

ALBERTA COLLEGE OF PARAMEDICS

BYLAWS

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PART I GENERAL

Whereas the Alberta College of Paramedics is duly continued under the *Health Professions Act* of the Province of Alberta;

And whereas power is given to the Council of the Alberta College of Paramedics by the *Health Professions Act* to make Bylaws as may be necessary;

Now therefore the Council of the Alberta College of Paramedics enacts as follows.

1.1 Definitions

In these Bylaws:

- a) *Act or HPA* means the *Health Professions Act*, R.S.A. 2000, c. H-7
- b) *Bylaws* means these Bylaws
- c) *Council Charter* means the Council Charter of the College
- d) *College* means the Alberta College of Paramedics
- e) *College Policy or Policy* means policies of the College
- f) *Council* means the Council of the College
- g) *Councillor or Council member* means a member of the Council of the College
- h) *Good standing* refers to those terms set out in section 3.5 of these Bylaws
- i) *Officers* means the Officers of the Council
- j) *Registrar* means the Registrar as defined in section 8 of the HPA
- k) *Regulated Member* means a person who is registered as a regulated member of the College
- l) *Regulation* means the Paramedics Profession Regulation enacted under the HPA
- m) *Special Meeting* means a special meeting convened pursuant to these Bylaws
- n) *Standard of Practice* means the standards of practice adopted by the College under sections 133 and 133.1 of the HPA

1.2 Bylaws in Force

These Bylaws have been enacted by Council, pursuant to section 132 of the HPA.

1.3 Head Office

The head office of the College will be located within the province of Alberta at a location as may be determined from time to time by Council.

PART II GOVERNANCE

2.1 Duties and Powers of Council

- a) Council shall exercise all the powers and duties granted to a Council under section 5 of the HPA.
- b) Council may perform any other duties not specified in the HPA that allows the College to fulfill its mission and purpose including but not limited to developing College Policies and appointing individuals to committees not specified in the HPA.
- c) All voting members of Council shall have all of the rights and responsibilities outlined in the Act, Regulation, Bylaws, Council Charter and Policy.
- d) Council may appoint or remove a member of a College committee by a simple majority vote of the Council.

2.2 Composition of Council

Council consists of the following composition:

- a) Four to six regulated members appointed in accordance with these Bylaws.
- b) Despite article (a), Council may decide not to fill a vacant position in a particular year for the purposes of reducing the size of Council to ensure compliance with the legislated requirement effective April 1, 2021 that at least 50 percent of the members of Council be public members.
- c) Public members appointed by the Lieutenant Governor in Council in accordance with the HPA.
- d) Any non-voting members appointed by the Council under section 5 of the HPA for any term and purpose decided by Council.

2.3 Regulated Member Eligibility for Appointment

2.3.1 Eligibility

To be eligible to be appointed to Council, a candidate must:

- a) Be a regulated member on the general or provisional register.
- b) Be in good standing with the College and with any other Alberta college(s) or regulated health profession(s) the regulated member is affiliated with.
- c) Have held an active practice permit with the College for at least three years prior to the date of nomination.
- d) Be a resident of Alberta.

2.3.2 Ineligibility

A regulated member on the general or provisional register is not eligible for appointment to Council if that regulated member:

- a) Has been found to have committed unprofessional conduct pursuant to Part 4 of the HPA within the five years before the date of applying.
- b) Holds federal, provincial or local government office.
- c) Occupies a senior position with the Government of Alberta, Alberta Health, Alberta Health Services, a College approved education program provider, or a union or association that represents members of a regulated health profession.
- d) Is employed by an organization that has a paid contractual relationship with the College as a provider of services or goods.
- e) Is or was an employee of the College within ten years before the date of applying.
- f) Has been removed or resigned from Council in the three years prior to the date of applying.
- g) Is currently taking legal action against the College or has completed legal action against the College in the three years prior to the date of applying.

