



Province of Alberta
Order in Council

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ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor
or
Administrator

The Lieutenant Governor in Council approves the Midwives
Profession Regulation set out in the attached Appendix.

CHAIR

FILED UNDER
THE REGULATIONS ACT
as ALBERTA REGULATION 237/2018
ON December 12 20 18

REGISTRAR OF REGULATIONS

For Information only

Recommended by: Minister of Health

Authority: Health Professions Act
(section 131)

APPENDIX
Health Professions Act
MIDWIVES PROFESSION REGULATION

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Definitions

1 In this Regulation,

- (a) “Act” means the *Health Professions Act*;
- (b) “College” means the College of Midwives of Alberta;
- (c) “Competence Committee” means the competence committee of the College;
- (d) “Council” means the council of the College;
- (e) “courtesy register” means the courtesy register category of the regulated members register;
- (f) “general register” means the general register category of the regulated members register;
- (g) “provisional register” means the provisional register category of the regulated members register;
- (h) “Registrar” means the registrar of the College;
- (i) “Registration Committee” means the registration committee of the College;
- (j) “registration year” means the period of time between the day on which a practice permit is issued or renewed and the day by which the bylaws require it to be next renewed;
- (k) “standards of practice” means the standards of practice governing the practice of the College as adopted by the Council in accordance with the bylaws and section 133 of the Act;
- (l) “student register” means the student register category of the regulated members register;

- (m) “supervisor” means a person approved by the College to be responsible for overseeing and evaluating the performance of a person registered on the general register, provisional register or student register;
- (n) “upgrading” includes academic requirements, formal refresher training requirements, experiential requirements, examination and testing.

Register categories

2 The regulated members register established by the Council under section 33(1)(a) of the Act has the following categories:

- (a) general register;
- (b) provisional register;
- (c) courtesy register;
- (d) student register.

Registration

General register

3 An applicant for registration as a regulated member on the general register

- (a) must have a degree, diploma or certificate in a program of midwifery practice approved by the Council,
- (b) must have passed a registration examination approved by the Council, and
- (c) must have passed an ethics and jurisprudence examination approved by the Council.

Current qualifications

4 An applicant for registration under section 3 must have met the requirements set out in that section within 2 years immediately preceding the date the Registrar receives a complete application or must demonstrate current competency to practise the midwifery profession by complying with one or more of the following:

- (a) successfully completing, within one year immediately preceding the date the Registrar receives a complete

application, any upgrading as directed by the Registrar or Registration Committee;

- (b) otherwise demonstrating to the satisfaction of the Registrar or Registration Committee that the applicant is currently competent to practise as a midwife.

Conditions of practice

5(1) During the first year that a regulated member is registered on the general register, the regulated member must

- (a) work within a midwifery practice,
- (b) have a supervisor who has been approved to serve as a supervisor by the Registrar or Registration Committee,
- (c) participate in monthly chart reviews with a regulated member who is registered on the general register and who has been registered on the general register for at least one year.

(2) In the regulated member's first year, the regulated member must meet any practice requirements set by the Council.

(3) If a regulated member registered on the general register does not comply with subsections (1) and (2) in the regulated member's first year, the Registrar may

- (a) remove the regulated member's name from the general register and enter it on the provisional register, or
- (b) remove the regulated member's name from the general register without entering it on the provisional register.

(4) The Registrar or Registration Committee may impose conditions on a regulated member who has been removed from the general register and entered on the provisional register under subsection (3)(a).

(5) The Registrar may remove a regulated member's name from the provisional register and enter it on the general register if a regulated member has met the conditions imposed under subsection (4) to the satisfaction of the Registrar or Registration Committee.

Provisional register

6(1) An applicant for registration as a regulated member on the general register may be registered on the provisional register if the applicant

- (a) has fulfilled the registration requirements set out in section 3(a), but not the requirements set out in section 3(b) and (c),
- (b) is completing upgrading as directed by the Registrar or Registration Committee for the purpose of completing the requirements referred to in section 4(a), or
- (c) has demonstrated substantial equivalence to education and experience requirements as determined by the Registration Committee.

