
Professional Regulation - Summary Paper

In Alberta, GOA delegates authority to professional regulatory bodies to self-regulate in the public interest. A new Ministry was created on December 6, 2013, and the Professional Governance Unit is now part of the Ministry of Jobs, Skills, Training and Labour. Within this Ministry, the Professional Governance Unit (formerly Professions & Occupations) is under the Workforce Strategies Division, and is part of the Labour Qualifications and Mobility (LQM) Branch.

The LQM Branch leads and implements strategic policy, initiatives and programs to ensure that workers from across Canada and internationally receive recognition of their qualifications so that they are able to apply their skills and work to their full potential in Alberta's labour market. The LQM Branch also ensures that the legislation, policies, and programs related to the professional self-governance in non-health occupations serve to protect the public interest and the safety of all Albertans.

The legislation guiding professionals and their associations/colleges protects Albertans by ensuring that members of a registered profession or occupation meet acceptable entry and practice standards. These standards are necessary because the services provided by professionals could affect the life, health, safety or property of the public.

In Alberta there are two forms of professional regulatory regimes:

Certification (typically referred to as 'Right-to-Title'):

Only establishes protected title(s) and registration is voluntary.

Under this regime, practitioners are not required to register but if they do, they are afforded use of protected titles and the public can distinguish between regulated and non-regulated practitioners via the protected title usage.

Licensing (typically referred to as 'Right-to-Practice'):

Also has protected title(s) provisions but professional regulation is via either an **Exclusive Scope of Practice (ESofP)** or via **Mandatory Registration (MR) and Restricted Activities (RAs)**. Under ESofP, a practitioner who is practicing within the defined scope of practice must register and be accountable. Only practitioners that are regulated (i.e., are eligible to use the protected titles) or working under the direct supervision of a regulated professional can practice in that profession and if RAs exist, these can only be performed or approved (signed-off) by a regulated professional. RAs can be spelt out in the profession's Act/Regulation or in other provincial statute/policy. MR is applied to anyone that meets the entry standards of a specified profession and is practising within the scope of practice for that profession. RAs or "controlled acts" are services or activities that only regulated members of that profession can undertake or sign-off on. ESofP regimes are designed to capture every practitioner within a profession while MR/RAs regimes may not capture every practitioner in the practice because the person may not be eligible for registration and thus MR provisions won't apply to them. Only regulated members can sign-off on an RA but other practitioners may do work on an RA under the direct supervision of a regulated professional.

Some examples of certification and licensing regimes in Alberta are described below along with some general remarks about regulation of professions:

APEGA (the Association of Professional Engineers and Geoscientists of Alberta) and several other professions (e.g., Accountants, Land Surveyors, Veterinarians, etc.) have an ESofP model. Any new professional legislation in Alberta will likely not take this ESofP approach – government tends to favour the MR/RAs licensing regime since the *Health Professions Act* came on board in the late 1990s. Professional Engineers and Geoscientists self-regulate under the *Engineering and Geoscience Professions Act*.

Over 30 professions (ranging from Doctors and Nurses to Medical Radiologists) are regulated under the *Health Professions Act* (HPA) in Alberta. Schedules/regulations appended to the HPA establish autonomous regulatory Colleges (e.g., Doctors, Nurses, etc.) and list protected titles and RAs that apply to each of those profession's regulated members. In the Health sector, certain regulated professions (e.g., Doctors) used to have their own Act and an ESofP. Amendments to streamline regulation of the health professions led to an umbrella piece of legislation being developed (i.e., the HPA). ESofPs were removed from certain professions such as Doctors and now only MR/RAs are used to apply licensing. The rationale behind this being that RAs are used to spell out who can do what, not an ESofP. Today, Doctors are not the only professionals that can give a needle or birth a baby; midwives and nurses are now authorized to provide some of these professional services (i.e., RAs). Traditionally, the Doctors under the ESofP model were the only regulated professionals that could do RAs like give a needle or birth a baby. The debate continues on about who should be able to prescribe medication (i.e., a doctor or pharmacist) and optometrists can now provide services that previously only an ophthalmologist could. All are regulated under an MR/RA model (i.e., licensing) in the interest of protecting public health and safety.

Also under the HPA, it was deemed that a qualified practitioner was required to apply and be regulated. The analogy, "if it looks like a duck, quacks like a duck and walks like a duck, it will be regulated like a duck" was often used to express that registration was required in the interests of public safety and protection - especially in cases where RAs were specified. If a health professional wishes to provide an RA, then that individual must possess the protected title to perform the RA.

Biologists and Chemists are regulated under umbrella legislation (POARA - Professional and Occupational Associations Registration Act), which is right-to-title only (i.e., certification). Several other professional bodies (e.g., Municipal Assessors and Home Economists) are also regulated under POARA. This umbrella legislation was established so that any future professions seeking right to title legislation could do so without requiring their own separate Act. POARA is up for amendment in the coming years. With Biologists and Chemists authorized to sign-off on RAs relating to reclamation and remediation certificates, their 'fit' under POARA is questionable.

The College of Alberta Professional Foresters evolved from a certification regime with right to title only to a licensing regime in 2002. Forest Technologists evolved from no professional regulatory status under The Societies Act to a licensing regime when the RFPA came into effect. Under the RFPA's MR provisions, foresters and forest technologists who are fully qualified to make application must do so with their respective regulatory body. Being fully qualified and competent to register with CAPF is interpreted as a forestry professional that possesses an accredited B.Sc. in Forestry (or equivalent) and is practicing forestry (practice is defined in the Act) on public lands (AB Crown lands) within the province. Such individuals are required to make application and be accountable to the profession and the public that owns the forest resources. Annex 2 of the AB Forest Management Planning Standard (AESRD policy) outlines numerous RAs that must be signed-off by an RPF (or RPFT) and under Alberta Environment and Sustainable Resource Development, only regulated professionals in Forestry, Engineering, Biology, Agronomy or Chemistry (possessing 5 years of practical experience in the reclamation and remediation sector) are permitted to sign-off on certain RAs spelt out in GOA policy.

In the Forestry sector across Canada there are licensing regimes in BC, AB, ON and QC (all have ESofP regimes except AB which has a MR/RA regime). SK, NL, NS & NB are certification regimes only. Currently, no regulatory bodies exist in the Territories, PEI, or MB. SK is currently moving towards a licensing regime. NL is undergoing change as well.