



Alberta College of
Speech-Language Pathologists
and Audiologists
Hear. Speak. Connect.

Jurisprudence Course Module 2: Regulation of Health Professionals in Alberta – Summary

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Self-Regulation of Health Professions in Alberta

Speech-language pathologists (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.

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 health professions is the *Health Professions Act* (HPA). Under the HPA, 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 SLPs and audiologists in Alberta. ACSLPA’s authority to regulate is delegated by the provincial government through the HPA. The HPA 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.

The Health Professions Act (HPA)

Under the HPA, over 30 regulated health professions are grouped under one statute with uniform requirements for governance, registration, setting practice standards, continuing competence, dealing with complaints and disciplinary processes. While regulated health professions each govern themselves, the HPA lays out consistent rules by which all health professions must provide competent, safe professional services to the public.

Parts 1 – 9 of the HPA are common to all regulated health professions and address matters such as:

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- 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.

Part 10 contains profession specific Schedules for each college established under the HPA. These Schedules address unique aspects of each profession including:

- the profession specific titles that health professionals may use; and
- the health professions’ practice statement, which describes the services generally provided by members of the health profession.

Use of Titles

Schedule 28 of the HPA applies to SLPs and audiologists, and lists the protected professional titles, abbreviations and initials that may be used by these professions. Under the HPA, the following are protected titles and may only be used by registered members of ACSLPA.

Speech-language pathologist	Audiologist
Speech therapist	Aud
Speech pathologist	R.Aud
SLP	
R.SLP	

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 (e.g., Jane Smith, R.SLP (Non-Practicing); Michael Smith, R.Aud (Non-Practicing)).

Protected titles are important in making it easier for the public to identify qualified health professionals.

The HPA also protects use of the words: college, registered, regulated and regulated health professional. 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.

ACSLPA has developed a document entitled “Using Your Protected 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.

Under Section 128(7) of the HPA and Section 18(3) of the *Speech-Language Pathologists and Audiologists Profession Regulation*, registered 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. “Health service” is defined in the HPA as “a service provided to people (i) to protect, promote or maintain their health, (ii) to prevent illness, (iii) to diagnose, treat or rehabilitate, or (iv) to take care of the health needs of the ill, disabled, injured or dying”. Further information about use of the title ‘doctor’ and the required authorization process is available on the ACSLPA website.

It is important to note that professional titles are not portable. A health 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.

In addition, 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, in the province in which they are registered.

All speech-language pathologists and audiologists have a responsibility to protect the integrity of the profession by reporting any misuse of title to the College. Anyone may verify who is authorized to practice and use the protected titles of their profession by checking the General Register on the ACSLPA website.

Practice Statement

Under the HPA, descriptions of services provided by each health profession are referred to as “practice statements”. Practice statements outline the scope of practice of a profession; they are intended to describe in plain language, the day to day practice of a particular health profession and inform the public of the type of services that they can expect a profession to provide. Practice statements are not exclusive to particular professions and areas of overlap may occur.

The practice statement for SLPs and audiologists is found in Schedules 28 of the HPA and is as follows:

“3(1) In their practice, speech-language pathologists do one or more of the following:

- a) assess, diagnose, rehabilitate, and prevent communication and oral motor and pharyngeal dysfunctions and disorders;*
- b) teach, manage, and conduct research in the science and practice of speech-language pathology; and*
- c) provide restricted activities authorized by the regulations.*

(2) In their practice, audiologists do one or more of the following:

- a) assess auditory and vestibular function and diagnose, rehabilitate, prevent and provide appropriate devices and treatment for auditory and vestibular dysfunction;*
- b) teach, manage and conduct research in the science and practice of audiology; and*

c) *provide restricted activities authorized by the regulations.*”

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Legislated Responsibilities of the College

The HPA states the legislated role of the College, outlining the key regulatory responsibilities required to protect and serve the public interest. Section 3 of the HPA, states the following:

“3(1) A college

- a) must carry out its activities and govern its regulated members in a manner that protects and serves the public interest,*
- b) must provide direction to and regulate the practice of the regulated profession by its regulated members,*
- c) must establish, maintain and enforce standards for registration and of continuing competence and standards of practice of the regulated profession,*
- d) must establish, maintain and enforce a code of ethics,*
- e) must carry on the activities of the college and perform other duties and functions by the exercise of the powers conferred by this Act, and*
- f) may approve programs of study and education courses for the purposes of registration requirements.*

3(2) 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 Minister grants an approval under section 27.

3(3) A college or a council or committee of a college may not be a certified bargaining agent as defined in the Labor Relations Code.”

Colleges are accountable for how they exercise their responsibilities under the HPA and must submit an annual report to the Alberta Government. The report is tabled in the Alberta Legislature and includes information requested by the Health Minister. Annual reports are posted on the ACSLPA website.

Protection of the Public

As previously mentioned, the HPA requires the College to carry out its activities and govern its regulated members in a manner that protects and serves the public interest. The College has the duty and the power to carry out activities as required in legislation, to achieve this mandate. Specifically:

- 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, monitors and enforces standards for entry to practice, registration and annual practice permit renewal of SLPs and audiologists in Alberta. ACSLPA ensures that those who have the privilege of practicing as an SLP or audiologist have met standards for academic and practical experience, that their qualifications are current, and that they meet requirements for good

character and reputation. If the College does not accept an applicant, the College must provide reasons for the decision and provide the applicant with an appeal process.

