

2001 BILL 18

First Session, 25th Legislature, 50 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 18

**HEALTH PROFESSIONS
AMENDMENT ACT, 2001**

THE MINISTER OF HEALTH
AND WELLNESS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 18

2001

HEALTH PROFESSIONS AMENDMENT ACT, 2001

(Assented to _____, 2001)

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

Amends SA
1999 CH-5.5

1 The *Health Professions Act* is amended by this Act.

2 Section 3(1) is amended

- (a) by striking out “must”;
- (b) in clause (a) by adding “must” before “carry”;
- (c) in clause (b) by adding “must” before “provide”;
- (d) in clause (c) by adding “must” before “establish”;
- (e) in clause (d)
 - (i) by adding “must” before “establish”;
 - (ii) by striking out “and” at the end of the clause;
- (f) by adding “and” at the end of clause (e) and adding the following after clause (e):
 - (f) may approve programs of study and education courses for the purposes of registration requirements.

3 Section 33(3) is amended by adding the following after clause (b):

Explanatory Notes

1 Amends chapter H-5.5 of the Statutes of Alberta, 1999.

2 Section 3(1) presently reads:

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.*

3 Section 33(3) presently reads:

- (b.1) whether the member's registration is restricted to a period of time and, if so, the period of time;

4 Section 39 is repealed and the following is substituted:

Suspension if
application is
not made

39 If a regulated member's application for renewal of a practice permit is not received by the registrar by the date provided for in the by-laws, the member's practice permit is suspended and the registrar may cancel the member's practice permit in accordance with section 43.

5 Section 40(1)(d) is amended

- (a) **by striking out** "Registrar" **and substituting** "registrar";
- (b) **by adding** "and any other information that the regulations require to be provided" **after** "section 33(4)(b)".

6 Section 42 is repealed.

(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 119(1).*

4 Section 39 presently reads:

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).

5 Section 40(1) presently reads in part:

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

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

6 Section 42 presently reads:

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,*

7 Section 43 is amended

- (a) in subsection (1) by adding “and registration” after “member’s practice permit”;**
- (b) in subsection (2) by adding “and the registration” after “cancel the practice permit”;**
- (c) in subsection (3)**
 - (i) by striking out “is cancelled” and substituting “and registration are cancelled”;**
 - (ii) by adding “and reinstate the registration” after “reissue the practice permit”;**
- (d) by adding the following after subsection (5):**
 - (6) The registrar may cancel the registration and practice permit of a regulated member on receipt of proof satisfactory to the registrar that the member is deceased.**

8 Section 45 is amended

- (a) in subsection (1)**
 - (i) by striking out “is cancelled” and substituting “and registration are cancelled”;**
 - (ii) by striking out “for it to be reissued” and substituting “for the practice permit to be reissued and the registration to be reinstated”;**
- (b) in subsection (2) by striking out “is cancelled under Part 4 may apply for it to be reissued” and substituting “and registration are cancelled under Part 4 may apply for the practice permit to be reissued and the registration to be reinstated”.**

(d) cancelled on a request under section 43(5), or

(e) suspended under Part 6.

7 Section 43 presently reads:

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 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 another member on the member's request.

8 Section 45 presently reads:

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.

9 Section 50 is amended

(a) in subsection (1)

(i) by striking out “provide” and substituting “establish”;

(ii) by striking out “continuing competence requirements” and substituting “a continuing competence program”;

(b) in subsection (2) by striking out “Continuing competence requirements” and substituting “A continuing competence program”.

10 Section 51 is amended

(a) by repealing subsection (5)(b)(iii) and substituting the following:

(iii) in accordance with this Part, the information obtained from the practice visit has been referred to the complaints director.

(b) by repealing subsection (6).

9 Section 50 presently reads:

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.*

10 Section 51(5) and (6) presently read:

(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 118.*

(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.*

11 The following is added after section 51:

Referral to
complaints
director

51.1(1) The competence committee, registration committee or registrar must make a referral to the complaints director if, on the basis of information obtained from a practice visit or continuing competence program, the competence committee, registration committee or registrar is of the opinion that a regulated member has intentionally provided false or misleading information under this Part.

