



Alberta College of
Speech-Language Pathologists
and Audiologists

Professional Conduct and the Complaints Process

May 31, 2023

Professional Conduct Counsel, ACSLPA

Today's Objectives

Learn about the complaints process so you can carry an understanding forward into your practice

Learn about the rights and responsibilities of a regulated member throughout the complaints process

Introduction and Important Information

The information in this presentation is not, and should not be considered as, legal advice and is intended to provide general information on the complaints process. ACSLPA encourages you to seek legal advice if you wish to do so.

This presentation is based on the law, legislation and processes that are applicable on May 31, 2023, and are subject to change.



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What is the Complaints Process?

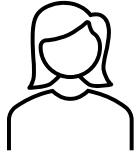
Part IV of the HPA



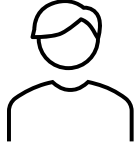
Part IV of the *HPA* provides a “guidebook” of the process of the complaint for a Complaints Director and College to follow...

- Prescribed obligations, duties and processes
 - Processes that must be followed
 - Rights and responsibilities of Regulated Members
 - Decisions that must be made

Complaints Process - roles



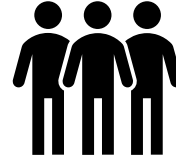
Complaints Director



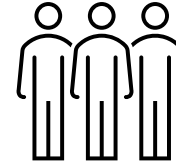
Hearings Director



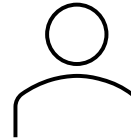
Regulated Member /
Investigated Person



Complaint Review
Committee



Hearing Tribunal



Complainant

Complaints Process - Overview

1. Receipt and determination of complaints of unprofessional conduct, including investigations.
2. Formal processes to address complaints including resolution, hearings and dismissals.

The focus of the Complaints Process is the protection of the public; and ensuring competent, safe and ethical practice of Regulated Members.

What is unprofessional conduct?



LACK OF SKILL,
JUDGMENT OR
KNOWLEDGE IN THE
PROVISION OF
PROFESSIONAL SERVICES



CONTRAVENING THE
HPA, THE CODE OF
ETHICS OR STANDARDS
OF PRACTICE



REPRESENTING ONESELF
AS HAVING A PERMIT IN
GOOD STANDING WHILE
SUSPENDED, CANCELLED
OR BOUND BY
CONDITIONS, ETC



FAILING OR REFUSING
TO COOPERATE WITH
COLLEGE
REQUIREMENTS



CONDUCT THAT HARMS
THE INTEGRITY OF THE
PROFESSION

Sexual abuse and sexual misconduct

Sexual Abuse: is defined as threatened, attempted or actual conduct of a regulated member towards a patient that is of a sexual nature, including:

- Sexual intercourse between a regulated member and a patient of that regulated member;
- Genital to genital, genital to anal, oral to genital, or oral to anal contact between a regulated member and a patient of that regulated member;
- Masturbation of a regulated member by, or in the presence of, a patient of that regulated member;
- Masturbation of a regulated member's patient by that regulated member;
- Encouraging a regulated member's patient to masturbate in the presence of that regulated member; or
- Touching of a sexual nature of a patient's genitals, anus, breasts or buttocks by a regulated member.

Sexual Misconduct: is defined as any incident or repeated incidents of objectionable or unwelcome conduct, behaviour or remarks of a sexual nature by a regulated member towards a patient that the regulated member knows or ought reasonably to know will or would cause offence or humiliation to the patient or adversely affect the patient's health and well-being but does not include sexual abuse.



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The Complaints Process: In More Detail

Who may make a complaint?

A complaint may be submitted by anyone, but are mainly submitted by a:

- Current or past client or patient
- Family member, parent, friend or guardian of a client or patient
- Colleague, co-worker or other regulated health care professional
- Member of the public
- Employer

How are complaints made?

How to Submit a Complaint

- A complaint is made through a form or in writing (the form is on our website).
- A complaint must be signed by the complainant.
- Location information, the relationship with the Regulated Member and other information about what happened is collected.

Information on our Website



Frequently Asked Questions about Submitting a Complaint:



Who can submit a complaint?