- 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. The HPA states the specific information that must be collected and be made available to the public.
- The College must establish, maintain and enforce standards of practice. Each regulated member is accountable for practicing in accordance with the ethical and practice standards of their College.
- The College is required to establish and implement a continuing competence program. Under the HPA, 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.
- 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 a regulated member. The HPA 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, and as necessary, the College will impose corrective/disciplinary actions to ensure competent, safe, ethical practice.

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Regulated Member Responsibilities

It is important that regulated members understand their responsibilities and obligations as self-regulated professionals. Under the HPA, regulated members have a responsibility to conduct themselves in a professional manner. This means:

- Demonstrating appropriate knowledge, skill and judgement in the provision of services;
- Practicing in compliance with the HPA, Regulation, *Code of Ethics* and *Standards of Practice*;
- Complying with the registration requirements of the College;
- Respecting any conditions imposed on a practice permit;
- Respecting the legal restrictions around the use of protected titles;
- Complying with the requirements of the Continuing Competence Program;
- Avoiding any conduct that harms the public or the integrity of the profession; and
- Reporting offenses or professional negligence.

College Governance

Under the HPA, the business and affairs of the College are governed by a Council. The Council consists of elected registered SLPs and audiologists, and members of the public who are appointed by the Lieutenant Governor in Council in the Alberta legislature. To ensure that the interests of public protection are served in governance decisions, the HPA states that at least 25% of the voting members of a governing council of a college must be members of the public.

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The key governance responsibilities are as follows:


- Council establishes the vision, mission and values of the College. The vision, mission and values of ACSLPA may be found on the College 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 outcomes.

Key Governing Documents

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

The Health Professions Act

 **The Speech-Language Pathologists and Audiologists Profession Regulation: (Regulation)** Regulations are approved by government and describe how the College applies the HPA to the practice of each profession.

 The **Bylaws** are a further application of the HPA and Regulation, stating how the College will operate on a day to day basis. Under section 132 of the HPA, 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.

To gain a better understanding of how the legislative and key governing document layers work together, consider the following example.

- Part 2 of the HPA addresses registration, stating requirements around applying for registration, registration processes, practice permit renewal, suspension/cancellation and reinstatement, and mandatory registration requirements.
- Sections 3 – 13 of the Regulation expand on the requirements of the HPA, 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, liability insurance requirements, English language proficiency requirements and conditions that may be imposed on a practice permit.
- The Bylaws provide further details, stating registration categories, registers and records, determination of fees, dues and levies.
- At the policy level, the College has specific policies and procedures that outline detailed requirements related to registration. An example would be the College policy regarding requirements for registrants to provide evidence of holding professional liability insurance as a condition of registration.

In addition to the above, there are also key governing documents that apply to regulated members in their practice. These are as follows:

The **Code of Ethics** is a set of guidelines and principles that govern the conduct of practitioners. Specifically, the document outlines the ethical expectations that regulated members are required to adhere to in their professional practice, regardless of role, practice area or practice setting. The Code of Ethics is reviewed by the Provincial Health Minister and approved by Council.

The **Standards of Practice** direct how professional services should be provided, describing the minimum expectations for professional practice. As self-regulated, autonomous professionals, each regulated member of ACSLPA is accountable for practicing in accordance with the Standards of Practice, regardless of role, practice area or practice setting. Standards of Practice are also reviewed by the Provincial Health Minister and approved by Council.

The College also has **Position Statements, Advisory Statements, Guidelines** and **Protocols**, which have been developed to support the professional practice of regulated members.

Each of the key governing documents referred to above may be found on the ACSLPA website.

Other Legislation

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In addition to the HPA and key governing documents addressed so far, there is also other provincial and federal legislation that is applicable to regulated members of ACSLPA.

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* and the *Personal Information Protection Act*. In addition, the *Personal Information Protection and Electronic Documents Act*, which is federal legislation, may be applicable in certain practice settings.

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 health care 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.

It is important to note that regulated members of ACSLPA are responsible for practicing in compliance with the legislation applicable to their practice setting.

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. These include:

- **Collection of information:** Any information collected must be collected in accordance with the applicable 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, with their consent, and they should be informed as to what information will be collected, from whom and for what purpose.
- **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.
- **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.

- **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.

Duty to Report Legislation

While regulated members of ACSLPA 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 HPA 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. Reporting situations of abuse or need of intervention as described in these pieces of legislation is not considered a breach of confidentiality. 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.

Difference between a Regulatory Body and a Professional Association

It is important to provide clarification regarding the differences between a regulatory body and a professional association. 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 government through legislation. The activities of a regulatory body focus on regulating a profession as set out in provincial legislation. The key focus areas include:

- Registration and practice permits
- Professional practice standards
- Continuing competence
- Professional conduct

Professional associations differ in that their mandate is to serve the needs of their 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.

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.

While the provincial government in Alberta does allow both regulatory and association roles to be performed within one organization, other provinces do not allow this; such is the case in British

Columbia and Ontario, where legislation requires a definite separation between colleges and associations. For those regulatory bodies who do perform both regulatory and association roles, it is important to note that in such organizations, the regulatory roles are first and foremost. Association type activities may be carried out in varying degrees, depending upon the activities of other existing profession related associations. Overall, it would not make economic sense for an organization like ACSLPA, for example, to duplicate work that is being done by a strong national association.