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1. Definitions

In these bylaws:

- a) "Act" means the Health Professions Act;
- b) "College" means the College of Respiratory Therapists of Alberta;
- c) "Complaints Director" means the complaints director of the College appointed under section 15(3) of the Act;
- d) "Hearings Director" means the hearings director of the College appointed under section 15(1) of the Act;
- f) "Registrant" means a person who is registered as a member under section 33(1)(a) of the Act;
- g) "Registrar" means the registrar of the College appointed under section 8 of the Act;
- h) "Regulation" means *Respiratory Therapists Profession Regulation*; and
- i) "Standards of Practice" means the standard of practice adopted by the College under sections 133 and 133.1 of the Act

2. Council

Duties and Powers

- (1) The Council is the governing body of the College and may exercise all the powers and duties granted to a council under the Act.

Composition

- (2) Council shall consist of:
 - a. 5 registrants appointed in accordance with bylaw 4;
 - b. the number of public members required to be appointed by the Lieutenant Governor in Council in accordance with the Act; and
 - c. any non-voting members appointed by Council.

Term of Office

- (3) Except as otherwise stated in these bylaws, the term of office for a member of Council who is a registrant shall be 3 years.
- (4) A member of Council who is a registrant may not serve more than 2 consecutive terms of office.

Officers

- (5) Council shall select a President and a Vice-President from among the members of Council, in accordance with Council policy.

- (6) The President shall hold office for 3 years and may serve a maximum of 2 consecutive terms as Chair.
- (7) The Vice-President shall hold office for 3 years and may serve a maximum of 2 consecutive terms as Vice-Chair.
- (8) The President shall chair meetings of Council.
- (9) If the President is temporarily absent or unable to act, the Vice-President shall perform the functions, duties, powers, and responsibilities of the President.
- (10) If both the President and Vice-President are temporarily absent or unable to act, Council will determine who shall perform the functions, duties, powers, and responsibilities of the President.

Meetings

- (11) Except when Council otherwise directs, Council meetings are open to the registrants and the public.

Quorum

- (12) A quorum in order to make a Council decision is 50% of the appointed members of council plus one (1) which shall consist of at least one (1) professional member and one (1) public member of Council.
- (13) For the purposes of calculating whether a majority of the members of Council is present for a Council decision, public representative positions on Council to which the Lieutenant Governor in Council has not appointed an individual shall not be counted.

Voting

- (14) Except as otherwise stated in these bylaws and regardless of voting method, a decision shall be made by a majority of the Council members participating in the vote.
- (15) Except as otherwise stated in these bylaws, the President will not vote on any matters unless there is a tie. In the event of a tie vote, the President shall then cast a deciding vote.

Terms of Reference and Procedures

- (16) Council shall approve terms of reference for Council and may determine its own procedures, subject to the Act, the Regulation, and these bylaws.

3. Council Members Ceasing to Hold Office

Automatic termination

- (1) A member of Council who is a registrant automatically ceases to be a Council member if:
 - a. the member provides a letter of resignation to the President or the Registrar;
 - b. the member is suspended or ceases to be a registrant;

- c. the member is found guilty of unprofessional conduct under the Act or makes an admission of unprofessional conduct that is accepted by a hearing tribunal in accordance with the Act; or
- d. in accordance with bylaw 4.

Complaints about Council members

- (2) A person may make a written complaint regarding the conduct of a Council member to the President or Vice-President if the Council member:
 - a. has been found guilty of an offence under the *Criminal Code of Canada*; or
 - b. is or has been engaged in any conduct or activity that undermines the College or its objectives.
- (3) On receipt of a written complaint under subsection (2), the President or Vice-President shall arrange for an investigation to be conducted in accordance with the process approved by Council.
- (4) If, following the investigation conducted under subsection (3), the President or Vice-President determines there are reasonable grounds to believe the Council member who is the subject of the complaint has been found guilty of an offence under the *Criminal Code of Canada*, or is or has been engaged in conduct or activity that undermines the College or its objectives, then the President or Vice-President shall ask the President to call a meeting of Council to review and discuss the results of the investigation.
- (5) Council shall consider the matter and vote on the following question:
 - a. If the Council member is a registrant, "Are you in favor of removing as a member of Council?"
 - b. If the Council member is a public member, "Are you in favor of recommending to the Lieutenant Governor in Council that the appointment of _____ to Council be rescinded?"
- (6) The Council member who is the subject of the complaint may attend any such meeting of Council and be heard; however, that member shall abstain from the vote on the issue and shall be absent during the vote on the issue.
- (7) In a vote under subsection (5), the President shall be entitled to vote unless the President is the subject of the complaint.
- (8) If two-thirds or more of the Council members present and voting, vote in favor of the question in subsection (5)
 - a. if a registrant is the subject of the complaint, then they shall be removed from office effective immediately;
 - b. if a public member is the subject of the complaint, then Council shall recommend to the Lieutenant Governor in Council that their appointment be rescinded.

