of the College of Registered Psychiatric Nurses of Alberta, and any reference to the Director in the Health Disciplines Act, except in sections 7.6(8) and 13.1(2), is deemed to be a reference to the hearings director under this Act;
- (e) of the conduct and competency committee of the Registered Psychiatric Nurses Association of Alberta and of the Mental Deficiency Nurse Committee under section 14.1 of the Health Disciplines Act are vested in and may be exercised by the complaint review committee of the College of Registered Psychiatric Nurses of Alberta, and any reference to the committee in section 14.1 of the Health Disciplines Act is deemed to be a reference to the complaint review committee under this Act;
- (f) of the conduct and competency committee of the Registered Psychiatric Nurses Association of Alberta and of the Mental Deficiency Nurse Committee under Part 4 of the Health Disciplines Act, except under section 14.1, are vested in and may be exercised by a hearing tribunal of the College of Registered Psychiatric Nurses of Alberta, and any reference to the committee in Part 4 of the Health Disciplines Act, except in section 14.1, is deemed to be a reference to the hearing tribunal under this Act;
- (g) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the College of Registered Psychiatric Nurses of Alberta, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (h) of the governing body of the association under Part 5 of the Health Disciplines Act are vested in and may be exercised by the council of the College of Registered Psychiatric Nurses of Alberta, and any reference to the governing body of the association in Part 5 of the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (i) of the Director of Health Disciplines under section 13.1(2) of the Health Disciplines Act are vested in and may be exercised by the complaints director of the College of Registered Psychiatric Nurses of Alberta, and any reference to the Director in section 13.1(2) of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act.

(4) For the purposes of subsection (2), a reference to registration in the Health Disciplines Act is deemed to be a reference to registration and a practice permit under this Act.

(5) If on the coming into force of this Schedule the Health Disciplines Board has commenced but not concluded hearing an appeal, the members of the Board continue as the Board for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated health disciplines of Psychiatric Nurses and Mental Deficiency Nurses.

(6) Any decision and order made by a committee, as defined in Part 4 of the Health Disciplines Act, the Health Disciplines Board, a hearing tribunal or the council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 26**

### **PROFESSION OF RESPIRATORY THERAPISTS**

1(1) On the coming into force of this Schedule, the corporation known as the Alberta College and Association of Respiratory Therapy is continued as a corporation under the name College and the Association of Respiratory Therapists of Alberta.

(2) On the coming into force of this Schedule, the College and the Association of Respiratory Therapists of Alberta has the ownership, custody and control of records of the Health Disciplines Board respecting the following:

- (a) current and former complaints and allegations of professional misconduct or incompetence made against registered members of the designated health discipline of Respiratory Therapists under the Health Disciplines Act and proceedings taken under the Health Disciplines Act in respect of those complaints and allegations,
- (b) current and former applications for registration as registered members in the designated health discipline of Respiratory Therapists under the Health Disciplines Act and the educational qualifications of applicants for registration in the designated health discipline of Respiratory Therapists,
- (c) registered members and former registered members in the designated health discipline of Respiratory Therapists under the Health Disciplines Act and any registers or other



material relating to registration and conditions, restrictions or limitations on registration,

- (d) decisions and orders made with respect to registered members or former registered members in the designated health discipline of Respiratory Therapists under the Health Disciplines Act, and
- (e) records and information referred to in section 30 of the Health Disciplines Act relating to the designated health discipline of Respiratory Therapists under the Health Disciplines Act.

(3) Despite section 34(b) of the Freedom of Information and Protection of Privacy Act, on the coming into force of this Schedule the College and the Association of Respiratory Therapists of Alberta has the ownership, custody and control of records described in subsection (2), and the records must be given to the College and the Association of Respiratory Therapists of Alberta.

(4) The Minister may request and collect information and records described in subsection (2) from the College and the Association of Respiratory Therapists of Alberta for purposes directly related to or necessary for any proceeding, including an appeal described in section 8(5) of this Schedule and preparation for a proceeding, with respect to an action or claim, or with respect to the negotiation or settlement of an action or claim before it is before a Court or while it is before a Court, and the Minister may disclose the information or records collected, as the Minister considers appropriate, in carrying out those purposes.

**2** A regulated member of the College and the Association of Respiratory Therapists of Alberta may, in accordance with the regulations, use any of the following titles, abbreviations and initials:

- (a) registered respiratory technologist;
- (b) registered respiratory therapist;
- (c) respiratory technologist;
- (d) R.R.T.

