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| Policy number    | PC-03  |
| Policy name      | Council Members and Part 4 Health Professions Act Professional Conduct Proceedings |
| Approved         | September 14, 2019   |
| Last reviewed    | November 18, 2022  |
| Scheduled review | Q4 2023  |

In order to carry out the regulatory functions for the profession of denturism set out in the *Health Professions Act (HPA)*, regulated members are elected or appointed to sit as members of the College Council.

As is the case with all regulated members of the profession of denturism, regulated members who are members of the Council are subject to the HPA's Part 4 Professional Conduct provisions.

As a result, a regulated member of Council could be the subject of an HPA Part 4 complaint, investigation, complaint review committee review, Hearing Tribunal hearing, or an appeal to the College Council or to the Alberta Court of Appeal.

Subject to the College's Bylaws, this Policy is intended to address those situations and to:

- (i) ensure compliance with the HPA,
- (ii) preserve the independence and separation of Council functions from any professional conduct proceedings involving regulated member Council members,
- (iii) avoid actual or perceived conflicts of interest, and
- (iv) ensure procedural fairness.

The term "Complaints Director" in this Policy refers to the person appointed to that position pursuant to s. 14(1) of the HPA, whether or not that person holds any other position (i.e., employment) with the College.

## **POLICY**

1. If a Part 4 HPA complaint is received by the College's Complaints Director about a Council member, or if information about a Council member is treated by the Complaints Director as a complaint, or if Part 4 Professional Conduct proceedings of any type occur concerning a Council member (collectively the Councillor Discipline Matter), this Policy shall apply.
2. In addressing the Councillor Discipline Matter, the Complaints Director shall carry out their duties in strict compliance with the HPA (including all applicable confidentiality obligations) and shall ensure that the Council receives no information whatsoever regarding the Councillor Discipline Matter except as allowed for under the HPA and pursuant to this Policy.
3. If, in the opinion of the Complaints Director, the allegations about the Council member which form the basis for the Councillor Discipline Matter may:
  - a. adversely affect or may be perceived to adversely affect the Council member's ability to properly discharge their duties as a member of Council; or
  - b. adversely affect the Council's ability to carry out its functions; or
  - c. adversely affect the integrity or perception of the Council or the College,

the Complaints Director shall formally and in writing recommend to the Council member that they take a leave of absence from the Council until the Councillor Discipline Matter is fully and finally addressed, including the completion of any appeals (the "Leave of Absence").



4. In the event that the Council member declines to voluntarily take a Leave of Absence, the Complaints Director may in writing notify the regulated members of the Council (including the Council member) of the Councillor Discipline Matter (including providing reasonable particulars of it) and request that the regulated members of Council consider whether the Council member should be required to take a Leave of Absence from Council until the Councillor Discipline Matter is fully and finally addressed, including the completion of any appeals (the “Notice”).

Upon receiving a Notice the regulated members of Council may, if they consider it appropriate, by a simple majority vote and resolution require the Council member to take a Leave of Absence from Council until the Councillor Discipline Matter is fully and finally addressed, including the completion of any appeals.

The Council Member shall not be entitled to vote on such a resolution.

5. In the event that a Councillor Discipline Matter is the subject of an appeal to Council pursuant to section 87 of the HPA and regardless of whether the Council member has taken or has been required to take a Leave of Absence, the other regulated members of Council shall delegate their appeal body duties to not less than three and not more than five regulated members from the profession of denturism who, in the opinion of Council acting reasonably, have no prior knowledge of or connection to the Councillor Discipline Matter and have no conflicts of interest concerning the Council member (the “Alternate Council Members”).

The Alternate Council Members and the public members of Council shall thereafter carry out the Council's section 87 appeal body functions concerning the Councillor Discipline Matter.

## DEFINITIONS

none

## APPENDICES

none

## REFERENCES

Government of Alberta. (2000). *Health Professions Act*. Alberta, Author. Available at: <http://www.qp.alberta.ca/documents/Acts/H07.pdf>.

## DOCUMENT HISTORY

| Date     | Action              | Rationale              |
|----------|---------------------|------------------------|
| 08/02/14 | Initial approval    | N/A                    |
| 05/12/14 | Review              |                        |
| 14/09/19 | Review              |                        |
| 10/09/21 | Review and revision | Update for inclusivity |
| 18/11/22 | Review              | As scheduled           |
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