(2) A regulated member registered on the provisional register may practise only

- (a) while under supervision, in accordance with the standards for supervision set out in the standards of practice, of a regulated member who is registered on the general register or courtesy register and who is authorized to perform all of the restricted activities that the regulated member being supervised is authorized to perform, and
- (b) in accordance with any conditions specified by the Registrar or Registration Committee.

(3) A registration on the provisional register category of the regulated members register expires

- (a) 2 years after the registration is made, or
- (b) immediately on the regulated member's 3rd unsuccessful attempt to pass an examination referred to in section 3(b) or (c),

whichever occurs first.

Changing or removing provisional registration

7(1) If a regulated member registered on the provisional register meets the registration requirements set out in sections 3 and 4, the Registrar must remove the regulated member's name from the provisional register and enter it on the general register.

(2) If a regulated member is registered on the provisional register and the registration expires under section 6(3), the Registrar must remove the regulated member's name from the register.

Courtesy register

8(1) A person who is registered and in good standing in the midwife profession in another jurisdiction and who applies for registration in Alberta on a temporary basis for a specified purpose approved by the Registrar or Registration Committee may be registered on the courtesy register if the person satisfies the Registrar or Registration Committee of having the competence to provide the services related to the specified purpose.

(2) The registration of a person on the courtesy register is valid for one year and may be extended by the Registrar or Registration Committee for another period not exceeding 6 months if the Registrar or Registration Committee considers the extension appropriate.

(3) A person who is registered on the courtesy register under subsection (1) must remain registered in good standing in the other jurisdiction, and if the registration in the other jurisdiction is suspended or cancelled, the courtesy registration is cancelled.

Student register

9(1) A student who is enrolled in a program of midwifery practice approved by the Council and who, in the course of that program, is receiving practical training as a midwife may be registered as a regulated member on the student register.

(2) A regulated member on the student register must practise under supervision, in accordance with the standards for supervision set out in the standards of practice and any additional conditions specified by the Registrar or Registration Committee.

Equivalent jurisdiction

10 An applicant for registration as a regulated member who is currently registered in good standing in another jurisdiction recognized by the Council under section 28(2)(b) of the Act as having substantially equivalent registration requirements to those set out in sections 3 and 4 may be registered on the general register.

Substantial equivalence

11(1) An applicant for registration as a regulated member who does not meet the requirements of sections 3 and 4 but whose qualifications have been determined by the Registrar or Registration Committee under section 28(2)(c) of the Act to be substantially equivalent may be registered on the provisional register.

(2) To assist with determining whether or not an applicant's qualifications are substantially equivalent for the purposes of subsection (1), the Registrar or Registration Committee may

- (a) engage the services of experts and other resources, and
- (b) require the applicant to undergo an examination or other assessment activity.

(3) The Registrar or Registration Committee may require an applicant who does not meet the requirements of sections 3 and 4 to undergo any upgrading or examination the Registrar or Registration Committee considers necessary in order for the applicant to be registered under subsection (1).

(4) The Registrar or Registration Committee may require an applicant who does not meet the requirements of sections 3 and 4 to provide any relevant information or evidence that the Registrar or Registration Committee considers necessary to determine whether or not the applicant's qualifications are substantially equivalent to the registration requirements set out in sections 3 and 4.

(5) The Registrar or Registration Committee may require an applicant who does not meet the requirements of sections 3 and 4 to pay any or all costs incurred in determining whether or not the applicant's qualifications are substantially equivalent to the registration requirements set out in sections 3 and 4.