**3** In their practice, respiratory therapists do one or more of the following:

- (a) provide basic and advanced cardio-respiratory support services to assist in the diagnosis, treatment and care of persons with cardio-respiratory and related disorders, and
- (b) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the College and the Association of Respiratory Therapists of Alberta under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the executive of the Alberta College and Association of Respiratory Therapy under the Health Disciplines Act continue as members of the council of the College and the Association of Respiratory Therapists of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the registrar of the Alberta College and Association of Respiratory Therapy under the Health Disciplines Act continues as the registrar of the College and the Association of Respiratory Therapists of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of the Alberta College and Association of Respiratory Therapy under the Health Disciplines Act continues as the president of the College and the Association of Respiratory Therapists of Alberta under this Act for the same term of office unless the term is terminated earlier under this Act;
- (d) if a referral has been made under section 14 of the Health Disciplines Act or a determination has been made under section 14.1 of the Health Disciplines Act that a hearing should be held and a hearing has commenced but not concluded, the members of the committee, as defined in section 12.1 of the Health Disciplines Act, continue as members of that committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated discipline of Respiratory Therapists;
- (e) the members of a committee, as defined in section 8 of the Health Disciplines Act, of the Alberta College and Association of Respiratory Therapy continue as members of the registration committee of the College and the

Association of Respiratory Therapists of Alberta under this Act for the same terms of office unless their terms are terminated earlier under this Act.

**6** On the coming into force of this Schedule, a person who is registered or temporarily registered as a member of the designated health discipline of Respiratory Therapists under the Health Disciplines Act is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College and the Association of Respiratory Therapists of Alberta under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration, temporary registration or renewal of registration as a member of the designated health discipline of Respiratory Therapists under the Health Disciplines Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Registrar of the Alberta College and Association of Respiratory Therapy under the Health Disciplines Act are vested in and may be exercised by the registrar of the College and the Association of Respiratory Therapists of Alberta under this Act, and any reference to the registrar in the Health Disciplines Act is deemed to be a reference to the registrar under this Act;
- (b) of the Registration Committee of the Alberta College and Association of Respiratory Therapy under the Health Disciplines Act are vested in and may be exercised by the registration committee of the College and the Association of Respiratory Therapists of Alberta under this Act, and any reference to a committee in the Health Disciplines Act is deemed to be a reference to the registration committee under this Act;
- (c) of the Health Disciplines Board to review a decision of the Registration Committee of the Alberta College and Association of Respiratory Therapy under the Health Disciplines Act are vested in and may be exercised by the council of the College and the Association of Respiratory Therapists of Alberta, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (d) of the Director of Health Disciplines under the Health Disciplines Act are vested in and may be exercised by the

registrar of the College and the Association of Respiratory Therapists of Alberta under this Act, and any reference to the Director of Health Disciplines in the Health Disciplines Act is deemed to be a reference to the registrar under this Act.

(3) On the coming into force of this Schedule, a program of study, examination and refresher program approved by the Health Disciplines Board under the Respiratory Therapists Regulation (AR 328/85) continue as an approved program of study, examination and a refresher program for the purposes of subsection (1).

(4) For the purposes of subsection (1), a reference to a form in section 10.1(1) of the Health Disciplines Act is deemed to be a reference to a form provided for by the by-laws.

(5) A person who is registered or whose registration is renewed under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the College and the Association of Respiratory Therapists of Alberta under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

(2) On the coming into force of this Schedule, any proceedings with respect to a complaint made under the Health Disciplines Act or with respect to a preliminary investigation commenced under section 13.1(2) of the Health Disciplines Act, before the coming into force of this Schedule, with respect to the designated health discipline of Respiratory Therapists under the Health Disciplines Act that have not been concluded must be concluded in accordance with that Act.

(3) Subject to section 5(d) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the registrar under the Health Disciplines Act, except under section 15(1), are vested in and may be exercised by the complaints director of the College and the Association of Respiratory Therapists of Alberta under this Act, and any reference to the registrar in the Health Disciplines Act, except in section 15(1), is deemed to be a reference to the complaints director under this Act;
- (b) of the chair of a committee under Part 4 of the Health Disciplines Act are vested in and may be exercised by the

complaints director of the College and the Association of Respiratory Therapists of Alberta under this Act, and any reference to the chair in Part 4 of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act;

