

2007 Bill 41

Third Session, 26th Legislature, 56 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 41

**HEALTH PROFESSIONS STATUTES
AMENDMENT ACT, 2007**

THE MINISTER OF HEALTH AND WELLNESS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 41

2007

HEALTH PROFESSIONS STATUTES AMENDMENT ACT, 2007

(Assented to _____, 2007)

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

Health Professions Act

Amends RSA 2000 cH-7

1(1) The *Health Professions Act* is amended by this section.

(2) The following is added after section 1:

Public health threat

1.1(1) Despite this Act, the bylaws and any enactment that governs the practice of a regulated member or health practitioner, college or regulatory organization, if any of the following persons knows of or has reason to suspect the existence of a nuisance or a threat that is or may be injurious or dangerous to the public health, that person must immediately notify the medical officer of health of the appropriate regional health authority by the fastest means possible:

- (a) a regulated member;
- (b) a health practitioner who provides health services described in a Schedule;
- (c) a member of a council of, or an officer, employee or agent of, a college;

Explanatory Notes

Health Professions Act

1(1) Amends chapter H-7 of the Revised Statutes of Alberta 2000.

(2) Public health.

(d) a member of a board or council of, or an officer, employee or agent of, a regulatory organization that governs the practice of a health practitioner who provides health services described in a Schedule.

(2) The definitions in the *Public Health Act* apply to this section.

(3) Section 11 is amended by striking out “a person or persons” and substituting “one or more persons”.

(4) Section 12(3) is amended by striking out “2 years” and substituting “6 months”.

(5) Section 18(1) is amended by striking out “designate 3” wherever it occurs and substituting “designate 3 or more”.

(6) Section 22 is amended

(a) in subsection (2)(b)

(i) in subclause (i) by striking out “Human Resources and Employment” and substituting “Employment, Immigration and Industry”;

(3) Section 11 presently reads:

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.

(4) Section 12(3) presently reads:

(3) Despite subsections (1) and (2), 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 that governs the college comes into force.

(5) Section 18(1) presently reads:

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.*

(6) Section 22 presently reads in part:

(2) The Advisory Board consists of

- (a) not more than 12 persons appointed as voting members by the Lieutenant Governor in Council, of which at least 25% must be regulated members or registered members of a*

(ii) in subclause (iii) by adding “and Technology” after “Education”;

(b) by adding the following after subsection (3):

(3.1) A member described in subsection (2)(a) continues to hold office after the expiry of the member’s term until the member is reappointed, the member’s appointment is rescinded or a successor is appointed.

(7) Section 28(1)(b) is amended by striking out “fees” and substituting “application fee”.

(8) Section 36(1) is amended by striking out “approved,” and substituting “approved and all the applicable fees provided for in the bylaws have been paid.”

profession whose registered members are authorized, by statute, to provide health services, and

(b) the following non-voting members, who must be employees of the Government:

(i) one employee designated by the Deputy Minister of Human Resources and Employment;

(ii) one employee designated by the Deputy Minister of Health and Wellness;

(iii) one employee designated by the Deputy Minister of Advanced Education;

(iv) one employee designated by the Deputy Minister of Children's 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.

(7) Section 28(1) presently reads:

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 bylaws,

(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).

(8) Section 36(1) presently reads:

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.

(9) Section 40 is amended

(a) in subsection (2) by striking out “decision with the reasons for the decision,” **and substituting** “decision,”;

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

(3) If the registrar, registration committee or competence committee suspends or refuses a practice permit or imposes conditions on a practice permit, the registrar, registration committee or competence committee must include reasons in the decision under subsection (2).

(10) Section 43(4) is amended by adding “may cancel the regulated member’s practice permit and registration or” **before** “may refer”.

(9) Section 40 presently reads in part:

(2) The registrar, registration committee or competence committee, as provided for in the bylaws, 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 in 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.

(10) Section 43(4) presently reads:

(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 bylaws 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.

(11) Section 46(1)(a) is amended by striking out “is qualified to meet” and substituting “meets”.

(12) Section 47 is amended by renumbering it as section 47(1) and by adding the following after subsection (1):

(2) A person who meets the requirements of section 46(1)(a) and who is to be employed to provide services described in section 46(1)(b) must,

(a) before being so employed, provide the employer with evidence of

(i) a practice permit in good standing, or

(ii) an authorization to provide the services pursuant to another enactment,

and

(b) while so employed, notify the employer

(i) if the conditions imposed on the practice permit are varied or cancelled, if additional conditions are imposed on the practice permit or if the practice permit is suspended or cancelled, or

(ii) if there are any changes to the authorization to provide the services pursuant to another enactment or if the authorization is suspended or cancelled or expires.

