

APPENDICES

Capacity to Practice

Fall 2015 Consultations

The Engineering and Geoscience Professions Act



Appendix 1 – Existing Legislation Pertaining to Fitness to Practise

The following text is quoted from the legislation and has not been modified to match APEGA's writing style.

Engineering and Geoscience Professions Act, RSA 2000, c E-11

Powers of Practice Review Board

16(1) The Practice Review Board

(b) may conduct a review of the practice of a professional member, licensee, permit holder or certificate holder in accordance with this Act and the regulations.

(4) The Board may, after a review under this section with respect to an individual practitioner, make any order that the Discipline Committee may make under section 63 or 64.

Part 5 Discipline

Power of Investigative Committee to recommend an order

52(1) If an investigation is not terminated under section 51, the Investigative Committee may

- (a) if the investigated person has admitted to conduct that constitutes unskilled practice of the profession or to unprofessional conduct, recommend, in accordance with subsection (2), any order that the Investigative Committee considers appropriate, or
- (b) refer the matter to the Discipline Committee for a formal hearing.

(2) An order recommended by the Investigative Committee must be provided to a member of the Discipline Committee who has been designated by that Committee to act as a case manager.

(3) If the case manager agrees with the order recommended by the Investigative Committee, the case manager must discuss the order with the investigated person and, if the investigated person agrees with the order, the order has the same force and effect as an order made by the Discipline Committee following a formal hearing.

(4) If the case manager or the investigated person rejects the order recommended by the Investigative Committee, the matter must be referred to the Discipline Committee for a formal hearing.

Suspension pending investigation and hearing

55(1) Notwithstanding anything in this Act, the Investigative Committee may suspend the registration of a professional member, licensee, permit holder, certificate holder or member-in-training pending a preliminary investigation or a decision of the Discipline Committee.

(2) A person whose registration is suspended under subsection (1) may apply to the Court for an order staying the suspension.

(3) A copy of an application under subsection (2) must be served on the Registrar.

Powers of the Discipline Committee

63 If the Discipline Committee finds that the conduct of the investigated person is unprofessional conduct or unskilled practice of the profession, or both, the Discipline Committee may make any one or more of the following orders:

- (a) reprimand the investigated person;
- (b) suspend the registration of the investigated person for a specified period;
- (c) suspend the registration of the investigated person either generally or from any field of practice until
 - (i) the investigated person has completed a specified course of studies or obtained supervised practical experience, or
 - (ii) the Discipline Committee is satisfied as to the competence of the investigated person generally or in a specified field of practice;
- (d) accept in place of a suspension the investigated person's undertaking to limit the investigated person's practice;
- (e) impose conditions on the investigated person's entitlement to engage in the practice of the profession generally or in any field of the practice, including the conditions that the investigated person
 - (i) practise under supervision,
 - (ii) not engage in sole practice,
 - (iii) permit periodic inspections by a person authorized by the Discipline Committee, or
 - (iv) report to the Discipline Committee on specific matters;
- (f) direct the investigated person to pass a particular course of study or satisfy the Discipline Committee as to the investigated person's practical competence generally or in a field of practice;
- (g) direct the investigated person to satisfy the Discipline Committee that a disability or addiction can be or has been overcome, and suspend the person until the Discipline Committee is so satisfied;
- (h) require the investigated person to take counselling or to obtain any assistance that in the opinion of the Discipline Committee is appropriate;
- (i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the Discipline Committee, were not rendered or were improperly rendered;
- (j) cancel the registration of the investigated person;
- (k) any other order that it considers appropriate in the circumstances.

Appendix 2 – Summary and Analysis of Canadian Engineering and Geoscience Associations

This table summarizes the research pertaining to fitness to practise. The relevant legislative provisions that form the basis of this summary are contained in Appendix 2A.

Professional Association	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba	Professional Engineers Ontario
Specific remedies for incapacity	No (but included in proposed amendments)	No	No	No	No
Disciplinary provisions that could be applied to incapacity	Yes	Yes	Yes	Yes	Yes (Registrar may also initiate an investigation, and the association may apply to the provincial court for an order directing compliance)
Suspension pending evaluation or proceeding	Yes (by the Discipline Committee <u>after</u> issue is considered by the Investigation Committee; member may apply to the court to remove suspension or restriction. See notes for more information.	Yes (by Investigative Committee; member may apply to the court for an order staying the suspension)	No (except by a judge pending disposition of criminal charge)	Yes (by Investigation Committee; member may apply to the court for order staying decision)	Yes (not specifically stated but the Complaints Committee can, without a hearing, “take such action as it considers appropriate in the circumstances”)
Is <i>addiction</i> specifically mentioned	No	Yes (Act section 63(g))	Yes (Act section 35(1)(c)(iii) and 35(1)(d)(vi))	Yes (Act section 47(1)(g))	No
Are medical examinations or treatments specifically mentioned	No	No	Yes (Act section 35(1)(c)(ii) and 35(1)(d)(v))	No	No (but incompetent includes suffering from physical or medical condition or disorder)
Notes	The proposed amendments would		Professional incompetence is defined	Incapacity and unfitness to practise are	Incompetent includes unfit to carry out the

	allow the Investigation Committee to impose conditions or issue an interim suspension given sufficient cause		as being unfit to continue to practise	mentioned with what constitutes unskilled practice or professional misconduct	responsibilities of a professional engineer
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Professional Association	The Association of Professional Geoscientists of Ontario	Ordre des Ingénieurs du Québec	Ordre des Géologues du Québec	The Association of Professional Engineers and Geoscientists of New Brunswick	Engineers Nova Scotia
Specific remedies for incapacity	No	Yes (Board of Directors has authority). See notes for more detail	Yes (Board of Directors has authority). See notes for more detail	No	No (but physical or mental examinations can be required by Complaints Committee or disciplinary panel)
Disciplinary provisions that could be applied to incapacity	Yes (by Council, Complaints Committee or Discipline Committee)	Yes	Yes	Yes	Yes
Suspension pending evaluation or proceeding	Yes (Registrar, on an interim basis, when the Discipline Committee makes a preliminary finding that the conduct of the member exposes or is likely to expose the public to harm or injury)	Yes (Board of Directors can suspend or provisionally strike registration of member who refuses to submit to medical examination, or when board considers that the physical or mental condition of a professional requires immediate action to protect the public until a decision is rendered following the medical examination ordered)		Yes (not specifically stated but the Professional Conduct Committee may, without a hearing, take such action as it considers appropriate in the circumstances to resolve the complaint)	Yes (Complaints Committee or disciplinary panel, if member fails to comply with requirement imposed, which may include physical or mental examination)
Is <i>addiction</i> specifically mentioned	No	No	No	No	No
Are medical examinations or treatments specifically mentioned	No	Yes (Professional Code sections 48-52.1)	Yes (Professional Code sections 48-52.1)	No (but incompetent includes suffering from physical or medical condition or disorder)	Yes (not “medical” specifically but “physical or mental” (Act sections 17D(3) and 17O(4))

Notes	Unfit to continue to practise is an element of being 'not competent'	May order the medical examination of a person who is a member, who applies for entry on the roll, or who makes another application preceding admission to the profession	Incompetent includes unfit to carry out the responsibilities of a professional engineer or geoscientist	Temporary suspension or restrictions can be imposed in urgent and compelling circumstances
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Professional Association	Geoscientists Nova Scotia	Engineers PEI	Professional Engineers and Geoscientists of Newfoundland and Labrador	Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
Specific remedies for incapacity	No	No (but Discipline Committee can require evidence that physical or mental handicap has been overcome)	No (but “conduct deserving of sanction” includes incapacity and unfitness to practise”). See notes for more detail	No	No
Disciplinary provisions that could be applied to incapacity	Yes	Yes	Yes	Yes	Yes
Suspension pending evaluation or proceeding	No	No (but the Act Enforcement Committee may “take such action as it considers appropriate in the circumstances to resolve the complaint”)	Yes (Complaints Authorization Committee can suspend or restrict the applicant’s registration)	Yes (by Discipline Committee; member may apply to the provincial court for order staying suspension)	No
Is <i>addiction</i> specifically mentioned	No	No	No	Yes (Act section 44(g))	No
Are medical examinations or treatments specifically mentioned	No	No (but incompetent includes suffering from physical or medical condition or disorder)	Yes (Act section 29(3)(g))	No	No
Notes	The Act states that “unprofessional conduct” and “incompetence” may be defined in the bylaws but they are not	Incompetent includes unfit to carry out the responsibilities of a professional	Person conducting an investigation may require a applicant to “undergo an examination he or she considers necessary as arranged by the Registrar”	Can be required to satisfy Discipline Committee that a disability or addiction has been overcome	

Appendix 2A – Relevant Provisions from the Legislation of Canadian Engineering and Geoscience Associations

The tables below reference the legislation of engineering and geoscience constituent associations in Canada regarding fitness to practise. Text quoted from the legislation has not been modified to match APEGA’s writing style.

	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
Provisions related to remedies for incapacity and fitness to practise	<p>Act</p> <p>31(7) If the discipline committee considers that a delay in holding an inquiry under section 32 concerning a member, licensee or certificate holder would be prejudicial to the public interest, the discipline committee, without giving the member, licensee or certificate holder an opportunity to be heard, may suspend the membership, licence or certificate of authorization, or restrict the scope of practice, of the member, licensee or certificate holder, until an inquiry and decision under section 32.</p> <p>(8) If the discipline committee decides to act under subsection (7), it must give written notice to the member, licensee or certificate holder of its decision, of the reasons for it and of the right of the member, licensee or certificate holder to apply to the Supreme Court to have the suspension or restriction removed.</p> <p>(11) A member, licensee or certificate holder whose membership, licence or certificate of authorization is suspended, or whose scope of practice is restricted, under subsection (7), may apply to the Supreme Court to have the suspension or restriction removed, and the court may make any order respecting the suspension or restriction that it considers appropriate.</p> <p>33(1) After an inquiry under section 32, the discipline committee may determine that the member, licensee or certificate holder</p> <p>(a) has been convicted in Canada or elsewhere of an offence that, if committed in British Columbia, would be an offence under an enactment of the Province or of Canada, and that the nature or circumstances of the offence render the person unsuitable for registration or licensing,</p> <p>(b) has contravened this Act or the bylaws or the code of ethics of the association, or</p> <p>(c) has demonstrated incompetence, negligence or unprofessional conduct.</p> <p>(2) If the discipline committee makes a determination under subsection</p>	<p>Act</p> <p>55(1) Notwithstanding anything in this Act, the Investigative Committee may suspend the registration of a professional member, licensee, permit holder, certificate holder or member-in-training pending a preliminary investigation or a decision of the Discipline Committee.</p> <p>(2) A person whose registration is suspended under subsection (1) may apply to the Court for an order staying the suspension.</p> <p>63 If the Discipline Committee finds that the conduct of the investigated person is unprofessional conduct or unskilled practice of the profession, or both, the Discipline Committee may make any one or more of the following orders:</p> <p>(a) reprimand the investigated person;</p> <p>(b) suspend the registration of the investigated person for a specified period;</p> <p>(c) suspend the registration of the investigated person either generally or from any field of practice until</p> <p>(i) the investigated person has completed a specified course of studies or obtained supervised practical experience, or</p> <p>(ii) the Discipline Committee is satisfied as to the competence of the investigated person generally or in a specified field of practice;</p> <p>(d) accept in place of a suspension the investigated person’s undertaking to limit the investigated person’s practice;</p> <p>(e) impose conditions on the investigated person’s entitlement to engage in the practice of the profession generally or in any field of the practice, including the conditions that the investigated person</p> <p>(i) practise under supervision,</p> <p>(ii) not engage in sole practice,</p> <p>(iii) permit periodic inspections by a person authorized by the Discipline Committee, or</p>