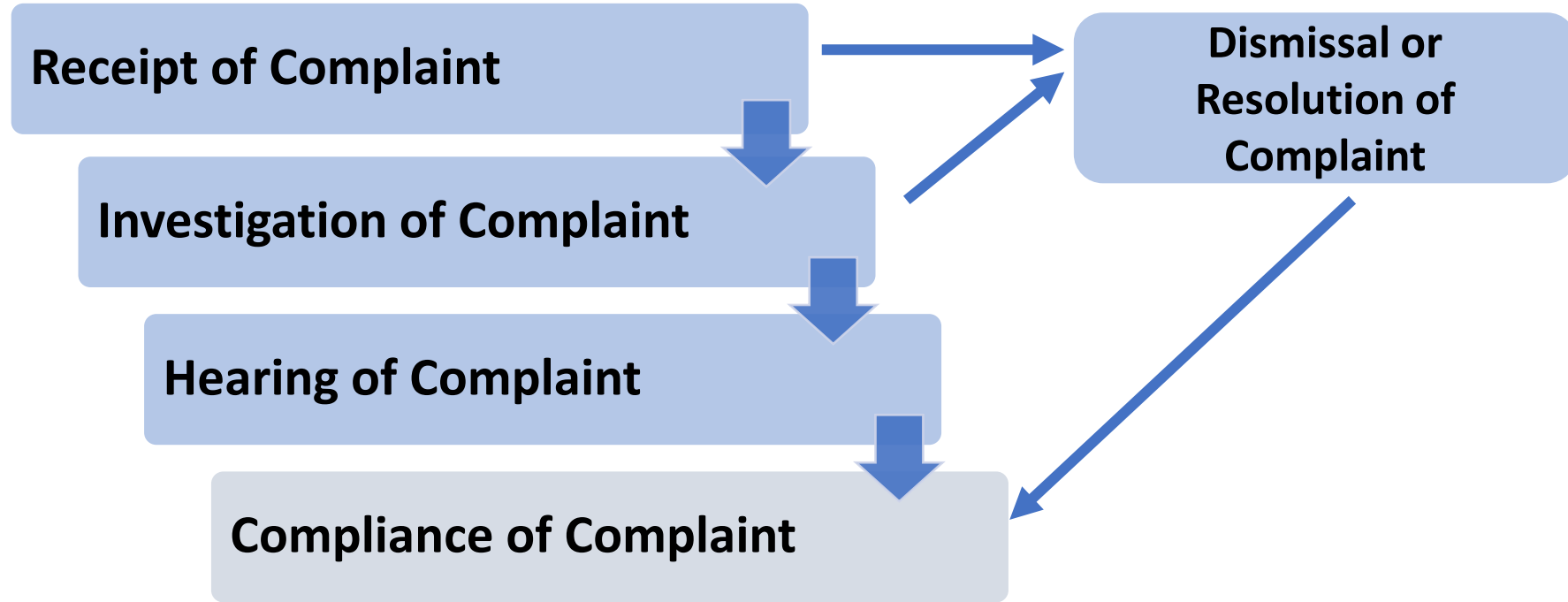


Can ACSLPA accept a complaint about any speech-language pathologist or audiologist?

The College can accept complaints about speech-language pathologists or audiologists who are registered with ACSLPA, known as **regulated members**.

The College can also accept complaints about speech-language pathologists or audiologists who were previously registered with ACSLPA if it has not been more than two (2) years since they were registered.

The Complaints Process



Complaints Process – Receipt



What Happens Once a Complaint is Submitted?

- A complaint is received and reviewed by the Complaints Director
- A Regulated Member receives a copy of the complaint
- The Complaints Director contacts the Regulated Member
- The Complaints Director makes a decision on the initial action determined to be appropriate and provides notices of their decision

Complaints Process – Investigation



If A Complaint is Investigated?

- A complaint is referred to an investigation by the Complaints Director.
- Information is collected and witnesses, including the complainant and the Regulated Member are interviewed.
- A report of collected information is provided to the Complaints Director.

Complaints Process – Hearing



If A Complaint Proceeds to a Hearing?

- A complaint is referred by the Complaints Director to the Hearings Director, who sets a date, time and location for hearing.
- The Complaints Director and Regulated Member may agree to certain things at a hearing, including an admission of unprofessional conduct.
- Witnesses can be called to provide evidence before the Hearing Tribunal.

Complaints Process – Resolution



If a Complaint is Resolved?

- A complaint is referred to a resolution process (more than one type of resolution may be available and is case specific).
- The Complaints Director generally would determine if resolution is feasible/agreeable to the parties (the complainant and the Regulated Member).

Complaints Process – Dismissal



If a Complaint is Dismissed

- A complaint is dismissed, before or after an investigation.
- The Regulated Member and complainant receive a copy of the dismissal.
- The Complainant may request a review to the Complaint Review Committee.

