



UNAPPROVED

E-MAIL BALLOT OF COUNCIL
September 23, 2009

MINUTES

Respondents:

President	Jim Beckett, P.Eng.
President-Elect	Kim Farwell, P.Eng.
Vice-President	Dick Walters, P.Eng., FEC
Past-President	Gordon Williams, P.Geol., Ph.D., FEC

Councillors	Mary Ann Byrd, P.Eng., FEC
	Kevin Cumming, P.Eng.
	Jim Gilliland, P.Eng., Ph.D.
	Karen Henry, P.Eng., FEC
	John Hogg, P.Geol.
	Leah Lawrence, P.Eng.
	Shawn Morrison, P.Eng.
	Ken Porteous, P.Eng., Ph.D., FEC
	Anne Simpson, P.Eng.
	John Van der Put, P.Eng.
	Colin Yeo, P.Geol.

Public Members	Allin Scherbarth, C.M.A.
	Gary Campbell, Q.C.
	Arlene Strom, LLB

An email was sent to Council members on September 23 as follows:

"The proposed Regulation changes to create the Professional technologist designation under the EGGP Act, per the agreement with ASET, were approved by you last February. Cabinet policy Committee has reviewed them and directed that a sunset clause be inserted so that they expire Sept 30, 2014. This is a current policy of Cabinet that all Regulations have a five year

expiry date so that review every five years is automatic. Legislative Council has inserted these clauses and has made other minor revisions per Al Schuld's comments below. None of the changes are of any significance, however, your approval of these revised Regulations is required.

It is hoped to put them before Cabinet next Tuesday morning hence we are requesting your consent via an email vote, a procedure we have used in the past when absolutely necessary. Should you not wish to proceed in this matter we would then have to wait until the December meeting of Council to seek approval.

In the hope that you will agree to this process, would you please respond by return email at your earliest convenience, hopefully by tomorrow at the latest, indicating your approval or otherwise. Your cooperation in this regard would be greatly appreciated."

The method of voting by email was approved by all respondents and results of the voting compiled on September 25, 2009.

MOVED AND SECONDED

09-40

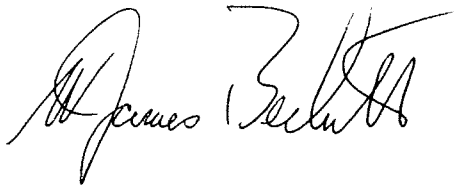
That the "Professional Technologists Regulation" as attached be approved.

CARRIED UNANIMOUSLY

Attachment:

Professional Technologists Regulation – Final Draft with CPC amendment

Signed by President, W. James Beckett, P.Eng.

A handwritten signature in black ink, appearing to read "W. James Beckett". The signature is fluid and cursive, with the first name being the most prominent.

Signed by Executive Director & Registrar, H. Neil Windsor, P.Eng.

A handwritten signature in black ink, appearing to read "H. Neil Windsor". The signature is cursive and somewhat stylized, with a long horizontal stroke at the end.

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Engineering, Geological and Geophysical Professions Act PROFESSIONAL TECHNOLOGISTS REGULATION

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Definition

1 In this Regulation, “Act” means the *Engineering, Geological and Geophysical Professions Act*.

Part 1 Membership as a Professional Technologist

Division 1 General

Application

2(1) An application for registration as a professional technologist must be submitted to the ASET Registrar and must

- (a) be in a form acceptable to the Joint Board of Examiners,
and

- (b) be fully completed and accompanied by
 - (i) all required supporting documentation, and
 - (ii) any fees that are prescribed by ASET Council pursuant to the ASET bylaws.

(2) The ASET Registrar shall refer an application to the Joint Board of Examiners if the application meets the requirements of subsection (1) and the ASET Registrar is satisfied that the applicant meets the eligibility requirements for registration as a professional technologist.

Annual fees

3 A person who is entered in a record or register under this Part shall pay any annual fees that are prescribed by ASET Council pursuant to the ASET bylaws.

Registers and records

4 The ASET Registrar shall keep and maintain records and a register of professional technologists, which shall be made available to the Registrar of the Association on request.