- (c) of the registrar under section 15(1) of the Health Disciplines Act are vested in and may be exercised by the president of the College and the Association of Respiratory Therapists of Alberta under this Act, and any reference to the registrar in section 15(1) of the Health Disciplines Act is deemed to be a reference to the president under this Act;
- (d) of the committee under section 14.1 of the Health Disciplines Act are vested in and may be exercised by the complaint review committee of the College and the Association of Respiratory Therapists of Alberta under this Act, and any reference to the committee in section 14.1 of the Health Disciplines Act is deemed to be a reference to the complaint review committee under this Act;
- (e) of the committee under Part 4 of the Health Disciplines Act, except under section 14.1, are vested in and may be exercised by a hearing tribunal of the College and the Association of Respiratory Therapists of Alberta under this Act, and any reference to the committee in Part 4 of the Health Disciplines Act, except in section 14.1, is deemed to be a reference to the hearing tribunal under this Act;
- (f) of the Health Disciplines Board under the Health Disciplines Act are vested in and may be exercised by the council of the College and the Association of Respiratory Therapists of Alberta, and any reference to the Health Disciplines Board in the Health Disciplines Act is deemed to be a reference to the council under this Act;
- (g) of the Director of Health Disciplines under the Health Disciplines Act, except under sections 7.6(8) and 13.1(2), are vested in and may be exercised by the hearings director of the College and the Association of Respiratory Therapists of Alberta under this Act, and any reference to the Director in the Health Disciplines Act, except in sections 7.6(8) and 13.1(2), is deemed to be a reference to the hearings director under this Act;
- (h) of the governing body of the association under Part 5 of the Health Disciplines Act are vested in and may be exercised by the council of the College and the Association of Respiratory Therapists of Alberta under this Act, and any reference to the governing body of the association in

Part 5 of the Health Disciplines Act is deemed to be a reference to the council under this Act;

- (i) of the Director of Health Disciplines under section 13.1(2) of the Health Disciplines Act are vested in and may be exercised by the complaints director of the College and the Association of Respiratory Therapists of Alberta, and any reference to the Director in section 13.1(2) of the Health Disciplines Act is deemed to be a reference to the complaints director under this Act.

(4) For the purposes of subsection (2), a reference to registration in the Health Disciplines Act is deemed to be a reference to registration and a practice permit under the Health Professions Act.

(5) If on the coming into force of this Schedule the Health Disciplines Board has commenced but not concluded hearing an appeal, the members of the Board continue as the Board for the purposes of hearing the appeal until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed with respect to the designated health discipline of Respiratory Therapists.

(6) Any decision and order made by the committee as defined in Part 4 of the Health Disciplines Act, the Health Disciplines Board, a hearing tribunal or council pursuant to this section is deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 27**

### **PROFESSION OF SOCIAL WORKERS**

**1** On the coming into force of this Schedule, the corporation known as the Alberta Association of Registered Social Workers is continued as a corporation under the name Alberta College of Social Workers.

**2** A regulated member of the Alberta College of Social Workers may, in accordance with the regulations, use any of the following titles, abbreviations and initials:

- (a) social worker;
- (b) registered social worker;
- (c) S.W.;
- (d) R.S.W.;

- (e) Soc. Wkr.

**3** In their practice, social workers do one or more of the following:

- (a) enhance or restore the social functioning of individuals, families, groups, organizations and communities by improving developmental, problem-solving and coping capacities of people and systems,
- (b) promote effective and humane systems that provide resources, opportunities and services to people and link people to those systems,
- (c) contribute to the development and improvement of social policy, and
- (d) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the Alberta College of Social Workers under Part 4.

**5** On the coming into force of this Schedule,

- (a) the members of the Council of the Alberta Association of Registered Social Workers continue as members of the council of the Alberta College of Social Workers for the same terms of office unless their terms are terminated earlier under this Act;
- (b) the Registrar of the Alberta Association of Registered Social Workers continues as the registrar of the Alberta College of Social Workers for the same term of office unless the term is terminated earlier under this Act;
- (c) the president of the Alberta Association of Registered Social Workers continues as the president of the Alberta College of Social Workers for the same term of office unless the term is terminated earlier under this Act;
- (d) the members of the Practice Review Board of the Alberta Association of Registered Social Workers under the Social Work Profession Act continue as members of the competence committee of the Alberta College of Social Workers under this Act for the same terms of office unless their terms are terminated earlier under this Act;

- (e) if a referral has been made under section 31(b) of the Social Work Profession Act or a determination has been made under section 33(2)(b) of the Social Work Profession Act that a hearing should be held, and the hearing has commenced but is not concluded, the members of the Discipline Committee continue as members of the Discipline Committee for the purposes of the hearing until it is concluded, as if this Schedule and Part 4 had not come into force and the former Act had not been repealed.