(13) Section 48 is amended

(a) by adding the following after subsection (1):

(1.1) A person who knowingly employs a person in contravention of section 47(1) is guilty of an offence.

(b) in subsection (2) by striking out “this section” and substituting “subsection (1)”;

(11) Section 46(1)(a) presently reads:

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

(12) Section 47 presently reads:

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.

(13) Section 48 presently reads:

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,

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

(2.1) A person who is guilty of an offence under subsection (1.1) is liable

- (a) for a first offence, to a fine of not more than \$4000,
- (b) for a 2nd offence, to a fine of not more than \$8000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$12 000 or to imprisonment for a term of not more than 12 months or to both a fine and imprisonment.

(14) Section 49 is repealed and the following is substituted:

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 on reasonable and probable grounds appears to meet the requirements of section 46(1)(a) from providing services described in section 46(1)(b) if

- (a) the person is not a regulated member and is not authorized to provide the services pursuant to another enactment, or
- (b) the person fails to comply with section 46(3) on receiving a written request under section 46(2).

(15) Section 51 is amended

- (a) in subsection (2) by striking out** “members of the competence committee and a person” **and substituting** “competence committee and any person”;
- (b) in subsection (5)(b)(ii) by striking out** “undertake specified actions” **and substituting** “comply with directions imposed”.

- (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 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.*

(14) Section 49 presently reads:

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.

(15) Section 51 presently reads in part:

(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.

(5) Within 90 days after completing a practice visit the competence committee must

(b) decide and advise the regulated member and the registrar whether

(ii) the regulated member must undertake specified actions in accordance with the regulations, or

(16) The following is added after section 57:

Offence

57.1 An employer who contravenes section 57 is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$4000,
- (b) for a 2nd offence, to a fine of not more than \$8000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$12 000.

(17) Section 58(6) is repealed and the following is substituted:

(6) A person who conducts an alternative complaint resolution process may assist in settling a complaint, but if in the opinion of that person a settlement is not likely to be agreed to, the person must notify the complaints director.

(18) Section 59(1) is repealed and the following is substituted:

Evidence

59(1) Subject to subsection (2), a person who conducts an alternative complaint resolution process must

- (a) if there is a proposed settlement, give all the records relating to the process, including the proposed settlement, to the complaint review committee, and
- (b) if there is no proposed settlement, give all the records relating to the process to the complaints director.

(1.1) A complaint review committee, on receipt of records and a proposed settlement under subsection (1), may review them in accordance with section 60(1.1), and on making its decision under section 60(2) must give the complaints director all the records it received, including the proposed settlement and the ratified settlement, if it ratifies a settlement.

(16) Offence.

(17) Section 58 presently reads in part:

(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.

(18) Section 59 presently reads:

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

(1.2) Subject to subsection (2), a college has custody and control of all the records given to the complaint review committee or the complaints director under this section and must keep those records, except for the ratified settlement, separate from any other records held by the college.

(1.3) A college may disclose information from records and proposed settlement described in subsection (1.2) only if the disclosure is authorized or required by this Act.

(19) Section 60 is amended by adding the following after subsection (1):

(1.1) As part of the review of a proposed settlement reported to the complaint review committee under subsection (1), the complaint review committee may

- (a) review the records and proposed settlement it received pursuant to section 59(1)(a), and
- (b) require any of the following to appear before it to answer questions regarding the proposed settlement:
 - (i) the complainant;
 - (ii) the investigated person;
 - (iii) the member of the college who participated in or conducted the alternative complaint resolution process.

(20) Section 66(3) is amended by striking out “section or section 68(5)(b),” and substituting “section,”.

- (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.*

(19) Section 60 presently reads in part:

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.*

(20) Section 66(3) presently reads:

(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.*

(21) Section 69 is amended by striking out “Within 90 days after receiving a referral for a hearing, the hearings director must set a date for a hearing” **and substituting** “The hearings director must, within 90 days after receiving a referral for a hearing, set a date for a hearing”.

(22) Section 73 is repealed and the following is substituted:

Investigated person’s witnesses

73 The investigated person may call any person, including the complainant, as a witness and give 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.

(23) Section 85(3) is repealed and the following is substituted:

(3) A member of the public may examine the decision and the testimony given before the hearing tribunal, however recorded, except the part of the testimony that was given while the hearing was held in private.