Division 2 Professional Technologists

Eligibility

5(1) A person who meets the following requirements and applies to the ASET Registrar for registration is entitled to be registered as a professional technologist:

- (a) the applicant is of good character and reputation;
- (b) the applicant holds a certificate of registration as a certified engineering technologist with ASET;
- (c) the applicant has a knowledge of the Act and the regulations under the Act, and general knowledge related to the proposed scope of practice of engineering, geology or geophysics, which has been demonstrated by passing an examination for those purposes that is prescribed by the Joint Board of Examiners;
- (d) the applicant demonstrates to the Joint Board of Examiners that the applicant has a proficiency in the English language that is sufficient to enable the applicant

to responsibly practice the profession of engineering, geology or geophysics within the prescribed scope of practice;

- (e) the applicant has at least 2 years of post-secondary education acceptable to the Joint Board of Examiners in areas that relate to engineering, geology or geophysics;
- (f) the applicant has obtained at least 6 years of experience in areas that relate to engineering, geology or geophysics that is acceptable to the Joint Board of Examiners, at least 2 years of which are in the applicant's proposed area and scope of practice and were completed under the supervision and control of a professional member;
- (g) the applicant meets any other requirements established by the Joint Board of Examiners.

(2) Notwithstanding subsection (1), an applicant is entitled to be registered as a professional technologist if the applicant

- (a) is of good character and reputation, and
- (b) is a professional technologist who, in respect of another province,
 - (i) is eligible to engage in the practice of engineering, geology or geophysics within the scope of practice specified by the Joint Board of Examiners, and
 - (ii) is a member in good standing with a regulated entity in that other province that, in the opinion of the Joint Board of Examiners, is equivalent to ASET.

Designations

6(1) A person who meets the requirements for registration in section 5 and is entitled to be registered as a professional technologist shall be granted one or more of the following designations as determined by the Joint Board of Examiners:

- (a) professional technologist;
- (b) professional technologist (engineering);
- (c) professional technologist (geological);
- (d) professional technologist (geophysical).

(2) Only those persons who are granted one or more of the designations as set out in subsection (1), and whose registration has not been cancelled or suspended under Part 5 of the Act, may use such designation or the following abbreviations:

- (a) P.Tech;
- (b) P.Tech (eng.);
- (c) P.Tech (geol.);
- (d) P.Tech (geoph.).

Division 3 Joint Board of Examiners

Items considered

7(1) The Joint Board of Examiners shall meet as is necessary to rule on applications for registration in accordance with section 90.3 of the Act.

(2) In addition to considering applications for registration as a professional technologist, the Joint Board of Examiners shall meet as necessary to consider matters of policy, significant changes in procedure, examination results and any matters referred to it by any member of the Joint Board of Examiners or the Joint Councils Committee.

Joint Board of Examiners authority

8 The Joint Board of Examiners has the power to consult with any persons or organizations in order to properly assess the academic qualifications of applicants.

Part 2 Continuing Education Program and Practice Reviews

Division 1 Continuing Professional Development Program

Education program established

9(1) The Continuing Professional Development Program of ASET is established as a compulsory continuing education program for professional technologists.

- (2)** The Joint Practice Review Board shall administer the Continuing Professional Development Program.
- (3)** The Continuing Professional Development Program comprises

 - (a) self-assessment by professional technologists of their individual professional development needs,
 - (b) the preparation by professional technologists of a continuing professional development plan,
 - (c) self-directed professional development activities,
 - (d) the ability of the Joint Practice Review Board to require that professional technologists demonstrate compliance with the Continuing Professional Development Program, and
 - (e) practice visits in accordance with section 14(2)(a).
- (4)** ASET Council shall make rules governing the operation of the Continuing Professional Development Program, including, without limitation, the following:

 - (a) the format of the Continuing Professional Development Plan;
 - (b) the approval of programs, courses and other learning activities that may be completed as part of the self-directed continuing professional development;
 - (c) declarations by professional technologists that they have developed a Continuing Professional Development Plan and declarations with respect to the professional development activities that have been undertaken in accordance with the plan;
 - (d) audits of professional technologists to ensure that Continuing Professional Development Plans have been prepared and that the professional development activities are being undertaken in accordance with the Continuing Professional Development Plan;
 - (e) the written records that must be maintained by professional technologists with respect to their Continuing Professional Development Plan and activities undertaken in accordance with that plan.