	The Association of Professional Engineers and Geoscientists of British Columbia	The Association of Professional Engineers and Geoscientists of Alberta
	<p>(1), it may, by order, do one or more of the following:</p> <p>(a) reprimand the member, licensee or certificate holder;</p> <p>(b) impose conditions on the membership, licence or certificate of authorization of the member, licensee or certificate holder;</p> <p>(c) suspend or cancel the membership, licence or certificate of authorization of the member, licensee or certificate holder;</p> <p>(d) impose a fine, payable to the association, of not more than \$25 000 on the member, licensee or certificate holder.</p> <p>Bylaws (pursuant to section 10(1)(p) of the Act)</p> <p>4 The council may by resolution:</p> <p>(a) Provide assistance, pecuniary or otherwise, to individuals and organizations where in the opinion of the council such assistance will be of benefit to the public, the association or its members.</p>	<p>(iv) report to the Discipline Committee on specific matters;</p> <p>(f) direct the investigated person to pass a particular course of study or satisfy the Discipline Committee as to the investigated person's practical competence generally or in a field of practice;</p> <p>(g) direct the investigated person to satisfy the Discipline Committee that a disability or addiction can be or has been overcome, and suspend the person until the Discipline Committee is so satisfied;</p> <p>(h) require the investigated person to take counselling or to obtain any assistance that in the opinion of the Discipline Committee is appropriate;</p> <p>(i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the Discipline Committee, were not rendered or were improperly rendered;</p> <p>(j) cancel the registration of the investigated person;</p> <p>(k) any other order that it considers appropriate in the circumstances.</p>
Notes	<p>The bylaw could be interpreted that counselling could be offered.</p> <p>The association is proposing an amendment that would create a fitness to practise requirement.</p>	

	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba
Provisions related to remedies for incapacity and fitness to practise	<p>Act</p> <p>29 Professional incompetence is a question of fact, but the display by a member of:</p> <p>(a) a lack of knowledge, skill or judgment; or</p> <p>(b) a disregard for the welfare of members of the public served by the profession;</p> <p>of a nature or to an extent that demonstrates that the member is unfit to continue in the practice of the profession, is professional incompetence within the meaning of this Act.</p> <p>30 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, is professional misconduct within the meaning of this Act if:</p>	<p>Act</p> <p>37(1) Notwithstanding anything in this Act the investigation committee may, when there is a question of serious risk to the public, suspend the certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training of the investigated person pending the outcome of proceedings under this part.</p> <p>37(2) The investigated person may, by filing an application with the court and serving a copy on the registrar, apply for an order of the court staying a decision of the investigation committee under subsection (1).</p> <p>46(1) Conduct of an investigated person that in the opinion of the panel</p> <p>(a) is detrimental to the public interest;</p>

	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba
	<p>(a) it is harmful to the best interests of the public or the members;</p> <p>(b) it tends to harm the standing of the profession;</p> <p>(c) it is a breach of this Act or the bylaws; or</p> <p>(d) it is a failure to comply with an order of the investigation committee, the discipline committee or the council.</p> <p>35(1) Where a discipline committee finds that a member's conduct constitutes professional misconduct or professional incompetence, it may make one or more of the following orders:</p> <p>(a) an order that the member be expelled from the association and that the member's name be struck from the register;</p> <p>(b) an order that the member be suspended from the association for a specified period;</p> <p>(c) an order that the member be suspended pending the satisfaction and completion of any conditions specified in the order, which may include, but are not restricted to, an order that the member:</p> <p>(i) successfully complete specified classes or courses of instruction;</p> <p>(ii) obtain medical treatment, counselling or both;</p> <p>(iii) undergo treatment for substance addiction;</p> <p>(d) an order that the member may continue to practise only under conditions specified in the order, which may include, but are not restricted to, an order that the member:</p> <p>(i) not do specified types of work;</p> <p>(ii) successfully complete specified classes or courses of instruction;</p> <p>(iii) restrict his or her practice in the manner ordered by the discipline committee;</p> <p>(iv) practise only as a partner with, or as an associate or employee of, one or more members of the association that the discipline committee may specify;</p> <p>(v) obtain medical treatment, counselling or both;</p> <p>(vi) undergo treatment for substance addiction;</p> <p>(e) an order reprimanding the member;</p> <p>(f) any other order that the discipline committee considers just.</p> <p>38 A judge of the court, on the application of the council, may direct that a member be suspended pending the disposition of a criminal charge</p>	<p>(b) is conduct unbecoming a professional engineer or professional geoscientist;</p> <p>(c) is misconduct in the practice of professional engineering or professional geoscience;</p> <p>(d) contravenes this Act or the by-laws or the code of ethics adopted under section 11;</p> <p>(e) displays a lack of knowledge of or lack of skill or judgment in the practice of professional engineering or professional geoscience; or</p> <p>(f) demonstrates incapacity or unfitness to practise professional engineering or professional geoscience or demonstrates that the person is suffering from an ailment that might, if the person is allowed to continue to practise professional engineering or professional geoscience, constitute a danger to the public;</p> <p>constitutes either unskilled practice of professional engineering or professional geoscience or professional misconduct, or both, as the panel finds.</p> <p>47(1) If the panel finds that the conduct of an investigated person constitutes unskilled practice of professional engineering or professional geoscience, or professional misconduct, or both, the panel may make any one or more of the following orders:</p> <p>(a) reprimand the investigated person;</p> <p>(b) suspend the certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training of the investigated person for a stated period;</p> <p>(c) suspend the certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training of an investigated person until</p> <p>(i) the investigated person has completed a specified course of studies or obtained supervised practical experience, or</p> <p>(ii) the discipline committee is satisfied as to the competence of the investigated person to practice professional engineering or professional geoscience;</p> <p>(d) accept in place of a suspension the investigated person's</p>

	The Association of Professional Engineers and Geoscientists of Saskatchewan	The Association of Professional Engineers and Geoscientists of Manitoba
	<p>where:</p> <p>(a) a criminal charge is laid against the member; and</p> <p>(b) the member has applied to the court for a stay of any disciplinary proceedings against the member.</p>	<p>undertaking to limit his, her or its practice;</p> <p>(e) impose conditions on the investigated person's entitlement to engage in the practice of professional engineering or professional geoscience, including the conditions that he, she, or it</p> <p>(i) practice under supervision,</p> <p>(ii) not engage in sole practice,</p> <p>(iii) not function as a holder of a certificate of authorization for a specified period,</p> <p>(iv) permit periodic inspections by a person authorized by the discipline committee to carry out inspections,</p> <p>(v) permit periodic audits of records, or</p> <p>(vi) report to the discipline committee or the council on specific matters;</p> <p>(f) direct the investigated person to pass a particular course of study or satisfy the discipline committee or the council as to the person's competence;</p> <p>(g) direct the investigated person to satisfy the discipline committee that a disability or addiction can be or has been overcome, and suspend the certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training of the investigated person until the discipline committee is so satisfied;</p> <p>(h) require the investigated person to take counselling that in the opinion of the panel is appropriate;</p> <p>(i) direct the investigated person to waive, reduce or repay money paid to the investigated person that, in the opinion of the panel was unjustified for any reason;</p> <p>(j) cancel the certificate of registration, certificate of authorization, temporary licence, specified scope of practice licence or enrolment as an engineer-in-training or geoscientist-in-training of the investigated person.</p> <p>Bylaws</p> <p>15.6.3.10 After the hearing and due consideration of the evidence and of the representations made, the discipline committee may find that the conduct of an investigated person constitutes:</p> <p>a) unskilled practice of professional engineering or professional</p>

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		geoscience, or b) professional misconduct, or both, and may issue an order in accordance with section 47 or 48 of the Act. Section 48 of the Act is related to costs and fines.

	Professional Engineers Ontario	The Association of Professional Geoscientists of Ontario
Provisions related to remedies for incapacity or fitness to practise	<p>Act</p> <p>24.(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the Association regarding the conduct or actions of a member of the Association or holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence, but no action shall be taken by the Committee under subsection (2) unless,</p> <p>(a) a written complaint in a form that shall be provided by the Association has been filed with the Registrar and the member or holder whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the member or holder may wish to make concerning the matter; and</p> <p>(b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.</p> <p>(2) The Committee in accordance with the information it receives may,</p> <p>(a) direct that the matter be referred, in whole or in part, to the Discipline Committee;</p> <p>(b) direct that the matter not be referred under clause (a); or</p> <p>(c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.</p> <p>(5) The Committee is not required to hold a hearing or to afford to any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this section.</p> <p>28.(1) The Discipline Committee shall,</p>	<p>Act</p> <p>12.(1) The Registrar may suspend the registration of a member on any of the grounds set out in the regulations.</p> <p>13. The council may revoke the registration of a member,</p> <p>(a) if he or she is convicted of an offence that, if committed in Ontario, would be an offence under the laws of Canada or of Ontario and that relates to his or her professional integrity and renders the individual unsuitable to be a member;</p> <p>(b) if he or she fails to comply with this Act or a regulation made under it;</p> <p>(c) if he or she has demonstrated professional misconduct, negligence or incompetence; or</p> <p>(d) in such other circumstances as may be prescribed.</p> <p>21. The complaints committee may consider and investigate the conduct of a member or certificate holder with respect to the practice of professional geoscience and it may,</p> <p>(a) direct that a matter be referred, in whole or in part, to the discipline committee;</p> <p>(b) direct that a matter not be referred to the discipline committee; or</p> <p>(c) take such other action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or bylaws.</p> <p>24.(1) A member or certificate holder commits professional misconduct if he, she or it is found guilty of an offence that relates to his, her or its professional integrity.</p>