(4) A member of the public, on paying the reasonable costs of transcribing, copying and delivering it, may receive a copy of the decision and the testimony, however recorded, except the part of the testimony that was given while the hearing was held in private.

(24) Section 88(1) is repealed and the following is substituted:

Setting the date for an 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

(21) Section 69 presently reads:

69 Within 90 days after 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 the investigated person agree to an extension.*

(22) Section 73 presently reads:

73 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.

(23) Section 85(3) presently reads:

(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.

(24) Section 88(1) presently reads:

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*

investigated person has been suspended or cancelled under section 82(1)(g) or (h), within 45 days after the date a notice of appeal has been given to the hearings director, set the date for the appeal, and

- (b) in all other cases, within 90 days after the date a notice of appeal has been given to the hearings director, set the date for the appeal.

(25) The following is added after section 96:

Offence

96.1 An employer or other person who contravenes section 96 is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$4000,
- (b) for a 2nd offence, to a fine of not more than \$8000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$12 000 or to imprisonment for a term of not more than 12 months or to both a fine and imprisonment.

(26) Section 98(1)(d) is repealed and the following is substituted:

- (d) of the Alberta College and Association of Chiropractors,

(27) Section 119(1)(f) is amended by striking out “the imposition of a reprimand or fine under Part 4” and substituting “any order made by a hearing tribunal or council under Part 4”.

(28) Section 126(1) is amended

- (a) by adding “an order of the Minister,” before “the bylaws”;
- (b) by adding the following after clause (d):

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.

(25) Offence.

(26) Editorial changes.

(27) Section 119(1)(f) presently reads:

119(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 a direction is made under section 118(4), the registrar

(f) subject to the bylaws, may publish or distribute the information referred to in this subsection and information respecting the imposition of a reprimand or fine under Part 4.

(28) Section 126(1) presently reads:

126(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 bylaws or any direction of the council:

- (e) a person appointed as an administrator pursuant to an order of the Minister under section 135.2(1).

(29) Section 131(1)(g) is amended by striking out “specified actions” and substituting “directions to be imposed and complied with”.

(30) Section 132(1)(t) is amended by striking out “practice standards” and substituting “standards of practice”.

(31) Section 132.1 is amended by adding “and Technology” after “Advanced Education”.

(32) Section 133 is amended

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

Code of ethics, standards of practice

133(1) A council may, in accordance with procedures set out in the bylaws, develop and propose the adoption of a code of ethics and standards of practice for a regulated profession and may develop and propose amendments to an adopted code of ethics or standards of practice.

- (b) in subsection (2) by adding “and proposed amendments” after “standards of practice”;**

- (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).*

(29) Section 131(1)(g) presently reads:

131(1) A council may make regulations

- (g) *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;*

(30) Section 132(1)(t) presently reads:

132(1) A council may make bylaws

- (t) *respecting the development of or adoption of a code of ethics and practice standards.*

(31) Section 132.1 presently reads:

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 Advanced Education and must consider the comments received from those Ministers.

(32) Section 133 presently reads:

133(1) A council may, in accordance with procedures set out in the bylaws, 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).

(c) in subsection (3) by adding “and may adopt amendments to a code of ethics or standards of practice” after “standards of practice”;

(d) by repealing subsection (4) and substituting the following:

(4) The *Regulations Act* does not apply to a code of ethics or to standards of practice adopted or amended under this section.

(33) Section 134 is amended by adding the following after clause (e):

(f) respecting any other matter under this Act.

(34) The following is added after section 135:

Part 8.1 Direction, Support and Variation

Minister's direction

135.1(1) If in the opinion of the Minister it is in the public interest or if in the opinion of the Minister a direction would provide for matters related to health, safety or quality assurance, the Minister may, by order, direct a council to do any one or more of the following:

(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 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.

(33) Section 134 presently reads:

134 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, retain and disclose information that is disclosed to the Minister in accordance with this Act;*
- (c.1) authorizing persons to receive information disclosed on the request of the Minister pursuant to section 122(1);*
- (d) respecting fees under sections 31(6) and 41(8);*
- (e) specifying organizations for the purposes of section 119(2).*

(34) Adds Part 8.1 - Direction, Support, Variation.

- (a) to adopt a code of ethics or standards of practice or adopt amendments to its code of ethics or its standards of practice under section 133, as set out in the order;
- (b) to make bylaws under section 132, as set out in the order;
- (c) to make regulations under section 131, or under a Schedule, as set out in the order;
- (d) to carry out any power or duty of a council under this Act or a bylaw, in the manner set out in the order.