**6** On the coming into force of this Schedule, a person who is registered as a social worker and holds an annual certificate under the Social Work Profession Act is deemed to have been registered as a regulated member of, and is deemed to be issued a practice permit by the registrar of, the Alberta College of Social Workers under this Act subject to the same conditions as under the former Act until the practice permit expires or is cancelled under this Act.

**7(1)** On the coming into force of this Schedule, an application for registration or for renewal of an annual certificate made under the Social Work Profession Act that has not been concluded must be concluded in accordance with that Act.

**(2)** For the purposes of subsection (1), the powers and duties

- (a) of the Registrar of the Alberta Association of Registered Social Workers under the Social Work Profession Act are vested in and may be exercised by the registrar of the Alberta College of Social Workers under this Act, and any reference to the Registrar in the Social Work Profession Act is deemed to be a reference to the registrar under this Act;
- (b) of the Council of the Alberta Association of Registered Social Workers under the Social Work Profession Act are vested in and may be exercised by the council of the Alberta College of Social Workers, and any reference to the Council in the Social Work Profession Act is deemed to be a reference to the council under this Act;
- (c) of the Universities Co-ordinating Council under section 11(4) of the Social Work Profession Act are vested in and may be exercised by the registration committee of the Alberta College of Social Workers, and any reference to the Universities Co-ordinating Council in section 11(4) of the Social Work Profession Act is deemed to be a reference to the registration committee under this Act.



(3) On the coming into force of this Schedule, an approved social work program under section 11 of the Social Work Profession Act continues to be an approved program for the purposes of subsection (1).

(4) A person who is registered or whose annual certificate is renewed under this section is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the Alberta College of Social Workers under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.

**8(1)** On the coming into force of this Schedule, a review of a practice under Part 5 of the Social Work Profession Act that has not been concluded must be concluded in accordance with that Act.

(2) For the purposes of subsection (1), the powers and duties

- (a) of the Practice Review Board of the Alberta Association of Registered Social Workers under the Social Work Profession Act are vested in and may be exercised by the competence committee of the Alberta College of Social Workers, and any reference to the Practice Review Board in the Social Work Profession Act is deemed to be a reference to the competence committee under this Act;
- (b) of the Council under the Social Work Profession Act are vested in and may be exercised by the competence committee of the Alberta College of Social Workers, and any reference to the Council in the Social Work Profession Act is deemed to be a reference to the competence committee under this Act;
- (c) of the Registrar under the Social Work Profession Act are vested in and may be exercised by the complaints director of the Alberta College of Social Workers, and any reference to the Registrar in the Social Work Profession Act is deemed to be a reference to the complaints director under this Act;
- (d) of the president under the Social Work Profession Act are vested in and may be exercised by the president of the Alberta College of Social Workers, and any reference to the president in the Social Work Profession Act is deemed to be a reference to the president under this Act;
- (e) of a person conducting a preliminary investigation under section 23 of the Social Work Profession Act are vested in and may be exercised by the competence committee of the Alberta College of Social Workers or a person appointed

by the competence committee, and any reference to a person conducting a preliminary investigation in section 23 or 30 of the Social Work Profession Act is deemed to be a reference to the competence committee or the person appointed by the competence committee under this Act, but if a complaint is to be made under section 30(3) of the Social Work Profession Act after this Schedule comes into force, that complaint must be made under and be dealt with under this Act.

**9(1)** Any complaint made on or after the coming into force of this Schedule that relates to conduct occurring all or partly before the coming into force of this Schedule must be dealt with under this Act.

**(2)** On the coming into force of this Schedule, any proceedings with respect to a complaint made under the Social Work Profession Act or a preliminary investigation commenced or a person appointed to commence a preliminary investigation under section 29 of the Social Work Profession Act before the coming into force of this Schedule that have not been concluded must be concluded in accordance with that Act.

