

DIVESTMENT OF PROFESSIONAL ASSOCIATION FUNCTIONS BY REGULATORY COLLEGES

OVERVIEW OF REQUIREMENTS FOR REVIEWS, REPORTS AND PLANS

SEPTEMBER 2021

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INTRODUCTION AND OVERVIEW

The *Health Statutes Amendment Act, 2020 (No. 2)* (“Bill 46”) received Royal Assent in December 2020, which included a suite of amendments to the *Health Professions Act* (HPA). Among these were provisions requiring regulatory colleges to cease functioning as professional associations and to divest themselves of any professional association functions they currently perform. This section from the HPA is quoted below with the new legislative changes noted (striketrough for deletions and underlined for additions).

3(1) A college

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

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

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

RSA 2000 cH 7 s3;2001 c21 s2

(4) A college may carry out functions other than those set out in subsection (1) or elsewhere in this Act if those functions are consistent with the college’s role as set out in this section.

(5) A college must not act or hold itself out as a professional association.

(6) Nothing in this section prevents a college from collaborating or cooperating with or engaging the services of a professional association, labour union or regulatory body in any jurisdiction to undertake activities that align with the role of the college, including but not limited to,

- (a) developing programs for the professional development of regulated members,
- (b) engaging the services of educational program accreditation agencies,
- (c) developing competency best practices,
- (d) promoting national standards and labour mobility, and
- (e) providing for national examinations.

While some colleges have adopted a formal dual mandate as a college and association and it is clear they must establish plans to divest themselves of professional association functions, others that identify themselves simply as colleges may still have functions which serve the interests of the profession. Such functions would be categorized as professional association functions and, in accordance with the amendments introduced by Bill 46, must also be divested.

To ensure all colleges are prepared for the forthcoming amendments, every college must complete a review of its functions. The outcome of this review and any plans to divest functions must be submitted to the Minister of Health for review. The following sections of this document outline the expectations for the review process and development of plans for divestment of association functions.

Changes to the HPA are not yet in force but it is anticipated they will be proclaimed into force, along with the new Section 3.1, on October 1, 2021. Section 3.1 addresses the cessation of professional association functions by a college. This section reads as follows:

3.1 A college that immediately before the coming into force of this section serves or purports to serve as a professional association must:

- (a) within 6 months after the coming into force of this section, provide the Minister with a plan to divest itself of its professional association functions, and
- (b) effective 18 months after the coming into force of this section, have no functions of, connection to or affiliation with a professional association.

When these provisions are proclaimed (currently expected October 1, 2021), colleges will need to have their reviews completed and any plans for divestment of association functions developed and submitted to the Minister no later than six months later (i.e. if October 1, 2021 then due March 31, 2022). The process for colleges to develop and submit their report should involve:

- An internal college review of all operations, bylaws, and internal policies and procedures (the outcomes of this review will be described in a summary report).
- The development of a plan to divest any association functions (divestment plan) that have been identified during the college's review, including a description of any communication/consultation with the membership on the proposed plan and its consequences for regulated members, as well as the plan's approval by the council.
- Submission of a summary report and the divestment plan to the Minister of Health by email to: HEALTH.RegulatedProfessions@gov.ab.ca.

Upon submission of the summary report and the divestment plan to the Minister:

- Officials within Alberta Health will commence a review of the summary report and, if included, the divestment plan.
- If there are no concerns with the plan, Ministerial acceptance will be communicated to the college.
- If there are concerns with the plan, Ministerial feedback will be provided with direction to resubmit a revised document to the Minister for further review.

In reviewing the summary report and divestment plan, the Minister will consider if:

- The college's internal review was thorough.
- The conclusions reached regarding the classification of its functions as either college or association functions were reasonable.
- The planned actions to divest any association functions are reasonable.
- The execution of the divestment plan will result in an appropriate separation of college and association functions.

Further guidance on the summary report and divestment plan development is found in subsequent sections of this document.