(2) The competence committee must make a referral to the complaints director if, on the basis of information obtained from a practice visit, it is of the opinion that

- (a) the regulated member displays a lack of competence in the provision of professional services that has not been remedied by participating in the continuing competence program,
- (b) the regulated member may be incapacitated, or
- (c) the conduct of the regulated member constitutes unprofessional conduct that cannot be readily remedied by means of the continuing competence program.

12 Section 52 is amended

(a) by repealing subsection (1) and substituting the following:

Confidentiality

52(1) A college, a member of the competence committee, a person appointed under section 11, a person who is carrying or has carried out powers or duties under this Part and any other person who has access to information under this Part shall not publish, release or disclose in any manner information obtained in the course of carrying out powers and duties under this Part except as necessary to carry out those powers and duties.

(b) in subsection (2)

- (i) by striking out “section 51” and substituting “this Part”;**
- (ii) in clause (b) by striking out “section 51” and substituting “section 51.1”;**

11 Referral to complaints director.

12 Section 52 presently reads:

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, and*
- (c) released or disclosed to the counsel of the regulated member in connection with proceedings under this Part, Part 2 or Part 4.*

(c) by adding the following after subsection (2):

(3) If a college, committee member or person publishes, releases or discloses information in contravention of this section, that information may not be used in proceedings under any other Part of this Act, in any arbitration or inquiry or in any action, matter or proceedings before a court.

13 Section 55(2) is amended by adding the following after clause (a):

(a.1) may, with the consent of the complainant and the investigated person, attempt to resolve the complaint,

14 Section 56 is amended by adding “receives a referral under Part 3 or Schedule 7,” before “is given notice”.

15 Section 60(6) is repealed and the following is substituted:

(6) The college must retain a copy of the ratified settlement and must release information related to the complaint,

13 Section 55(2) presently reads:

(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) may make a direction under section 118.*

14 Section 56 presently reads:

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 118, the complaints director may treat the information, notice or non-compliance as a complaint and act on it under section 55.

15 Section 60(6) presently reads:

(6) The college may publish, in accordance with the by-laws, information respecting a complaint and a ratified settlement but may reveal the identity

investigated person and ratified settlement as required by this Act and

- (a) may publish, in accordance with the by-laws, information respecting a complaint and a ratified settlement, and
- (b) may reveal the identity of the investigated person or the complainant, or both, if it is authorized to do so by the ratified settlement.

16 Section 82(1)(j) is repealed and the following is substituted:

- (j) direct, subject to any regulations under section 134(a), that the investigated person pay within the time set in the order all or part of the expenses of, costs of and fees related to the investigation or hearing or both, including but not restricted to
 - (i) the expenses of an expert who assessed and provided a written report on the subject-matter of the complaint,
 - (ii) legal expenses and legal fees for legal services provided to the college, complaints director and hearing tribunal,
 - (iii) travelling expenses and a daily allowance, as determined by the council, for the complaints director, the investigator and the members of the hearing tribunal who are not public members,
 - (iv) witness fees, expert witness fees and expenses of witnesses and expert witnesses,
 - (v) the costs of creating a record of the proceedings and transcripts and of serving notices and documents, and
 - (vi) any other expenses of the college directly attributable to the investigation or hearing or both;

(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.

16 Section 82(1)(j) presently reads:

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:

(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 or both;

17 Section 89(6) is repealed and the following is substituted:

(6) Subject to any regulations under section 134(a), the council may direct the investigated person to pay, within the time set by the council, in addition to expenses, costs and fees referred to in section 82(1)(j), all or part of the expenses of, costs of and fees related to the appeal, including

- (a) legal expenses and legal fees for legal services provided to the college, complaints director and council,
- (b) travelling expenses and a daily allowance, as determined by the council, for the complaints director and the members of the council who are not public members,
- (c) the costs of creating a record of the proceedings and transcripts and of serving notices and documents, and
- (d) any other expenses of the college directly attributable to the appeal.

18 The following is added after section 102:

Limited Liability Partnerships

Limited liability partnerships

102.1(1) In this section, “council” means the council of

- (a) The Alberta Dental Association and College;
- (b) The College of Chiropractors of Alberta;
- (c) The Alberta College of Optometrists;
- (d) the College of Physicians and Surgeons of the Province of Alberta.

(2) Subject to subsection (3), a council

- (a) shall make regulations respecting the type and amount of liability insurance or other protection against professional liability that a partnership must have for the purposes of registration as a limited

17 Section 89(6) presently reads:

(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).