**(3)** Subject to section 5(e) of this Schedule and subsection (5), for the purposes of subsection (2), the powers and duties

- (a) of the chairman of the Discipline Committee under the Social Work Profession Act are vested in and may be exercised by the complaints director of the Alberta College of Social Workers, and any reference to the chairman of the Discipline Committee in the Social Work Profession Act is deemed to be a reference to the complaints director under this Act;
- (b) of the Discipline Committee under the Social Work Profession Act, except under section 33, are vested in and may be exercised by a hearing tribunal of the Alberta College of Social Workers, and any reference to the Discipline Committee in the Social Work Profession Act, except in section 33, is deemed to be a reference to the hearing tribunal under this Act;
- (c) of the Registrar under the Social Work Profession Act are vested in and may be exercised by the complaints director of the Alberta College of Social Workers, and any reference to the Registrar in the Social Work Profession Act is deemed to be a reference to the complaints director under this Act;

- (d) of the president under the Social Work Profession Act are vested in and may be exercised by the president of the Alberta College of Social Workers, and any reference to the president in the Social Work Profession Act is deemed to be a reference to the president under this Act;
  - (e) of a member of the Discipline Committee under sections 31 and 32 of the Social Work Profession Act are vested in and may be exercised by the complaints director of the Alberta College of Social Workers, and any reference to a member of the Discipline Committee in section 31 or 32 of the Social Work Profession Act is deemed to be a reference to the complaints director under this Act;
  - (f) of the Discipline Committee under section 33 of the Social Work Profession Act are vested in the complaint review committee of the Alberta College of Social Workers and any reference to the Discipline Committee in section 33 of the Social Work Profession Act is deemed to be a reference to the complaint review committee under this Act;
  - (g) of the Alberta Association of Registered Social Workers under section 35 of the Social Work Profession Act are vested in and may be exercised by the Alberta College of Social Workers, and any reference to the Association in section 35 of the Social Work Profession Act is deemed to be a reference to the college under this Act;
  - (h) of a person conducting a preliminary investigation under section 30 are vested in and may be exercised by an investigator appointed under this Act, and any reference to that person in the Social Work Profession Act is deemed to be a reference to an investigator under this Act;
  - (i) of the Council under Part 6 of the Social Work Profession Act are vested in and may be exercised by the council of the Alberta College of Social Workers under this Act, and any reference to the Council in Part 6 of the Social Work Profession Act is deemed to be a reference to the council under this Act.
- (4) For the purposes of subsection (1), references to a certificate of registration or annual certificate in section 44 of the Social Work Profession Act are deemed to be references to a certificate of registration and practice permit under this Act.
- (5) If on the coming into force of this Schedule the Council under the Social Work Profession Act has commenced but not concluded hearing an appeal, the members of the Council continue as the Council for the purposes of hearing the appeal until it is concluded,

as if this Schedule and Part 4 had not come into force and the former Act had been repealed.

(6) Any decision and order made by the Discipline Committee, the Council, a hearing tribunal or the council pursuant to this section are deemed to be a decision and order of a hearing tribunal or the council under this Act.

## **SCHEDULE 28**

### **PROFESSION OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**

**1** On the coming into force of this Schedule, the society incorporated under the Societies Act known as the Speech, Language and Hearing Association of Alberta is continued as a corporation under the name Alberta College of Speech-Language Pathologists and Audiologists.

**2** A regulated member of the Alberta College of Speech-Language Pathologists and Audiologists may, in accordance with the regulations, use any of the following titles, abbreviations and initials:

- (a) speech-language pathologist;
- (b) speech therapist;
- (c) speech pathologist;
- (d) audiologist;
- (e) speech-language pathology student;
- (f) audiology student;
- (g) audiology intern;
- (h) SLP;
- (i) R.SLP;
- (j) Aud;
- (k) R. Aud.

**3(1)** In their practice, speech-language pathologists do one or more of the following:

- (a) assess, diagnose, rehabilitate and prevent communication and oral motor and pharyngeal dysfunctions and disorders,
- (b) teach, manage and conduct research in the science and practice of speech-language pathology, and
- (c) provide restricted activities authorized by the regulations.

**(2)** In their practice, audiologists do one or more of the following:

- (a) assess auditory and vestibular function and diagnose, rehabilitate, prevent and provide appropriate devices and treatment for auditory and vestibular dysfunction,
- (b) teach, manage and conduct research in the science and practice of audiology, and
- (c) provide restricted activities authorized by the regulations.

**4** Column 2 of the unprofessional conduct fines table applies to proceedings of the Alberta College of Speech-Language Pathologists and Audiologists under Part 4.

**5** On the coming into force of this Schedule, a person who is registered as a full member of the Speech, Language and Hearing Association of Alberta is deemed to be registered as a regulated member of, and to have been issued a practice permit by the registrar of, the Alberta College of Speech-Language Pathologists and Audiologists under this Act subject to the same conditions until the practice permit expires or is cancelled under this Act.