



3. Practice Review Committee

Authority of Reviewers to Make Recommendations

Improved Public Interest
Improved Regulatory Effectiveness and Efficiency

To better protect the public, APEGA must have the ability to require Members and Permit Holders to maintain acceptable levels of competence, comply with required standards of practice, and suggest areas for improvement in a Member's or Permit Holder's professional practice.

Background

- Currently, the Practice Review Board (PRB) appoints reviewers to review the practices of Members and Permit Holders and to report the findings of the review to the PRB.
- The PRB may find that the practice under review is satisfactory and that nothing further is required or make orders similar to the orders the Discipline Committee can make.
- The PRB may at any time during a review, recommend to the Investigative Committee that an investigation be conducted and proceed as if it were a written complaint.

Why is this important?

- To effectively and efficiently exercise the mandate to protect the public interest through practice reviews, practice reviewers must have the authority to assess compliance against required standards and make recommendations to Members and Permit Holders to address deficiencies identified in practice reviews.
- To protect the public interest, deficiencies noted in these recommendations may require the Member or Permit Holder to take corrective action to comply with the *Engineering and Geoscience Professions Act*, regulations, bylaws, practice standards and bulletins.

These recommendations may also contain suggestions aimed at education and support to help the Member or Permit Holder improve their competence or professional practice.

Proposed
legislative
change

It is recommended the legislation be amended to:

- Authorize practice reviewers to have the same authority in conducting practice reviews as investigators have in conducting investigations; practice reviewers will conduct practice reviews as prescribed in the regulations.
- Authorize practice reviewers to use subject matter experts to assist in practice reviews, if required.
- Require practice reviewers to provide a practice review report to the Member or Permit Holder whose practice was reviewed.
- Authorize practice reviewers to assess the deficiencies and compliance against required standards and make recommendations:
 - aimed at educating and supporting the Member or Permit Holder to aid them in improving their professional practice.
 - some of which must be complied with within a specified time period.
- Authorize practice reviewers to refer a matter to a practice review panel if a Member or Permit Holder does not comply with a required element in a recommendation within the required time period.
- Provide a Member or Permit Holder the right to appeal a practice reviewer's recommendation to a practice review panel.
- Authorize practice reviewers to refer a matter to the Investigative Committee or Registrar.

Effects of the
proposed
change

- Practice reviewers will be able to make recommendations directly to Members and Permit Holders as part of the practice review report following a practice review.
- These recommendations may contain suggestions aimed at education and support or may require a Member or Permit Holder to take mandatory action, or both.
- It will provide an improved mechanism for practice reviewers to work collaboratively with Members and Permit Holders to educate and assist them in improving their professional practices.

- There will be a mechanism to enforce compliance with matters related to practice competence without having to go through the Investigative Committee or Discipline Committee.
- If a practice reviewer discovers a situation that requires immediate action in order to protect the public, additional mechanisms (e.g., referral to Investigative Committee) will be available.
- A Member or Permit Holder will have the right to appeal a reviewer's recommendations to a practice review panel.
- If a Member or Permit Holder does not comply with a recommendation, the matter will be referred by the practice reviewer to a panel of the Practice Review Committee.
- This is similar and consistent with what other regulatory authorities such as the department of Alberta Environment and Parks or the Alberta Energy Regulator already do to enforce standards and other legislation.