
HEALTH PROFESSIONS ACT

A new law
for
regulated
health
care
professionals

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A new law for regulated health care professionals

In May 1999, the Alberta Legislative Assembly passed the *Health Professions Act* (HPA) to regulate all 30 self-governing health professions. This legislation will require all health professional colleges to follow common rules to investigate complaints and set educational and practice standards for registered members. The HPA will also increase public representation on college boards and in disciplinary processes.

As a member of a regulated health profession, you will find the new legislation affects your practice, your clients and the professional organizations you are affiliated with. The HPA provides new definitions, requirements and expectations for your scope of practice, registration, continuing competence and the disciplinary process.

This is a general guide to how the HPA affects all regulated health professions. Your regulatory college will provide you with more information about how the act will affect your profession, once your profession's regulations take effect.

2 Why the Health Professions Act is important

Under the HPA, Alberta's 30 regulated health professions will be expected to meet the same requirements for governance, registration and discipline. While regulated health professions will continue to govern themselves, the HPA lays out consistent rules by which all professions must provide safe and competent service to the public.

The HPA is important because:

- The public will have a better understanding of the accountability of health professionals and their regulatory colleges through common processes to register health professionals, investigate and resolve complaints, and discipline practitioners.
- Health professionals will have more flexibility in how they practise because scopes of practice are no longer exclusive to a single profession.
- Who can perform restricted activities, or higher-risk procedures, will be strictly enforced by the HPA.
- Issues that affect health professions as a whole can be more easily addressed by the HPA.

Parts 1 - 9 of the act are common to all of the health professions regulated under the HPA. These sections address such matters as:

- the establishment and governance of professional colleges
- initial registration and continuing competence of health professionals
- investigation of complaints and discipline and
- protection of professional titles.

Part 10 of the act contains profession-specific schedules for each college established under the HPA. A schedule sets out the health profession's practice statement and the profession-specific titles health professionals may use. The practice statement describes the services generally provided by members of the health profession.

3 How colleges function under the Health Professions Act

The HPA comes into force on a profession-by-profession basis as each profession's regulations are approved and its schedule under the act comes into effect. At that point the profession's previous act or regulation will be repealed.

To ensure a smooth transition, practitioners registered under previous legislation will continue to be registered under the HPA. Disciplinary actions that were initiated under the old system will be carried over.

Regulations, bylaws, codes of ethics and standards of practice

Before the HPA can apply to a profession, the regulatory college must develop new regulations and bylaws, and ensure its code of ethics and standards of practice are consistent with the new legislation. Until then, the profession's old legislation and regulations will continue to apply.

Regulations

Regulations address such things as:

- requirements for registration and annual practice permits
- continuing competence programs
- authority to provide restricted activities.

Regulations take effect only after government has approved them.

Bylaws

Bylaws direct the day-to-day operations of the colleges. Each professional college has the authority to adopt bylaws without government approval.

Codes of ethics

Codes of ethics are a set of guidelines and principles that govern the conduct of practitioners.

Standards of practice

Standards of practice direct how professional services should be provided.

College and government responsibilities

Codes of ethics and standards of practice do not require government approval, but colleges must consult with government before adopting them.

Colleges are expected to consult their members when developing new regulations. The HPA does not require practitioners to vote on or ratify a regulation.

The Alberta government looks at the extent and result of how a college consults with members and the department of Alberta Health and Wellness before deciding to approve regulations. A regulation does not have to have universal support, but there must be evidence that opposing views were heard and given proper consideration.

4 Accountability

Your accountability

As a regulated health professional, you are accountable to a variety of individuals and organizations. You are accountable to your clients and the organization that employs or hires you. You are also accountable to your regulatory college.

Your college sets professional standards for registered members and ensures that members meet those standards on an ongoing basis. If members fail to meet these standards, the college is also responsible for undertaking disciplinary action.

If you are not in private practice, you are also accountable to an employer—the organization that contracts your services, sets out your responsibilities, assesses your performance and pays for your services.

Responsibilities of your college

A college regulates the members of a health profession according to legislation. Its primary role is to govern its members.