	Professional Engineers Ontario	The Association of Professional Geoscientists of Ontario
	<p>(a) when so directed by the Council, the Executive Committee or the Complaints Committee, hear and determine allegations of professional misconduct or incompetence against a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence;</p> <p>(b) hear and determine matters referred to it under section 24, 27.1 or 37; and</p> <p>(c) perform such other duties as are assigned to it by the Council.</p> <p>(2) A member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence may be found guilty of professional misconduct by the Committee if,</p> <p>(a) the member or holder has been found guilty of an offence relevant to suitability to practise, upon proof of such conviction; or</p> <p>(b) the member or holder has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.</p> <p>(3) The Discipline Committee may find a member of the Association or a holder of a temporary licence, a provisional licence or a limited licence to be incompetent if in its opinion,</p> <p>(a) the member or holder has displayed in his or her professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of the public of a nature or to an extent that demonstrates the member or holder is unfit to carry out the responsibilities of a professional engineer; or</p> <p>(b) the member or holder is suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member or holder that the member or holder no longer be permitted to engage in the practice of professional engineering or that his or her practice of professional engineering be restricted.</p> <p>(4) Where the Discipline Committee finds a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence guilty of professional misconduct or to be incompetent it may, by order,</p> <p>(a) revoke the licence of the member or the certificate of authorization, temporary licence, provisional licence or limited licence of the holder;</p> <p>(b) suspend the licence of the member or the certificate of authorization, temporary licence, provisional licence or limited licence of the holder for a</p>	<p>(2) A member or certificate holder commits professional misconduct in such other circumstances as may be prescribed.</p> <p>25.(1) A member is not competent to practise professional geoscience if his or her work displays such a lack of knowledge, skill or judgment in the practice of professional geoscience that he or she is unfit to continue to practise or that his or her practice should be restricted.</p> <p>(2) A member is not competent to practise professional geoscience if, in his or her practice of professional geoscience, the member displays such disregard for the welfare of the public that he or she is unfit to continue to practise or that his or her practice should be restricted.</p> <p>(3) A certificate holder is not competent to engage in the business of offering or providing services to the public that constitute the practice of professional geoscience if its work displays such a lack of knowledge, skill or judgment in the practice of professional geoscience that the certificate holder is unfit to continue to practise or that its practice should be restricted.</p> <p>(4) A certificate holder is not competent to engage in the business of offering or providing services to the public that constitute the practice of professional geoscience if, in its practice of professional geoscience, it displays such disregard for the welfare of the public that the certificate holder is unfit to continue to practise or that its practice should be restricted.</p> <p>26.(4) The discipline committee may do any of the following things upon making a finding of professional misconduct, negligence or incompetence:</p> <ol style="list-style-type: none"> 1. Revoke the member's registration or the certificate holder's certificate of authorization. 2. Suspend the member's registration or the certificate holder's certificate of authorization for a specified period or until he, she or it takes specified steps relating to its practice of professional geoscience. 3. Vary or impose terms, conditions or restrictions on the member's membership until the member has successfully completed specified studies or has obtained specified practical experience under the supervision of another member. 4. Vary or impose terms, conditions or restrictions on the certificate

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	<p>stated period, not exceeding 24 months;</p> <p>(c) accept the undertaking of the member or holder to limit the professional work of the member or holder in the practice of professional engineering to the extent specified in the undertaking;</p> <p>(d) impose terms, conditions or limitations on the licence or certificate of authorization, temporary licence, provisional licence or limited licence, of the member or holder, including but not limited to the successful completion of a particular course or courses of study, as are specified by the Discipline Committee;</p> <p>(e) impose specific restrictions on the licence or certificate of authorization, temporary licence, provisional licence or limited licence, including but not limited to,</p> <p>(i) requiring the member or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence to engage in the practice of professional engineering only under the personal supervision and direction of a member,</p> <p>(ii) requiring the member to not alone engage in the practice of professional engineering,</p> <p>(iii) requiring the member or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence to accept periodic inspections by the Committee or its delegate of documents and records in the possession or under the control of the member or the holder in connection with the practice of professional engineering,</p> <p>(iv) requiring the member or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence to report to the Registrar or to such committee of the Council as the Discipline Committee may specify on such matters in respect of the member's or holder's practice for such period of time, at such times and in such form, as the Discipline Committee may specify;</p> <p>(f) require that the member or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence be reprimanded, admonished or counselled and, if considered warranted, direct that the fact of the reprimand, admonishment or counselling be recorded on the register for a stated or unlimited period of time;</p> <p>(g) revoke or suspend for a stated period of time the designation of the member or holder by the Association as a specialist, consulting engineer or otherwise;</p>	<p>holder's certificate of authorization until the certificate holder takes specified steps relating to its practice of professional geoscience.</p> <p>5. Direct the member or certificate holder to return all or part of the money paid by a person to the member or certificate holder for his, her or its services relating to the practice of professional geoscience.</p> <p>6. Reprimand the member or certificate holder.</p> <p>7. Publish the name of the member or certificate holder.</p> <p>Regulation 258/02</p> <p>2(3) On reviewing the complaint, the preliminary review panel may,</p> <p>(a) act in accordance with section 3;</p> <p>(b) direct that the parties participate in complaint settlement;</p> <p>(c) appoint an investigator;</p> <p>(d) refer the complaint, in whole or in part, to the discipline committee;</p> <p>(e) request clarification or further information from the complainant or the person or entity complained about; or</p> <p>(f) take such other action as it considers appropriate in the circumstances.</p> <p>5.(1) Where, at any time during the complaints process, a panel or the complaints committee appoints an investigator, the panel or committee may,</p> <p>(a) terminate the investigation as it considers appropriate; or</p> <p>(b) require the investigator to make a report on his or her findings and review the report.</p> <p>(2) Where the panel or complaints committee acts under clause (1) (a) or (b), it may,</p> <p>(a) require the investigator to investigate further; or</p> <p>(b) do one or more of the following:</p> <p>(i) direct that the parties participate in complaint settlement,</p> <p>(ii) appoint another investigator,</p> <p>(iii) refer the complaint, in whole or in part, to the discipline committee,</p> <p>(iv) dismiss the complaint,</p> <p>(v) request clarification or further information from the complainant or the person or entity complained about,</p> <p>(vi) take such other action as it considers appropriate in the circumstances.</p>

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	<p>(h) impose such fine as the Discipline Committee considers appropriate, to a maximum of \$5,000, to be paid by the member of the Association or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;</p> <p>(i) subject to subsection (5) in respect of orders of revocation or suspension, direct that the finding and the order of the Discipline Committee be published in detail or in summary and either with or without including the name of the member or holder in the official publication of the Association and in such other manner or medium as the Discipline Committee considers appropriate in the particular case;</p> <p>(j) fix and impose costs to be paid by the member or the holder to the Association;</p> <p>(k) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms or for such purpose as the Discipline Committee may specify, including but not limited to,</p> <p>(i) the successful completion by the member or the holder of the temporary licence, provisional licence or limited licence of a particular course or courses of study,</p> <p>(ii) the production to the Discipline Committee of evidence satisfactory to it that any physical or mental incapacity in respect of which the penalty was imposed has been overcome, or any combination of them.</p> <p>33.(1) Where the Registrar believes on reasonable and probable grounds that a member of the Association or a holder of a certificate of authorization, a temporary licence, provisional licence or limited licence has committed an act of professional misconduct or incompetence or that there is cause to refuse to issue or to suspend or revoke a certificate of authorization, the Registrar by order may appoint one or more persons to investigate whether such act has occurred or there is such cause, and the person or persons appointed shall report the result of the investigation to the Registrar.</p> <p>39.(1) Where it appears to the Association that any person does not comply with this Act or the regulations, despite the imposition of any penalty in respect of such non-compliance and in addition to any other</p>	<p>13.(1) The Registrar may suspend a member's registration or a certificate of authorization on an interim basis for at most 90 days under subsection 12 (1) or 18 (1) of the Act where,</p> <p>(a) a matter is the subject of a proceeding before the discipline committee and that matter has not yet been determined; and</p> <p>(b) the discipline committee makes a preliminary finding that the conduct of the member or certificate holder exposes or is likely to expose the public to harm or injury.</p> <p>(2) The Registrar may grant an extension of an interim suspension once, for an additional period of up to 90 days, where,</p> <p>(a) the matter before the discipline committee has not yet been determined; and</p> <p>(b) the discipline committee continues to find that the conduct of the member or certificate holder exposes or is likely to expose the public to harm or injury.</p> <p>(3) If the Registrar suspends a registration or certificate of authorization on an interim basis or grants an extension of the suspension, the discipline committee shall make every effort to deal with the matter as expeditiously as possible and shall, where possible, give it precedence over any matter in relation to which no such order or extension has been made.</p> <p>16.(1) On a hearing, the discipline committee may find that a member or certificate holder has committed an act of professional misconduct.</p> <p>(2) The following are prescribed as circumstances in which a member or certificate holder commits professional misconduct:</p> <ol style="list-style-type: none"> 1. Failing to make reasonable provision for safeguarding the life, health or property of a person who may be affected by the work for which the member or certificate holder is responsible. 2. Failing to correct or to report a situation that the member or certificate holder believes may endanger the safety or the welfare of the public. 3. Contravening the Act or the regulations made under it, including the Code of Ethics, or of the by-laws of the Association or contravention of any other statute, regulation, standard, code, by-law or rule that applies in connection with work being undertaken by or under the responsibility of the member or certificate holder.

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	<p>rights it may have, the Association may apply to a judge of the Superior Court of Justice for an order directing the person to comply with the provision, and upon the application the judge may make the order or such other order as the judge thinks fit.</p> <p>(2) An appeal lies to the Court of Appeal from an order made under subsection (1).</p>	<ol style="list-style-type: none"> 4. Signing or sealing by a member of a final drawing, specification, plan, report or other document not actually prepared by the member or reviewed by the member. 5. Permitting the sealing with the seal of a certificate holder of a final drawing, specification, plan, report or other document not actually prepared or reviewed by an individual retained or employed by the certificate holder. 6. Undertaking to perform work that a member is not qualified to perform by virtue of the member's training and experience. 7. Undertaking to perform work that a certificate holder is not qualified to perform by virtue of the training or experience of the member or members retained or employed by the certificate holder. 8. Failing to make prompt, voluntary and complete disclosure of an interest, direct or indirect, that might in any way be, or be construed as, prejudicial to the professional judgment of the member or certificate holder in rendering service to the public, to an employer or to a client and, in particular, without limiting the generality of the foregoing, carrying out any of the following acts without making prior disclosure: <ol style="list-style-type: none"> i. Accepting compensation in any form for a particular service or a particular project from more than one party. ii. Submitting a tender or offering or providing services in respect of a project on which the member or certificate holder may carry out work as a professional geoscientist. iii. Participating in the supply of material or equipment to be used by the client in respect of a project on which the member or certificate holder may carry out work as a professional geoscientist. iv. Expressing opinions or making statements concerning matters within the professional practice of geoscience where the opinions or statements are inspired or paid for by other interests. 9. Engaging in conduct or an act relevant to the practice of professional geoscience that, having regard to all the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional. 10. Failing to comply with any terms, conditions or limitations imposed on a certificate of registration or a certificate of authorization. 11. Permitting or counselling a person who is not a member or certificate holder to engage in the practice of professional geoscience or

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		<p>assisting such a person in doing so, except as provided for in the Act or the regulations.</p> <p>12. Engaging in conduct or an act, criminal or otherwise, that constitutes conduct unbecoming of a professional geoscientist.</p> <p>17. The discipline committee shall make a finding of negligence against a member or certificate holder where the member or certificate holder commits an act or omission in the practice of the profession that constitutes a failure to maintain the standards that a reasonable and prudent professional geoscientist would have maintained in the circumstances.</p>