(2) Despite section 133 and the bylaws of a college, the Minister may, in an order under subsection (1), provide for the procedure to be followed in developing, proposing, consulting on and reviewing a regulation or bylaw to be made or a code of ethics or standards of practice to be adopted or amendments to be adopted pursuant to subsection (1).

(3) A council must, within 45 days of being given a copy of an order under this section or any other time period set out in the order, comply with an order made under this section.

Support

135.2(1) If

- (a) requested by a college, or
- (b) in the opinion of the Minister
 - (i) a college requires support in carrying out its powers and duties under section 3, or
 - (ii) it is in the public interest,

the Minister may, by order, with respect to a college

- (c) provide for the appointment of one or more persons as administrators;
- (d) prescribe the term of office of any person appointed as an administrator;

- (e) authorize the payment of remuneration and expenses to any person appointed as an administrator;
- (f) authorize a person appointed as an administrator to carry out as specified in the order any of the powers and duties of the college and of its council, its officers and its committees under this Act and the bylaws.

(2) The carrying out of a power or duty by a person appointed as an administrator pursuant to an order under subsection (1) is deemed to be the carrying out of a power or duty by the college, its council, its officers or its committees.

Variation

135.3 The Lieutenant Governor in Council may, on the recommendation of the Minister, by regulation, vary any provision of this Act as the provision applies to a college and its council, its officers or its committees.

Lieutenant Governor in Council regulations

135.4(1) The Lieutenant Governor in Council may, with respect to any college, make any regulation that its council may make under section 131 or under a Schedule.

(2) A regulation made under subsection (2) is deemed to be an approval by the Lieutenant Governor in Council of a regulation made by a council under section 131 or under a Schedule.

(3) The Lieutenant Governor in Council may by order, with respect to a college, make any bylaw that a council may make under section 132.

(4) A bylaw made under subsection (3) is deemed to be a bylaw made by a council under section 132.

(5) The Lieutenant Governor in Council may by order, with respect to a college, make a code of ethics or standards of practice or make amendments to a code of ethics or standards of practice that a council may adopt after a review under section 133.

(6) A code of ethics or standards of practice or an amendment of the code of ethics or standards of practice made under subsection (5) is deemed to be a code or standards or an

amendment adopted by a council in accordance with section 133.

(7) A regulation, a bylaw, a code of ethics or standards of practice and an amendment of a code of ethics or standards of practice made under this section prevails over any regulation, bylaw, code of ethics or standards of practice, as amended, made or adopted by a council, with which it conflicts or is inconsistent.

(8) The *Regulations Act* does not apply to bylaws, codes of ethics, standards of practice or amendments to codes of ethics or standards of practice made under this section.

(35) Section 146 is amended

(a) **in subsection (2)(c) in the new clause (a) by striking out “College,” and substituting “College of Physicians and Surgeons of Alberta,”;**

(b) **by adding the following after subsection (6.01):**

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

(c) **in subsection (7) by striking out “of the Province”.**

(35) Section 146(2) and (7) presently read:

(2) The Alberta Health Care Insurance Act is amended

(a) in section 1(g) by striking out “College of Physicians and Surgeons of the Province of Alberta” and substituting “College of Physicians and Surgeons of Alberta”;

(b) in section 1(t)(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 Alberta under the Health Professions Act who holds a practice permit respecting the practice of medicine, surgery or osteopathy, or a professional corporation registered with the College of Physicians and Surgeons of Alberta”;

(c) by repealing section 22(20)(a) and substituting the following:

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

(7) The Interpretation Act is amended in section 28(1)(pp) 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”.

(36) Schedule 7 is amended in section 14(2)(a) by adding “or refuse to grant or to renew,” after “renew”.

(37) Schedule 12 is amended in section 2

(a) by repealing clauses (a), (d), (f) and (g);

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

(h.1) medical radiation technologist;

(h.11) medical radiation technologist (radiological);

(h.2) medical radiation technologist (nuclear medicine);

(h.21) medical radiation technologist (therapy);

(h.3) medical radiation technologist (magnetic resonance);

(h.31) electroencephalography technologist;

(h.4) electroneurophysiology technologist;

(h.41) MRT;

(h.5) MRT (R);

(h.51) MRT (NM);

(h.6) MRT (T);

(h.61) MRT (MR);

(h.7) ENP;

(h.71) EEGT.

(c) by repealing clauses (i) to (t).