In Alberta, 28 colleges regulate 30 different health professions:

Acupuncturists	<i>Acupuncture Committee of Alberta</i>
Audiologists, Speech Language Pathologists	<i>Speech Language and Hearing Association of Alberta</i>
Chiropractors	<i>College of Chiropractors of Alberta</i>
Combined Laboratory and X-ray Technicians	<i>Alberta College of Combined Laboratory and X-ray Technicians</i>
Dental Assistants	<i>Alberta Dental Assistants Association</i>
Dental Hygienists	<i>Alberta Dental Hygienists' Association</i>
Dental Technologists	<i>Alberta Association of Dental Technicians</i>
Dentists	<i>Alberta Dental Association and College</i>
Denturists	<i>Alberta Denturist Society</i>
Hearing Aid Practitioners	<i>Alberta Hearing Aid Practitioners Association</i>

Licensed Practical Nurses	<i>College of Licensed Practical Nurses of Alberta</i>
Medical Laboratory Technologists, Electroneurophysiologists	<i>Alberta College of Medical Laboratory Technologists</i>
Medical Radiation Technologists	<i>Alberta Association of Medical Radiation Technologists</i>
Midwives	<i>Midwifery Health Disciplines Committee</i>
Naturopaths	<i>Alberta Association of Naturopathic Practitioners</i>
Occupational Therapists	<i>Alberta Association of Registered Occupational Therapists</i>
Opticians	<i>Alberta Opticians Association</i>
Optometrists	<i>Alberta College of Optometrists</i>
Paramedics	<i>Alberta College of Paramedics</i>
Pharmacists	<i>Alberta College of Pharmacists</i>
Physical Therapists	<i>College of Physical Therapists of Alberta</i>
Physicians, Surgeons, Osteopaths, Podiatrists	<i>College of Physicians and Surgeons of Alberta</i>
Psychiatric Nurses	<i>Registered Psychiatric Nurses' Association of Alberta</i>
Psychologists	<i>College of Alberta Psychologists</i>
Registered Dietitians and Registered Nutritionists	<i>College of Dietitians of Alberta</i>
Registered Nurses	<i>Alberta Association of Registered Nurses</i>
Respiratory Therapists	<i>College & Association of Respiratory Therapists of Alberta</i>
Social Workers	<i>Alberta College of Social Workers</i>

Note: As the HPA comes into force for each profession, the name of the regulatory body will change to include the word “college,” if it does not already include “college” in the name.

The Health Professions Act, Part 1, 3(1), states that the role of a college is to:

- (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 continuing competence and standards of practice of the regulated profession, establish, maintain and enforce a code of ethics and
- (d) carry on the activities of the college and perform other duties and functions by the exercise of the powers conferred by this act.

Increased accountability and public input

Colleges are accountable for how they exercise their responsibilities under the HPA. This accountability is promoted and ensured in a number of ways:

Consultation: Colleges are required to consult with the Alberta government when developing their code of ethics and standards of practice.

Annual Reports: College annual reports must be tabled in the Alberta Legislature and include information requested by the Minister of Health and Wellness.

Separation of Functions: Colleges are not able to negotiate fees on behalf of their members unless they are given special authorization by the minister, and then only if the minister is satisfied that the college is structured so that it can keep separate the functions of regulating its members and representing their financial interests.

Public Representation: The level of public participation in colleges is increased. Twenty-five per cent of the members of college councils, hearing tribunals, complaint review committees and appeal bodies must be drawn from the public.

Open Hearings: Disciplinary hearings are open to the public unless the hearing tribunal determines the hearing should be closed. The public also has access to the decisions of hearing tribunals and to the record of any hearing that was open to the public. Complainants may attend hearings even if they are closed to the public-at-large.

Provincial Ombudsman: The HPA adds a new avenue of complaint to the role of the Provincial Ombudsman. Anyone who has been affected by the decisions of a regulatory college can make a complaint to the Ombudsman, after all appeal mechanisms within the college have been exhausted.

The Ombudsman will review complaints and recommend a course of action to the college involved. The Ombudsman cannot overturn a decision of a college and will not act as an appeal body for hearing tribunal decisions.

The Public Voice: The Health Professions Advisory Board

The Health Professions Advisory Board provides advice to the Minister of Health and Wellness. The minister can ask the board to advise on such things as applications to regulate new professions and proposals to expand a profession's scope of practice to include new restricted activities.

Appointed by the minister, the board is composed of 75 per cent public members. The remaining 25 per cent of members are regulated health professionals.

5 How the Health Professions Act Affects You

Professional services and restricted activities (Part 9 of the HPA)

A restricted activity is a procedure or service that requires specific professional competence to be performed safely. The HPA recognizes that one or more professions can have the necessary competence to perform the same restricted activity. Individual health professions no longer have exclusive rights to provide any particular health service. Under the new legislation, health professionals are not bound by exclusive scopes of practice, but by their abilities and the range of services they can provide in a safe and competent manner, subject to the standards of their regulatory college.

Profession-specific schedules define the services generally provided by members of colleges. However, some services may require specific or advanced education or training. Your college regulations will provide more details regarding requirements for providing special services. The regulations will also list the restricted activities that members of your profession are authorized to provide.

Unregulated professionals performing restricted activities

Unregulated professionals may only provide restricted activities under the strict conditions outlined in the HPA. The act allows unregulated health care workers to perform restricted activities under certain strict conditions. These situations may occur if unregulated workers have been specifically authorized by the Minister of Alberta Health and Wellness to perform a particular service, or if they are assisting or working under appropriate supervision of an authorized, regulated professional.