(5) ASET Council may determine when the Continuing Professional Development Program comes into effect for professional technologists.

Mandatory compliance

10 A professional technologist shall comply with the requirements of the Continuing Professional Development Program as it applies to that person's practice.

Exemption

11(1) Notwithstanding section 10, a professional technologist who files with ASET a declaration in writing stating that the person is not actively engaged in the practice of the profession set out in section 10 is exempt from the requirements of this Part.

(2) An exemption under this section is effective only for one year from the date the declaration is received by ASET, but may be renewed for additional yearly periods.

(3) A professional technologist shall not engage in the practice of a profession while an exemption under this section is in effect.

(4) A professional technologist who has filed a declaration under subsection (1) shall immediately notify ASET in writing if that person intends to resume the practice of the profession.

(5) The Joint Practice Review Board may require a professional technologist who has notified ASET under subsection (4) to comply with any conditions that the Board may set prior to allowing that person to resume the practice of the profession.

Written records

12(1) In accordance with the rules established by ASET Council, professional technologists shall develop and maintain written records of their Continuing Professional Development Plan and professional development activities.

(2) Professional technologists shall produce the records under subsection (1) on the request of the Joint Practice Review Board.

Striking from register

13 ASET Council may direct the ASET Registrar to strike from the register of professional technologists the name of a person who

fails to comply with a request that is served on the professional technologist under section 12(2).

Proof of compliance

14(1) On the request of the Joint Practice Review Board, a professional technologist shall satisfy the Board that that person is complying with the requirements of the Continuing Professional Development Program.

(2) Where a professional technologist fails to satisfy the Joint Practice Review Board under subsection (1), the Board may

- (a) conduct a review of the practice of that person in accordance with the Act and this Regulation, including practice visits, and
- (b) at any time during a review recommend to the Joint Investigative Committee that the review be conducted by the Joint Investigative Committee under Part 8 Division 5 of the Act as if the recommendation were a written complaint.

**Division 2
Joint Practice Review Board**

Items considered

15(1) The Joint Practice Review Board shall meet at least twice each year, and more frequently if the chair considers it necessary, to consider

- (a) items referred to the Joint Practice Review Board by the Joint Councils Committee or the Joint Discipline Committee,
- (b) reports from the ASET Registrar submitted under subsection (2),
- (c) items that have come to the attention of the Joint Practice Review Board from other sources relating to the registration, discipline or maintenance of professional competency of professional technologists, and
- (d) any other items that may be considered by the Joint Practice Review Board pursuant to the Act.

- (2) The ASET Registrar shall submit at each regular meeting of the Joint Practice Review Board a report setting out
- (a) the number and nature of appeals and complaints relating to rulings of the Joint Board of Examiners, and
 - (b) the number and nature of complaints dealt with by the Joint Discipline Committee and the disposition of the complaints, with special emphasis on cases reflecting on the competency of professional technologists.

Investigation by Joint Practice Review Board

16(1) If the Joint Practice Review Board undertakes a review of the practice of a professional technologist or permit holder, it shall proceed with the review in accordance with this section.

(2) The Joint Practice Review Board shall appoint a person to conduct an initial review and report to the Joint Practice Review Board with respect to the substance of the conclusions on which the Joint Practice Review Board based its decision to commence an investigation.

(3) If, on receipt of the report, the Joint Practice Review Board decides that further investigation is not warranted, it shall discontinue the review and report its decision to the Joint Councils Committee, along with any recommendations the Joint Practice Review Board considers appropriate.

(4) If, on receipt of the report, the Joint Practice Review Board decides that investigation of a specific practice is necessary, it shall

- (a) issue notice of investigation to the professional technologist or permit holder if it is of the opinion that the matter to be investigated relates to matters other than to unskilled practice of the profession or unprofessional conduct, and proceed with its investigation in the same manner as provided for in a discipline investigation, or
- (b) lodge a complaint with the Joint Investigative Committee if it is of the opinion that further investigation may lead to a finding of unskilled practice of the profession or unprofessional conduct.