18 Regulations and by-laws respected limited liability partnerships.

liability partnership under Part 2.1 of the *Partnership Act*, and

(b) may make regulations governing eligibility requirements that a partnership must meet in order to be registered as a limited liability partnership under Part 2.1 of the *Partnership Act*.

(3) A regulated member of the College of Physicians and Surgeons of the Province of Alberta who is not a physician, surgeon or osteopath is not eligible to be a partner in a limited liability partnership under Part 2.1 of the *Partnership Act*.

(4) A regulation under subsection (2)(a) does not come into force unless it is approved by the Lieutenant Governor in Council.

(5) If the Minister considers that regulations made under subsection (2)(a) do not provide sufficient protection against professional liability, the Minister may, by notice in writing to the council, request the council to amend the regulations in the manner specified in the notice within the time set out in the notice.

(6) If the council fails to amend the regulations in accordance with the notice under subsection (5), the Lieutenant Governor in Council may amend the regulations, and in that case the amendments operate as if they had been made by the council.

(7) Subsections (2) and (4) to (6) do not apply if there is a by-law under subsection (8) in effect.

(8) A council may make a by-law providing that, notwithstanding Part 2.1 of the *Partnership Act*, no regulated member may provide professional services of the regulated profession in a limited liability partnership under that Act.

19 Section 119(4) is amended by striking out “33(3), 60(6)” and substituting “33(3)”.

19 Section 119(4) presently reads:

(4) If a member of the public, during regular business hours, requests from a college information referred to in this section or section 33(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.

20 Section 128 is amended

(a) by repealing subsection (5) and substituting the following:

(5) No person other than

(a) a 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, or

(b) a student who is enrolled in a program that in the opinion of the registrar is a program to train persons to provide professional services shall use a title, abbreviation or initials set out in section 2 of a schedule to this Act in combination with the word “student” while undertaking activities related to the program.

(b) by adding the following after subsection (5):

(5.1) Despite subsections (1), (3), (5) and (10), a student described in subsection (5)(b) shall not use the title “regulated” or “registered” or the initial “R” in combination with the word “student” while undertaking activities related to a program described in subsection (5)(b).

21 Section 131(1) is amended

(a) in clause (j) by adding “, restricting the time periods of registration and practice permits of categories of members and restricting renewal of registration and practice permits of categories of members” after “regulated members”;

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

(j.1) respecting reissuing practice permits and reinstating registration;

22 Section 132(1) is amended

(a) in clause (h)

20 Section 128 presently reads in part:

128(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.

(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.

(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.

(10) 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.

21 Section 131(1) presently reads in part:

131(1) A council may make regulations

(j) imposing the conditions on categories of regulated members;

22 Section 132(1)(h) and (p) presently read:

132(1) A council may make by-laws

(h) establishing the date by which regulated members are to apply for practice permits and providing for

(i) by adding “renewal of” before “practice permits and”;

(ii) by adding “reissuance of” after “registration and”;

(b) in clause (p) by striking out “for any review” and substituting “costs, fees, levies and assessments for any accreditation, review”.

23 The following is added after section 132:

Approval of
programs and
courses

132.1 Before the council approves or removes the approval from a program of study or an educational course under section 3, the council must consult with the Minister of Health and Wellness and the Minister of Learning and must consider the comments received from those Ministers.

24 Section 137 is amended in section 2(1) of the new Schedule 7.1 by adding the following after clause (b):

(b.1) to insert into the ear canal

(i) air or gas under pressure;

(ii) a substance that subsequently solidifies;

25 Section 145 is amended

(a) in subsection (1)(a) by adding “or a professional corporation registered with The Alberta Dental Association and College” after “dentistry”;

(b) by adding the following after subsection (2):

(2.1) The *Health Care Protection Act* is amended

(a) in section 21 by adding the following after subsection (4):

(5) The council of The Alberta Dental Association and College and the council of the College of Physicians and Surgeons of the Province of Alberta may provide each other with information that is relevant to an accreditation or the accreditation process in respect of a specific surgical facility.

