



Suspending or Imposing Conditions on an Interim Basis in Emergent Situations

Improved Public Interest

To better protect the public, APEGA must have the ability to respond quickly if a Member's or Permit Holder's competency, professional judgement, or ethics is questioned and public safety or the public interest is at serious risk. APEGA needs to be able to immediately suspend or restrict that Member's or Permit Holder's licence.

Background

- Currently, the Investigative Committee may suspend the licence of a Member or Permit Holder on an interim basis pending a preliminary investigation or disciplinary hearing.
- However, the Investigative Committee must meet on the matter, and arranging this meeting takes time. This limits APEGA's ability to act quickly to protect the public in emergent circumstances.

Why it is important

- It is in the public interest for APEGA to be authorized to act as soon as possible when a Member's or Permit Holder's professional judgement, competency, or ethics is questioned and public safety or the public interest is at risk. If the Investigative Committee is unable to meet quickly to suspend a licence during an emergent circumstance, the Registrar should have the authority to do so to protect the public.
- Currently, there is no express authority to impose interim conditions on a licence – there is only the authority to suspend the licence on an interim basis.
- There may be situations when imposing interim conditions or restrictions on a Member's or Permit Holder's practice may be better than fully suspending the Member or Permit Holder. For example, an interim order prohibiting a Member or Permit Holder from practising in a certain discipline or practice area may be sufficient to protect the public while allowing the Member to continue to practise pending further investigation or a disciplinary hearing.

Proposed
legislative change

- It is recommended that the *Engineering and Geoscience Professions Act* be revised to expressly authorize the Registrar to suspend a Member or Permit Holder on an expedited basis in emergent circumstances (while retaining the authority of the Investigative Committee to suspend a Member or Permit Holder on an expedited basis in emergent circumstances).
- It is also recommended that the Act be revised to authorize the Investigative Committee and the Registrar to impose interim conditions on a Member or Permit Holder on an expedited basis in emergent circumstances. The circumstances under which this power could be exercised would be based on criteria clearly described and established in the General Regulation.

Effect of the
proposed change

- It will give APEGA the ability to better protect the public by being able to quickly suspend or restrict a Member's or Permit Holder's licence in Alberta pending a full investigation or disciplinary hearing.
- Giving the Registrar and the Investigative Committee this authority will give APEGA flexibility and expanded options to issue orders that are appropriate to the circumstances while balancing the competing interests of the public interest against a Member's or Permit Holder's ability to practise pending further investigation or a disciplinary hearing.
- These changes will not affect a Member's or Permit Holder's ability to appeal to the Court for an order staying the suspension or interim conditions.