Complaints Process – Penalties

- Arising from resolution or a hearing, a Regulated Member may receive penalties, remediation or sanctions.
- Some examples are: a caution, reprimand, education, reflection papers, suspensions, fines, supervision, counselling, treatment, or restrictions in the workplace.
- Penalties are individualized and fact-specific.

Complaints Process – Compliance

- Arising from resolution or a hearing, a Regulated Member may have outstanding requirements.
- Conditions may be posted to their permit that reflect their outstanding requirements.
- The Complaints Director monitors the completion of their requirements, including taking action if requirements are not completed.

Complaints Process – Compliance cont'd

Test SubjectStatus as of: 02-Jun-2022 22:19

Registration #	Preferred Name	Profession
1234	Test	Speech-Language Pathologist

Current Registration

Practice permit	Registration category
Yes	General (Speech-Language Pathologist)
Effective as of	Expiry as of
01-Jan-2022	31-Dec-2022

Future Registration

Practice permit	Registration category
None	
Effective as of	Expires as of

Members with a practice permit are authorized to perform restricted activities as authorized by the SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS PROFESSION REGULATION, unless a condition has been placed on their current registration that states otherwise.

Conditions

- Conduct requirement - Coursework required
- Conduct requirement - Fine

Complaints Process - Publication

Upcoming Hearings

- Notices of upcoming hearings or appeals may be published to ACSLPA's website that include how to attend a hearing, as they are generally open to the public.
- Notices of upcoming hearing or appeals may include the particulars or allegations that a Regulated Member faces.

Complaints Process – Publication cont'd

Hearing Decisions

- A hearing decision or a resolution decision could be published to ACSLPA's website.
- Sexual abuse and sexual misconduct decisions are published indefinitely.
- A decision may include a summary of admissions, sanctions, analysis by the Hearing Tribunal or evidence heard.

Employer obligations



Mandatory Reporting for Employers

Employment is being engaged to provide professional services on a full-time or part-time basis as a paid or unpaid employee, consultant, contractor or volunteer.

If, due to conduct that in the opinion of the employer is unprofessional conduct, a regulated member is terminated, suspended, or the regulated member resigns, it must be reported to ACSLPA as soon as reasonably possible.

Regulated Member obligations



Mandatory Reporting for Regulated Members

A regulated member can have obligations arising to the Registrar about their own practice relating to findings of unprofessional conduct, professional negligence or criminal charges/convictions.

A regulated member also has obligations about concerning behavior of other regulated members.

- Incompetent and/or unethical services (based on Standards of Practice).
- Sexual abuse or sexual misconduct (mandatory within the HPA*).

Regulated Member obligations cont'd



It is important that a regulated member stay in touch with their college. Frequent updates are sent out that could have an impact on a regulated member, from renewal reminders to seeking input on changes to standards or guidelines.

Regulated members also have obligations to ensure their contact information is up to date, as required by the *Regulation*.

A regulated member also has obligations to respond and cooperate with their college from the *HPA*, including:

- Cooperate with investigator's request
- Comply with a notice to attend or produce
- Cooperate with the continuing competence program

Regulated Member rights



- The right to know the allegations against you
- The right to respond
- The right to have a hearing
- The right to an appeal
- The right to an unbiased decision maker
- The right to counsel





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Case Studies

Case Study

Jean is a speech language pathologist who does not know much about their college. They only renew once a year, do required continuing competence and otherwise do not engage with their college. One day, they receive an email from someone named the “Complaints Director” requesting that they be a witness to an incident that happened in their work setting, a hospital unit. The Complaints Director indicated that they are investigating a complaint. Jean recalls that their colleague had an argument with a patient while they were nearby in the hall that they could partially hear. They also are worried about their friendship with their colleague.

What are Jean’s rights and responsibilities relating to the College’s request?

Case Study

Diedre owns a private audiology clinic. There are 3 audiologists (including the owner), 2 SLPs and 3 hearing aid practitioners. The 2 SLPs are contractors, they do not work in the office and attend to clients virtually or in the clients' homes. They do not receive benefits and Diedre does not consider them to be employees. One day, a concern is brought forward by an adult client about an SLP, Marc, acting inappropriately, specifically that they complimented the client's appearance multiple times, asked them if they liked him and asked for the client's Instagram so they could see more photos of the client when they were not together. Diedre spoke to the SLP (Marc) and the client and based on the information collected, determined that she would end the SLP's contract immediately. The SLP disputed the allegation and now has hired a lawyer to sue Diedre.

What is Diedre's responsibility to report Marc to their college?