

2022 Bill 10

Third Session, 30th Legislature, 71 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 10

HEALTH PROFESSIONS (PROTECTING WOMEN AND GIRLS) AMENDMENT ACT, 2022

MRS. AHEER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 10
Mrs. Aheer

BILL 10

2022

HEALTH PROFESSIONS (PROTECTING WOMEN AND GIRLS) AMENDMENT ACT, 2022

(Assented to , 2022)

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

Amends RSA 2000 cH-7

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

**2 Section 1(1) is amended by adding the following after
clause (m):**

- (m.1) “female genital mutilation” means the excision, infibulation or mutilation, in whole or in part, of the labia majora, labia minora, clitoral hood or clitoris of a person, except where valid consent is given, and
 - (i) a surgical or other procedure is performed by a regulated member under this Act for the benefit of the physical health of the person or for the purpose of that person having normal reproductive functions or normal sexual appearance or function, or
 - (ii) the person is at least 18 years of age and there is no resulting bodily harm;

3 The following is added after section 1.1:

Explanatory Notes

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

2 Section 1(1) presently reads in part:

1(1) In this Act,

(m) “document” includes recorded information in written, photographic, magnetic, electronic or other form;

3 Prohibition.

Prohibition

1.11(1) A regulated member shall not procure or perform female genital mutilation.

(2) A person who has been convicted of a criminal offence related to the procurement or performance of female genital mutilation is not eligible for registration as a regulated member under this Act.

4 Section 45(3) is amended

(a) by striking out “or” at the end of clause (a);

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

(a.1) on a conviction of the person under section 268 of the *Criminal Code* (Canada) in respect of wounding or maiming within the meaning of subsection 268(3) of the *Criminal Code* (Canada), or

5 Section 55 is amended

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

(1.1) In addition to complying with subsection (1), the complaints director must, immediately after receiving a notice or complaint alleging the procurement or performance of female genital mutilation or treating information as a complaint alleging the procurement or performance of female genital mutilation, report the matter to a law enforcement agency.

(1.2) If a regulated member is convicted of a criminal offence related to the procurement or performance of female genital mutilation, the complaints director must, immediately after being informed of the conviction, notify the registrar of the regulated member’s conviction.

(1.3) The registrar must cancel a regulated member’s practice permit and registration immediately after receiving a notification under subsection (1.2) or section 127.1(4) of the regulated member’s conviction.

(b) in subsection (2)(a) and (b) by striking out “subsection (2.1)” and substituting “subsections (2.1) and (2.2)”;

4 Section 45(3) presently reads in part:

(3) A person whose practice permit and registration are cancelled as a result of a decision of unprofessional conduct based in whole or in part

(a) on sexual abuse, or

5 Section 55 presently reads in part:

55(1) Within 30 days after 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) subject to subsection (2.1), may encourage the complainant and the investigated person to communicate with each other and resolve the complaint,

(b) subject to subsection (2.1), may make a referral to an alternative complaint resolution process under Division 2,

(2.1) Subsection (2)(a) and (b) do not apply in respect of a complaint made alleging sexual abuse or sexual misconduct against an investigated person.

(c) by adding the following after subsection (2.1):

(2.2) Subsection (2)(a), (a.1) and (b) do not apply in respect of a notice or complaint alleging the procurement or performance of female genital mutilation.

6 Section 57 is amended

(a) by adding the following after subsection (1.1):

(1.2) An employer who has reasonable grounds to believe that a regulated member has procured or performed female genital mutilation must, as soon as possible, give notice of that conduct to the complaints director.

(b) in subsection (2) by striking out “or (1.1)” and substituting “, (1.1) or (1.2)”.

7 The following is added after section 57.1:

Notice of report to law enforcement agency

57.2 If a notice or complaint alleging the procurement or provision of female genital mutilation is reported to a law enforcement agency under this Part, the complaints director must immediately notify the complainant and the investigated person of the report.

8 Section 58 is amended

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

(6.1) 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 and the information relates to the procurement or performance of female genital mutilation,

6 Section 57 presently reads in part:

(1.1) An employer who has reasonable grounds to believe that the conduct of a regulated member constitutes unprofessional conduct based on behaviour that, in the employer's opinion, is sexual abuse or sexual misconduct must, as soon as possible, give notice of that conduct to the complaints director.

(2) On being given notice under subsection (1) or (1.1), the complaints director must

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

7 Notice of report to law enforcement agency.

8 Section 58 presently reads in part:

(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.

(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, including where the information relates to sexual abuse or sexual misconduct, the

- (a) the person conducting the alternative complaint resolution process must immediately notify the complaints director, and
- (b) the complaints director must, immediately after receiving a notification under clause (a), report the matter to a law enforcement agency.

(b) in subsection (7)

- (i) **by striking out** “If during” **and substituting** “Subject to subsection (6.1), if during”;
- (ii) **by adding** “the procurement or performance of female genital mutilation or relates to” **after** “relates to”;

(c) in subsection (8)

- (i) **by striking out** “or” **at the end of clause (c);**
- (ii) **by adding the following after clause (c):**

(c.1) if the information referred to in subsection (7) relates to female genital mutilation, report the matter to a law enforcement agency, or

9 Section 96.2 is amended

- (a) **in subsection (1)(a) by adding** “the procurement or performance of female genital mutilation or constitutes” **after** “constitutes”;
- (b) **in subsection (2)(a) by adding** “the procurement or performance of female genital mutilation or constitutes” **after** “constitutes”.

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.*

9 Section 96.2 presently reads in part:

96.2(1) If a governing body of a similar profession in Canada or the United States has determined that the conduct of a regulated member in that other jurisdiction constitutes unprofessional conduct, the registrar must

- (a) cancel the regulated member's practice permit and registration if, in the opinion of the registrar, the conduct that decision was based on constitutes sexual abuse, or*

(2) If the registrar is satisfied that the registrar has sufficient evidence that a governing body of a similar profession in another jurisdiction, other than in Canada or the United States, has determined that the conduct of a regulated member in that other jurisdiction constitutes unprofessional conduct, the registrar must

- (a) cancel the regulated member's practice permit and registration if, in the opinion of the registrar, the conduct that decision was based on constitutes sexual abuse, or*

10 Section 127.2(1) is amended by adding “the procurement or performance of female genital mutilation or constitutes” **after** “constitutes”.

11 The following is added after section 133.1:

Standards of practice respecting female genital mutilation

133.2(1) A council must develop and propose standards of practice respecting female genital mutilation.

(2) Section 133 applies in respect of the adoption of standards of practice under this section as if the standards of practice were adopted under section 133.

(3) Standards of practice referred to in subsection (1) must be adopted by a council within 12 months after the later of

- (a) the coming into force of this section, and
- (b) the coming into force of the schedule to this Act that governs the college.

10 Section 127.2(1) presently reads:

127.2(1) If in the course of a regulated member acting in the regulated member's professional capacity the regulated member has reasonable grounds to believe that the conduct of another regulated member of any college constitutes sexual abuse or sexual misconduct, the regulated member must report that conduct to the complaints director.

11 Standards of practice respecting female genital mutilation.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To