College regulations will deal with how members of the profession may supervise students or other individuals performing restricted activities under supervision.

Registration of regulated health professionals (Part 2 of the HPA)

Health professionals who want to register with a college must meet the entry requirements set out in each profession's regulation. A candidate can enter the profession one of three ways:

1. Have the specified combination of education and experience set out in the college regulation.
2. Come from another jurisdiction whose standards are recognized by the college as equivalent to Alberta's.
3. Be able to show that acquired education and experience are sufficient and equivalent to the entry requirements set out by the college.

Under the HPA, all health professionals who meet the requirements for registration must be registered with their regulatory college to provide professional services to the public.

While registration of health professionals will be mandatory, this does not mean that only regulated health professionals will be able to provide health services. Regulated professions do not own their scopes of practice. Those who are not members of regulated health professions may provide health services unless the services are included in the list of restricted activities.

Demonstrating continuing competence (Part 3 of the HPA)

The HPA makes continuing competence for regulated health professionals mandatory. A continuing competence program requires that regulated professionals must be able to demonstrate their competence to practise their profession throughout their careers. Within five years of coming under the HPA, a college must develop a continuing competence program if it hasn't developed one already.

Colleges are responsible for monitoring the competence of their members and for linking members' registration renewals to continuing competence requirements. To renew your permit or licence, for example, you are expected to meet the continuing competence requirements set out in your college's continuing competence program.

Protected titles (Part 7, section 128 of the HPA)

It is important that the public understand how health care professionals are regulated. The HPA lists protected professional titles in the schedule of each regulated health profession. Protected titles help the public more easily identify qualified practitioners and how to access their regulatory colleges.

The titles doctor (and its abbreviation, Dr.), nurse, surgeon, pathologist and oncologist are now protected under legislation. Only registered practitioners authorized under the HPA or its regulations, or under another law, may use those titles in connection with providing a health service. The use of the title “doctor” in academic or social situations is not restricted by this legislation.

Some protected titles apply to all health professions. The use of the terms “registered” or “regulated” in association with the name of a health profession are restricted to professions regulated under the HPA. You may call yourself a registered nurse, registered psychologist or a registered physician only if you are registered with that particular regulated profession.

Titles reserved for your profession are listed in your health profession’s schedule. Your college regulations will describe the requirements related to using a protected title.

College as a protected title

The use of the term “college” is also restricted. All regulatory bodies under the HPA are called colleges. Other organizations or associations of health professionals may not use the term “college” to imply that they are colleges under the HPA. The prohibition does not extend to academic institutions.

The discipline process (Part 4, sections 54 – 96 of the HPA)

The HPA defines how complaints against a regulated professional must be investigated and resolved.

Under the HPA, some important features of the disciplinary process include:

- a new complaint resolution process
- public hearings, with some exceptions
- disciplinary decisions available to the public
- publication of major disciplinary outcomes
- complaints directors for each college to register and investigate complaints
- an ability to refer complaints to the Provincial Ombudsman.

Alternative complaint resolution process

An alternative complaint resolution process allows a complainant and the investigated member of the college to resolve a complaint or dispute without resorting to a disciplinary hearing. Participation in an alternative complaint resolution process is voluntary. If both parties choose this process, the college must participate in and ratify any agreement the parties reach.

If a disciplinary action or complaint resolution results in suspension or cancellation, or in conditions being placed on a practice permit, that decision will be available to the public for the period of time specified in the college's regulation. The college must also inform the regulated member's employer and the regional health authority where the member provides services.

6 Need more information?

Most colleges have kept their members informed about their progress in coming under the HPA. Check your college's newsletter to keep up to date.

For detailed information about the HPA and how it affects you:

Contact your college or

Visit www.health.gov.ab.ca

For a copy of the HPA, contact Queen's Printer Bookstores at:

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10611 – 98 Avenue

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Glossary

College: the organization that is responsible for regulating a health profession.

Continuing competence: the maintenance of the knowledge, skills, attitudes and judgment required to provide professional health services.

Professional act or legislation: law that establishes a regulatory college, sets out its duties and authorities, as well as processes for governance, registration and discipline.

Register: a record of one or more categories of members who provide professional services of a regulated profession.

Regulation: made by a regulatory college under the authority of legislation to establish detailed rules for registration requirements, renewal procedures and other matters specific to a profession.

Regulated health professional: member of a health profession that is regulated by the Health Professions Act.

Restricted activity: a procedure or service that requires specific professional competence to be performed safely.

Schedule: section of legislation that states the health profession's practice statement and the profession-specific titles health professionals may use. The practice statement describes the services generally provided by members of the profession.