



Mobility of Discipline Decisions

Improved Public Interest

To better protect the public, APEGA must have the ability to respond quickly if needed. If the licence of a Member or Permit Holder has been cancelled, suspended, or restricted in another province because of unskilled practice or unprofessional conduct, APEGA needs to be able to act immediately to cancel, suspend, or impose restrictions on that Member's or Permit Holder's licence to practice in Alberta.

Background

- In today's marketplace, individuals and companies are often licensed in multiple provinces. APEGA has the jurisdiction, and the obligation, to discipline Members and Permit Holders for conduct that occurs both inside and outside Alberta.
- Currently, if an individual or company is licensed in Alberta and has had that licence cancelled, suspended, or restricted in another province because of unskilled practice or unprofessional conduct, APEGA cannot use that other association's discipline decision and order as a basis to impose discipline sanctions in Alberta. This puts the Alberta public at risk while APEGA conducts its own investigation and disciplinary hearing.
- Currently, the Investigative Committee may suspend a Member or Permit Holder on an interim basis pending a preliminary investigation or disciplinary hearing, but a complaint must be received first.

Why is this important

- Although the Investigative Committee can suspend a Member or Permit Holder on an interim basis pending a preliminary investigation or disciplinary hearing, the Investigative Committee cannot cancel or impose restrictions on a Member's or Permit Holder's licence to practise until after a full investigation and disciplinary hearing.

- It takes months to conduct a full investigation and disciplinary hearing. If a Member's or Permit Holder's licence has been suspended, cancelled, or restricted in another province, it is in the interest of the public of Alberta that APEGA can quickly suspend, cancel, or restrict that Member's or Permit Holder's licence to practise in Alberta.
- Using resources for APEGA to conduct a full investigation and disciplinary hearing should not be necessary given that the Member or Permit Holder has already undergone a full investigation and disciplinary hearing and been found guilty in another province.

Proposed legislative change

- Require Members and Permit Holders to advise APEGA if they have had discipline orders made against them from other jurisdictions.
- Authorize APEGA to share discipline decisions with other professional associations and regulators.
- Authorize the Registrar to use another provincial engineering or geoscience association's discipline record of proceedings, decisions, and orders.
- Authorize the Registrar to make the equivalent orders to those imposed by the other provincial engineering or geoscience association without conducting a full investigation and disciplinary hearing.

Effect of the proposed change

- If a Member's or Permit Holder's licence has been suspended, cancelled, or restricted in another province, APEGA would have the ability to better protect the public of Alberta by being able to quickly suspend, cancel, or restrict that Member's or Permit Holder's licence to practise in Alberta without conducting a full investigation and disciplinary hearing.