2.4 Appointment of Regulated Members to Council

2.4.1 Timing and Method

- a) The College shall place a call for recruitment for regulated member vacancies on Council each year as per the composition of Council specified in these Bylaws.
- b) The Selection Committee shall specify the method, timing and processes for the recruitment.
- c) The College shall provide to each regulated member on the general or provisional register, notice of the:
 - i. positions available for appointment

- ii. method, timing and processes for the recruitment
- iii. applicant requirements
- d) The Selection Committee shall receive and consider applications and make recommendations to Council regarding candidates for appointment to Council in accordance with the timelines set out in the terms of reference approved by Council.
- e) Appointments of regulated members to Council shall be made by Council, having regard for the recommendations of the Selection Committee.

2.4.2 Insufficient Applications

Where the number of applicants is equal or fewer to the number of vacant positions, the Selection Committee may initiate a second call for recruitment or Council may appoint any eligible regulated member to fill the vacancy for a term specified by Council.

2.4.3 Reporting of Appointments

The names of the appointed members shall be posted on the College website before the beginning of their term.

2.5 Terms of Office of Regulated Council Members

- a) Except when these Bylaws otherwise provide, the term of office of all regulated members of the Council is three years, with the intention that approximately one-third of the regulated members of the Council will be appointed each year.
- b) All Council members who wish to return to Council at the end of their term and are eligible to serve another term must seek re-appointment through the application process.
- c) The Council is empowered to adjust the length of the term of office of regulated members of Council, including those already appointed to a specific term of office, in order to maintain the approximate one-third turnover rate in accordance with article 2.5(a).
- d) Appointed members of Council shall serve for a term consistent with the term determined by Council; which is not to exceed three years.
- e) Regulated members of Council may not serve more than two consecutive terms but may seek re-appointment to Council after not sitting on Council for a minimum of three years.
- f) Regulated members of Council may not serve more than four terms in their lifetime.

2.6 Officers of the Council

- a) The Council shall elect a President, a Vice President Governance, and Vice President Finance, Audit and Risk Management from among the voting members of the Council.
- b) Officers shall be elected by a simple majority vote of Council.
- c) The composition of officers of Council shall include at least one regulated member.
- d) A public member may be nominated as an officer of Council if they a) accept the nomination and b) are elected by Council
- e) The term of an officer position shall be one year.
- f) An officer can be removed at any point during the term by a vote of two-thirds or more of the Council members participating in the vote; however, an Officer so removed is not automatically removed from the Council.

2.6.1 The President

- a) Shall preside at meetings of the Council
- b) May serve on committees appointed by the Council unless excluded by the HPA.

- c) Shall perform all duties prescribed by these Bylaws or assigned by the Council.

2.6.2 The Vice President Governance

- a) Shall, in the absence of the President, preside at meetings of the Council and have all the powers and duties of the President
- b) Shall perform all duties prescribed by these Bylaws or assigned by the Council.

2.6.3 The Vice President Finance, Audit and Risk Management

- a) Shall, in the absence of the President and Vice President Governance, preside at meetings of the Council and have all the powers and duties of the President.
- b) Shall perform all duties prescribed by these Bylaws or assigned by the Council.

2.7 Council Meetings

2.7.1 Frequency

- a) The Council shall meet a minimum of four times per year at such times and places as determined by the Council.
- b) Notice of the date, time, and location of each Council meeting will be provided to each Council member not less than seven days prior to the scheduled meeting.

2.7.2 Structure

- a) Except when the Council otherwise directs, Council meetings are open to regulated members in good standing, non-regulated members and the public.
- b) Council meetings may be held in person, by phone, video or any other means of communication technology that allows all persons on the Council to hear and be heard.
- c) In the absence of the President, Vice-President Governance and Vice President Finance, Audit and Risk Management the meeting shall be rescheduled.

2.7.3 Quorum

- a) A quorum of the Council is a simple majority of Council members who are eligible to vote.
- b) For the purpose of calculating a simple majority of Council, non-voting members (those not appointed by the Lieutenant Governor) shall not be counted.