Character and reputation

12(1) An applicant for registration as a regulated member must provide evidence satisfactory to the Registrar or Registration Committee of having good character and reputation by submitting one or more of the following as requested by the Registrar or Registration Committee:

- (a) written references from colleagues which, if applicable, may be from colleagues from other jurisdictions in which the applicant is or was registered with an organization responsible for the regulation of the profession of midwifery;
- (b) a letter of good standing to be provided by the body responsible for midwifery regulation in another jurisdiction with which the applicant is currently registered;
- (c) a written statement by the body responsible for midwifery regulation in another jurisdiction as to whether the applicant
 - (i) is currently the subject of an investigation, alternative complaint resolution process, hearing or appeal related to unprofessional conduct, or is otherwise subject to an unprofessional conduct process,
 - (ii) has previously been disciplined by the body, or
 - (iii) has ever had any conditions imposed on the applicant's practice;
- (d) the results of a current criminal records check;
- (e) a written statement by the applicant as to whether the applicant has ever pleaded guilty to or been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside Canada for which the applicant has not been pardoned;
- (f) a written statement by the applicant as to whether any previous application for registration in the midwife profession was rejected by another midwifery college or similar organization responsible for the regulation of the profession;
- (g) a written statement by the applicant as to whether there has ever been a judgment against the applicant's practice in a civil action;
- (h) any other relevant information required by the Registrar or Registration Committee.

(2) If an applicant has engaged in an activity that has, in the opinion of the Registrar or Registration Committee, undermined the applicant's good character and reputation in the past, the applicant may provide evidence to the Registrar or Registration Committee of rehabilitation.

(3) In determining whether an applicant for registration as a regulated member is of a good character and reputation, the Registrar or Registration Committee may consider information other than that submitted by the applicant under subsection (1), but only if the Registrar or Registration Committee gives the applicant sufficient particulars of that other information and provides the applicant with a reasonable opportunity to respond to the information.

Liability insurance

13 An applicant for registration as a regulated member who will have a practice permit must provide evidence of having the type and amount of professional liability insurance required by the Council.

Other requirements

14(1) An applicant for registration as a regulated member must, on the request of the Registrar or Registration Committee, submit evidence satisfactory to the Registrar or Registration Committee confirming the member's fitness to practise the midwife profession.

(2) An applicant for registration as a regulated member must be reasonably proficient in English to be able to engage safely and competently in the practice of the midwife profession.

(3) An applicant may be required by the Registrar or Registration Committee to demonstrate proficiency in the English language in accordance with the requirements approved by the Council.

Titles

Authorization to use titles

15 Regulated members registered on the general, provisional and courtesy registers may use the following titles and initials:

- (a) midwife;
- (b) registered midwife;
- (c) R.M.

Restricted Activities

Restricted activities

16 A regulated member registered on the general, courtesy or provisional register may, in the practice of midwifery, perform the following restricted activities in accordance with the standards of practice:

- (a) cut a body tissue, administer anything by an invasive procedure on body tissue or perform other invasive procedures on body tissue below the dermis or the mucous membrane;
- (b) insert or remove instruments, devices, fingers or hands
 - (i) beyond the cartilaginous portion of the ear canal,
 - (ii) beyond the point in the nasal passages where they normally narrow,
 - (iii) beyond the pharynx,
 - (iv) beyond the opening of the urethra,
 - (v) beyond the labia majora, but not for the purpose of inserting an intrauterine contraceptive device, or
 - (vi) beyond the anal verge;
- (c) prescribe a Schedule 1 drug within the meaning of the *Pharmacy and Drug Act*, other than a vaccine that has not been authorized under clause (g) or a Schedule 1 drug that is a controlled substance, oral contraceptive, contraceptive device or uterotonic drug, when
 - (i) the prescription is incidental to the practice of midwifery, and
 - (ii) the purpose is not to induce or augment labour;
- (d) dispense a Schedule 1 drug or Schedule 2 drug within the meaning of the *Pharmacy and Drug Act*, other than a vaccine or a Schedule 1 drug or Schedule 2 drug that is a controlled substance, oral contraceptive, contraceptive device or uterotonic drug, when
 - (i) dispensing the drug is incidental to the practice of midwifery, and

- (ii) the purpose is not to induce or augment labour;
- (e) order non-ionizing radiation in ultrasound imaging for obstetrical purposes;
- (f) manage labour or deliver a baby;
- (g) prescribe or administer hepatitis B and measles, mumps and rubella vaccines;
- (h) prescribe or administer anesthetic gases, including nitrous oxide, for the purpose of anesthesia or sedation;
- (i) prescribe or administer RhD immune globulin.