(36) Section 14(2)(a) of Schedule 7 presently reads:

(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;

(37) Section 2 of Schedule 12 presently reads:

2 A regulated member of the Alberta College of Medical Diagnostic and Therapeutic Technologists may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

(a) registered technologist in radiology;

(b) radiological technologist;

(c) radiation therapist;

(d) registered technologist in nuclear medicine;

(e) nuclear medicine technologist;

(f) registered technologist in therapy;

(g) registered technologist in magnetic resonance;

(h) magnetic resonance technologist;

(i) registered electroneurophysiology technologist;

(j) registered electroencephalography technologist;

(k) registered evoked potential technologist;

(l) registered electromyography technologist;

(m) RTR;

(n) RTNM;

(o) RTT;

(p) RTMR;

(38) Schedule 20 is amended in section 2

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

- (b.1) physical therapist intern;
- (b.2) physiotherapist intern;

(b) by repealing clauses (e) and (f).

(39) Schedule 21 is amended in section 11

(a) in subsection (2)

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

- (a) no further compliance with directions imposed in accordance with the regulations be undertaken,

(ii) in clause (c) by striking out “undertake further specified action” and substituting “comply with directions imposed in accordance with the regulations”;

(b) in subsection (4)

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

- (a) direct that no further compliance with directions imposed in accordance with the regulations be undertaken,

(ii) in clause (b) by striking out “undertake further specified action” and substituting “comply with directions imposed in accordance with the regulations”.

- (q) *RET*;
- (r) *REPT*;
- (s) *RTEMG*;
- (t) *RENPT*.

(38) Section 2 of Schedule 20 presently reads:

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*;
- (e) *physical therapy intern*;
- (f) *physiotherapy intern*;
- (g) *P.T.*

(39) Section 11 of Schedule 21 presently reads in part:

11(2) Within 90 days after 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.*

(4) Within 90 days after 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.*

(40) In the following provisions, “The College of Chiropractors of Alberta” is struck out and “the Alberta College and Association of Chiropractors” is substituted:

section 102.1(1)(b);
section 103(b)(iii);
section 104(c) and (g);
section 106(1)(c);
section 107(c);
section 108(c);
Schedule 2, section 7(2)(d).

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

- (a) in section 1(f)(i) by striking out “The College of Chiropractors of Alberta” wherever it occurs and substituting “the Alberta College and Association of Chiropractors”;**
- (b) in section 18(4)(d) by striking out “Council of The College of Chiropractors of Alberta,” and substituting “council of the Alberta College and Association of Chiropractors,”;**
- (c) in section 22(20)(d) by striking out “The College of Chiropractors of Alberta” and substituting “the Alberta College and Association of Chiropractors”.**

Medical Profession Act

Amends RSA 2000 cM-11

2(1) The *Medical Profession Act* is amended by this section.

(2) The following is added after section 107:

Minister’s direction

108(1) If in the opinion of the Minister it is in the public interest or if in the opinion of the Minister a direction would provide for matters related to health, safety or quality assurance, the Minister may, by order, direct the council to do one or more of the following:

- (a) make bylaws under this Act;

(40) Editorial changes.

(41) Consequential amendments.

Medical Profession Act

2(1) Amends chapter M-11 of the Revised Statutes of Alberta 2000.

(2) Minister's direction; Lieutenant Governor in Council regulations.

(b) carry out any power or duty of the council under this Act, a regulation or a bylaw, in the manner set out in the order;

(c) carry out any other action under this Act.

(2) A council must, within 45 days of being given a copy of an order under this section or any other time period set out in the order, comply with an order made under this section.

Lieutenant Governor in Council regulations

109(1) Subject to subsection (2), the Lieutenant Governor in Council may

(a) by regulation make any bylaw that a council may make under this Act;

(b) make regulations

(i) respecting the carrying out by the council of any power or duty of the council under this Act, the regulations or the bylaws;

(ii) respecting any other matter under this Act.

(2) The Lieutenant Governor in Council may not make a bylaw under subsection (1)(a) that the council may make under section 31(3)(a).

(3) A bylaw made by a regulation under subsection (1)(a) prevails over any bylaw made by the council with which it conflicts or is inconsistent.

(4) A bylaw made by a regulation under subsection (1)(a) is deemed to be a bylaw made by the council.

(5) The *Regulations Act* does not apply to regulations made under subsection (1)(a) except the regulations made with respect to a bylaw that the council may make under section 31.

Coming into Force

Coming into force

3 This Act comes into force on Proclamation.

Coming into force

- 3** Coming into force.

