

Alberta College of Speech-Language Pathologists and Audiologists

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# **Jurisprudence Course**

# Module 2: Regulation of

# **Health Professionals in Alberta**

# Handout

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# 1. Regulation

# 1.1 Welcome



# Narration

No narration, only music.

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# 1.2 Overview



# Narration

**JILL**: Hi ... I'm Jill. I have my colleague Mark with me. Welcome to Module 2 of the ACSLPA Jurisprudence Course.

MARK: Hi Jill. What are the topics for this module?

JILL: The specific issues that will be explored in this module are: self-regulation as it applies to healthcare professionals in Alberta; use of protected titles and practice statements from the *Health Professions Act*; legislated responsibilities of the College; legislated responsibilities of regulated members; College governance including key governing documents; other applicable legislation including privacy laws and duty to report; and finally, an overview of the differences between a regulatory body and a professional association.

MARK: It looks like we have a lot to cover. Let us begin!

# 1.3 Self-Regulation

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# Narration

**JILL**: Okay! The first topic is self-regulation. SLPs and audiologists have the privilege of being self-regulated professions in the province of Alberta. Self-regulation means that a profession governs and manages itself without outside assistance or influence. The provincial government, through legislation, grants self-regulating status to recognized professions.

**MARK**: Regulation of health professions in Canada occurs at a provincial level, with each province having its own governing legislation. In Alberta, the governing legislation for all regulated health professions is the *Health Professions Act*, or *HPA*. Under the *Health Professions Act*, health professions are organized into regulatory bodies called "colleges". The Alberta College of Speech-Language Pathologists and Audiologists, or ACSLPA, is the regulatory body for the professions of SLPs and audiologists in Alberta. ACSLPA's authority to regulate is delegated by the provincial government through the *Health Professions Act*. This *Act* sets out in law the powers, duties and responsibilities of the College, its regulated members, employers and others, with respect to regulation of health professions.

# 1.4 HPA



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# Narration

**JILL**: Let's take a closer look at the *Health Professions Act*. Under this Act, all regulated health professions are grouped under one statute. While regulated health professions each govern themselves, the *Health Professions Act* lays out consistent rules by which all regulated health professions must provide competent, safe professional services to the public.

**MARK**: Parts 1 – 9 of the *Health Professions Act* are common to all regulated health professions and address matters such as: the establishment and governance of professional colleges; initial registration, registration renewal, and continuing competence of health professionals; investigation of complaints and discipline; and protection of professional titles.

# 1.5 HPA



# Narration

**JILL**: Part 10 contains profession-specific Schedules for each college established under the *Health Professions Act*.

These Schedules address unique aspects of each profession including: the profession-specific titles that health professionals may use; and the health professions' practice statement that describes the services generally provided by regulated members of that health profession.

# 1.6 Use of Titles





# Narration

**JILL**: Protected titles are important because they make it easier for the public to identify qualified health professionals.

**MARK**: Schedule 28 of the *Health Professions Act* applies to SLPs and audiologists and lists the protected professional titles, abbreviations and initials that may be used by these professions. Here are the titles that are protected and can only be used by SLPs: speech-language pathologist, speech therapist, speech pathologist, SLP and R.SLP. For audiologists, the protected titles are: audiologist, Aud and R.Aud. It should be noted that the protected title Aud differs from AuD, with a capital D, which is a doctoral degree in audiology.

JILL: Only those SLPs and audiologists who have met the requirements for registration and have the competence to provide professional services are listed on the General or Courtesy Register of the College. This entitles them to use the protected titles and be identified as a member of their profession. Regulated members in a non-practicing category of membership may use the protected titles of their profession with the term "Non-Practicing" in parentheses following their title. For example, they could sign a letter as Jane Smith, R.SLP (Non-Practicing).