Advanced authorization

17 A regulated member with advanced authorization by the Registrar or Registration Committee may, in the practice of midwifery, perform the following restricted activities in accordance with the standards of practice:

- (a) prescribe, dispense and administer controlled substances under Schedule 1 of the *Pharmacy and Drug Act* when incidental to the practice of midwifery and restricted to within a hospital;
- (b) prescribe and dispense oral contraceptives or contraceptive devices under Schedule 1 of the *Pharmacy and Drug Act* when incidental to the practice of midwifery;
- (c) prescribe, dispense and administer uterotonic drugs under Schedule 1 or Schedule 2 of the *Pharmacy and Drug Act* when incidental to the practice of midwifery and for the purpose of inducing or augmenting labour;
- (d) prescribe or administer vaccines identified in the standards of practice;
- (e) insert or remove instruments, devices, fingers or hands beyond the labia majora for the purpose of inserting an intrauterine contraceptive device;
- (f) apply non-ionizing radiation in point of care ultrasound imaging for obstetrical purposes.

Restriction

18(1) Despite any authorization to perform restricted activities, regulated members must restrict themselves in performing restricted activities to those activities that they are competent to perform and to those that are appropriate to the clinical circumstance.

(2) A regulated member who performs a restricted activity must do so in accordance with the standards of practice.

Training and supervision

19(1) A regulated member registered on the student register who is enrolled in a program approved by the Council or by the council of another regulated health profession and who, in the course of that program, is receiving training in the performance of a restricted activity authorized for midwives under sections 16 and 17 is permitted to perform that restricted activity under supervision, in accordance with subsection (2), of a regulated member who has expressly consented to supervise the restricted activity.

(2) A regulated member who is supervising a student in the performance of a restricted activity under subsection (1)

- (a) must be authorized to perform the restricted activity being supervised,
- (b) must not be prohibited under this Regulation from supervising the restricted activity,
- (c) must be authorized by the Council to supervise the restricted activity within the program in which the student is enrolled,
- (d) must provide the supervision in a manner that complies with the standards of practice respecting supervision by regulated members of persons performing restricted activities,
- (e) must be physically present with the student being supervised while the student is performing the restricted activity,
- (f) must be available for consultation and to assist the student in performing the restricted activity as required, and

- (g) must be able to observe, promptly intervene and stop or change the actions of the student being supervised without unduly interrupting the care of the person on whom the restricted activity is being performed.

Continuing Competence Program

Continuing competence program

20 The continuing competence program of the College is established and consists of

- (a) continuing professional development, and
- (b) competence assessment.

Continuing professional development

21(1) A regulated member who is registered on the general or provisional register must complete the following documents in a form and manner satisfactory to the Registrar, Registration Committee or Competence Committee in accordance with Council policy:

- (a) a written self-assessment of the regulated member's own practice compared against the standards of practice adopted by the Council;
- (b) a written self-evaluation of the ways, if any, in which the regulated member's practice has changed or been enhanced as a result of the learning activities undertaken in the previous registration year.

(2) A regulated member must retain a copy of every document required by subsection (1) for at least 5 years after the year in which the document is completed.

(3) The Registrar, Registration Committee or Competence Committee may at any time require a regulated member to provide evidence of having met the applicable requirements of subsection (1) for the current registration year and for any or all of the 5 preceding years including, but not limited to, providing the documents required by the program or copies of them to the Registrar, Registration Committee or Competence Committee for review.

(4) The Registrar, Registration Committee or Competence Committee must, in accordance with procedures and criteria established by the Council, periodically select regulated members for the purpose of evaluating the regulated members' participation in professional development.