2.7.4 Voting

- a) Council members who are eligible to vote are appointed regulated members and public members.
- b) The CEO, Registrar and any other ex-officio members are not eligible to vote.
- c) A vote may take place in-person or by telephone, video or email.
- d) Any issue to be decided by the Council is made by a minimum 50% + 2 of those voting members of Council who are present at a meeting
- e) The Chair shall refrain from voting except to break a tie.

2.8 Resignations and Terminations of Regulated Members from Council

- a) A Council member may resign their position by providing their written resignation to the President and/or Chief Executive Officer.
- b) A Council member's position will automatically terminate when the Council member:
 - i. resigns from their position or dies

- ii. ceases to be a regulated member in good standing with the College
 - iii. is absent from three consecutive meetings of the Council without prior written notice and without proper justification
 - iv. pleads guilty or is found guilty of an offence under the Criminal Code of Canada
 - v. is no longer a resident of Alberta
 - vi. is found guilty of unprofessional conduct pursuant to part 4 of the HPA
 - vii. is elected to local, provincial or federal government office assumes a senior position with the Government of Alberta, Alberta Health, Alberta Health Services, a College approved education program provider, or a union or association that represents the paramedic profession
 - viii. assumes employment (or a contractor position) with the College
- c) A Council member's position may also be terminated by vote of Council, in accordance with the Council Charter, for behaviour that is determined to have violated the Council's Code of Conduct, Oath of Confidentiality and/or Council Charter.
- d) Termination by Resolution: A vote of two-thirds or more of voting Council members is required to remove a Council member from their appointed term.

2.9 Regulated Member Vacancy on Council

- a) A vacancy will be identified based on the composition of Council as determined by these Bylaws.
- b) If, at any time, there is a vacancy of a position on Council to be held by a regulated member, the Council may, in its discretion:
 - i. invite the first runner-up from the most recent recruitment for Council to assume the vacant position and for the term of that position on Council
 - i. elect to leave the position vacant until the next scheduled call for recruitment for Council members, if the remaining portion of the term is less than 12 months
- c) The lengths of term of the positions available for the next appointment will be adjusted to maintain the approximate one-third turnover rate.

PART III MEMBERSHIP

3.1 Initial Registration Applications

- a) An individual may become a regulated member of the College by meeting the applicable application requirements set out in the HPA, regulation, Bylaws and College policies.
 - i. An applicant may be required by the Registrar or the Registration Committee, as applicable, to demonstrate proficiency as required by subsection (a) in accordance with requirements approved by Council and outlined in the registration policy.
 - ii. An applicant may be required to demonstrate substantially equivalent competence and practice requirements for the purposes of s. 28(2)(b) of the HPA when applying through Labour Mobility as outlined in the registration policy.
- b) The Registrar shall consider complete initial applications for registration as a regulated member.
- c) The Registrar may, at the Registrar's sole discretion, refer a registration application to the Registration Committee.

3.2 Information Regarding Regulated Members and Applicants

- a) A regulated member or an applicant for registration as a regulated member must provide the following information to the Registrar upon application for registration, upon application for renewal, upon written request from the Registrar and when there are changes to the information:
 - i. The following demographic information:
 - a. Home address, including postal address
 - b. Email address
 - c. Phone numbers
 - d. Date of birth
 - ii. The following information regarding the regulated member or applicant's professional practice:
 - a. Employer name(s)
 - b. Employer contact information
 - c. Date of commencement and termination of employment
 - d. Certificate of professional liability insurance coverage
 - iii. Any other demographic or professional information the Registrar considers relevant
- b) Except as otherwise permitted or required by the Act or these Bylaws, the College may disclose information collected under subsection (a) about a regulated member
 - i. with the consent of the regulated member; or
 - ii. in a summarized or statistical manner so it is not possible to relate the information to the regulated member or any other identifiable person.