(5) For the purposes of conducting an investigation under this section, any or all of the members of the Joint Practice Review

Board may, in order to ensure that continuing competence requirements are met, do one or more of the following:

- (a) subject to subsection (6), at any reasonable time and on having given notice, conduct a practice visit by entering and inspecting any place where the professional technologist works in the practice of engineering, geology or geophysics;
- (b) interview a professional technologist about the member's work in the profession of engineering, geology or geophysics;
- (c) observe the professional technologist working in the profession of engineering, geology or geophysics;
- (d) interview or survey clients, co-workers, the professional technologist's employer or the professional technologist about the professional technologist's work in the profession of engineering, geology or geophysics;
- (e) review documents and examine substances and things that
 - (i) are owned by or under the control of the professional technologist, and
 - (ii) are related to the work in the profession of engineering, geology or geophysics by the professional technologist;
- (f) assess the safety and condition of equipment and technology used by the professional technologist.

(6) No member of the Joint Practice Review Board may enter a private dwelling place or any part of a place that is designed to be used and is being used as a permanent or temporary private dwelling place except with the consent of the occupant of the dwelling place.

Report to Joint Councils Committee

17 Following each meeting, the Joint Practice Review Board shall report through its chair to the Joint Councils Committee and may make any recommendations as to changes in procedures regarding registration, discipline or maintenance of competency that the Board considers appropriate.

Part 3 Code of Ethics

Application and availability

18(1) Professional technologists shall comply with the Code of Ethics in the Schedule to this Regulation.

(2) ASET may publish interpretations of the rules comprising the Code of Ethics and distribute them to professional technologists and permit holders.

(3) ASET shall make the Code of Ethics available on request to members of the public.

Part 4 Discipline

Aware of unprofessional conduct

19 Despite not receiving a complaint under section 43 of the Act, but subject to section 43(3) of the Act, if the ASET Registrar has reasonable grounds to believe that the conduct of a professional technologist or former member constitutes unprofessional conduct or unskilled practice, the ASET Registrar may treat the information as a complaint and act on it under section 43 of the Act.

Adjournment of investigation if court proceedings commenced

20 A preliminary investigation under Part 5 of the Act may be adjourned if the complaint that gave rise to the investigation is the subject of judicial proceedings.

Assistance in conducting preliminary investigation

21 An investigation panel appointed under section 47 of the Act may employ any technical consultants and legal counsel it considers necessary to conduct a preliminary investigation.

Non-participation of case manager in hearing

22 A member of the Joint Discipline Committee who has been designated to act as a case manager under section 52(2) of the Act in respect of a matter must not participate as part of the quorum of the Joint Discipline Committee that is hearing the matter under section 53 of the Act.

Right to counsel

23(1) The Joint Discipline Committee may be advised by counsel at a hearing before the Joint Discipline Committee.

(2) If the Joint Discipline Committee is advised by counsel acting on behalf of the Joint Discipline Committee at a hearing, that counsel may not lead or present evidence or argument at the hearing on behalf of ASET nor be the counsel of the ASET Registrar.

Right to counsel

24(1) The Joint Appeal Board may be advised by counsel at an appeal hearing before the Joint Appeal Board.

(2) If the Joint Appeal Board is advised by counsel acting on behalf of the Joint Appeal Board at an appeal hearing, that counsel may not lead or present evidence or argument at the appeal hearing on behalf of the Joint Investigative Committee nor be the counsel of the Registrar, the ASET Registrar or the Joint Investigative Committee.

Publication

25 The Joint Discipline Committee or the Joint Appeal Board may direct that reports or summaries of disciplinary decisions, including the professional technologist's personal information, be published in any manner it deems appropriate.

Reinstatement of disciplined individuals

26(1) A professional technologist whose registration has been cancelled or a permit holder whose permit has been revoked under Part 5 of the Act as a result of the disciplinary proceedings may apply to the Joint Councils Committee to be reinstated.

(2) An application under subsection (1) may not be made until at least one year after the date on which the registration was cancelled or the permit was revoked, or from the date on which the Court made its order confirming or varying the decision of the Joint Councils Committee.

(3) The Joint Councils Committee may establish a Committee of Inquiry to consider the application for reinstatement and make recommendations to the Joint Councils Committee.