To ensure the summary reports and divestment plans can be reviewed quickly so that regulatory colleges have as much time as possible to implement the plans, **it is strongly recommended that regulatory colleges submit their finalized summary reports and divestment plans to the Minister of Health as soon as they are complete.**

At any point in the review or summary report and divestment plan development process, a college may contact Alberta Health for clarification or questions at HEALTH.RegulatedProfessions@gov.ab.ca.

COLLEGE REVIEW

In developing its summary report and divestment plan, a college will need to review its current bylaws, policies and operations to identify the extent to which activities the college undertakes reflect a role that fits into one of four categories. It is not necessary to consider activities that may have been performed in the past but are no longer performed, unless the decision to cease performing the activity was made in response to the provisions of Bill 46.

- Category A: Mandated by the HPA and its regulations or in other legislation such as the *Fair Registration Practices Act*.
- Category B: Allowed or implied based on the legislation governing the college.
- Category C: Not mandated by the HPA or strongly implied by the college's defined role yet may be consistent with a college's regulatory role.
- Category D: Not consistent with a college's defined or implied role and focuses on advancing professional interests, including setting professional fees, providing guidelines on professional fees and negotiating professional fees on behalf of some or all of its regulated members.

It is important to note that the amendments to the HPA do not prevent colleges from carrying out functions other than those within the defined role of a regulatory college or set out elsewhere in the HPA if those functions are consistent with the college's defined role. The HPA, as amended, will also not preclude regulatory colleges from cooperating with or engaging the services of a professional association, labour union or regulatory body in any jurisdiction to undertake activities that align with the role of the college. These activities include but are not limited to:

- Developing programs for the professional development of regulated members.
- Engaging the services of educational program accreditation agencies.
- Developing competency best practices.
- Promoting national standards and labour mobility.
- Providing for national examinations.

In the course of the college's review, it is important to consider the differing roles of a regulatory college and a professional association or union, since the classification of these activities will be the subject of the college's summary report and divestment plan, if appropriate.

Differentiating Between College and Association Roles

College	Association
A college governs its members to serve and protect the interests of the public.	An association represents its members, to serve the mandate of the association.
A college derives its authority and mandate from legislation.	An association derives its authority and mandate from its membership, although it may be established through enabling legislation such as the <i>Societies Act</i> .

In some circumstances, it may be relatively easy to differentiate between college and association functions (Category A versus Category D). In others, it may be necessary to consider the circumstances within which a particular activity is being performed and whether these activities primarily serve the interests of the public and are derived from an authority or mandate established in legislation or the profession (Category B versus Category C).

For example, a college sets requirements for regulated members to participate in professional development activities, but provision of professional development opportunities is generally seen as serving the interests of the individual practitioner. As a result, professional development activities are a responsibility of the individual, professional associations or other institutions.

However, there may be circumstances where the delivery of professional development or continuing education to regulated members through a regulatory college is appropriate and justifiable as being in the public interest. For instance, a college might be involved when the subject matter of the continuing education or professional development is clearly regulatory, such as education focusing on professional standards of practice or codes of ethics, or specific continuing education is required under the HPA (for example, requirements respecting sexual abuse or misconduct).

When evaluating whether an activity serves and protects the public interest, it may be helpful to consider factors such as whether the activity:

- Assists in holding members accountable.
- Ensures public safety through maintenance of competence in regulated members and/or supports minimum standards for education and practice.
- Performs without bias.
- Supports, establishes or maintains an administratively fair process.

To assist colleges in conducting their reviews and preparing their summary reports, Alberta Health has prepared a guide that identifies activities that colleges might currently perform. The guide provides information on how to determine whether a college may continue an activity or should divest the activity (see Appendix). However, the guide is not an exhaustive list of association or college functions so colleges should review and report all its functions even if not identified in the guide.

The guide is not a template and colleges are not expected to complete this document or submit it to Alberta Health. The guidance questions provided are meant to assist with the review and planning. The submitted divestment plan does not need to directly address the guidance questions.

SUBMISSION OF THE SUMMARY REPORT AND DIVESTMENT PLAN

All colleges currently governed under the HPA must submit a summary report and, if appropriate, a divestment plan to the Minister of Health by email to: HEALTH.RegulatedProfessions@gov.ab.ca.