Competence assessment

22(1) As part of the continuing competence program, the Competence Committee may, in accordance with the rules made under section 24, require a regulated member registered on the general register or provisional register to undergo an assessment for the purpose of evaluating the regulated member's competence.

(2) In conducting a competence assessment of a regulated member, the Competence Committee may

- (a) administer examinations,
- (b) conduct interviews with persons having knowledge related to the regulated member's practice including, but not limited to, colleagues, employers and patients,
- (c) conduct practice visits, and
- (d) use any other method of evaluation the Competence Committee considers appropriate.

Actions to be taken

23(1) If the Competence Committee considers that

- (a) a regulated member has not complied with one or more requirements under section 21, or
- (b) the results of an assessment of a regulated member's competence under section 22 are unsatisfactory,

the Competence Committee may, on considering the regulated member's next application for a practice permit, impose one or more of the conditions set out in subsection (2) on the issuance of a practice permit to the regulated member.

(2) The conditions that may be imposed under subsection (1) are as follows:

- (a) complete specified continuing competence program requirements;
- (b) complete specified learning activities;
- (c) provide additional information or evidence respecting continued learning and competence;
- (d) submit to periodic review and evaluation by the Registrar, Registration Committee or Competence Committee;
- (e) report to the Registrar, Registration Committee or Competence Committee on specified matters and dates;
- (f) successfully complete specified examinations or testing;
- (g) correct any problems identified in the competence assessment;
- (h) practise under the supervision of another regulated member;
- (i) limit the member's practice to specified procedures or settings;
- (j) refrain from providing supervision to students or others in the performance of restricted activities;
- (k) undertake any action the Registrar, Registration Committee or Competence Committee considers appropriate in the circumstances.

Rules respecting continuing competence program

24(1) The Council may establish rules governing

- (a) the documents that must be completed under section 21(1), the form and manner in which the documents are to be retained for the purposes of section 21(2), and the form and manner in which the documents or copies are to be provided to the Registrar, Registration Committee or Competence Committee for the purposes of section 21(3),
- (b) the learning activities or types of learning activities that regulated members or categories of regulated members may undertake to achieve a learning goal or goals,

- (c) learning activities or types of learning activities that regulated members or categories of regulated members must undertake,
- (d) competence assessments, including, but not limited to,
 - (i) rules respecting the approval of criteria established by the Competence Committee for the selection of regulated members for competence assessments, practice visits or both,
 - (ii) rules respecting how regulated members' continuing competence is to be assessed by the Competence Committee, including rules respecting procedures to be followed in conducting a competence assessment and rules respecting the approval by the Competence Committee of factors to be taken into account in deciding what is a satisfactory level of competence,
 - (iii) rules respecting procedures to be followed by the Competence Committee in conducting a practice visit,

and

- (e) the continuing competence program generally.

(2) The Registrar, Registration Committee and the Competence Committee may make recommendations to Council respecting rules or amendments to rules.

(3) Before the Council establishes any rules or makes amendments to the rules, the rules or the amendments to the rules must be made available to the regulated members for their review.

(4) The Council may make a rule or an amendment to a rule 30 or more days after making the rule or the amendment available under subsection (3) and after having considered any comments received on the proposed rule or amendment to the rules.

(5) The rules and any amendments to the rules must be made available by the Registrar or Registration Committee to regulated members, and the Registrar or Registration Committee must provide copies on request to the Minister and any other person who requests them.

Alternative Complaint Resolution

Process conductor

25 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process referred to in section 58 of the Act, the complaints director of the College must appoint an individual to conduct the process.

Agreement

26(1) Before proceeding with an alternative complaint resolution process, the individual conducting the process must, in consultation with the complainant and the investigated person, establish the procedures for and objectives of the process.

(2) The procedures and objectives referred to in subsection (1) must be set out in a written agreement signed by the complainant, the investigated person and a representative of the College before the alternative complaint resolution process begins.