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Provisions related to remedies for incapacity or fitness to practise	<p>Professional Code</p> <p>48. The board of directors of an order may order the medical examination of a person who is a member of such order, who applies for entry on the roll or who makes another application preceding admission to the profession where it has reason to believe his physical or mental condition is incompatible with the practice of his profession.</p> <p>49. The physical examination required by the board of directors shall be carried out by three physicians; one of these shall be designated by the board of directors, another, by the person concerned and the third, by the first two.</p> <p>If the person concerned refuses or neglects to designate a physician or to inform the board of directors of the name of such physician within 20 days from the service of the order to submit to a medical examination, the board of directors instead of that person shall designate such physician.</p> <p>If the first two physicians refuse or neglect to designate a third physician or to inform the board of directors of his name within 20 days from the appointment of the second of them, the board of directors instead of the first two physicians shall designate him.</p> <p>The three designated physicians must file with the board of directors their opinions which together constitute the report of the medical examination</p>	<p>Act</p> <p>17(7) The Professional Conduct Committee shall consider and investigate complaints regarding the conduct of any member, licensee, or holder of a certificate of authorization, ...</p> <p>17(8) Notwithstanding subsection (9), the Professional Conduct Committee is not required to hold a hearing or to give any person an opportunity for a hearing, or an opportunity to make oral submissions, before making a decision or giving directions under this section.</p> <p>17(10) The Professional Conduct Committee, in accordance with the information it has received, may</p> <p>(a) direct that the matter be referred, in whole or in part, to the Discipline Committee,</p> <p>(b) direct that the matter not be referred under paragraph (a), or</p> <p>(c) take such action as it considers appropriate in the circumstances to resolve the complaint as long as such is not inconsistent with this Act or the by-laws.</p> <p>18(8) A member, licensee, or the holder of a certificate of authorization may be found guilty of professional misconduct by the Discipline Committee if</p> <p>(a) the member, licensee or holder of a certificate of authorization has</p>

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	<p>of the person concerned not later than 90 days after the designation of the last of them, unless the board of directors grants them additional time. On receiving the opinions, the board of directors shall send them to the person concerned.</p> <p>The expert's fees shall be paid by the board of directors in the case of the physician it has designated, by the person concerned in the case of the physician he or the board of directors, instead of him, as the case may be, has designated, and by the board of directors and the person concerned, in equal shares, in the case of the third physician.</p> <p>49.1. Despite section 49, the medical examination may be carried out by a single physician if the board of directors and the person concerned give their consent.</p> <p>In such a case, the fourth paragraph of section 49 applies with the necessary modifications and the expert's fees shall be borne in equal shares.</p> <p>50. The order to submit to a medical examination is served on the person concerned in accordance with the Code of Civil Procedure (chapter C-25). Such order must state the reasons for the decision of the board of directors and the name of the physician designated by the board of directors, and must require the person concerned to designate a physician in accordance with section 49 and to inform the board of directors of the name of such physician.</p> <p>51. Where the person concerned refuses to submit to the medical examination or where, according to the report of the three physicians, his physical or mental condition is incompatible with the practice of his profession, the board of directors may, after giving him an opportunity to submit observations,</p> <p>(a) if such person is a member of the order, strike him off the roll or restrict or suspend his right to engage in professional activities;</p> <p>(b) if such person is not a member of the order, refuse to enter him on the roll, allow him to be entered on the roll but restrict or suspend his right to engage in professional activities, or refuse any other application he makes preceding admission to the profession.</p> <p>Every decision under the first paragraph must be served forthwith, in</p>	<p>been found guilty of an offence which, in the opinion of the Committee, is relevant to suitability to practise engineering or geoscience; or</p> <p>(b) the member, licensee, or holder of a certificate of authorization has been guilty, in the opinion of the Committee, of conduct relative to the practice of engineering or geoscience which constitutes professional misconduct including, but not limited to, that defined in the by-laws.</p> <p>(9) The Discipline Committee may find a member or licensee incompetent if in its opinion,</p> <p>(a) the member or licensee has displayed in the exercise of professional responsibility a lack of knowledge, skill, judgment, or disregard for the welfare of the public of a nature or to an extent that demonstrates the member or licensee is unfit to carry out the responsibilities of a professional engineer or geoscientist; or</p> <p>(b) the member or licensee is suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public, or the member or licensee, that the member or licensee no longer be permitted to engage in the practice of professional engineering or geoscience, or that the member or licensee's practice of professional engineering or geoscience be restricted.</p> <p>(10) When the Discipline Committee finds a member, licensee, or the holder of a certificate of authorization guilty of professional misconduct or incompetence it may, by order, do any one or more of the following</p> <p>(a) revoke the right to practise engineering or geoscience;</p> <p>(b) suspend the right to practise engineering or geoscience for a stated period, not exceeding twenty-four months;</p> <p>(c) accept the undertaking of the member, licensee, or holder of a certificate of authorization to limit the professional work in the practice of engineering or geoscience to the extent specified in the undertaking;</p> <p>(d) impose terms, conditions or limitations on the membership, licence, or certificate of authorization, including, but not limited to the successful completion of a particular course or courses of study, as specified by the Committee;</p> <p>(e) impose specific restrictions on the membership, licence, or certificate of authorization, including but not limited to,</p> <p>(i) requiring the member, licensee or holder of the certificate of</p>

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	<p>accordance with the Code of Civil Procedure (chapter C-25), on the person concerned.</p> <p>52. The situation of a person who is the subject of a decision under section 51 may be reassessed on an application in writing by the person. The board of directors shall decide the application on the basis of the medical report furnished to it by the person concerned on the compatibility of his physical or mental condition, as the case may be, with the practice of the profession.</p> <p>Where the report does not establish, to the satisfaction of the board of directors, the compatibility of the physical and mental condition of the person concerned with the practice of the profession, the board of directors may order another medical examination, and sections 49 to 51 apply.</p> <p>52.1. The board of directors may, when it considers that the physical or mental condition of a professional requires immediate action to protect the public, provisionally strike the professional off the roll or restrict or suspend his right to engage in professional activities until a decision is rendered following the medical examination ordered under section 48. However, the board of directors may not render a provisional decision under the first paragraph before informing the professional of the facts brought to its attention and giving the professional an opportunity to submit observations in the manner and within the time limit it indicates. The provisional decision rendered under the first paragraph is served in accordance with the Code of Civil Procedure (chapter C-25). Unless it has been served beforehand, the order to submit to a medical examination under section 50 is served at the same time. In all cases, the procedure under section 49 is maintained and the decision is rendered as soon as possible.</p> <p>52.2. When the board of directors delegates its powers under section 52.1 to a committee created under paragraph 1 of section 62.1, its powers under sections 48 to 50 are also delegated to the committee.</p> <p>54. Every professional must refrain from practising his profession or performing certain professional acts to the extent that his state of health is an obstacle thereto.</p>	<p>authorization to engage in the practice of engineering or geoscience only under the personal supervision and direction of a member,</p> <p>(ii) requiring the member or licensee to not alone engage in the practice of engineering or geoscience,</p> <p>(iii) requiring the member, licensee, or the holder of the certificate of authorization to submit to periodic inspections by the Committee, or its delegate, of documents, records and work of the member or the holder in connection with the practice of engineering or geoscience,</p> <p>(iv) requiring the member, licensee, or the holder of the certificate of authorization to report to the Registrar or to such committee of the Council as the Committee may name on such matters with respect to the member's or holder's practice of engineering or geoscience for such period and times, and in such form, as the Committee may specify;</p> <p>(f) reprimand, admonish or counsel the member, licensee, or the holder of the certificate of authorization, and if considered warranted, direct that the fact of the reprimand, admonishment or counselling be recorded on the register for a stated or unlimited period of time;</p> <p>(g) revoke or suspend for a stated period of time the designation of the member or licensee as a specialist, consulting engineer, consulting geoscientist or otherwise;</p> <p>(h) impose such fine as the Committee considers appropriate, to a maximum of ten thousand dollars, to be paid by the member, licensee, or the holder of the certificate of authorization;</p> <p>(i) subject to subsection (11) in respect of orders of revocation or suspension, direct that the finding and the order of the Committee be published in detail or in summary and either with or without including the name of the member, licensee or the holder of the certificate of authorization in the official publication of the Association and in such other manner or medium as the Committee considers appropriate in the particular case;</p> <p>(j) fix and impose costs of any investigation or procedures by the Professional Conduct Committee or the Committee to be paid by the member, licensee or the holder of the certificate of authorization to the Association;</p> <p>(k) direct that the imposition of a penalty or order be suspended or postponed for such period, and upon such terms, or for such purpose,</p>

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	<p>116. A disciplinary council is constituted within each order. The disciplinary council shall be seized of every complaint made against a professional for an offence against this Code, the Act constituting the order of which he is a member or the regulations made under this Code or that Act.</p> <p>130. The complaint may demand the immediate provisional striking off the roll of the respondent or the immediate provisional restriction of the respondent's right to engage in professional activities (3) where the respondent is charged with having committed an offence of such a nature that the protection of the public could be compromised if the professional were to continue to practise his profession.</p> <p>133. ...Following the hearing, the disciplinary council may make an order imposing provisional striking off the roll or provisional restriction of the right to engage in professional activities against the respondent if it considers that the protection of the public requires it.</p> <p>156. The disciplinary council shall impose on a professional convicted of an offence referred to in section 116, one or more of the following penalties in respect of each count contained in the complaint: (a) reprimand; (b) temporary or permanent striking off the roll, even if he has not been entered thereon from the date of the offence; (c) a fine of not less than \$1,000 nor more than \$12,500 for each offence; (d) the obligation to remit to any person entitled to it a sum of money the professional is or should be holding for him; (d.1) the obligation to transmit a document or the information contained in any document, and the obligation to complete, delete, update or rectify any document or information; (e) revocation of his permit; (f) revocation of his specialist's certificate; (g) restriction or suspension of his right to engage in professional activities.</p>	<p>including but not limited to, (i) the successful completion by the member or licensee of a particular course or courses of study, (ii) the production to the Committee of evidence satisfactory to it that any physical or mental handicap in respect of which the penalty was imposed has been overcome.</p>

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Note	In sections 116 and 130(3), 'offence' appears to be a contravention of the Professional Code and not necessarily one that is specified as an offence in the legislation.	