# 1.7 Use of Titles



# Narration

**MARK**: I see that the *Health Professions Act* also protects a number of related terms. These are *college, registered, regulated,* and *regulated health professional.* 

**JILL**: Yes Mark. These words may not be used alone, or in combination with other words, in any manner that implies that a person is a regulated member of a college, if they are not. Even the term "specialist" may only be used by those professions who have legislated authorization.

MARK: Interesting. Where can regulated members get more information?

**JILL**: The College has developed a document entitled *Using Your Professional Designation the Right Way* to assist SLPs and audiologists in the correct use of protected titles. This document is available on the ACSLPA website.

# 1.8 Use of Titles



# Narration

MARK: I see that there is also a restriction on who can use the title "Doctor".

**JILL**: Yes Mark. The restriction on the use of the title "doctor" applies when providing a health service. SLPs and audiologists with doctoral degrees may apply to the College for authorization to use the protected title "doctor" alone or in combination with other words, in connection with providing a health service.

MARK: What constitutes providing a health service?

**JILL**: Health service is defined in the *Health Professions Act* as "a service provided to people: (a) to protect, promote or maintain their health, (b) to prevent illness, (c) to diagnose, treat or rehabilitate, or (d) to take care of the health needs of the ill, disabled, injured or dying".

**MARK**: Can SLPs or audiologists with a doctoral degree use the title "doctor" in situations other than providing a health service?

JILL: Yes, regulated members with doctoral degrees may use the title "doctor" in teaching, research and administration settings.

The form to apply for authorization to use the protected title "doctor", the authorization criteria themselves, and an Advisory Statement entitled *Use of the Protected Title 'Doctor' or "Dr." When Providing a Health Service* are all available on the ACSLPA website.

**MARK**: Regulated members of ACSLPA with doctoral degrees are advised to review these guidelines carefully so that they are clear as to when and how they can use the title "doctor".

JILL: Yes, good point.

# 1.9 Use of Titles



# Narration

**JILL:** It is important to stress that professional titles are NOT portable. A healthcare professional must be registered in the province where they practice in order to have the right to use the protected titles of their profession. Registration in one province does not mean that a professional may work or use protected titles in another province.

**MARK**: But what if I have certification with a national association? Doesn't that allow me to use my SLP or audiologist title anywhere?

**JILL**: No. Membership or certification with a national association does not grant the right to use protected titles. Only registration with a provincial regulatory body allows a professional to use the protected titles of their profession, and only in the province in which they are registered.

**MARK**: It looks like the use of protected titles is well guarded! What should I do if I suspect that someone is using our titles inappropriately?

**JILL**: All SLPs and audiologists have a responsibility to protect the integrity of the profession by reporting any misuse of title to the College. Verification of who is authorized to practice and use the protected titles of their profession may be confirmed at any time on the ACSLPA website.

# 1.10 Practice Statement



# Narration

JILL: Now on to another topic ... practice statements. Mark, what are practice statements?

**MARK**: Practice statements outline the scope of practice for a profession. They are intended to describe in plain language, the day-to-day practice of a particular health profession. Practice statements inform the public of the type of services that can be expected from those professionals.

**JILL**: Yes, that's correct. It should be noted that under the *Health Professions Act*, practice statements are not exclusive to particular professions. Areas of overlap may occur. Mark, why don't you describe the practice statement for SLPs?

**MARK**: Okay. In their practice, SLPs do one or more of the following: assess, diagnose, rehabilitate, and prevent communication and oral motor and pharyngeal dysfunctions and disorders; teach, manage, and conduct research in the science and practice of speech-language pathology; and provide restricted activities authorized by the regulations.

# 1.11 Practice Statement





# Narration

JILL: Great. Now how about describing what audiologists do?

**MARK**: No problem. In their practice, audiologists do one or more of the following: assess auditory and vestibular function and diagnose, rehabilitate, prevent and provide appropriate devices and treatment for auditory and vestibular dysfunction; teach, manage and conduct research in the science and practice of audiology; and provide restricted activities authorized by the regulations.

JILL: Thanks for doing that.

