



## Improving the Practice – Permit to Practice

*Improved Public Interest  
Improved Regulatory Effectiveness and Efficiency*

As part of improving the practice of engineering and geoscience for the safety and benefit of Albertans, it is in the public interest that the requirements and obligations of Permit Holders and Responsible Members be clearly defined.

### Background

- Under the *Engineering and Geoscience Professions Act (EGP Act)* a corporation, partnership, or other association of persons can only engage in the practice of engineering or geoscience with a Permit to Practice. A Permit to Practice also authorizes its holder (referred to as a Permit Holder) to use protected titles and words.
- Council may issue a Permit to Practice to a partnership, corporation, or other entity if:
  - it is satisfied that the practice will be performed under the direct supervision and responsibility of:
    - a full-time permanent employee or
    - a member of the partnership, corporation, or other entity who is also a Professional Member or Licensee and who is qualified by education and experience in the field in which the entity intends to engage.
    - These individuals are referred to as Responsible Members.
  - the Responsible Member certifies, to the satisfaction of Council, that the partnership, corporation, or other entity has in place and will follow a Professional Practice Management Plan (PPMP).
- Currently, a Permit Holder needs only one Responsible Member, regardless of its size. Permit Holders that engage in both engineering and geoscience need at least one engineering Responsible Member and one geoscience Responsible Member.

- A Responsible Member must:
  - Be a Professional Member, Licensee or Professional Licensee.
  - attend a Permit to Practice seminar at least once every five years.
  - advise APEGA if he or she ceases to be the person accepting responsibility for the practice of the Permit Holder or if he or she can no longer provide the necessary certification regarding the PPMP.
- Currently, a Member practising as a sole practitioner does not need a Permit to Practice because the Member's licence grants the right to independently practise engineering or geoscience. If the same individual practises through an incorporated company, the company requires a Permit to Practice even though the Member is the only employee.
- Council may revoke a Permit to Practice if the Permit Holder contravenes the EGP Act, the General Regulation, or a term or condition of the permit.

Why is this important?

- As a steward of the EGP Act, it is APEGA's responsibility to regulate the practice of engineering and geoscience.
- APEGA must have the ability to set minimum standards and requirements on any entity that engages in the practice of engineering or geoscience.
- Companies are accountable for the engineering or geoscience work they do. They are also responsible for providing the work environment, organizational structure, and practice management systems necessary so the work done meets technical, professional, and ethical standards, and complies with relevant legislation.
- Responsible Members need to understand their responsibilities associated with acting as Responsible Members and that they are held accountable for ensuring that their Permit Holders uphold their obligations.
- All entities, including sole practitioners, must have quality management systems in place to ensure:
  - they are aware of their obligations
  - that any work done by them meets technical, professional, and ethical standards

It is recommended that the legislation be amended to:

- Add a definition for Responsible Member to indicate that the Responsible Member can be:
  - a full-time, permanent employee
  - a partner
  - a sole practitioner
  - a member of the Permit Holder
  - an individual providing services to the Permit Holder through a contractual arrangementwho is also a Professional Member.
- Clarify that, in addition to the existing requirements for Responsible Members, their responsibilities are expanded to explicitly include:
  - being professionally responsible for the PPMP and for ensuring it is being followed.
  - stamp, sign and date the professional practice management plan document within their area of responsibility.
- Clarify that a deficiency in a PPMP (or evidence that a PPMP is not being followed) may result in a practice review order or a finding of unskilled practice or unprofessional conduct against the Responsible Members, collectively or individually, and against the Permit Holder.
- Change the requirement from needing only one Responsible Member to needing one or more Responsible Members, as appropriate to the practice.
- Move the requirement for a Responsible Member to attend a seminar every five years from the General Regulation to part of the mandatory Continuing Professional Development (CPD) program requirements for Responsible Members. The details will be described in the CPD program.
- Require Permit Holders and Responsible Members to advise APEGA if an existing Responsible Member ceases to be the person accepting responsibility for the practice of the Permit Holder or can no longer provide the necessary certification regarding the PPMP.

- Require a sole practitioner to obtain a Permit to Practice.

Effects of the proposed change

- The responsibilities and accountabilities of Responsible Members will be more clearly defined.
- The requirement to authenticate the PPMP will both clarify and emphasize the Responsible Members' responsibility for the Permit Holders' quality management systems and corresponding PPMPs.
- The details prescribing the specific PPMP requirements will be established by Council through policy and approved practice standards.
- It will be clear that sole practitioners must have a Permits to Practice and quality management systems with corresponding PPMPs in place governing their professional practices.
- The change to require one or more Responsible Members will allow for flexibility depending on the size and areas of practice of a Permit Holder in the event it is determined that more than one Responsible Member is needed to protect the public interest.
- The amendment to require a Permit Holder, in addition to a Responsible Member, to advise APEGA if an individual ceases to be a Responsible Member will place an obligation on both parties to advise APEGA of the change.
- As a result of these proposed changes to the authentication requirements, unincorporated sole practitioners will require a Permit to Practice so that any documents they authenticate bear both a permit stamp and the stamp of the Professional Member. Please refer to the *Updating Authentication Practices* briefing note for additional detail on the authentication requirements.