3.3 Practice Permit Conditions and Endorsements

- a) The Registrar may place or remove conditions from a regulated member's practice permit as authorized in the HPA, PPR, Bylaws and College policies
- b) The Registrar may place or remove endorsements from a regulated member's practice permit as authorized in the HPA, PPR, Bylaws and College policies

3.4 Changes to Registers and Records

- a) Subject to the HPA and the Regulation, no information recorded on any Register may be changed, added to or removed without direction from the Registrar.

3.5 Regulated Members in Good Standing

A regulated member of the College is in good standing if the regulated member:

- a) Has paid in full all dues, fees, costs, levies, and/or assessments prescribed by the HPA, regulation and Bylaws;
- b) Has a valid practice permit that is not suspended or cancelled for any reason;
- c) Has complied with all Continuing Competence Program requirements; and
- d) Is not in breach of:
 - i. any professional conduct orders pursuant to Part 4 of the HPA, or
 - ii. any section 118 direction pursuant to Part 6 of the HPA.

3.6 Applications for Practice Permit Renewal

- a) The Registrar shall consider complete applications for practice permit renewals.
- b) The Registrar may, at the Registrar's sole discretion, decide to refer an application for practice permit renewal to the Registration Committee.

- c) Regulated Members shall complete an application for practice permit renewal and submit all required fees by close of business or 4 pm on September 30 of each year.
- d) A practice permit shall be effective on October 1 and shall expire on September 30 of each year, unless otherwise indicated on the practice permit.
- e) If the Registrar determines a regulated member has not complied with conditions imposed on a practice permit at renewal, the Registrar may suspend the practice permit until such time as the condition(s) are met and/or to refer the matter in accordance with the HPA.

3.7 Reinstatement Applications (Non-Disciplinary)

- a) A regulated member whose practice permit and registration are cancelled under the Act, except under Part 4 of the Act, may apply to the Registrar for reinstatement.

3.8 Professional Liability Insurance

- a) When applying for a practice permit, including any application for renewal or reinstatement, a regulated member must provide evidence of active professional liability insurance with at least the following coverage:
 - i. Errors and Omissions Liability: \$5,000,000 per claim and annual aggregate;
 - ii. Abuse Errors & Omissions Liability (including Criminal Defense): \$50,000 per claim, \$100,000 annual aggregate;
 - iii. Disciplinary Legal Expenses: \$50,000 per claim, \$100,000 annual aggregate; and
 - iv. Breach of Confidentiality: \$5,000,000 per claim, \$5,000,000 annual aggregate
- b) A regulated member holding an active practice permit must maintain professional liability insurance as a condition of an active practice permit and must provide evidence of such professional liability insurance to the Registrar at any time upon written request.

PART IV COMMITTEES, TRIBUNALS AND WORKING GROUPS

4.1 Selection Committee

- a) The Council shall appoint at least one regulated Council member and one public Council member to the Selection Committee.
- b) The Council President shall sit on the Selection Committee as Chair
- c) Subject to the HPA, Regulation, these Bylaws and the terms of reference approved by Council, the Selection Committee may determine its own rules and procedures.

4.2 Registration Committee

- a) The Council may establish a Registration Committee to carry out the powers and duties set out in the Act, the Regulation, and the Bylaws.
- b) Council shall appoint no fewer than three regulated members in good standing to the Registration Committee for a term to be decided by the Council.
- c) Appointments to the Registration Committee must meet the eligibility requirements set out in section 2.3.1 and 2.3.2 of these Bylaws and any additional requirements outlined in the Terms of Reference approved by the Council.
- d) Council shall designate a member of the Registration Committee to act as Registration Committee Chair.
- e) The Registration Committee shall determine any registration or practice permit issue referred to them by the Registrar.
- f) The Registrar, or designate, shall attend Registration Committee meetings.

- g) A quorum of the Registration Committee is three members.
- h) Subject to the HPA and the Bylaws, the Registration Committee may determine its own rules and procedures.
- i) Registration Committee decisions shall be by a vote of the majority of registration committee members participating in the vote.