# 1.12 College Responsibilities



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# Narration

**JILL**: Our next topic is the legislated responsibilities of the College. The *Health Professions Act* states the legislated role of the College, outlining key regulatory responsibilities required to protect and serve the public interest. Let's do this one together. You start.

**MARK**: Okay. A college must carry out its activities and govern its regulated members in a manner that protects and serves the public interest. It must provide direction to, and regulate the practice of its regulated members.

**JILL:** A college must establish, maintain and enforce standards for registration and of continuing competence, and standards of practice of the regulated profession.

**MARK**: A college must establish, maintain and enforce a code of ethics.

**JILL**: A college must carry on the activities of the college and perform other duties and functions by the exercise of the powers conferred by the *Health Professions Act*.

**MARK**: A college may approve programs of study and education courses for the purposes of registration requirements.

# 1.13 College Responsibilities



# Narration

JILL: There are a couple of activities that colleges are prohibited from doing.

MARK: And these are?

**JILL**: 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 Alberta Minister of Health grants an approval under section 27 of the *Health Professions Act*. This type of activity is typically taken on by professional associations, unions or other special interest groups.

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

**MARK**: Overall, the College is accountable for how they exercise their responsibilities under the *Health Professions Act* and must submit an annual report to the provincial government. This report is tabled in the Alberta Legislature and includes information requested by the Minister of Health.

JILL: Annual reports are posted on the ACSLPA website for regulated members and the public to view.

# 1.14 College Responsibilities





# Narration

**JILL**: As previously mentioned, the *Health Professions Act* requires the College to carry out its responsibilities and activities in a manner that protects and serves the public interest. Let's describe in a bit more detail how the College does this. I'll start.

The College has a duty to ensure that only qualified applicants are registered and issued a permit to practice in their profession. In this regard, ACSLPA establishes, maintains and enforces standards for entry to practice, registration and annual practice permit renewal of SLPs and audiologists in Alberta. The College ensures that those who have the privilege of practicing have met standards for academic and practical experience; that their qualifications are current; and that they meet requirements for good character and reputation. If an applicant is not accepted, the College must provide reasons for the decision and provide the applicant with an appeal process.

**MARK**: The College must also maintain and make the General Register available to the public, thereby allowing anyone to confirm that a health professional is registered and entitled to practice in their profession.

**JILL**: The College must establish, maintain and enforce standards of practice for SLPs and audiologists in Alberta. Each regulated member is accountable for practicing in accordance with the ethical and practice standards of the College.

**MARK**: The College is required to establish and implement a continuing competence program. Under the *Health Professions Act*, continuing competence programs are mandatory and regulated members are required to participate to ensure that they maintain competence in their practice and to enhance their provision of professional services.

JILL: The College has a duty and the power to investigate complaints from clients, family members, employers, or other members of the public regarding the practice of SLPs and audiologists in Alberta. The *Health Professions Act* outlines a detailed process that colleges must follow to address complaints. Practitioners who do not practice in accordance with practice and ethical standards are held accountable. If necessary, the College will impose corrective or disciplinary actions to ensure competent, safe, ethical practice.

## 1.15 Regulated Member Responsibilities



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# Narration

**JILL**: Let's now talk about the legislated responsibilities of regulated members. It is important that regulated members understand their responsibilities and obligations as self-regulated professionals. Under the *Health Professions Act*, regulated members have a responsibility to conduct themselves in a professional manner.

Mark, would you please describe these responsibilities?

**MARK**: Okay. The responsibilities of the regulated members are: that they demonstrate appropriate knowledge, skill and judgement in the provision of professional services; that they practice in compliance with the *Health Professions Act, Speech-Language Pathologists and Audiologists Profession Regulation, Code of Ethics* and *Standards of Practice* for their profession; that they comply with the registration requirements of the College; and that they respect any conditions imposed on a practice permit.