(b) in section 25

reinstatement of registration and practice permits cancelled under this Act except those cancelled under Part 4;

- (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;*

23 Approval of programs and courses.

24 Amends consequential amendment to the Government Organization Act.

25 Consequential amendments.

- (i) **in subsection (1)(q) by adding** “or Schedule 7 of the *Health Professions Act*” **after** “*Medical Profession Act*”;
- (ii) **in subsection (2) by striking out** “and the Board of The Alberta Dental Association” **and substituting** “of Physicians and Surgeons of the Province of Alberta and the council of The Alberta Dental Association and College”;

(c) in section 29

(i) by repealing clause (a) and substituting the following:

- (a) “accredited”, in respect of a surgical facility, means that the facility is approved:
 - (i) with respect to surgical services performed by physicians, by the council of the College of Physicians and Surgeons of the Province of Alberta within the meaning of section 93 of the *Medical Profession Act* and the by-laws under that Act or Schedule 21 of the *Health Professions Act* and the regulations under that Act;
 - (ii) with respect to surgical services performed by dentists, by the dental facilities accreditation committee within the meaning of Schedule 7 of the *Health Professions Act* and the regulations under that Act;

(ii) in clause (c) by adding “or the council of The Alberta Dental Association and College” **after** “of Alberta”;

(iii) in clause (d)

(A) by striking out “licensed” **and substituting** “regulated”;

(B) by adding “and College” **after** “Association”.

(2.2) The *Hospitals Act* is amended in section 35(2) by striking out “dentist or dental surgeon” and substituting

“regulated member of The Alberta Dental Association and College”.

26 Section 146 is amended

(a) in subsection (2)(a) by adding “or a professional corporation registered with the College of Physicians and Surgeons of the Province of Alberta” **after** “or osteopathy”;

(b) by adding the following after subsection (6):

(6.1) The *Health Care Protection Act* is amended in section 29(a) by striking out “section 93 of the *Medical Profession Act* and the by-laws” **and substituting** “Schedule 21 of the *Health Professions Act* and the regulations”.

27 Section 149(1)(a) is amended by adding “or a professional corporation registered with The Alberta College of Optometrists under the *Health Professions Act*” **after** “the *Health Professions Act*”.

28 Schedule 1 is amended in section 2 by repealing clause (c).

29 Schedule 3 is amended in section 2 by repealing clause (c).

30 Schedule 4 is amended in section 2 by repealing clause (f).

26 Consequential amendments.

27 Consequential amendments.

28 Schedule 1, section 2(c) presently reads:

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:

(c) student acupuncturist;

29 Schedule 3, section 2(c) presently reads:

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:

(c) C.L.X.T. student.

30 Schedule 4, section 2(f) presently reads:

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:

31 Schedule 5 is amended in section 2 by repealing clauses (c) and (d).

32 Schedule 6 is amended in section 2 by repealing clauses (e) and (f).

33 Schedule 7 is amended

(a) in section 2

(i) in clause (h) by striking out “Pathologist” and substituting “Medicine and Pathology Specialist”;

(ii) by repealing clauses (j), (l), (m) and (n);

(b) by adding the following after section 10:

11 In sections 12 to 18,

- (a) “accreditation committee” means the dental facilities accreditation committee established by the council;
- (b) “college” means The Alberta Dental Association and College;
- (c) “council” means the council of the college;
- (d) “dental surgical facility” means a facility where dental surgical services are provided;
- (e) “dental surgical services” means any of the following:

(f) dental assistant student.

31 Schedule 5, section 2(c) and (d) presently read:

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:

(c) dental hygiene student;

(d) registered dental hygiene student;

32 Schedule 6, section 2(e) and (f) presently read:

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:

(e) dental technology student;

(f) registered dental technology student;

33 Accreditation of dental surgical facilities. Schedule 7, section 2 presently reads in part:

2 A regulated member of The Alberta Dental Association and College may, as authorized by the regulations, use any of the following titles:

(h) Oral Pathologist;

(j) Oral Medicine Specialist;

(l) Dental Student;

(m) Dental Intern;

(n) Dental Resident.

- (i) a professional service that is provided by a regulated member where an anaesthetic is used that renders the patient unconscious or where neuroleptanaesthetic is used;
 - (ii) an insured surgical service as defined in the *Health Care Protection Act* that is provided by a regulated member in a facility that must be accredited under this Schedule;
 - (iii) any other professional service described in the regulations that is provided by a regulated member that in the opinion of the council represents a risk to the patient that is greater than usual for a professional service provided by a regulated member;
- (f) “operator” means
- (i) in the case of a surgical facility designated under Part 2, Division 1 of the *Health Care Protection Act*, the person named as the operator in the designation, and
 - (ii) in the case of any other dental surgical facility, the registered owner or the person who has apparent care and control of the facility;
- (g) “registrar” means the registrar of the college;
- (h) “regulated member” means a regulated member of the college.