4.3 Competence Committee

- a) The Council may establish a Competence Committee to carry out the powers and duties set out in the Act, the Regulation, the Standards of Practice and the Bylaws.
- b) The Council shall appoint no fewer than three regulated members in good standing to the Competence Committee for a term to be decided by the Council.
- c) Appointments to the Competence Committee must meet the eligibility requirements as set out in section 2.3.1 and 2.3.2 of these Bylaws and any additional requirements outlined in the Terms of Reference approved by the Council.
- d) The Council shall designate a member of the Competence Committee to act as the Competence Committee Chair.
- e) The Registrar, or designate, shall attend Competence Committee meetings.
- f) A quorum of the Competence Committee is three members.
- g) Subject to the HPA, the Competence Committee may determine its own procedures.
- h) Competence Committee decisions shall be by a vote of the majority of the Competence Committee members participating in the vote.

4.4 Membership List

- a) The Council shall appoint no fewer than eight regulated members in good standing on the General Register to the membership list referred to in section 15 of the HPA for a term decided by the Council. This list shall be used for appointing regulated members to a Hearing Tribunal or Complaint Review Committee as needed.
- b) Appointments to the membership list must meet the eligibility requirements as set out in section 2.3.1 and 2.3.2 of these Bylaws and any additional requirements outlined in the Terms of Reference approved by the Council.

4.5 Hearing Tribunal and Complaint Review Committee

- a) A Hearing Tribunal or Complaint Review Committee (CRC) consists of the regulated members and public members appointed to it by the Hearings Director.
- b) The Hearings Director shall appoint a chair of each Hearing Tribunal or CRC.
- c) A quorum of a Hearing Tribunal or CRC is two regulated members in good standing and the number of public members required by section 12(1) of the HPA.
- d) Subject to the HPA, the Regulation and the Bylaws, a Hearing Tribunal and CRC may determine its own procedures.
- e) A decision of a Hearing Tribunal or CRC shall be by majority vote. If a Hearing Tribunal or CRC is sitting with an even number and there is a tie vote, the chair shall cast a second and deciding vote.

4.6 Other Committees and Working Groups

- a) The Council may establish such other committees and working groups from time to time as may be necessary or desirable for the effective conduct of activities and affairs of the College.
- b) The Council shall provide direction as to each committee's function and responsibility.

PART V MEETINGS OF THE COLLEGE

5.1 Member Special Meetings

- a) The Council may, when it deems appropriate, upon a request in writing made by and signed by (including electronic means) regulated members in good standing who represent 10 per cent of the total regulated members in good standing, convene a Special Meeting of the regulated members of the College.

5.1.1 Notice of Special Meetings

- a) Notice of a Special Meeting, together with the purpose for holding the meeting, shall be sent to the regulated members of the College in good standing at the address (including email address) listed on their profile not less than 10 days prior to the date of the Special Meeting.
- b) The date, time and location shall be determined by Council in its sole discretion.

5.1.2 Agenda for Special Meetings

- a) Only the matter or matters set out in the notice of a Special Meeting shall be dealt with at a Special Meeting.

5.1.3 Chair of Special Meetings

- a) The President or, in the absence of the President, the Vice President Governance or Vice President Finance, Audit and Risk Management shall be the Chair of any Special Meeting, and
- b) Council may retain a parliamentarian to assist in Chairing of a Special Meeting of the College

5.1.4 Votes

- a) A simple majority vote of the regulated members in good standing in attendance at a Special Meeting, shall be sufficient to determine any recommendation or matter, except as otherwise specified in these Bylaws.
- b) No proxy voting shall be permitted.
- c) Any resolution(s) passed, motion(s) passed, or recommendation(s) made on any matter at a Special Meeting shall be considered at the next meeting of the Council but are not binding on the Council.