(3) The agreement must

- (a) establish the scope of the process, which may include agreeing to address separate parts of the complaint through separate processes,
- (b) identify who will participate in the process,
- (c) specify whether the individual appointed under section 25 is to act as a mediator, facilitator or conciliator or in some other capacity in conducting the process, and
- (d) set out the time frames for progress or completion of the process,

and may include other terms agreed on by the complainant, the investigated person and the representative of the College.

Confidentiality

27 The complainant, the investigated person, the individual conducting the alternative complaint resolution process and the representative of the College must, subject to sections 59 and 60 of the Act, treat all information shared during the course of the alternative complaint resolution process as confidential.

Leaving the process

28 A complainant or an investigated person may withdraw from an alternative complaint resolution process at any time.

Reinstatement of Registrations and Practice Permits Cancelled under Part 4 of the Act

Reinstatement application

29(1) A person whose registration and practice permit have been cancelled under Part 4 of the Act may apply in writing to the Registrar or Registration Committee to have the registration reinstated and the practice permit reissued.

(2) Subject to subsection (3), an application under subsection (1)

- (a) must not be made earlier than 5 years after the date of the cancellation, and
- (b) must not be made more frequently than once in each 6-month period following a refusal of an application under subsection (1).

(3) The Registrar or Registration Committee may permit a person to make an application earlier than 5 years after the date of the cancellation if the Registrar or Registration Committee determines that permitting an application earlier is appropriate in the circumstances.

(4) An applicant under subsection (1) must provide evidence of having the qualifications for registration.

Consideration of application for reinstatement

30(1) An application under section 29 must be considered by the Registrar or Registration Committee in accordance with this section and the application for registration process set out in sections 28 to 30 of the Act.

(2) When reviewing an application under this section, the Registrar or Registration Committee must consider

- (a) the record of the hearing at which the applicant's registration and practice permit were cancelled, and
- (b) whether the applicant
 - (i) meets the current requirements for registration,

- (ii) has met any conditions that were imposed under Part 4 of the Act before the applicant's registration and practice permit were cancelled, and
- (iii) is fit to practise the midwife profession and does not pose a risk to public safety.

Decision on reinstatement application

31 The Registrar or Registration Committee may, on completing a review of an application under section 30, issue a written decision containing one or more of the following orders:

- (a) an order refusing the application;
- (b) an order approving the application and authorizing the reinstatement of the applicant's registration and reissuance of the applicant's practice permit;
- (c) an order
 - (i) approving the application subject to the applicant complying with specified conditions imposed by the Registrar or Registration Committee, and
 - (ii) authorizing the reinstatement of the applicant's registration and reissuance of the applicant's practice permit on the Registrar or Registration Committee being satisfied that the applicant has complied with those conditions;
- (d) an order imposing specified conditions on the applicant's practice permit;
- (e) an order directing the applicant to pay any or all of the College's expenses incurred in respect of the application as provided for in the bylaws;
- (f) any other order that the Registrar or Registration Committee considers necessary for the protection of the public.

Review of decision

32(1) An applicant whose application for reinstatement is refused or on whose practice permit conditions have been imposed under section 31 may request a review by the Council.

(2) Sections 31 and 32 of the Act apply to a review under subsection (1).

Access to decision

33(1) The Registrar or Registration Committee may order that a decision under section 31 be published in a manner the Registrar or Registration Committee, as the case may be, considers appropriate.

(2) The Council may order that a decision under section 32 be published in a manner the Council considers appropriate.

(3) The College must make decisions under sections 31 and 32 available for 5 years to the public on request.