Colleges may make their submissions in a single document combining their summary report and divestment plan, or in any format that meets their needs while providing the required information as listed below.

Summary Reports

The summary report provides an overview of the steps taken to review the college's activities and summarizes results of the college's review of its bylaws, standards, policies, programs and other activities, using the categories (A-D) as appropriate.

Category A Activities: Since all colleges undertake these activities, no detailed listing or explanations are required. Any exceptions should be noted.

Category B Activities: As some of these activities may not be performed by every college, the report should indicate whether the college performs these activities and functions. Any planned changes should be noted. A rationale or explanation for these functions and activities is not required.

Category C Activities: As these activities need to be justified, they must be identified in the summary report. The report should also indicate how the college plans to deal with these activities.

- If the college intends to cease performing the activity, provide details within the divestment plan.

OR

- If the college plans to continue to provide the activity, provide a rationale that addresses how the activity serves and protects the public interest. It may be helpful when providing this rationale to consider and provide detail about how the activity:
 - Assists in holding members accountable.
 - Ensures public safety through maintenance of competence in regulated members and/or supports minimum standards for education and practice.
 - Performs without bias.
 - Supports, establishes or maintains an administratively fair process.

Category D Activities: As colleges should not be undertaking these activities, they must be identified in the summary report, along with a confirmation that the college will be ceasing to perform these activities (the details included in the divestment plan).

Divestment Plans

If a college determines that it will cease performing certain activities (Category C and Category D) as a result of its activity review (e.g. bylaws, policies, operations, etc.), the college must prepare a divestment plan.

The divestment plan should include a description of the following, as appropriate:

- Any major consultations, meetings or planned negotiations.
- Anticipated timelines for any major milestones.
- How those activities will be provided in the future. For example, responsibility for the activity has been transferred to an association, or the college is ceasing the function and no other organization will be assuming the role.
- How the college will allocate resources previously earmarked for professional association functions.
 - The HPA does not obligate a college to create or support the creation of a professional association. However, where a college historically allocated significant resources to professional association functions, members will likely have questions related to how the college will be allocating resources in the future. The divestment plan should address these considerations.
 - Possible actions for the college to consider, including but not limited to:
 - Separating into a college and professional association with allocation of resources.
 - Transferring funds on a one-time basis to an existing organization with the expectation that they will address professional association functions that were previously addressed by the college.
 - Providing a one-time rebate to regulated members on their fees, so they can allocate the money to a professional association if they see fit.
 - Reallocating resources internally to regulatory activities.
- Any major barriers or challenges that may be anticipated with divestment and mitigation plans to address those barriers/challenges.
- Communication strategy to inform regulated members and/or public as needed.
- A summary of any changes in college affiliations with national professional associations, accreditation organizations, and national organizations of provincial regulators as a result of the review process.

Where a college is currently identified as both a college and association, the college will need to adopt a new name. This name will become official only when the college's respective HPA Schedule has been amended.

APPENDIX: A GUIDE FOR THE REVIEW OF COLLEGE REGULATORY AND PROFESSIONAL ASSOCIATION FUNCTIONS

Overview

- This document is intended as a guide. It is not a template. It is not required that a college will complete and submit this guide to the Minister of Health.
- Colleges are encouraged to use this document to guide their review of current activities, bylaws, policies and operations.
- The guide is not an exhaustive list and colleges should review and report on all of its functions even if they are not identified by the guide.
- Guidance questions included in the table are meant to assist with the review and planning. The submitted divestment plan does not need to directly address these questions.
- At any point in the review or summary report and divestment plan development process, a college may contact Alberta Health for clarification or questions at HEALTH.RegulatedProfessions@gov.ab.ca.