PART VI ADMINISTRATION

6.1 Chief Executive Officer

- a) The Council shall appoint a Chief Executive Officer and the Chief Executive Officer shall report to the Council.
 - i. The Council may, at its sole discretion, appoint an individual to a joint position of Chief Executive Officer and Registrar.
 - ii. Despite article 6.2(a), the Chief Executive Officer may not appoint themselves as Registrar indefinitely without Council approval.
- b) The Chief Executive Officer is responsible for the operation and oversight of the administration of the College as directed by the Council and in accordance with the HPA, these Bylaws and College Policies.
- c) The Chief Executive Officer may delegate in writing any of the Chief Executive Officer's duties

and responsibilities to another person with or without conditions. Where such delegation occurs the Chief Executive Officer shall immediately notify the Council in writing.

6.2 Registrar

- a) The Chief Executive Officer shall ensure that a Registrar is appointed. The Chief Executive Officer shall immediately notify the Council of the appointment in writing.
- b) The Registrar shall be a regulated member in good standing and may:
 - i. consider applications for registration and applications for a practice permit
 - ii. undertake any other power or duty given to the Registrar under the HPA, the Regulation or these Bylaws
 - iii. subject to sections 19 and 20 of the HPA, execute any powers and duties delegated by the Council
 - iv. serve as Council's designate and carry out the duties under sections 65 and 86 of the HPA
- c) Subject to the HPA and these Bylaws, the Registrar may delegate any of the Registrar's duties and responsibilities to another person. Where such delegation occurs, the Registrar shall immediately notify the Chief Executive Officer.
- d) If the office of the Registrar becomes vacant or the Registrar becomes incapable of acting, the Chief Executive Officer may appoint an acting registrar, who has all the powers and must perform all the duties of the Registrar under the HPA, Regulation and these Bylaws.
 - i. The acting Registrar holds office until:
 1. the Registrar becomes capable of acting or
 2. the CEO appoints a new Registrar

6.3 Complaints Director

- a) The Chief Executive Officer shall ensure that a Complaints Director is appointed. The Chief Executive Officer shall immediately notify the Council of the appointment in writing.

6.4 Hearings Director

- a) The Chief Executive Officer shall ensure that a Hearings Director is appointed. The Chief Executive Officer shall immediately notify the Council of the appointment in writing.

6.5 Forms and Documents

- a) The Chief Executive Officer is authorized to prescribe such forms, certificates, permits or other documents that may be required for the purposes of the HPA, the Regulation, Bylaws or Policies.

6.6 Seal and Signing Authority

- a) The College shall have a seal which shall consist of the words Alberta College of Paramedics.
- b) The President and the Chief Executive Officer of the College and such others as may be authorized by the Council in writing shall each have authority to affix the seal of the College to any document requiring the seal to be affixed.
- c) Signing authorities shall be in accordance with College Policies.

6.7 Financial Matters

6.7.1 Fiscal Year

- a) The College's fiscal year commences October 1 and ends the following September 30.

6.7.2 Use of Funds and Reporting

- a) The College is entitled to make use of all revenues received from membership fees and other sources of income to carry out College objectives.
- b) College financial policies shall be determined by the Council.
- c) The College shall publish a copy of its audited financial statement annually.

6.7.3 Auditor

- a) The Council shall appoint one or more designated professional accountants registered in the Province of Alberta as the auditor for the College.
- b) No member of the Council is eligible to be appointed as the Auditor.
- c) The Auditor shall:
 - i. examine College accounts, books, and securities in accordance with generally accepted accounting principles
 - ii. provide a written report to the Council upon completion of the audit

6.7.4 Costs and Expenses

- a) The College shall reimburse travel expenses and such other costs and expenses for all committee members and boards under the HPA, the Regulation, and these Bylaws in accordance with College Policies.

PART VII GENERAL

7.1 Bylaws

- a) A new Bylaw or any amendments to a Bylaw must be provided to the voting members of the Council not less than seven days prior to a meeting of the Council.
- b) A new Bylaw or any amendments to a Bylaw may be adopted by a 2/3 majority vote of Council.
- c) Within 30 days of the Council adopting a new Bylaw or any amendments to a Bylaw, the College shall post the new Bylaw or any amendments, as the case may be, on the College website.