## 1.16 Regulated Member Responsibilities



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# Narration

JILL: I will finish up the rest of the regulated member responsibilities.

In addition to the ones you mentioned, regulated members also have an obligation to respect the legal restrictions around the use of protected titles; comply with the requirements of the continuing competence program; cooperate with the College during investigations; avoid any conduct that harms the public or the integrity of the profession; and to report offences or professional negligence.

**MARK**: I understand that we will be exploring the duties, obligations and responsibilities of the College and its regulated members in greater detail in the remaining modules.

JILL: Yes, we will.

# 1.17 College Governance



# Narration

**JILL**: Our next topic is College Governance. Under the *Health Professions Act*, the business and affairs of the College are governed by a Council.

ACSLPA Council consists of elected registered SLPs and audiologists, and members of the public who are appointed by the Government of Alberta. To ensure that the interests of public protection are served in governance decisions, the *Health Professions Act* states that at least 25% of the voting members of a governing council of a college must be members of the public.

Registered SLPs and audiologists who are listed on the General Register are entitled to sit on ACSLPA Council and on committees of the College.

# 1.18 College Governance



# Narration

JILL: Mark, why don't you tell us what the Council's key governance responsibilities are?

**MARK**: Sure. Council establishes the vision, mission and values of the College. The vision, mission and values of the College may be found on the ACSLPA website.

Council establishes the strategic direction, goals and objectives of the College. This is stated in the Strategic Plan, which is established by the Council.

Council determines College policies.

Council has the responsibility to monitor compliance with the goals and policies that have been established and hold the CEO/Registrar accountable for the outcomes.

# 1.19 Governing Documents



# Narration

**JILL**: In Alberta, regulatory colleges such as ACSLPA regulate professions through implementation of legislation, as well as other key governing documents. Specifically, these documents include the following:

The *Health Professions Act*: this enactment was introduced earlier in this module.

The Speech-Language Pathologists and Audiologists Profession Regulation: Regulations are approved by the provincial government and describe how the College applies the *Health Professions Act* to the practice of the profession.

The Bylaws are a further application of the *Health Professions Act* and Regulation, stating how the College will operate on a day-to-day basis. Under the *Health Professions Act*, the Council of a College may establish and approve Bylaws.

Policies are yet a further extension, stating the principles or rules adopted by the College to reach its legislated mandate and strategic goals. Policies are also established and approved by Council.

# 1.20 Governing Documents





# Narration

**JILL**: To demonstrate how the legislative and key governing document layers work together, let's take a look at this example. Mark, you start.

**MARK**: Okay. Part 2 of the *Health Professions Act* addresses registration, stating requirements around applying for registration, registration, practice permit renewal, suspension/cancellation and reinstatement, and mandatory registration requirements.

The *Speech-Language Pathologists and Audiologists Profession Regulation* expands on the requirements of the *Health Professions Act*, stating specific registration requirements for the professions. These include minimum requirements for education and current qualifications, requirements for providing evidence of good character and reputation, professional liability insurance requirements, English language proficiency requirements and conditions that may be imposed on a practice permit.

JILL: The Bylaws provide further details, stating registration categories, registers and records, determination of fees, dues and levies.

At the policy level, the College has policies and procedures that outline detailed requirements related to registration. An example would be the College policy regarding specific requirements for regulated members to provide evidence of holding professional liability insurance as a requirement of registration.

# **1.21** Governing Documents



# Narration

**JILL**: The key governing documents discussed so far in this module have related primarily to College governance. In addition, there are also key governing documents that apply to regulated members in their practice. What do you think these are, Mark?

**MARK**: The first of these is probably the *Code of Ethics*, which is a set of guidelines and principles that govern the conduct of practitioners. Specifically, this document outlines the ethical behaviours that regulated members are expected to adhere to in their professional practice, regardless of role, practice area or practice setting.