Activities in the following chart have been categorized as follows:

- Category A Activities are mandated by the *Health Professions Act* (HPA) and its regulations, or in other legislation such as the *Fair Registration Practices Act*.
- Category B Activities are allowed or implied based on the legislation governing the college.
- Category C Activities are not mandated by the HPA or strongly implied by the college's defined role yet may be consistent with a college's regulatory role.
- Category D Activities are not consistent with a college's defined or implied role and focus on advancing professional interests. Examples include setting professional fees, providing guidelines on professional fees and negotiating professional fees on behalf of some, or all, of its regulated members.

College Activities

Activity	Comments and Guidance Questions
1. REGISTRATION	
1.1 Registers for regulated members identified in Act and regulations (including STUDENTS when regulated)	Category A (See 3(e) ;33(1)(a) & of the HPA) This will be addressed in the professional regulation.
1.2. Registers for OTHER members of the college (NON-REGULATED)	Category B Such registers are permitted under the HPA (See 33(1)(b) of the HPA) Could potentially include: <ul style="list-style-type: none"> • Non-practising, retired members • Unregulated assistants etc. <p>Members on this register could be non-voting members of council, if a college so provided.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - What registers for other members does your college currently have? - What is the purpose of each register? - Does this purpose align with the regulatory role of the college?

Activity	Comments and Guidance Questions
	<ul style="list-style-type: none"> - Which of these is the college planning to continue? - Are members on any of these registers represented on council? - Is the college planning to add any new “other member” registers?
2. REGISTRATION OF REGULATED MEMBERS	
2.1 Registration of practitioners as regulated members	Category A (Part 2 of the HPA)
2.2 Providing information to applicants per the <i>Fair Registration Practices Act</i> re: appeal processes, timelines, registration requirements, and available supports	Category A (See S4 & S5 of the <i>Fair Registration Practices Act</i>). While these may not be addressed in the HPA, they are set out in provincial legislation with specific reference to regulatory colleges. E.g.: professional regulations require applicants to pass examinations – a college function.
2.3 Registration of applicants in another Canadian jurisdiction: <ul style="list-style-type: none"> • workers certified in a jurisdiction with similar scope of practice. • workers certified in another jurisdiction, but Alberta has posted a legitimate objective. • workers potentially qualified but not certified in another jurisdiction. 	<p>Category A</p> <p>These requirements follow from the Canadian Free Trade Agreement (CFTA) to which Alberta is a signatory.</p> <p>Note #1: There is no specific requirement in the HPA that colleges abide by the CFTA or other such agreements. However, the <i>Fair Registration Practices Act</i> does have such a requirement. See section 9 of the <i>Fair Registration Practices Act</i>: 9. A regulatory body shall ensure that its registration practices, in respect of an applicant to whom a domestic trade agreement that is in force in Alberta applies, are consistent with the domestic trade agreement.</p>
2.4 Other	
3. EDUCATIONAL PROGRAMS FOR ENTRY-TO-PRACTICE (ETP)	
3.1 Approval of programs for ETP	Category A Most, if not all regulations, require council approval of ETP programs, examinations and experiential requirements.
3.2 Using accreditation agencies in the approval of education/training programs	<p>Category B</p> <p>Many colleges rely on external program accreditation <u>to assist</u> in meeting requirements of 3.1.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Does your council rely on any external accreditation body in its approval of ETP programs? - What procedures does your council have to ensure that the accreditation body’s accreditation decisions/methodology reflect the competency requirements for the practice of the profession in Alberta?
3.3 Participating on advisory committees for accreditation agencies	<p>Category C</p> <p>Accreditation agencies generally have committees of professionals who advise on necessary competencies.</p> <p>Regulatory colleges could participate in advising accreditation agencies, but so too could professional associations. Nonetheless, when determining to use accreditation in its approval of educational programs, a college must be satisfied that accreditation meets its requirements.</p> <p>In reviewing these activities, you may want to consider:</p>