(4) The Joint Councils Committee may require the former professional technologist or permit holder to demonstrate by means prescribed by the Joint Councils Committee that that person is competent to re-engage in the practice of engineering, geology or geophysics.

(5) Where an application for reinstatement is not approved by the Joint Councils Committee, no further application may be made by the former professional technologist or permit holder until at least one year after the date the Joint Councils Committee ruled on the previous application.

Part 5 Registration of Permit Holders

Requirements for issue of permit

27(1) ASET Council may issue to a partnership, corporation or other entity a permit to practice engineering, geology or geophysics in its own name within the scope of practice of those professional technologists who are responsible for the practice of the ASET permit holder if

- (a) an application is made to the ASET Registrar in the form and containing the information required by ASET Council,
- (b) the application is accompanied with the fees prescribed by ASET Council pursuant to the ASET bylaws,
- (c) ASET Council is satisfied that the practice will be carried on under the direct personal supervision and responsibility of a full-time permanent employee or member of the partnership, corporation or other entity who is also a professional technologist and who is qualified by education and experience in the field of engineering, geology or geophysics in which the partnership, corporation or other entity intends to engage, and
- (d) the professional technologist certifies to the satisfaction of ASET Council that the partnership, corporation or other entity has in place and will follow a professional management plan that is appropriate to the professional technologist's professional practice.

(2) A permit expires one year after the date on which it is issued.

- (3) When ASET Council issues a permit, it shall provide the permit holder with a permit number.
- (4) The permit shall include a statement that the permit holder is entitled to engage in the practice of engineering, geology or geophysics within the scope of practice of those professional technologists who are responsible for the ASET permit holder.
- (5) No person shall use a permit number where the permit to which the number is assigned has been cancelled or suspended.
- (6) A professional technologist who accepts responsibility under subsection (1)(c) shall every five years attend a permit to practice seminar acceptable to ASET Council.

Signing and sealing of documents

28 When the practice of engineering, geology or geophysics is carried on by a partnership, corporation or other entity pursuant to a permit under section 27, all final plans, specifications, reports or documents of a professional nature must

- (a) be signed by and stamped or sealed with the stamp or seal of
 - (i) the professional technologist who prepared them or under whose supervision and control they were prepared, or
 - (ii) in the case of plans, specifications, reports or documents that were prepared by other persons, the professional technologist who thoroughly reviewed and accepted professional responsibility for them,and
- (b) show the permit number issued to the partnership, corporation or other entity under section 27.

Notification to ASET

29(1) A partnership, corporation or other entity practising pursuant to a permit under section 27 shall keep ASET advised of the name of the professional technologist referred to in that section.

(2) The professional technologist referred to in section 27 shall forthwith advise the ASET Registrar if the professional technologist

- (a) ceases to be the person accepting responsibility under that section, or
- (b) is no longer able to provide the certification referred to in section 27(1)(d).

Revocation of permit

30 The Joint Councils Committee may revoke a permit issued under section 27 if the permit holder contravenes the Act, this Regulation or a term or condition of the permit.

Name of firm

31 No partnership, corporation or other entity may be incorporated or registered in the province of Alberta under a name including the words “Engineering”, “Geology” or “Geophysics”, or variations of those words, unless it holds and continues to hold a valid permit issued under section 27.

Use of permit holder

32(1) The permit number issued to a permit holder may only be used by the professional technologist referred to in section 27(1)(c).

(2) ASET Council may, subject to any terms and conditions it considers appropriate, waive compliance with the requirements of section 27(1)(d) and (5).

Part 6 General

Seals and stamps

33(1) Seals and stamps issued to professional technologists must be in a form prescribed by ASET Council and shall show the professional category of the professional technologist as Engineering, Geology or Geophysics.

(2) Stamps issued to permit holders must be in a form prescribed by ASET Council and shall show the designation “Permit Holder”.

Use of stamps and seals issued to members

34(1) A stamp or seal issued to a professional technologist must at all times remain under that person's direct control and must be applied by the professional technologist or by a person acting under the professional technologist's immediate and direct control to all final plans, specifications, reports or documents of a professional nature

- (a) that were prepared by the professional technologist or under the professional technologist's supervision and control, or
- (b) that were prepared by another person in circumstances where the professional technologist has thoroughly reviewed them and accepted professional responsibility for them.