Information

Providing information

34(1) A regulated member or an applicant for registration must provide the following information, in addition to that required under section 33(3) of the Act, to the Registrar or Registration Committee when applying for registration or to renew a registration, whenever requested by the Registrar or Registration Committee and whenever there are any changes to the information:

- (a) the following personal information and academic information:
 - (i) full legal name and, if applicable, previous names or aliases;
 - (ii) date of birth and gender;
 - (iii) home address, telephone number, fax number and e-mail address, if any;
 - (iv) business or work address, telephone number, fax number and e-mail address, if any;
 - (v) emergency contact address, telephone number and e-mail address, if any;
 - (vi) degrees, diplomas and certifications, including areas of specialization, if any, and any other qualifications;
 - (vii) names of educational institutions that granted the degrees, diplomas, certifications and other

- qualifications referred to in subclause (vi) and the year in which each was granted;
- (viii) a recent photo of the regulated member or applicant, which must be of a size and quality similar to that required for a Canadian passport;
 - (ix) all applicable information described in section 33(3) of the Act;
- (b) the following information respecting the regulated member's or applicant's practice:
- (i) the names and addresses of current and previous employers or agencies for which the regulated member or applicant provides or has provided professional services as a paid or unpaid employee, consultant, contractor or volunteer and the addresses at which the professional services are or were provided;
 - (ii) the type of facility or facilities in which the regulated member or applicant provides or has provided professional services;
 - (iii) the languages in which the regulated member or applicant is able to provide professional services;
 - (iv) the names of any other colleges of regulated professions which the regulated member or applicant is or was at any time registered or otherwise authorized to provide professional services and the current status of that registration or authorization;
 - (v) the names of any other jurisdictions in which the regulated member or applicant is or was at any time registered or otherwise authorized to provide professional services, the names of the professional bodies that issued the registrations or authorizations and the current status of the registrations or authorizations.

(2) The College may disclose information collected under subsection (1) about a regulated member

- (a) with the consent of the regulated member, or



- (b) in a summarized or statistical form so that it is not possible to relate the information to the regulated member or any other identifiable person.

Section 119 information

35 The periods of time during which the College is obliged to provide information on the request of a member of the public under section 119(4) of the Act are as follows:

- (a) in the case of information referred to in section 33(3) of the Act, other than information referred to in section 33(3)(h) of the Act, during the period while the person is a regulated member of the College;
- (b) in the case of information referred to in section 119 of the Act,
 - (i) during the period while the suspension is in effect and for 5 years after the period of suspension has expired, in the case of information that a regulated member's practice permit has been suspended;
 - (ii) during the period while the cancellation is effective and for 5 years after the cancellation, in the case of information that a regulated member's practice permit has been cancelled;
 - (iii) during the period while the conditions are in effect, in the case of information that conditions have been imposed on a regulated member's practice permit;
 - (iv) during the period while the direction is in effect, in the case of information that a regulated member has been directed under section 118(4) of the Act to cease providing professional services;
 - (v) during the 5-year period immediately after the imposition of a caution, reprimand or fine, in the case of information respecting the imposition of a caution, reprimand or fine under Part 4 of the Act;
 - (vi) during the 5-year period immediately after the date of the order, in the case of information that an order has been made respecting a regulated member by a

hearing tribunal, council or the Court of Appeal under Part 4 of the Act;

- (c) during the period until the hearing is concluded, in the case of information as to whether a hearing is scheduled to be held under Part 4 of the Act with respect to a named regulated member;
- (d) during the period beginning at the conclusion of the hearing and ending 5 years after the date that a written decision under section 83 of the Act or an order under section 89(5) or 92(1) of the Act is made, in the case of information as to whether a hearing has been held under Part 4 of the Act with respect to a named regulated member;
- (e) during the 5-year period after the date of the written decision made by the hearing tribunal under section 83 of the Act, in the case of a decision and testimony referred to in section 85(3) or (4) of the Act.

Transitional Provision and Coming into Force

Transitional provision

36 On the coming into force of this Regulation, a person described in section 6 of Schedule 13 to the Act is deemed to be entered on the regulated members register in the register category that the Registrar considers appropriate.

Coming into force

37(1) This Regulation, except for section 17(d), comes into force on the coming into force of Schedule 13 to the *Health Professions Act*.

(2) Section 17(d) comes into force on a date determined by order of the Minister.