Activity	Comments and Guidance Questions
	<ul style="list-style-type: none"> - Does your college participate on advisory committees for any accreditation agency, including general accreditation agencies (e.g. Accreditation Canada) and other profession-specific agencies? - What process does your college have for assuring accreditation decisions reflect the competencies required by the council for ETP? - Is your college directly involved in accreditation decisions, that is a non-advisory role?
<p>3.4 Participating on advisory committees for approved educational programs</p>	<p>Category C</p> <p>For example, representatives from several colleges sit on advisory committees at NAIT. Given the college's role in approving programs, sitting on such <u>advisory</u> committees would seem reasonable.</p> <p>Generally, approval of programs relies on collaboration between the college, the program and government. Colleges are required to advise the Ministers of Health and Advanced Education if they approve or remove the approval of a training program.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Do representatives of your college sit on advisory boards or committees for any educational programs? - What is their role?
<p>3.5 Developing or adopting competency profiles</p>	<p>Category B:</p> <p>Establishing standards for registration includes determining the competencies required for ETP. Educational competencies are fundamental to the approval of ETP requirements (programs, examinations) so colleges need to be involved.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Has your college adopted a competency profile? - To what extent was your college involved in the development of the competency profile? - What processes do you have to ensure the competency profile remains current?
<p>3.6 Other</p>	
4. REGISTRATION EXAMINATIONS	
<p>4.1 Approval of registration/ jurisprudence examinations</p>	<p>Category A (See 28(2)((a)(iii) of the HPA)</p> <p>It is standard practice for college regulations to require applicants to pass registration examinations:</p> <ul style="list-style-type: none"> • In the practice of the profession • In jurisprudence/ethics
<p>4.2 Participation in registration/ jurisprudence examination development</p>	<p>Category B</p> <p>Professional regulations routinely require applicants to pass registration and jurisprudence examinations. Such examinations may be developed within a college or by other parties. Nonetheless, a college should ensure the development and approval of examinations are independent of one another.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - How is your college involved in the development of these examinations? - How are other colleges, professional associations or agencies involved?

Activity	Comments and Guidance Questions
4.3 Administration of registration/jurisprudence examinations	<p>Category C</p> <p>While it may be necessary for a college to administer an examination, particularly a jurisprudence examination, administration of an examination by a regulatory college is not ideal as it is difficult to assure independence of the development, approval and administration roles.</p> <p>In reviewing these activities, you may want to consider the following with respect to your registration and jurisprudence examinations:</p> <ul style="list-style-type: none"> - What body or agency is responsible for the delivery, scoring etc. of the examination? - What examinations, if any, are administered by your college? - What provisions exist to ensure the administration of the examination is fair? - What are the appeal processes?
4.4 Providing information about the examination to potential candidates	<p>Category A</p> <p>A college has a responsibility to make sure examinations use appropriate, up-to-date resources that are easily available.</p>
4.5 Providing study resources for examinations	<p>Category C</p> <p>Various parties may be involved, including colleges, professional associations and examination providers. Colleges need to avoid or limit conflicts of interest that may occur when balancing the need to help applicants and ensuring they meet requirements.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - What types of information does your college or other agencies provide to applicants to prepare for a registration or jurisprudence examination, in addition to any information provided in accordance with the <i>Fair Registration Practices Act</i> (See 2.2 above)? - Could such assistance give some applicants an unfair advantage?
4.6 Other	
5. REQUIREMENTS FOR PRACTICAL EXPERIENCE	
5.1 Setting requirements	<p>Category A (See 28(2)((a)(ii) of the HPA)</p> <p>Some colleges require additional experience beyond that provided within the approved training program. This is normally undertaken while the member is provisionally registered.</p>
5.2 Approving practica	<p>Category B</p> <p>Practica can be provided within approved training programs and as post-graduate experiential requirements.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - When approving ETP programs, what consideration is given to the provision of practical education? - Does your college have a role in the delivery of practical education?
5.3 Overseeing and evaluating participation in practica	<p>Category C</p> <p>Includes internships and other self-directed post-supervised practice requirements.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - How is the applicant's performance assessed? - How and by whom is successful completion of a practicum determined? - How and to whom may assessment decisions be appealed?
5.4 Other	