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Provisions related to remedies for incapacity or fitness to practise	<p>Act</p> <p>17D(1) The Complaints Committee shall investigate complaints regarding disciplinary matters concerning a registrant and upon doing so may</p> <p>(a) obtain additional information, orally or in writing from the member, the complainant or any other person;</p> <p>(b) interview the registrant, the complainant or any other person;</p> <p>(c) obtain outside assistance to further the investigation;</p> <p>(d) employ such experts as the Committee considers necessary;</p> <p>(e) undertake such other steps as the Committee determines are required for a thorough investigation.</p> <p>(2) The Complaints Committee is not required to hold a hearing or to afford any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this Section or Section 17E.</p> <p>(3) The Complaints Committee may require a registrant to</p> <p>(a) submit to physical or mental examinations by such qualified persons as the Committee designates;</p> <p>(b) submit to an inspection or audit of the registrant's work, products of service and practice by such qualified persons as the Committee designates;</p> <p>(c) undergo such examinations of engineering and allied skills, knowledge and professional practice as the Committee directs to assess the registrant's competency to practise engineering;</p> <p>(d) produce records and accounts kept with respect to the registrant's practice.</p> <p>(4) Where a registrant fails to comply with subsection (3), the Complaints Committee may suspend or restrict the registration or licence to practise until the member, person licensed to practise or engineer-in-training</p>	<p>Act</p> <p>20(1) The Council shall, in the manner provided by the by-laws, establish a Complaints Committee and appoint the members of the Committee.</p> <p>(2) There shall be a Discipline Committee of the Association the members of which shall be elected in the manner provided by the by-laws from a list of candidates who are considered qualified by the Council.</p> <p>(4) Without limiting the generality of subsection (9), the committees referred to in subsections (1) and (2) including, for greater certainty, panels of the committees established under the by-laws may, to the extent provided by the by-laws, have and exercise the following powers:</p> <p>(a) in the case of the Complaints Committee, power to investigate, report on, refer, dismiss or otherwise dispose of complaints;</p> <p>(b) in the case of the Discipline Committee, power to hear, make findings respecting, adjudicate, dismiss or otherwise dispose of complaints, power to make orders and directions related thereto and, where the Discipline Committee makes a finding that a member of the Association or person licensed to practise is guilty of either unprofessional conduct or incompetence, or both, power to order the imposition of sanctions, penalties and remedial measures, which sanctions, penalties and remedial measures may include, but are not limited to, any one or more of the following:</p> <p>(i) cancellation of the certificate of registration of a member of the Association, the licence of a person licensed to practise or the enrolment of a member-in-training,</p> <p>(ii) suspension, for a fixed period, of the certificate of registration of a member of the Association, the licence of a person licensed to practise or the enrolment of a member-in-training,</p>

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	<p>complies.</p> <p>(5) Where the Complaints Committee has required a registrant to submit to examinations or submit to inspection or audit of the registrant's practice by a qualified person designated by the Committee, the Committee shall provide the member with a copy of any report it receives from the designated qualified person.</p> <p>17O(4) The disciplinary panel may require a registrant to</p> <p>(a) submit to physical or mental examinations by such qualified persons as the Disciplinary Committee designates;</p> <p>(b) submit to an inspection or audit of the registrant's work, products of service and practice by such qualified persons as the Disciplinary Committee designates;</p> <p>(c) undergo such examinations of engineering and allied skills, knowledge and professional practice as the disciplinary panel directs to assess the registrant's competency to practise engineering;</p> <p>(d) produce records and accounts kept with respect to the registrant's practice.</p> <p>(5) Where a registrant fails to comply with subsection (4), the disciplinary panel may suspend or restrict the registrant's registration or licence to practise until the registrant complies.</p> <p>17R(1) Notwithstanding any other provision of this Act, in urgent and compelling circumstances the Chair of the Discipline Committee, upon the advice of the Complaints Committee, may, without a hearing, in the interest of the public, immediately suspend the licence of a registrant or immediately impose restrictions on a temporary basis on the registration of a registrant.</p> <p>17S(1) Upon completion of a disciplinary hearing, the disciplinary panel may, where it finds that the registrant is not guilty, dismiss the complaint.</p> <p>(2) Where a disciplinary panel finds any registrant guilty of</p> <p>(a) unprofessional conduct, negligence or misconduct in the execution of the duties of registrant's office; or</p> <p>(b) any breach of this Act or of the by-laws,</p> <p>or finds that a registrant has been convicted of a criminal offence by any court of competent jurisdiction, the disciplinary panel may by order</p>	<p>(iii) suspension of the certificate of registration of a member of the Association, the licence of a person licensed to practise or the enrolment of a member-in-training until the fulfilment of such conditions as may be specified by the Discipline Committee including, but not limited to, payment to the Association or any fine or costs, or both, as may be imposed by the Discipline Committee,</p> <p>(iv) a direction that the imposition of a sanction or remedial measure be suspended or postponed for such period and upon such terms or for such purpose as the Discipline Committee considers appropriate,</p> <p>(v) the reprimanding, admonishment or counselling of a member of the Association, person licensed to practise or a member-in-training,</p> <p>(vi) the imposition of a fine, not exceeding ten thousand dollars, payable to the Association within such time as is ordered by the Discipline Committee,</p> <p>(vii) the imposition of terms, conditions or limitations on the entitlement of a member of the Association or a person licensed to practise to carry on the practice of professional geoscience or to provide services within the practice of professional geoscience to the public, or both, including, but not limited to, the successful completion of a course of study, as specified by the Discipline Committee,</p> <p>(viii) the fixing and imposition of costs to be paid to the Association by the member of the Association, the person licensed to practise or the member-in-training within such time as ordered by the Discipline Committee.</p>

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	<p>(c) cancel or suspend the certificate of registration, licence to practise or enrolment of any engineer-in-training;</p> <p>(d) impose terms, restrictions, conditions or limitations on the certificate of registration;</p> <p>(e) reprimand and censure the registrant and, where warranted, direct that the fact of the reprimand or censure be recorded in the register for a prescribed or indefinite period of time;</p> <p>(f) in respect of orders of revocation or suspension, direct that the finding and the order of the disciplinary panel be published in detail or in summary and either with or without including the name of the registrant in the official publication of the Association and in such other manner or medium as the disciplinary panel considers appropriate in the particular case;</p> <p>(g) impose such fine as the disciplinary panel considers appropriate to a maximum of five thousand dollars to be paid by the registrant to the Minister of Finance for payment into the Consolidated Fund;</p> <p>(h) require that a registrant undergo such treatment, testing or assessment as is deemed appropriate;</p> <p>(i) impose such other disposition as it considers appropriate.</p>	

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Provisions related to remedies for incapacity or fitness to practise	<p>Act</p> <p>16(7) The Act Enforcement Committee in accordance with the information it has received, may</p> <p>(a) dismiss the complaint;</p> <p>(b) refer the matter in whole or in part to the Discipline Committee;</p> <p>(c) take such action as it considers appropriate in the circumstances to resolve the complaint;</p> <p>(d) recommend to the Council to have the matter heard by a court of competent jurisdiction in Prince Edward Island.</p> <p>18.(1) A member, licensee, engineer-in-training or holder of a certificate of authorization may be found guilty of professional misconduct by the Discipline Committee if</p>	<p>Act</p> <p>20. In this section and sections 21 to 37,</p> <p>(c) "conduct deserving of sanction" includes</p> <p>(i) professional misconduct,</p> <p>(ii) professional incompetence,</p> <p>(iii) conduct unbecoming a professional member or permit holder,</p> <p>(iv) incapacity or unfitness to practise engineering or geoscience, and</p> <p>(v) acting in breach of this Act, the regulations or the code of ethics made under section 9.</p> <p>24(1) Where an allegation has been submitted to the complaints authorization committee, the committee may exercise one or more of the following powers:</p>

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	<p>(a) the member, licensee, engineer-in-training or holder of a certificate of authorization has been found guilty of an offence which, in the opinion of the Committee, is relevant to suitability to engage in the practice of engineering; or</p> <p>(b) the member, licensee, engineer-in-training or holder of a certificate of authorization has been guilty, in the opinion of the Committee, of conduct that is not in the best interest of the public or tends to harm the standing of the Association.</p> <p>(2) The Discipline Committee may find a member, licensee, or engineer-in-training incompetent if, in its opinion</p> <p>(a) the member, licensee, or engineer-in-training has displayed in his professional activities a lack of knowledge, skill or judgment, or disregard for the welfare of the public of a nature or to an extent that demonstrates the member or licensee is unfit to carry out the responsibilities of a professional engineer; or</p> <p>(b) the member, licensee or engineer-in-training is suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public, the member, licensee, or engineer-in-training that he no longer be permitted to engage in the practice of professional engineering, or that his practice of professional engineering be restricted.</p> <p>20.(2) Upon completion of the hearing, the Discipline Committee may pass a resolution dismissing the complaint or, if the Discipline Committee finds a member, licensee, engineer-in-training or the holder of a certificate of authorization guilty of professional misconduct or incompetence, or in breach of any of the requirements of this Act or any bylaws made hereunder, the Committee may, by order, do any one or more of the following:</p> <p>(a) revoke the right to practise professional engineering for a stated period of time after which time the person or holder of certificate of authorization may reapply for membership, license to practise, enrollment as an engineer-in-training or certificate of authorization;</p> <p>(b) suspend the right to practise professional engineering for a stated period, not exceeding twenty-four months;</p> <p>(c) accept the undertaking of the member, licensee, engineer-in-training</p>	<p>(a) refer the allegation back to the registrar for an investigation or alternative dispute resolution in accordance with the regulations;</p> <p>(b) conduct an investigation itself or appoint a person to conduct an investigation on its behalf; and</p> <p>(c) conduct a practice review into the respondent's practice; and</p> <p>(d) require the respondent to appear before it.</p> <p>(3) Where the complaints authorization committee is of the opinion that there are reasonable grounds to believe that a respondent has engaged in conduct deserving of sanction, the allegation is considered to constitute a complaint, and the committee may</p> <p>(a) counsel or caution the respondent; or</p> <p>(b) instruct the registrar to file the complaint against the respondent and refer it to the disciplinary panel; and</p> <p>(c) suspend or restrict the respondent's registration.</p> <p>(5) A person conducting an investigation under subsection (1) may</p> <p>(a) require a respondent to</p> <p>(i) undergo an examination he or she considers necessary and as arranged by the registrar, and</p> <p>(ii) permit the registrar or a member of the complaints authorization committee or a person appointed by the complaints authorization committee to inspect and copy the records of the respondent and other documents relating to the subject matter of the investigation; and</p> <p>(b) require another person to permit the registrar or a member of the complaints authorization committee or another person appointed by the complaints authorization committee to inspect and copy records and other documents relating to the subject matter of the investigation held by that person, and the respondent or other person shall comply.</p> <p>29.(1) Upon the hearing of a complaint, an adjudication tribunal shall decide whether or not a respondent is guilty of conduct deserving of sanction.</p> <p>(3) Where an adjudication tribunal decides that a respondent is guilty, it may</p> <p>(a) reprimand the respondent;</p> <p>(b) order that the respondent be suspended for a fixed period that it</p>