- (9) If two-thirds or more of the Council members present and voting do not vote in favor of the question in subsection (5), then the member who is the subject of the complaint shall not be removed from office and Council shall proceed to consider the seriousness of the issue and may take other action as deemed appropriate.

Vacancies

- (10) If a member of Council who is a registrant is unable to complete their term of office, Council may appoint a member on the general register to serve the remainder of the term of office.
- (11) If the office of President becomes vacant before the President's term of office would normally end, a new President shall be selected by Council from among the Council members, in accordance with Council policy.

4. Appointments to Council

- (1) Council shall appoint members from the general register.
- (2) A person serving as an officer or senior employee of a professional association or a labor union that represents members of the College is disqualified from being appointed or elected to Council.
- (3) The term of a registrant serving on Council automatically terminates if they subsequently become:
 - a. an officer or senior employee of a professional association or a labor union that represents members of the College; or
 - b. a member of a bargaining committee for a labor union that represents members of the College or an employer that hires registrants of the College.
- (4) The appointment process will be managed by policy as approved by the Council.

5. Code of Ethics and Standards of Practice

- (1) Council may adopt or amend a code of ethics or standards of practice in accordance with the consultation process set out at section 133 of the Act.
- (2) No fewer than 60 days before adopting a proposed code of ethics or standards of practice or amendment, Council shall provide a copy to registrants or post a copy on the College's website for review and comment and shall indicate a deadline for Council to receive written comments.
- (3) Council shall consider any written submissions received in accordance with subsection (2) before making a decision.

6. Registration

Registration Committee

- (1) A registration committee is hereby established and may carry out the powers and duties set out in the Act, the Regulations, and these bylaws.
- (2) Council shall appoint no fewer than 5 members to the registration committee who must be registrants and shall appoint a member as chair.
- (3) Members shall be appointed to the registration committee for a term of 5 years unless Council specifies a different term at the time of appointment. Members may serve a maximum of 2 consecutive terms on the registration committee.
- (4) A quorum of the registration committee is three members.
- (5) A decision of the registration committee shall be made by a majority vote of the members participating in the vote.
- (6) Subject to the Act, the Regulation, these bylaws, and any terms of reference approved by Council, the registration committee may determine its own procedures.

7. Registration Applications

- (1) The Registrar shall consider complete applications for registration as a registrant.
- (2) The Registrar may, in their sole discretion, refer any application for registration to the Registration Committee.

8. Professional Liability Insurance

- (1) An applicant for registration and practice permit renewal must provide a certificate of insurance of the type and amount satisfactory to the Registrar or Registration Committee. The type and amounts of professional liability insurance coverage will be reviewed annually by the council.

9. Citizenship

- (1) An applicant for registration as a registrant must provide evidence satisfactory to the Registrar or Registration Committee that the applicant is a Canadian citizen or is lawfully admitted to and entitled to work in Canada.

10. Language Proficiency

- (1) An applicant for registration as a registrant must be sufficiently proficient in English to be able to engage safely and competently in the practice of the profession.

- (2) An applicant may be required by the Registrar or Registration Committee to demonstrate proficiency as required by subsection (1) in accordance with requirements approved by Council.

11. Equivalent Jurisdictions

- (1) The following jurisdictions are recognized under section 28(2)(b) of the Act as having registration requirements that are substantially equivalent to the registration requirements of the College:
 - a. Canadian provinces excluding unregulated jurisdictions.
 - b. United States of America excluding the states of Alaska and Utah.
- (2) An applicant for registration as a registrant pursuant to section 28(2)(b) of the Act must provide evidence, sufficient to the Registrar or Registration Committee, of:
 - a. registration in the equivalent jurisdiction;
 - b. successful completion of a relevant education program;
 - c. experience practicing the profession;
 - d. successful completion of registration exams;
 - e. certificates or diplomas held by the applicant;
 - f. a detailed description of continuing competency activities, if applicable;
 - g. evidence of English language proficiency; and
 - h. a completed and notarized attestation stating that the applicant has read, understood, and will fully comply with the *Health Professions Act, Respiratory Therapists Profession Regulation*, Standards of Practice and Code of Ethics.