Activity	Comments and Guidance Questions
6. CONTINUING COMPETENCE (CC) EDUCATION	
6.1 Setting CC requirements	<p>Category A (See S50 of the HPA.)</p> <p>The college's defined role is in setting, maintaining and enforcing standards or registration and <u>of continuing competence</u> and standards of practice.</p>
6.2 Providing CC education (including in person, online, continuing competence events etc.) Regarding practice standards Clinical education	<p>Category C</p> <p>While colleges may be involved in the delivery of continuing education particularly with respect to its own standards, colleges should not be precluded from providing clinical education.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - How CC is normally made available to your regulated members? - To what extent is your college involved in the actual delivery of CC?
6.3 Other	
7. PROFESSIONAL LIABILITY INSURANCE	
7.1 Setting professional liability insurance requirements	<p>Category A</p> <p>The HPA as amended will require college councils to set the type and amount of professional liability insurance in their bylaws.</p>
7.2 Provision of professional liability insurance <u>as part of registration fee</u>	<p>Category D</p> <p>Liability insurance should not be included within professional registration fees. If a college is involved in the procurement of liability insurance (See 5.2), any associated fees should be separate and <u>voluntary</u>.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Is the cost of professional liability insurance currently included in your registration fees?
7.3 Facilitating the purchase of professional liability insurance (i.e. establishing a relationship with an insurance provider, negotiation of rates or discounts etc.)	<p>Category C</p> <p>A college could enable the provision of liability insurance for its members, provided that obtaining such insurance from the college was not mandatory and provided such insurance was not intended as a source of revenue for the college.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Is your college involved in the provision of liability insurance? - What is your college's involvement in providing professional liability insurance? - Are regulated members free to choose their insurance provider?
7.4 Other	
8. PRACTICE SUPPORT OR ADVICE	
8.1 Provision of advice regarding practice standards and expectations	<p>Category A</p> <p>Colleges are responsible for adopting and enforcing standards and codes. Providing interpretive advice is consistent with this role.</p>

Activity	Comments and Guidance Questions
8.2 Provision of clinical advice regarding patient/client	<p>Category C</p> <p>While a college would be expected to provide advice from both a competency and a regulatory perspective, a professional association may also be expected to provide clinical advice.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Under what circumstances is your college involved in the provision of clinical advice? - What changes might be anticipated if your college were to formally separate into a college and a professional association?
8.3 Other	
9. REGIONAL/NATIONAL AFFILIATIONS	
9.1 Affiliation of a college with a national or other professional association (not including other regulator organizations, see 9.3)	<p>Category D</p> <p>While colleges may work with professional associations, they should not be directly affiliated with them.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Is your college currently a member of a national or international professional association? - What actions will your college need to take?
9.2 Provision of membership in a national body as part of registration fee	<p>Category D:</p> <p>Practitioner membership in a national association or any other association should not be included within professional registration fees.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - To what extent, if any, is your college involved in the promotion of membership by individual members in any other body? - Which bodies if any? What is their mandate? - What actions are your college proposing to take?
9.3 Affiliation of a regulatory college with provincial or national associations of regulators	<p>Category B</p> <p>Given a college's role under the HPA, the <i>Fair Registration Practices Act</i>, the <i>Canadian Free Trade Agreement</i> and other interprovincial trade agreements, membership in provincial or national associations for provincial regulators such as the Alberta Federation of Regulated Health Professions, the Federation of Medical Regulatory Authorities of Canada (FEMRAC), Canadian Council of Registered Nurse Regulators (CCRNR), Canadian Network of Agencies of Regulation (CNAR), or Council on Licensure, Enforcement and Regulation (CLEAR) where the role of such associations is to promote regulatory excellence and collaboration.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Is your college affiliated with any national or international associations of, or for, regulators, or other associations related to the regulation of professions? - What impact if any will divestment have on your relationship with such associations?
9.4 Other	