	Engineers PEI	Professional Engineers and Geoscientists of Newfoundland and Labrador
	<p>or holder of a certificate of authorization to limit the professional work in the practice of engineering to the extent specified in the undertaking;</p> <p>(d) impose terms, conditions or limitations on the member, licensee or engineer-in-training including, but not limited to the successful completion of a particular course of study, as specified by the Committee;</p> <p>(e) impose specific restrictions on the member, licensee or engineer-in-training or holder of a certificate of authorization including</p> <p>(i) requiring the member, licensee, or engineer-in-training to engage in the practice of engineering only under the personal supervision and direction of a member,</p> <p>(ii) requiring the member, licensee, or engineer-in-training to not alone engage in the practice of engineering,</p> <p>(iii) requiring the member, licensee, engineer-in-training or the holder of the certificate of authorization to submit to periodic inspections by the Committee, or its designate, of documents, records and work of the member, licensee, engineer-in-training or the holder of a certificate of authorization in connection with his practice of engineering,</p> <p>(iv) requiring the member, licensee, engineer-in-training or the holder of the certificate of authorization to report to the Discipline Committee or its designate on such matters with respect to the member's, licensee's, engineer-in-training or holder's practice of engineering for such period and times, and in such form, as the Committee may specify;</p> <p>(f) reprimand, admonish or counsel the member, licensee, engineer-in-training or the holder of certificate of authorization, and if considered warranted, direct that the fact of the reprimand, admonishment or counselling be recorded on the register for a stated or unlimited period of time;</p> <p>(g) direct that the imposition of a penalty or order be suspended or postponed for such period, and upon such terms, or for such purpose, including</p> <p>(i) the successful completion by the member, licensee, or engineer-in-training of a particular course of study,</p> <p>(ii) the production to the Committee or its designate of evidence</p>	<p>considers appropriate, until conditions which it may impose are fulfilled, or until further order of the adjudication tribunal;</p> <p>(c) allow or direct the respondent to surrender his or her registration or permit to the board upon those conditions that may be considered appropriate and strike the respondent's name from the register;</p> <p>(d) impose a fine not to exceed \$25,000 to be paid to the association;</p> <p>(e) order that the respondent pay the costs or a part of the costs incurred by the association in the investigation and hearing of the complaint;</p> <p>(f) order that the registrar publish a summary of the decision including the information set out in subsection 30(4) and other information that the tribunal may specify; and</p> <p>(g) order that the respondent comply with one or more of the following:</p> <p>(i) make restitution to the complainant or other person affected by the conduct of the respondent,</p> <p>(ii) obtain medical treatment,</p> <p>(iii) obtain counselling,</p> <p>(iv) obtain substance abuse counselling or treatment, until the respondent can demonstrate to the board or other body or person designated by the adjudication tribunal that a condition related to substance abuse rendering the respondent incapable or unfit to practise has been overcome,</p> <p>(v) engage in continuing education programs,</p> <p>(vi) complete a course of studies to the satisfaction of the board or other body or person designated by the adjudication tribunal,</p> <p>(vii) report on his or her compliance with an order made under this section and authorize others involved with his or her treatment or supervision to report on it,</p> <p>(viii) restrict his or her practice or continue his or her practice under specified conditions,</p> <p>(ix) permit periodic inspection of records relating to his or her practice, or</p> <p>(x) impose other requirements that are just and reasonable in the circumstances.</p>

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	satisfactory to it that any physical or mental handicap in respect of which the penalty was imposed has been overcome.	

	Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
Provisions related to remedies for incapacity or fitness to practise	<p>Act</p> <p>27(1) Any conduct of a professional engineer, holder of a limited licence, permit holder, or engineer-in-training that</p> <p>(a) is detrimental to the public interests;</p> <p>(b) contravenes a code of ethics of the profession as established under the regulations;</p> <p>(c) harms or tends to harm the standing of the profession generally;</p> <p>(d) displays a lack of the knowledge or of the skill or judgement reasonably to be expected in the practice of the profession; or</p> <p>(e) displays a lack of the knowledge or the skill or judgement reasonably to be expected for the carrying out of any duty or obligation undertaken in the practice of the profession,</p> <p>whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of the profession or unprofessional conduct, whichever the Discipline Committee finds.</p> <p>(2) If an investigated person fails to comply with or contravenes this Act, the regulations or the bylaws, and the failure or contravention is, in the opinion of the Discipline Committee, of a serious nature, the failure or contravention may be found by the Discipline Committee to be unprofessional conduct whether or not it would be so found under subsection (1).</p> <p>36(1) Despite anything in this Act, the Discipline Committee may suspend the registration of a professional engineer, holder of a limited licence, permit holder, or engineer-in-training until a preliminary investigation or a decision of the Discipline Committee.</p> <p>(2) A person whose registration is suspended under subsection (1) may apply to the Supreme Court for an order staying the suspension and the court may, subject to any conditions that it thinks proper, stay the</p>	<p>28(2) For the purposes of this Part [Part 4 Discipline], "unprofessional conduct" includes conduct of a practitioner that</p> <p>(a) is detrimental to the best interests of the public;</p> <p>(b) contravenes a code of ethics established or adopted under the bylaws;</p> <p>(c) is detrimental to the standing of the profession; or</p> <p>(d) displays a lack of knowledge, skill or judgment in professional practice or in the carrying out of a duty or obligation undertaken in professional practice.</p> <p>35.(1) On completion of the preliminary investigation, the Investigative Committee shall</p> <p>(a) issue a direction that no further action be taken if it finds that the complaint does not provide a basis for a finding of unprofessional conduct;</p> <p>(b) issue a reprimand to the practitioner, if it finds that the investigated conduct constitutes unprofessional conduct, and if it further finds that the conduct is not of such gravity or importance as to warrant suspension or termination of the practitioner's registration; or</p> <p>(c) issue a direction that a hearing be held in respect of the complaint.</p> <p>42(2) If, on completion of a hearing, the Board of Inquiry</p> <p>(a) finds that the conduct under inquiry is unprofessional conduct, and</p> <p>(b) further finds that the conduct is not of such gravity or importance as to warrant suspension or termination of the practitioner's registration, the Board may reprimand the practitioner.</p> <p>(3) If, on completion of a hearing, the Board of Inquiry</p> <p>(a) finds that the conduct under inquiry is unprofessional conduct, and</p> <p>(b) further finds that the conduct is of sufficient gravity or importance as</p>

	Association of Professional Engineers of Yukon	Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists
	<p>suspension if satisfied that no public interest and no private interest of a client of the investigated person will be prejudiced by granting the stay.</p> <p>44 If the Discipline Committee finds that the conduct of the investigated person is unprofessional conduct or unskilled practice of the profession or both, the Discipline Committee may make any one or more of the following orders</p> <ul style="list-style-type: none"> (a) reprimand the investigated person; (b) suspend the registration of the investigated person for a specified period; (c) suspend the registration of the investigated person either generally or from any field of practice until <ul style="list-style-type: none"> (i) they have completed a specified course of studies or obtained supervised practical experience, or (ii) the Discipline Committee is satisfied as to the competence of the investigated person generally or in a specified field of practice; (d) accept in place of a suspension the investigated person's undertaking to limit their practice; (e) impose conditions on the investigated person's entitlement to engage in the practice of the profession generally or in any field of the practice, including the conditions that they <ul style="list-style-type: none"> (i) practice under supervision, (ii) not engage in sole practice, (iii) permit periodic inspections by a person authorized by the Discipline Committee, or (iv) report to the Discipline Committee on specific matters; (f) direct the investigated person to pass a particular course of study or satisfy the Discipline Committee as to their practical competence generally or in a field of practice; (g) direct the investigated person to satisfy the Discipline Committee that a disability or addiction can be overcome, and suspend the person until the Discipline Committee is so satisfied; (h) require the investigated person to take counselling or to obtain any assistance that in the opinion of the Discipline Committee is appropriate; <p>or</p> <ul style="list-style-type: none"> (i) direct the investigated person to waive, reduce or repay a fee for 	<p>to warrant suspension or termination of the practitioner's registration, the Board may order that</p> <ul style="list-style-type: none"> (c) the practitioner's registration in the relevant register of the Association be suspended for the period the Board considers appropriate, or (d) the practitioner's registration in the relevant register of the Association be terminated.

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	services rendered by the investigated person that, in the opinion of the Discipline Committee, were not rendered or were improperly rendered; (j) cancel the registration of the investigated person.	

Appendix 3 – Summary and Analysis of Alberta Professional Associations

This table summarizes the research for fitness to practise. Appendix 3A contains the relevant legislative provisions that form the basis of this summary.

Professional Association	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta	Law Society of Alberta	Alberta Association of Architects
Specific remedies for incapacity	No	Yes (assessing incapacity - section 110 of the Act; Complaints Inquiry Committee Chair has authority)	Yes (Society can ask the court to appoint a custodian when a member has become mentally incapacitated)	No
Disciplinary provisions that could be applied to incapacity	Yes	Yes	Yes (for interjurisdictional practice, “discipline” includes a finding by a constituent association of a lack of physical or mental capacity to engage in the practice of law)	Yes
Suspension pending evaluation or proceeding	Yes (by Investigative Committee; Member can apply to the court for an order staying the suspension)	Yes (by Complaints Inquiry Committee Chair; registrant can apply to the court for order revoking the direction)	Yes (Benchers or Hearing Committee; member may apply to terminate suspension)	Yes
Is <i>addiction</i> specifically mentioned	Yes (Act section 63(g))*	Yes (Act section 95(1)(f))*	Yes (Act sections 73(1)(c) and (d), and 73(4)(c))*	Yes (Act section 50(1)(g))*
Are medical examinations or treatments specifically mentioned	No	Yes	No	No
Notes	*Mentioned for orders that the Discipline Committee can make following finding of unprofessional conduct, unskilled practice, or both	*Mentioned for orders that the Discipline Tribunal can make for unprofessional conduct, not specifically mentioned in provisions for assessing incapacity	*Mentioned for orders that the Hearing Committee can make after determining that conduct arose from incompetence and after making an order of reprimand	*Mentioned for orders that a review panel can make following a finding of unskilled practice, unprofessional conduct, or both

Professional Association	Alberta Dental Association and College	College of Physicians and Surgeons of Alberta	Alberta Veterinary Medical Association
Specific remedies for incapacity	Yes (assessing incapacity - section 118 of the Act; Complaints Director has authority)	Yes (assessing incapacity - section 118 of the Act; Complaints Director has authority)	Yes (assessing incapacity – section 65.1 of the Act; Complaints Director or Complaint Review Committee may refer the matter to a committee, designated or established by Council,)
Disciplinary provisions that could be applied to incapacity	Yes	Yes	Yes
Suspension pending evaluation or proceeding	Yes (on the recommendation of the Complaints Director or the Hearing Tribunal, a person, or a committee designated by Council; investigated person may apply to the court for order staying the decision)	Yes (on the recommendation of the Complaints Director or the Hearing Tribunal, a person, or committee designated by Council; investigated person may apply to the court for order staying the decision)	Yes (on the recommendation of the Complaint Review Committee, the Hearing Tribunal or the Complaints Director, a person designated by or a committee designated or established by the Council; investigated person may apply to the court for order staying the decision)
Is <i>addiction</i> specifically mentioned	Yes (Act section 1(1)(s), in definition of “incapacitated”)	Yes (Act section 1(1)(s), in definition of “incapacitated”)	Yes (Act section 1(d.3), in definition of “incapacitated”)
Are medical examinations or treatments specifically mentioned	Yes (section 118 of the Act and Regulation section 20(b) – Competence Committee can direct member to complete examinations if results of practice visit are unsatisfactory; can also be required at time of application – Act section 28(3))	Yes (section 118 of the Act and Regulation section 24(2) – assessments to assess mental or physical health may be required in respect of competence assessment ; can also be required at time of application – Act section 28(3))	Yes (section 65.1 of the Act)
Notes		Registrar can request that applicant for registration submit evidence confirming fitness to practise (Regulation, section 14)	Order can require investigated person to satisfy Hearing Tribunal, Council, committee, or individual specified in the order that investigated person is not incapacitated

Appendix 3A – Relevant Provisions from the Legislation of Other Alberta Professional Associations

This table summarizes the research for fitness to practise. The following text is quoted from the legislation and has not been modified to match APEGA’s writing style.