12. Practice Permits

- (1) Registrants must submit a complete application for a practice permit to the Registrar by March 31 each year.
- (2) Applications for practice permits shall be considered by the Registrar.
- (3) The Registrar may, in their sole discretion, refer any application for a practice permit to the Registration Committee.

13. Reinstatement Applications (Non-Disciplinary)

- (1) A registrant whose practice permit and registration are cancelled under the Act, except under Part 4 of the Act, may apply to the Registrar for reinstatement.
- (2) The Registrar may, in their sole discretion, refer any application for reinstatement to the Registration Committee.

14. Registers

Information Regarding Registrants and Applicants

- (1) A registrant or an applicant for registration as a registrant must provide the following information, in addition to that required under sections 33(3) of the Act, to the Registrar when requested by the Registrar:
 - a. personal information as required by the registration policies approved by Council;
 - b. education and training information as required by the registration policies approved by Council; and
 - c. information about the individual's practice of the profession as required by the registration policies approved by Council.
- (2) A registrant or applicant must advise the Registrar of any changes to the information required in subsection 1 within a reasonable time of the change having occurred.

Disclosure of Information Regarding Registrants and Applicants

- (3) The College may disclose information collected under subsection (1) about a registrant:
 - a. with the consent of the registrant; or
 - b. in a summarized or statistical manner so it is not possible to relate the information to the registrant or any other identifiable person.

15. Changes to information on Registrant Registers

- (1) The Registrar may enter, change, or remove information from the registrants registers.
- (2) No registration or practice permit shall be cancelled except in accordance with the Act.

16. Professional Conduct

Membership List

- (1) Council shall appoint no fewer than 12 registrants to the membership list referenced in section 15 of the Act. This list shall be used for appointing registrants to both hearing tribunals and complaint review committees.
- (2) A person shall not sit on a complaint review committee and a hearing tribunal with respect to the same matter.

17. Complaint Review Committee

- (1) A complaint review committee consists of the registrants and public members appointed to it by the hearings director.
- (2) The hearings director shall appoint a chair of each complaint review committee.

- (3) A quorum for a complaint review committee is two registrants and the number of public members required by section 12(1) of the Act.
- (4) A decision of a complaint review committee shall be by majority vote. If a complaint review committee is sitting with an even number and there is a tie vote, then the chair shall cast a second and deciding vote.
- (5) Subject to the Act, the Regulation, these bylaws, and any terms of reference approved by Council, a complaint review committee may determine its own procedures.

18. Hearing Tribunal

- (1) A hearing tribunal consists of the registrants and public members appointed to it by the hearings director.
- (2) The hearings director shall appoint a chair of each hearing tribunal.
- (3) A quorum for a hearing tribunal is two registrants and the number of public members required by section 12(1) of the Act.
- (4) A decision of a hearing tribunal shall be by majority vote. If a hearing tribunal is sitting with an even number and there is a tie vote, then the chair shall cast a second and deciding vote.
- (5) Subject to the Act, the Regulation, these bylaws, and any terms of reference approved by Council, a hearing tribunal may determine its own procedures.

19. Appeals Committee

- (1) An appeals committee is hereby established, from which panels shall be selected.
- (2) Council shall appoint 4 members of Council to the appeals committee, 2 of whom shall be members of Council who are registrants and 2 of whom shall be public members of Council.
- (3) Council members shall be appointed to the appeals committee for a term of one year unless Council specifies a different term at the time of appointment. Council members may serve multiple consecutive terms on the appeals committee.
- (4) Council members appointed to the appeals committee shall continue to hold office after the expiry of their term on the appeals committee or their term on Council for the sole purpose of concluding hearings under subsection (5) that have commenced but have not been completed.
- (5) A panel of Council from the appeals committee shall:
 - a. carry out the duties and powers of Council under section 31 of the Act;
 - b. carry out the duties and powers of Council under section 41 of the Act;
 - c. carry out the duties and powers of Council under sections 87 to 89 of the Act;
 - d. carry out the duties and powers of Council under section 93 of the Act; and

- e. carry out the duties and powers of Council under sections 118(6) to 118(8) of the Act.
- (6) A quorum for a panel of the appeals committee shall be two members of Council who are registrants and the number of public members of Council required by section 12(1) of the Act.
- (7) Council shall appoint a chair of the appeals committee who will select the members of the appeals committee who will sit on a particular panel and will appoint a chair of each panel.
- (8) A decision of a panel of the appeals committee shall be by majority vote. If a panel is sitting with an even number and there is a tie vote, then the chair shall cast a second and deciding vote.