Activity	Comments and Guidance Questions
10. MEMBER SERVICES	
10.1 Holding an annual general meeting (AGM) or other meetings	<p>Category C</p> <p>Providing a forum for communication with, and receiving communications from, regulated members is consistent with a college's governing role.</p> <p>While historically AGMs have had a role in directing the actions of a regulatory body, including approval of regulations and bylaws, this will no longer be appropriate. It is the council's role to manage and conduct the activities of a college, including the making of bylaws, and this should not be circumvented by an AGM.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Does your college hold an AGM or other meetings for its members? - Are these meetings held in collaboration with any other organization? - With divestment, what changes does your college anticipate with respect to such meetings? - Is your college still registered under the <i>Societies Act</i> and if so, are there plans to remove such registration¹? - How are college bylaws approved and will this change with divestment?
10.2 Receiving or considering resolutions from regulated members at an AGM or via petition	<p>Category C</p> <p>Considering input from the membership is appropriate but not necessarily obligatory. While a college does not require the consent of regulated members when making regulations or standards, it needs to be aware of, and consider, input from the membership.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - What is your college's policy respecting resolutions from regulated members during an AGM? Petitions? Other? - What changes, if any, are contemplated?
10.3 Offering or awarding AWARDS to registrants to promote regulatory excellence	<p>Category C</p> <p>Such awards might include awards to encourage prompt renewal of practice permits, recognizing participation in a regulatory initiative (e.g.: serving on a focus group, leading the development of a new standard of practice, etc.)</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Does your college offer awards of this nature? - How or will these be addressed in the future?
10.4 Offering or awarding AWARDS to registrants to promote or recognize practice excellence	<p>Category D</p> <p>This should be the responsibility of a professional association, an employer, educational institution or other organization.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Does your college offer awards of this nature? - How or will these be addressed in the future?

¹ When the HPA established some colleges, it did so by continuing a professional association as a regulatory college. That the professional association was established under the *Societies Act* ceases to be relevant once the college is established. Nonetheless, some colleges have retained the link to the *Societies Act*. With divestment, this link is no longer appropriate.

Activity	Comments and Guidance Questions
<p>10.5 Offering or awarding BURSARIES to assist registrants or potential registrants with economic or social challenges</p>	<p>Category C Such a bursary could be justified on the grounds of fairness and equity by ensuring practitioner diversity or the elimination of social or economic barriers.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Does your college have an established bursary program of this nature? - What is the purpose of this program? - Do you plan to continue this program?
<p>10.6 Offering or awarding BURSARIES to recognize practitioner achievement</p>	<p>Category D A bursary based in achievement in an educational program or some assessment of an individual practitioner would not be appropriate as a college must focus on ensuring competence of all regulated members.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Does your college have any bursary programs to promote individual practitioner achievement? - How will this program operate in the future?
<p>10.7 Sharing/distributing employment opportunities (e.g. job boards)</p>	<p>Category D An except would be for job opportunities within the college.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Does your college currently post general job opportunities on its website or newsletter? - Do you plan to continue such postings?
<p>10.8 Facilitating member communities of practice</p>	<p>Category C Generally, if the communities of practice promote professional competencies and inter-professional collaboration, such communities may be consistent with the objectives of a college's continuing competence program and its mandate as a regulatory college.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Does your college actively facilitate the establishment of member communities of practice? - What is your college's goal in promoting such groups? - What are your college's plans for such groups in the future?
<p>10.9 Facilitating other member interest groups</p>	<p>Category D Facilitating groups that promote the practice interests or needs of the membership would not be consistent with the role of a regulatory college.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Does your college actively facilitate the establishment of member interest groups alone or in collaboration with other organizations (professional associations)? - What are your college's plans for such groups in the future?
<p>10.10 Facilitating networking or social events</p>	<p>Category D This would be inconsistent with the role of a regulatory college as this activity would promote professional interests of practitioners.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Does your college currently promote events of this nature? - How will these events be provided in the future?

Activity	Comments and Guidance Questions
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10.11 Other

11. RESEARCH

11.1 Conducting, endorsing or providing financial support for research to support regulatory excellence or to address regulatory matters in research, including sharing or distributing opportunities to participate in such research

Category C
 This function would be consistent with a regulatory college’s mandate provided the activities align with the college’s interests as a regulatory body.