(2) No person shall permit a stamp or seal to be physically located in a manner that would allow its use by a person other than the professional technologist to whom it was issued.

(3) When a stamp or seal is applied, the professional technologist to whom it was issued shall ensure that the stamp or seal is accompanied with that person's signature and the date on which the stamp or seal is applied.

(4) A stamp or seal may be applied to the cover page or final page of reports or documents in a manner that clearly indicates acceptance of professional responsibility for the reports or documents, without being applied to each page.

(5) A professional technologist shall not acquire a stamp or seal from any source other than the ASET Registrar.

(6) A professional technologist shall only use a stamp or seal while that person is registered pursuant to this Regulation.

(7) Stamps and seals are the property of ASET and a person in possession of a stamp or seal shall surrender it to ASET on demand.

(8) A professional technologist may, with the approval of the ASET Registrar, apply a computer-generated facsimile of the stamp or seal if that person otherwise meets the requirements of the Act and this Regulation.

Service of notices

35(1) If notice is required to be given to a person under the Act, this Regulation or the ASET bylaws, the notice is sufficiently given if

- (a) it is served personally on the person,
- (b) it is sent by prepaid mail to the person at the latest address provided to the ASET Registrar by the person, or
- (c) where the person has provided to the ASET Registrar an electronic address for the purpose of receiving notices that meets the requirements of ASET Council, it is sent to the person by electronic transmission to that address.

(2) If notice is served personally in accordance with subsection (1), unless the contrary is proved, the service is presumed to be effected

- (a) if it is served personally on that person, or
- (b) sent to that person by registered mail or courier at the address last shown for that person on the records of ASET.

(3) If personal service or service by prepaid mail under subsection (1) is not reasonably possible, the service is presumed to be effected by publishing the document or notice at least twice, not more than a week apart, in a local newspaper circulated at or near the latest address provided to the ASET Registrar by the person.

(4) If notice is served by mail in accordance with subsection (1), unless the contrary is proved, the service is presumed to be effected

- (a) 7 days from the date of mailing if the document is mailed to an address in Alberta, or
- (b) 14 days from the date of mailing if the document is mailed to an address outside Alberta.

(5) If a notice is served by electronic transmission in accordance with subsection (1), unless the contrary is proved, the service is presumed to be effected on the date on which the notice was transmitted.

Providing information

36 Professional technologists must notify the ASET Registrar immediately if there is a change to the name of the professional technologist, or of a change of address or other contact information that is required to be submitted when applying for registration or renewal of an annual certificate.

Expiry

37 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2014.

Coming into force

38 This Regulation comes into force on the coming into force of the *Engineering, Geological and Geophysical Professions Amendment Act, 2007*.

Schedule

Code of Ethics

(established pursuant to section 88.5(1)(h) of the Engineering, Geological and Geophysical Professions Act)

- 1** Professional technologists shall
 - (a) hold paramount the safety, health and welfare of the public, the protection of the environment and the promotion of health and safety within the workplace,
 - (b) undertake and accept responsibility for professional assignments only when qualified by training and experience,
 - (c) provide an opinion on a professional subject only when it is founded upon adequate knowledge and honest conviction,
 - (d) act with integrity towards clients or employers, maintain confidentiality and avoid a conflict of interest, but where such conflict arises fully disclose the circumstances without delay to the employer or client,

- (e) uphold the principle of appropriate and adequate compensation for the performance of their work,
- (f) keep informed to maintain proficiency and competence, to advance the body of knowledge within their discipline and further opportunities for the professional development of their associates,
- (g) conduct themselves with fairness, honesty, courtesy and good faith towards clients, colleagues and others, give credit where it is due and accept, as well as give, honest and fair professional comment,
- (h) present clearly to employers and clients the possible consequences if professional decisions or judgments are overruled or disregarded,
- (i) report to the appropriate agencies any hazardous, illegal or unethical professional decisions or practices by other members or others, and
- (j) promote public knowledge and appreciation of applied science, information and engineering technology and protect ASET from misrepresentation and misunderstanding.