7.2 Code of Ethics and Standards of Practice

- a) The Council may add to, amend or repeal, in whole or in part, the College's Code of Ethics and/or Standards of Practice in accordance with the HPA section 133.
- b) Within 30 days of Council's approval of the changes to the Code of Ethics and/or Standards of Practice, the College will post the revised Code of Ethics and/or Standards of Practice on the College website.

7.3 Fees, Costs, Levies and Assessments

- a) Council may establish fees, costs, levies, assessments and refunds for the following:
 - i. application for registration
 - ii. registration and practice permit
 - iii. registration review
 - iv. annual renewal
 - v. late payments

- vi. reinstatement and reactivation of practice permit
 - vii. hearings
 - viii. fees for reviews or appeals of any decisions under the HPA
 - ix. College services
 - x. refunds
- b) Council may establish other fees, costs, levies and/or assessments as it deems appropriate and in the best interests of the College and its members.

7.4 Publication

7.4.1 Publication of General Information

- a) The College may publish information relating to its regulatory activities and the fulfillment of its regulatory requirements under the HPA.

7.4.2 Publication of Regulated Member Information

- a) The College publishes information relating to regulated members as per sections 33 and 119 of the HPA.

7.4.3 Publication of Information about Unprofessional Conduct

- a) The Registrar may publish or distribute information respecting any order made by a hearing tribunal or the Council under Part 4 of the Act including the order or the decision itself, and information referred to in section 119(1) of the Act, as deemed appropriate by the Registrar and in any manner deemed appropriate by the Registrar, subject to any requirements in the Act, the Regulation, the Personal Information Protection Act, S.A. 2003, c. P-6.5, or any other enactment that applies to the College.
- b) When a complaint resolution agreement process results in a ratified settlement between the parties, the College may publish information regarding the complaint and the ratified settlement (complaint resolution agreement and undertaking); and may reveal the identity of the complainant and/or the regulated member if authorized to do so by the ratified settlement.

7.5 Indemnity

For the purposes of these Bylaws, the *indemnified* refers to Council members, officers, employees, officials appointed under the HPA, individuals appointed to Hearing Tribunals, committees or panels under the HPA, investigators appointed under the HPA and individuals formerly holding such positions.

- a) Subject to the restrictions, limits and discretion of Council set out in this Bylaw, the College shall indemnify the indemnified from reasonable costs, charges and expenses (including legal expenses) which any such individual sustains or incurs in any action, suit, complaint (including complaints under Part 4 of the *Health Professions Act*) or proceeding which is or has been brought, commenced or prosecuted against them for, or in connection with any act, matter or thing done by them in the performance of the duties of their office, except where such action, matter or thing has been done or permitted to be done by them as the result of their own fraud, dishonesty, criminal conduct or bad faith.
- b) The maximum amount to be indemnified by the College is \$25,000 per individual for each action, suit, complaint, or proceeding. Council may, in its sole discretion, increase the amount of the indemnification for a particular action, suit, complaint, or proceeding against an individual.

- c) There is no indemnification for costs, charges, and expenses for which the indemnified is reimbursed through either the College's insurance or the indemnified's personal insurance.
- d) Any requests for indemnification are to be made to Council, and Council shall decide in its sole discretion whether to grant the request. If the individual requesting indemnity is a member of Council, then that individual shall not participate in the vote or be present when the other Council members vote. In the case of other non-Council members requesting indemnity, they shall not be present when Council votes on whether to approve the indemnity.
- e) This Bylaw applies to all actions, suits, complaints, or proceedings brought against the Indemnified on or after January 1, 2019.
- f) This Bylaw repeals all offers or statements of indemnity by the College prior to January 1, 2019.

7.6 Emergency Events

Notwithstanding anything to the contrary in the Bylaws, Council may temporarily suspend or amend portions of the Bylaws during an internal or external disaster, a public health emergency, a state of emergency or similar event to ensure efficient functioning of the College provided the motion:

- a) lists the specific Bylaw suspensions and/or amendments,
- b) specifies the number of days the suspension or amendment is in effect, not to exceed 120 days, and
- c) is approved by a simple majority vote of Council.