The second key document is probably the *Standards of Practice*. These direct how professional services should be provided, describing the minimum standard for professional practice. As self-regulated, autonomous professionals, each regulated member of the College is accountable for practicing in accordance with the *Standards of Practice*, regardless of role, practice area or practice setting.

JILL: Yes, those are the two key documents that apply to the practice of regulated members. Both the *Code of Ethics* and *Standards of Practice* are reviewed by the Alberta Minister of Health and approved by Council. In addition to the *Code of Ethics* and *Standards of Practice*, the College also has Position Statements, Advisory Statements, Guidelines and Protocols. These have been developed to support the professional practice of regulated members. These documents will be examined in more detail in Module 4.

# 1.22 Other Legislation



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# Narration

JILL: In addition to the *Health Professions Act* and key governing documents addressed so far in this module, there is also other provincial and federal legislation that is applicable to regulated members of ACSLPA. The first relates to information management legislation. In the course of providing professional services, regulated members of ACSLPA will have access to client information. This can include an individual client, their family, a group, agency, employer, employee, business, organization, etc. All healthcare professionals have an obligation to maintain confidentiality of client information.

Provincial legislation, that outlines how information must be managed in Alberta, includes the *Health Information Act, Freedom of Information and Protection of Privacy Act,* the *Personal Information Protection Act* and *Children First Act*. In addition, the *Personal Information Protection and Electronic Documents Act*, which is federal legislation, may be applicable in certain practice settings.

MARK: So does this legislation apply to every regulated member of ACSLPA?

**JILL**: Not necessarily. The legislation applicable to a particular regulated member will depend upon the practice setting of the individual. For example, one type of legislation might apply in a

healthcare setting, while another might apply in a school or private practice setting. Further information and resources related to each piece of legislation are available on the ACSLPA website.

**MARK**: I guess the point here is that regulated members are responsible for practicing in compliance with the legislation applicable to their practice setting.

JILL: Absolutely.

# 1.23 Other Legislation



# Narration

**JILL**: While each piece of information management legislation varies somewhat in terms of the applicable sector and the types of information protected, there are common themes in each. Let's take a look at these. Mark, why don't you start?

**MARK**: Be happy to. *Collection of information*: Any information collected must be in accordance with the legislation. Information collected should be limited to that which is essential to carry out the purpose for which the information is being collected. The highest degree of anonymity should be maintained. Information should be collected directly from a client or their designated care giver, with appropriate consent, and they should be informed as to what information will be collected, from whom and for what purpose.

**JILL**: *Protection of information*: Each piece of legislation states requirements to protect the confidentiality of information, to protect the privacy of individuals, and to protect against the loss, unauthorized use, disclosure or modification of information.

**MARK**: *Use of information*: Regardless of practice setting, regulated members of ACSLPA should use only the amount of information necessary to carry out the authorized purpose for which the information was collected.

**JILL**: *Disclosure of information*: Legislation requires that disclosure of information be limited to only that which is essential to carry out the purpose of the disclosure, with the appropriate consent of the client. Some legislation allows for exceptions, if it is in the best interests of the client.

Further information regarding information management legislation may be found on the ACSLPA website.

# 1.24 Other Legislation



# Narration

JILL: The final type of legislation we want to discuss in this module is *duty to report*. While regulated members have an obligation to protect information in accordance with legislation, there are certain circumstances where there is a duty to report information to the proper authority. Specifically, the *Health Professions Act* requires a regulated member to immediately notify the medical officer of health of the existence of a threat that may be injurious or dangerous to public health. Situations of abuse or neglect as described in the *Protection for Persons in Care Act* or *Child, Youth & Family Enhancement Act* must also be reported to the appropriate authority. And finally, *Bill 21,* which recently amended the *Health Professions Act,* now requires all regulated professionals have a duty to report if they have reasonable grounds to suspect sexual abuse or sexual misconduct by another health professional.

**MARK**: Isn't this requirement in conflict with confidentiality and privacy laws?

**JILL**: Reporting situations of abuse or need of intervention as described in these pieces of legislation is NOT considered a breach of confidentiality. However, failing to make such a report could in fact constitute unprofessional conduct.