For example,
 Research on regulatory matters:

- Research involving patient records.
- Research to support development of competency profiles, accreditation of training programs, promotion of regulatory fairness etc.

Regulatory compliance:

- Confirmation that research applicants are regulated members.
- Confirmation that proposed research aligns with standards of practice, code of ethics.

In reviewing these activities, you may want to consider:

- To what extent is your college involved in promoting research with respect to regulatory issues that involve or impact your college?
- What is the rationale for such involvement?
- Are you proposing any changes?

11.2 Support of general medical or health research or research focusing on practitioner concerns or interests, including sharing or distributing opportunities to participate in such research

Category D
 Should be the responsibility of other agencies.

In reviewing these activities, you may want to consider:

- To what extent is your college involved in promoting research of this nature?
- What changes are you proposing?

11.3 Other

12. EXTERNAL/GOVERNMENT RELATIONS

12.1 Changes to scope of practice

Category B
 A change to a professional scope of practice may be promoted by members of the profession, educators, employers and others. To the extent that a college must be prepared to regulate its members, assess training programs, set CC requirements etc. with respect to an expanded scope of practice, there is a role for colleges in developing changes to scopes of practice.

Colleges need to exercise caution if proposing an expansion to scope of practice and determine if the expansion is in the public interest. Similar cautions would also apply when responding to proposed expansions by other professions.

In reviewing these activities, you may want to consider:

- What has been your college’s role in promoting changes to the scope of practice of its regulated members?
- What changes in your activities in this context do you envision?

Activity	Comments and Guidance Questions
12.2 Advocacy, social justice, or public health initiatives or partnerships i.e. projects, representation on boards etc.	<p>Category C</p> <p>There is a role for regulatory colleges in promoting changes within the publicly funded health system and the professional regulatory system. Colleges also need to consider these issues within their own organization.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - To what extent is your college currently involved in this type of advocacy or partnerships? - Does your college anticipate any changes to these activities?
12.3 Other	
13. WORKING WITH OR INFLUENCING GOVERNMENT	
13.1 Communicating with political leaders and department officials on regulatory matters.	<p>Category B</p> <p>The HPA delegates regulatory responsibility to colleges and mandates that colleges be accountable to government. Communicating at the departmental and ministerial level with respect to the HPA, regulations, standards of practice, and other professional regulatory matters respecting any college is consistent with, or implied, under the HPA (S131, S132.1; S133).</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - To what extent does your college communicate with government on regulatory issues? - What changes, if any, are contemplated for the future?
13.2 Communicating with political leaders and department officials on other matters related to general issues of professional practice and the health system in general	<p>Category C</p> <p>A college may initiate communications that align with a its regulatory role and may participate on government committees or taskforces.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - To what extent does your college communicate with government on issues of professional practice or the health system in general? - What changes, if any, are contemplated for the future?
13.3 Registration as a government lobbyist	<p>Category D</p> <p>Once colleges divest themselves of professional association functions, and limit their communications with government that align with their regulatory role, registration as a lobbyist would be inappropriate. Such registration would imply the college proposes to engage in functions of which it has divested itself.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none"> - Is your college currently registered as a government lobbyist? - Is your college planning to change this?
13 4 Other	
14. APPROVING COLLEGE BYLAWS	
14.4 Approval of Bylaws	<p>Category A</p> <p>Responsibility of the council</p> <p>S132 of the HPA provides for bylaws to address the approval of bylaws. Most colleges provide that the council has the authority to make or approve bylaws, but some require approval by the membership.</p> <p>With the transition to a pure college model, approval of bylaws by the membership is no longer consistent with the role of the regulatory</p>

Activity	Comments and Guidance Questions
	<p>college. A college council derives its authority from the HPA, not the college membership.</p> <p>Nonetheless, bylaws should address such matters as consulting with and informing regulated members about bylaws and bylaw changes.</p> <p>In reviewing these activities, you may want to consider:</p> <ul style="list-style-type: none">- How does your college currently approve its bylaws? (please cite the relevant bylaw).- What changes respecting the approval of bylaws are anticipated?