



Policy number	PC-03
Policy name	Council Members and Part 4 Health Professions Act Professional Conduct Proceedings
Approved	September 14, 2019
Last reviewed	February 28, 2025
Scheduled review	Q4 2029

In order to carry out the regulatory functions for the profession of denturism set out in the *Health Professions Act* (HPA), regulated members of the College of Alberta Denturists (College) 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(3) of the HPA, or to whom complaints director duties are delegated pursuant to s.20 of the HPA.

## **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 "Discipline Matter"), this Policy shall apply.
2. In addressing the 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 Discipline Matter except as allowed for under the HPA and pursuant to this Policy.



3. The Complaints Director may recommend to the regulated member who is the subject of a Discipline Matter that they take a leave of absence under this policy if there are reasonable grounds to believe that the allegation(s) about that Council member involve:
  - a. Unprofessional conduct that could significantly impair or may be perceived to significantly impair the Council member's ability to properly discharge their duties as a member of Council.
  - b. Conduct or behaviour that creates a material risk to the reputation, integrity, or effective functioning of the Council or College.

This recommendation is a precautionary measure and does not constitute a determination of unprofessional conduct or guilt.

If in the opinion of the Complaints Director, the allegations about the Council member meet the criteria above, 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 Discipline Matter is fully and finally addressed, including the completion of any appeals.

4. In the event that the Council member declines to voluntarily take a leave of absence, the Complaints Director may in writing notify (the "Notice") the regulated members of the Council including the Council member who is the subject of the Discipline Matter. The Notice shall include reasonable particulars 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 Discipline Matter is fully and finally addressed, including the completion of any appeals.

Upon receiving 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 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 Discipline Matter is the subject of an appeal to Council pursuant to s.87 of the HPA where 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 two regulated members from the profession of denturism who, in the opinion of Council acting reasonably, have no prior knowledge of or connection to the 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 s.87 appeal body functions concerning the 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
28/02/25	Review	As scheduled