Further information regarding duty to report legislation may be found on the ACSLPA website.

# 1.25 Differences



# Narration

**JILL**: The last topic in this module is explaining the differences between a regulatory body and a professional association.

**MARK**: Oh good. I'm sure many people are confused about the different roles of each. Let's begin with the regulatory body or College.

**JILL**: Okay. The mandate of a regulatory body is to protect and serve the public by regulating the practice of health professions. The authority to regulate is delegated by the provincial government through legislation. The activities of a regulatory body focus on regulating a profession as set out in legislation.

The key focus areas include: registration and practice permits; professional practice standards; continuing competence; and professional conduct.

# 1.26 Differences



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# Narration

MARK: Ah, I understand. Now what is the role of a professional association?

**JILL**: The mandate of a professional association differs in that the mandate is to serve the needs of the members. Activities generally focus on the following: advocating for and promoting the professions; lobbying government on issues that support the best interest of the public; providing continuing education opportunities for members; providing practice information and resources for members; and other benefits for members.

**MARK**: Got it! The regulatory body looks after the public's interest, while the professional association looks after its members' interests.

JILL: Yes, that is the key difference.

# 1.27 Differences



# Narration

JILL: The differences between these two types of organizations can be compared to the differences between a motor vehicle branch and an automobile association. Like a regulatory body, a motor vehicle branch sets out mandatory licensing requirements, issues licenses, and sets rules around maintaining a license. An automobile association provides optional membership, offering member services and benefits such as good insurance rates, travel maps, rescue services, and other benefits.

**MARK**: That is a great example. So a regulatory body and professional association are two separate organizations with totally different mandates?

JILL: Yes, separate mandates, but not necessarily different organizations.

MARK: What do you mean?

JILL: It depends on the province. Alberta allows both regulatory and association roles to be performed within one organization; other provinces do not allow this. For example, British Columbia, Manitoba and Ontario legislation requires a definite separation between colleges and associations. For those regulatory bodies that perform both regulatory and association roles, it is important to note that the regulatory roles are first and foremost.

The association-type activities may be carried out in varying degrees, depending upon the activities of other existing profession related associations. For example, ACSLPA provides an annual conference as a member service. However, it would not make economic sense for an organization like ACSLPA to duplicate a great deal of the work that is being done by a strong national association.

MARK: I see. I now better understand the differences between the two.

# 1.28 Summary



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# Narration

JILL: This brings us to the end of the end of this module. Mark, would you mind summarizing what we discussed in this presentation?

MARK: Happy to oblige! SLPs and audiologists have the privilege of being self-regulated professions in the province of Alberta. The governing legislation for all regulated health professions is the *Health Professions Act*. It applies to SLPs and audiologists, and lists the protected titles and practice statement for these professions.

Under the *Health Professions Act*, a college must carry out its activities and govern its regulated members in a manner that protects and serves the public interest.

# 1.29 Summary



# Narration

**MARK**: Regulated members of the College have a legislated responsibility to conduct themselves in a professional manner. The College is governed by a Council, as required by the *Health Professions Act*.

In Alberta, regulatory colleges such as ACSLPA, regulate professions through implementation of legislation, as well as other key governing documents. These include the *Health Professions Act*, *Speech-Language Pathologists and Audiologists Profession Regulation*, Bylaws and Policies. Key governing documents that apply to regulated members in their practice include the *Code of Ethics* and *Standards of Practice*. Other relevant legislation includes information management and duty to report legislation.

Regulatory colleges differ from professional associations – regulatory bodies have a mandate to protect and serve the public. The mandate of a professional association is to serve the needs of members. Did I miss anything important?

JILL: No, you did an excellent job as usual. I'm Jill, along with Mark, saying goodbye for now. We will see you again soon.

# 1.30 The End

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# Narration

No narration, only music.