12(1) A dental surgical facility must be accredited by the accreditation committee before a regulated member provides dental surgical services in it to the public.

(2) Subject to the *Health Care Protection Act*, subsection (1) does not apply to

- (a) a hospital that is established by or under, or the establishment or operation of which is governed by, the *Hospitals Act*, the *Regional Health Authorities Act*, the *Cancer Programs Act* or the *Workers' Compensation Act*, or
- (b) a hospital or a health care facility that is established by the Government of Alberta or the Government of Canada.

(3) Despite subsection (1), on the coming into force of this Schedule, a dental surgical facility that is accredited by the College of Physicians and Surgeons of the Province of Alberta is deemed to be accredited by the accreditation committee for the time period set out in the accreditation given by the College of Physicians and Surgeons of the Province of Alberta.

(4) Despite subsection (1) but subject to the *Health Care Protection Act*, a dental surgical facility that is in operation on the coming into force of this Schedule that is not accredited by the College of Physicians and Surgeons of the Province of Alberta must be accredited under this Schedule within one year from the date that this Schedule comes into force.

(5) Despite subsection (1), an approval or confirmation of standards of a dental surgical facility is deemed to be an accreditation under this Schedule if

- (a) the approval or confirmation is recognized by the council as being equivalent to an accreditation under this Schedule, and
- (b) the approval or confirmation is granted by an organization that is recognized by the council as equivalent to the accreditation committee under this Schedule,

and the accreditation committee must grant the dental surgical facility an accreditation.

13(1) The council must establish a dental facilities accreditation committee.

(2) The accreditation committee must

- (a) review dental surgical facilities to determine if the provision of dental surgical services meets or will meet the accreditation requirements established by the council;
- (b) carry out its powers and duties under this Schedule;
- (c) advise the council generally on matters relating to the dental surgical facilities accreditation process.

(3) Subject to section 51(4) of this Act, a member of the accreditation committee has the powers and duties of a

member of a competence committee under section 51(3) of this Act to carry out a review under subsection (2)(a) and section 15 of this Schedule.

14(1) An operator must apply to the registrar in accordance with the regulations for accreditation with respect to providing dental surgical services and for renewal of that accreditation.

(2) On receipt of an application under subsection (1) the accreditation committee must review the application in accordance with the regulations and

- (a) may grant or renew a dental surgical facility accreditation;
- (b) may impose conditions on an accreditation of a dental surgical facility and must state the dental surgical services that may be provided in the dental surgical facility;
- (c) may, before granting or renewing an accreditation, direct the dental surgical facility to make changes;
- (d) may, subject to subsection (3), grant or renew accreditation for a specified time period.

(3) An accreditation may be granted for up to 4 years.

(4) The accreditation committee must provide the operator with a written copy of its decision and the reasons for it.

(5) An operator of a dental surgical facility

- (a) must notify the registrar of any intended change to the dental surgical services the dental surgical facility has been accredited to provide in the dental surgical facility and obtain approval from the accreditation committee before implementing the change, and
- (b) must notify the registrar of any intended change of the operator of the dental surgical facility.

15(1) If the accreditation committee has reason to believe that there may be a health risk to the public, the accreditation committee may review a dental surgical facility to determine whether the accreditation requirements are being met.

(2) On completion of the review, the accreditation committee may decide to direct the operator to make changes as directed within a specified time period.

(3) If the accreditation committee believes that the health risk is immediate, it may decide to direct the operator to cease providing dental surgical services and causing dental surgical services to be provided and, if applicable, direct the operator to make changes as directed within a specified time period.

(4) The accreditation committee must provide a copy of a decision made under this section to the registrar and the operator of the dental surgical facility.

16(1) An operator may appeal an accreditation committee's decision under section 14 or 15 to the council by written notice to the registrar within 15 days of receiving a copy of the decision.

(2) A notice under subsection (1) must state the grounds for the appeal.

(3) The council must schedule an appeal hearing within 30 days from the day the notice of appeal was received by the registrar.

(4) The chair of the accreditation committee and the appellant may be represented by counsel at the appeal hearing.