	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta (CPAA)
Provisions related to remedies for incapacity or fitness to practise	<p>Act</p> <p>Suspension pending investigation and hearing</p> <p>55(1) Notwithstanding anything in this Act, the Investigative Committee may suspend the registration of a professional member, licensee, permit holder, certificate holder or member-in-training pending a preliminary investigation or a decision of the Discipline Committee.</p> <p>(2) A person whose registration is suspended under subsection (1) may apply to the Court for an order staying the suspension.</p> <p>Powers of the Discipline Committee</p> <p>63 If the Discipline Committee finds that the conduct of the investigated person is unprofessional conduct or unskilled practice of the profession, or both, the Discipline Committee may make any one or more of the following orders:</p> <p>(a) reprimand the investigated person;</p> <p>(b) suspend the registration of the investigated person for a specified period;</p> <p>(c) suspend the registration of the investigated person either generally or from any field of practice until</p> <p>(i) the investigated person has completed a specified course of studies or obtained supervised practical experience,</p>	<p>Act</p> <p>Unprofessional conduct</p> <p>93(1) A discipline tribunal may find any of the following to be unprofessional conduct:</p> <p>(a) conduct that is detrimental to the best interests of the public or harms the integrity of the accounting profession;</p> <p>(b) conduct that contravenes this Act or the regulations, bylaws or directives;</p> <p>(c) conduct that contravenes the rules of professional conduct or practice standards;</p> <p>(d) conduct that displays a lack of competence;</p> <p>(e) the contravention of or failure to comply with</p> <p>(i) an order of a discipline tribunal, an appeal tribunal, the Court of Queen’s Bench or the Court of Appeal,</p> <p>(ii) a discipline order or undertaking made under a former Act, or</p> <p>(iii) a restriction, condition or undertaking on registration or practice made under a former Act;</p> <p>(f) the failure or refusal to abide by a settlement agreement entered into under section 72 or under a former Act;</p> <p>(g) the failure or refusal to abide by an agreement entered into under section 74 or under a former Act;</p> <p>(h) the failure or refusal to answer questions or provide information or otherwise co-operate in an investigation of conduct or proceedings under this Part or Part 7;</p> <p>(i) the failure or refusal to co-operate in a practice review;</p> <p>(j) the failure or refusal to comply with an order of, a condition or restriction imposed by, or an undertaking provided to, the board, a body established by the board or a body established or continued under this Act or under the regulations or a former Act;</p> <p>(k) the failure or refusal to undergo an examination under section 110(1) or to comply with a direction made in accordance with section 110(2).</p> <p>(2) A discipline tribunal may make findings and orders whether or not the conduct occurred in Alberta.</p> <p>Discipline tribunal orders</p> <p>95(1) If a discipline tribunal determines that the conduct of an investigated party constitutes unprofessional conduct, the discipline tribunal may make one or more of the following orders:</p> <p>(a) reprimand the investigated party;</p>

	The Association of Professional Engineers and Geoscientists of Alberta	Chartered Professional Accountants of Alberta (CPAA)
	<p>or</p> <p>(ii) the Discipline Committee is satisfied as to the competence of the investigated person generally or in a specified field of practice;</p> <p>(d) accept in place of a suspension the investigated person's undertaking to limit the investigated person's practice;</p> <p>(e) impose conditions on the investigated person's entitlement to engage in the practice of the profession generally or in any field of the practice, including the conditions that the investigated person</p> <p>(i) practise under supervision,</p> <p>(ii) not engage in sole practice,</p> <p>(iii) permit periodic inspections by a person authorized by the Discipline Committee, or</p> <p>(iv) report to the Discipline Committee on specific matters;</p> <p>(f) direct the investigated person to pass a particular course of study or satisfy the Discipline Committee as to the investigated person's practical competence generally or in a field of practice;</p> <p>(g) direct the investigated person to satisfy the Discipline Committee that a disability or addiction can be or has been overcome, and suspend the person until the Discipline Committee is so satisfied;</p> <p>(h) require the investigated person to take counselling or to obtain any assistance that in the opinion of the Discipline Committee is appropriate;</p>	<p>(b) suspend registration for a stated period or pending compliance with specified conditions;</p> <p>(c) impose restrictions on any or all aspects of the investigated party's professional accounting practice, public accounting practice or other areas of practice for a stated period of time, pending compliance with specified conditions, or until otherwise ordered by the discipline tribunal or another discipline tribunal or other body or individual specified by the discipline tribunal;</p> <p>(d) impose conditions or restrictions on the investigated party for a stated period of time or until otherwise ordered by the discipline tribunal, including that the investigated party</p> <p>(i) practise under supervision in accordance with specified terms,</p> <p>(ii) not engage in sole practice,</p> <p>(iii) undergo counselling in accordance with specified terms,</p> <p>(iv) permit periodic inspections of practice by an individual authorized by the practice review committee or complaints inquiry committee or the chair of either of those committees, or</p> <p>(v) report on specified matters to the CPAA, the CIC secretary or the discipline tribunal secretary;</p> <p>(e) accept, for a stated period or pending compliance with specified conditions, a voluntary suspension of registration or an undertaking to restrict practice;</p> <p>(f) direct the investigated party to satisfy a committee, individual or facility specified by the discipline tribunal that a disability or addiction can be or has been overcome, and suspend the investigated party until the committee, individual or facility is so satisfied;</p> <p>(g) require the investigated party to take counselling that is appropriate in the opinion of a committee, individual or facility specified by the discipline tribunal;</p> <p>(h) direct the investigated party to successfully complete a particular course of studies or examinations, or both, or to satisfy a committee or individual specified by the discipline tribunal as to the investigated party's professional competence generally or in a specified area of practice;</p> <p>(i) direct a professional accounting firm to develop and implement quality control procedures or professional development policies, to undergo a specific practice review or to increase the amount or change the type of professional liability insurance carried by the professional accounting firm;</p> <p>(j) direct the payment of all or part of the costs of complying with an order;</p> <p>(k) prohibit, impose restrictions on or place conditions on the ability of a member of the CPAA or a professional accounting firm to train candidates or to supervise how candidates are trained;</p> <p>(l) cancel registration under this Act;</p> <p>(m) specify a time limit within which an order or any part of it must be complied with and specify the consequences of failing to comply, including suspension or cancellation of registration;</p> <p>(n) direct the publication or posting of a decision in any manner the discipline tribunal considers appropriate to protect the public interest and to notify clients or former clients of the investigated party as the situation requires;</p> <p>(o) order the investigated party to pay to the CPAA a fine not exceeding \$100 000 for each finding of unprofessional conduct;</p> <p>(p) make any further or other order that the discipline tribunal considers appropriate in the circumstances.</p> <p>Temporary suspension</p>

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	<p>(i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the Discipline Committee, were not rendered or were improperly rendered;</p> <p>(j) cancel the registration of the investigated person;</p> <p>(k) any other order that it considers appropriate in the circumstances.</p> <p>Powers of the Practice Review Board 16(1) The Practice Review Board</p> <p>(b) may conduct a review of the practice of a professional member, licensee, permit holder or certificate holder in accordance with this Act and the regulations.</p> <p>(4) The Board may, after a review under this section with respect to an individual practitioner, make any order that the Discipline Committee may make under section 63 or 64.</p>	<p>107(1) Notwithstanding anything in this Act, the CIC chair, after giving a registrant an opportunity to provide information and make representations, may, by written direction to the registrar,</p> <p>(a) suspend the registrant's registration or impose restrictions on the registrant's practice pending the conclusion of an investigation or pending the decision of a discipline tribunal, and</p> <p>(b) revoke the suspension or restriction at any time.</p> <p>(3) A registrant may apply to the Court of Queen's Bench for an order revoking a direction under subsection (1)(a).</p> <p>Assessing incapacity 110(1) If the CIC secretary has reasonable and probable grounds to believe that a registrant is incapacitated, whether or not a complaint has been made, the CIC secretary must notify the CIC chair, who may direct the registrant to submit to specified physical or mental examinations, or both, by an individual or at a facility specified by the CIC chair and request the individual or facility to report to the CIC chair and the registrant within a time specified by the CIC chair.</p> <p>(2) On receipt of the results of any mental or physical examination under subsection (1), and if recommended by the individual or facility, the CIC chair may direct the registrant to submit to treatment by an individual or at a facility specified by the CIC chair.</p> <p>(3) The CIC chair may request that the results of the treatment under subsection (2) be provided by the individual or facility to the CIC chair and the registrant within the time specified by the CIC chair.</p> <p>(4) The CIC chair may suspend the registrant's registration or impose a restriction on the registrant's practice until a report is received under subsection (1) or, if a direction is made under subsection (2), suspend the registrant's registration or impose a restriction on the registrant's practice until the CIC chair is satisfied that the registrant is no longer incapacitated, and the CIC chair must direct the CIC secretary to notify the registrar of the suspension or restriction.</p> <p>(5) If the registrant ceases to comply with section 40 or 45 because of a suspension under this section, the CIC chair may in writing order that the 90-day period provided for in section 46(2) be extended for a further period that the CIC chair considers reasonable.</p> <p>(6) If the CIC chair determines that there are reasonable grounds to believe that the incapacity of the registrant may cause the public to be at risk, the CIC chair may direct the publication of the suspension in accordance with the bylaws.</p> <p>(7) If the registrant does not comply with a direction of the CIC chair under subsection (1), (2) or (4),</p> <p>(a) if a complaint was previously made with respect to a matter that arose because of the alleged incapacity, the investigation process continues, and</p> <p>(b) the CIC chair may refer the non-compliance to the CIC secretary, who must treat the non-compliance as a complaint.</p> <p>(8) The registrant may appeal a direction of the CIC chair under subsection (1) or (2) or a suspension or the imposition of a restriction under subsection (4) to an appeal tribunal.</p>