20. Reinstatement Applications under Section 45.1 of the Act

- (1) On completing a review of an application for reinstatement from a person whose practice permit and registration were cancelled under Part 4 of the Act, the Registrar or Registration Committee may order the person to pay any or all of the College's expenses related the assessment and reinstatement.

21. Designations by Council under Sections 65 and 86 of the Act

- (1) Council hereby designates the Registrar to make decisions under section 65(1) of the Act.
- (2) Council hereby designates the Registrar to make decisions under section 86(1) of the Act.

22. Committees

- (1) In addition to committees established in the Act or in these bylaws, Council may establish such committees as it considers necessary in carrying out its duties and responsibilities.
- (2) Council shall set out a process in policy for the appointment and removal of members of committees established under subsection (1).

23. Terms of Reference for Committees

- (1) Council shall approve terms of reference for all committees established in the Act, in these bylaws, and under bylaw 17(1).

24. Publication and Distribution of Information

- (1) The registrar has authority to publish or distribute information as permitted or required under the Act, the Regulation, the Personal Information Protection Act, SA 2003, c P-6.5, any other enactment that applies to the College, or as otherwise permitted or required by law.

25. Additional Information that may be published on College Website

- (1) In addition to the information required under the Act, the College may publish the following information on the College website:
 - a. information for individuals who wish to become a registrant;
 - b. competency frameworks;
 - c. information on fees paid by registrants;
 - d. register information;
 - e. dates, time, and venue of hearing tribunals and parties involved;
 - f. information on how to make a complaint under the Act;
 - g. information on alternate complaint resolution processes;
 - h. patient relations program; and
 - i. information as approved by the Executive Director in the secure Registrant's section.

26. Administration

Forms and Documents

- (1) The Registrar is authorized to prescribe such forms, certificates, permits or other documents that may be required for the purposes of the Act, the Regulation, or these bylaws.

27. Reimbursement of Expenses

- (1) The College shall reimburse expenses incurred by Council members and committee members in the course of carrying out their duties under the Act, the Regulation, and these bylaws, in accordance with policies made by Council.
- (2) The College shall pay per diems to professional members of Council in accordance with policies made by Council that match those of the public members.

28. Fees and Levies for Applicants and Members

- (1) Council may establish any of the following fees:
 - a. application fees;
 - b. registration fees;
 - c. practice permit fees;
 - d. late payment fees; and
 - e. fees for reviews or appeals of any decisions under the Act.

- (2) Council may also establish any fees, costs, levies, or assessments to be paid by registrants or applicants for any service or thing provided by the College under the Act, the Regulation, or these bylaws.
- (3) Before establishing a fee, cost, levy, or assessment under subsection (1) or (2), or before making any changes to such fee, cost, levy or assessment, Council shall provide notice to the members via the College website no fewer than 60 days before the fee, cost, levy, assessment, or change comes into effect.

29. Head Office

- (1) The head office of the College shall be located at Calgary, Alberta, or such other location as may be determined by Council.

30. Use of Funds

- (1) The College may make use of all revenues received from membership fees and other sources of income to carry out the objectives of the College.
- (2) Financial policy pertaining to the College shall be determined by Council and the College shall publish annually a copy of its financial information in the form required by the Minister under section 4(1)(f) of the Act.

31. Corporate Seal

- (1) A seal for the College shall be approved by the Council.
- (2) The Registrar shall assume responsibility for safekeeping of the College's seal, which shall contain the words "College of Respiratory Therapists of Alberta."
- (3) When the seal of the College is required to be affixed to a document, the seal shall be accompanied by the signature of any two or more officers of the College.
- (4) The President, Vice-President, and the Registrar each shall have authority to fix a seal of the College to any legal document.

32. Bylaws

Enactment, Amendment, and Repeal of Bylaws

- (1) A bylaw or an amendment to a bylaw may be passed at any meeting of Council following submission of request to Council with no less than a sixty-day notice of the proposed bylaw or amendment to a bylaw.