(5) An appeal hearing is open to the public unless an application is granted in accordance with section 78 of this Act.

(6) Following an appeal hearing the council may

- (a) vary, quash or confirm the findings and decision of the accreditation committee;
- (b) make any other finding that in its opinion ought to have been made;
- (c) order that the matter be referred back to the accreditation committee for receipt of further evidence and for further assessment and that the accreditation committee report back to the council for the council's consideration on the appeal;

(d) grant adjournments or reserve determination of matters for a future meeting of the council.

(7) The council must issue its decision at or within a reasonable time after the conclusion of the appeal hearing.

17(1) A regulated member shall not provide dental surgical services, or cause dental surgical services to be provided, in a dental surgical facility requiring accreditation under this Schedule if the dental surgical facility is not accredited.

(2) It is unprofessional conduct for a regulated member

(a) to contravene subsection (1),

(b) to provide dental surgical services or cause dental surgical services to be provided in a facility that is operated in a manner that contravenes Part 2 of the *Health Care Protection Act*, or

(c) to fail or refuse to co-operate with the accreditation committee.

(3) The accreditation committee or a member of the accreditation committee must make a referral to the complaints director if, on the basis of information obtained pursuant to carrying out powers and duties under this Schedule, the accreditation committee or member is of the opinion that a regulated member may be guilty of unprofessional conduct.

18(1) The council may make regulations

(a) describing dental surgical services for the purposes of section 11(e)(iii) of this Schedule;

(b) respecting the establishment and operation of dental surgical facilities;

(c) respecting accreditation requirements, including the adoption of published standards, codes or rules for accreditation purposes;

(d) respecting applications for granting of and renewal of accreditation;

(e) respecting the review of dental surgical facilities by the accreditation committee.

(2) A regulation under subsection (1) does not come into force unless it is approved by the Lieutenant Governor in Council.

34 Schedule 8 is amended in section 2 by repealing clauses (b) and (c).

35 Schedule 9 is amended in section 2 by repealing clause (b).

36 Schedule 10 is amended in section 2 by repealing clause (f).

37 Schedule 13 is amended in section 2 by repealing clause (d).

38 Schedule 18 is amended in section 2 by repealing clauses (d) and (e).

34 Schedule 8, section 2(b) and (c) presently read:

2 A regulated member of the College of Alberta Denturists may, as authorized by the regulations, use any of the following titles:

(b) student denturist;

(c) intern denturist.

35 Schedule 9, section 2(b) presently reads:

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:

(b) hearing aid student;

36 Schedule 10, section 2(f) presently reads:

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:

(f) student practical nurse.

37 Schedule 13, section 2(d) presently reads:

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:

(d) registered student midwife.

38 Schedule 18, section 2(d) and (e) presently read:

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

(d) student emergency medical technician;

(e) student emergency medical technologist-paramedic;

39 Schedule 19 is amended in section 2 by repealing clauses (f) and (h).

40 Schedule 20 is amended in section 2 by repealing clauses (c) and (d).

41 Schedule 21 is amended in section 8(19) by adding the following after clause (b):

- (c) on and after the coming into force of the *Health Care Protection Act*, to provide or cause to be provided diagnostic or treatment services in a surgical facility that is not designated as required under Part 2 of the *Health Care Protection Act*.

42 Schedule 23 is amended in section 2 by repealing clause (d).

43 Schedule 24 is amended in section 2 by repealing clauses (c) and (d).

39 Schedule 19, section 2(f) and (h) presently read:

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:

(f) pharmacist student;

(h) pharmacy student;

40 Schedule 20, section 2(c) and (d) presently read:

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:

(c) physiotherapy student;

(d) physical therapy student;

41 Schedule 21, section 8(19) presently reads:

(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.

42 Schedule 23, section 2(d) presently reads:

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:

(d) dietetic intern;

43 Schedule 24, section 2(c) and (d) presently read:

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:

44 Schedule 25 is amended in section 2 by repealing clauses (e) and (h).

45 Schedule 28 is amended in section 2 by repealing clauses (e), (f) and (g).

(c) nursing student;

(d) student nurse;

44 Schedule 25, section 2(e) and (h) presently read:

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:

(e) psychiatric nursing student;

(h) P.N.S.;

45 Schedule 28, section 2(e), (f) and (g) presently read:

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:

(e) speech-language pathology student;

(f) audiology student;

(g) audiology intern;