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Provisions related to remedies for incapacity or fitness to practise	<p>Act</p> <p>Interpretation</p> <p>49(1) For the purposes of this Act, any conduct of a member, arising from incompetence or otherwise, that</p> <p>(a) is incompatible with the best interests of the public or of the members of the Society, or</p> <p>(b) tends to harm the standing of the legal profession generally,</p> <p>is conduct deserving of sanction, whether or not that conduct relates to the member's practice as a barrister and solicitor and whether or not that conduct occurs in Alberta.</p> <p>Suspension during proceedings</p> <p>63(1) If the conduct of a member is the subject of proceedings under this Division, the Benchers, without prior notice or hearing, may order the suspension of the membership of the member at any stage of those proceedings if the Benchers consider the suspension warranted in the circumstances having regard to the nature of the conduct.</p> <p>(3) If a Hearing Committee is directed to deal with a member's conduct and considers it warranted in the circumstances to do so having regard to the nature of the conduct, the Hearing Committee, at any time after the direction is made and without prior notice or hearing, may order the suspension of the membership of the member pending the making of the Committee's decision under section 71(1) and, if the Committee finds the member guilty of conduct deserving of sanction, pending the making of the Committee's order under section 72.</p> <p>(6) The Benchers or a Hearing Committee may, instead of suspension under subsection (1) or (3), impose one or more conditions respecting the conduct of a member referred to in this section and may suspend the membership of the member in accordance with subsection (1) or (3) if the member fails to fulfil the condition or conditions.</p> <p>Order of the Hearing Committee</p> <p>72(1) If a Hearing Committee finds that a member is guilty of conduct deserving of sanction, the Committee shall either</p> <p>(a) order that the member be disbarred,</p> <p>(b) order that the membership of the member be suspended during the period prescribed by the order, or</p> <p>(c) order that the member be reprimanded.</p> <p>(2) In addition to an order under subsection (1), the Hearing Committee may make one or more of the following orders:</p> <p>(a) an order that imposes on the member conditions on the member's suspension or on the member's practice as a barrister and solicitor, a requirement that the member appear before a Board of Examiners, or any other condition or requirement permitted by the rules;</p> <p>(b) an order requiring the payment to the Society, for each act or matter regarding the member's conduct in respect of which the Committee has made a finding of guilt, of a penalty of not more than \$10 000, within the time prescribed by the order;</p> <p>(c) an order requiring the payment to the Society of all or part of the costs of the proceedings within the time prescribed by the order.</p> <p>Orders respecting incompetence</p> <p>73(1) If the Hearing Committee determines that the conduct of the member arose from incompetence and makes an order of reprimand under section 72(1)(c) in respect of that conduct, the Hearing Committee, in addition to making the order of reprimand and any other order under section 72(2), may make one or more of the following orders:</p> <p>(a) an order suspending the membership of the member or imposing conditions respecting the member's practice as a barrister and solicitor until</p> <p>(i) the member has completed, to the satisfaction of the Practice Review Committee, a course or courses of study specified by that Committee, or</p> <p>(ii) the member has appeared before a Board of Examiners and has satisfied the Board that the member is competent to engage in practice as a barrister and solicitor generally or in any specified field or fields of law,</p> <p>or both;</p>

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	<p>(b) an order requiring the member</p> <p>(i) to complete successfully a course or courses of study specified by the Practice Review Committee within the period of time prescribed by that Committee, or</p> <p>(ii) to appear before a Board of Examiners within the period prescribed by the Hearing Committee and satisfy the Board that the member is competent to engage in practice as a barrister and solicitor generally or in any specified field or fields of law, or both;</p> <p>(c) an order suspending the membership of the member until the member has appeared before a Board of Examiners and has satisfied the Board that the member's competence to practise as a barrister and solicitor is not adversely affected by any physical or mental disability or addiction to alcohol or drugs;</p> <p>(d) an order requiring the member to appear before a Board of Examiners within the period of time prescribed by the order and to satisfy the Board that the member's competence to practise as a barrister and solicitor is not adversely affected by any physical or mental disability or addiction to alcohol or drugs;</p> <p>(e) an order suspending the membership of the member or imposing conditions respecting the member's practice as a barrister and solicitor until the member has given the Executive Director an undertaking in writing, in a form approved by the Practice Review Committee, that the member's practice as a barrister and solicitor will be carried on subject to the conditions imposed by that Committee.</p> <p>(2) The conditions that may be imposed in an order under subsection (1)(a) or (e) or in an undertaking given under subsection (1)(e) may, without limitation, consist of or include any of the following:</p> <p>(a) a condition that the member's practice be restricted to any specified field or fields of law;</p> <p>(b) a condition that the member be prohibited from practising in any specified field or fields of law;</p> <p>(c) a condition that the member's practice be carried on under the direct supervision of one or more of the active members named in the order or undertaking.</p> <p>(4) If the Hearing Committee determines that the conduct of a student-at-law arose from incompetence and makes an order of reprimand under section 72(1)(c) in respect of that conduct, the Hearing Committee, in addition to the order of reprimand and any other order under section 72(2), may make one or more of the following orders against the student-at-law:</p> <p>(a) an order requiring the student-at-law</p> <p>(i) to complete successfully a course or courses of study designated by the Practice Review Committee within the period of time prescribed by that Committee, or</p> <p>(ii) to appear before a Board of Examiners and satisfy the Board that the student-at-law is competent to continue articles;</p> <p>(b) an order suspending the registration of the student-at-law until</p> <p>(i) the student-at-law has completed, to the satisfaction of the Practice Review Committee, a course or courses of study specified by the Practice Review Committee, or</p> <p>(ii) the student-at-law has appeared before a Board of Examiners and has satisfied the Board that the student-at-law is competent to resume articles, or both;</p> <p>(c) an order suspending the registration of the student-at-law until the student-at-law has appeared before a Board of Examiners and has satisfied the Board that the student-at-law's competence to resume articles is not adversely affected by any physical or mental disability or addiction to alcohol or drugs.</p> <p>Indictable offence</p> <p>83(2) If a member is convicted of an indictable offence, the Benchers, without any other proceedings under this Part and before the expiration of the appeal period relating to the conviction, may order the suspension of the membership of the member whether or not an appeal is commenced.</p>

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	<p>Custodian 95(1) In any of the following cases: (a) when the name of a member has been struck off the roll; (b) when the membership of a member has been suspended; (c) when a member's conduct is the subject of any proceedings under Part 3 and there is reason to believe that the conduct involves the misappropriation or wrongful conversion of property; (d) when a member has died or become mentally incapacitated; (e) when by reason of illness or for any other reason a member is unable to practise as a barrister and solicitor; (f) when a member has absconded or is otherwise improperly absent from the member's place of business or has neglected the member's practice for an unduly extended period; (g) when there is reason to believe that the trust money held by a member is not sufficient to meet the member's trust liabilities; (h) when other sufficient grounds exist, the Court of Queen's Bench, on application by the Society either ex parte or on such notice as the Court may require, may by order appoint a person as custodian to have custody of the property of the member and to manage or wind up the legal business of the member.</p> <p>Assurance Fund and custodian provisions 139(2) An order that may be made by the Court of Queen's Bench in the case of a member under section 95(1) may, in the case of a professional corporation, be made in any of the following cases: (a) when the permit of the corporation has been revoked or suspended under section 138; (b) when the conduct of a voting shareholder is the subject of proceedings under Part 3 and there is reason to believe that the conduct involves the misappropriation or wrongful conversion of money or other property entrusted to or received by the professional corporation; (c) when a voting shareholder of the corporation has died or become mentally incapacitated; (d) when for any reason the corporation is unable to practise as a barrister and solicitor; (e) when a voting shareholder of the corporation has absconded or is otherwise improperly absent from the corporation's place of business, or the corporation has neglected its practice for an unduly extended period; (f) when there is reason to believe that the trust money held by the corporation is not sufficient to meet its trust liabilities; (g) when other sufficient grounds exist.</p> <p>Rules of the Law Society of Alberta 71 (1) In addition to the definitions set out in Rule 47, in this subdivision, unless the context indicates otherwise, ... (b) "discipline" includes a finding by a governing body of any of the following: ... (iv) lack of physical or mental capacity to engage in the practice of law</p> <p>Interim Suspensions 93 (2) If the membership of a member is suspended pursuant to section 63(1) or (3) of the Act, the member may apply for the termination of the suspension (a) to the Hearing Committee in person, if the application is made during its hearing respecting the member's conduct, or (b) in any other case, by filing a written application with the Executive Director. (3) If the membership of a member is suspended pursuant to section 63 of the Act, the member may apply to the chair of the Conduct Committee to expedite the hearing of the matter(s) leading to the suspension.</p> <p>Referral of Application to Committees</p>

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	<p>118 (1) (c) the Executive Director may refer an application for reinstatement made under Rule 115 or 116 to the Practice Review Committee</p> <p>(i) where the Executive Director has reason to believe that the applicant's conduct has at any time been adversely affected by substance abuse or that, if the applicant were reinstated as a member, the applicant's competence to practice as a barrister and solicitor might be adversely affected by mental or physical disability or by substance abuse; or</p> <p>(ii) where the Executive Director is satisfied for any other reason that the application should be referred to that Committee.</p>

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Provisions related to remedies for incapacity or fitness to practise	<p>Act</p> <p>Unskilled practice and unprofessional conduct</p> <p>30(1) Any conduct of an authorized entity that, in the opinion of a review panel or, on appeal, the Council is such as</p> <p>(a) to be detrimental to the best interests of the public,</p> <p>(b) to contravene a code of ethics as established under the regulations,</p> <p>(c) to harm or tend to harm the standing of the profession of architecture generally,</p> <p>(d) to display lack of knowledge of or lack of skill or judgment in the practice of architecture, or</p> <p>(e) to display lack of knowledge of or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of architecture,</p> <p>whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of architecture or unprofessional conduct, whichever a review panel or, on appeal, the Council determines.</p> <p>(2) If an authorized entity fails to comply with or contravenes this Act, the regulations or the bylaws and the failure or contravention is, in the opinion of the review panel, of a serious nature</p>	<p>Act</p> <p>Interpretation</p> <p>1(1) In this Act, ...</p> <p>(s) "incapacitated" means suffering from a physical, mental or emotional condition or disorder or an addiction to alcohol or drugs as defined in the <i>Pharmacy and Drug Act</i> or other chemicals that impairs the ability to provide professional services in a safe and competent manner; ...</p> <p>(pp) "unprofessional conduct" means one or more of the following, whether or not it is disgraceful or dishonourable: ...</p> <p>Application for registration</p> <p>28(3) If there are reasonable and probable grounds to be of the opinion that an applicant by engaging in the regulated profession as a regulated member would create a danger to the public or be unsafe because of a disability or incapacity, the registrar, the registration committee or competence committee may require an applicant for registration to undergo physical or mental examinations by a person agreed on by the applicant and the registrar, registration committee or competence committee or, failing an agreement, designated by the registrar, registration committee or competence committee for the purpose of assisting the registrar, registration committee or competence committee in determining whether the applicant by engaging in the regulated profession as a regulated member would create a danger to the public or be unsafe.</p> <p>Referral to complaints director</p> <p>51.1(2) The competence committee must make a referral to the complaints director if, on the basis of information obtained from a practice visit, it is of the opinion that</p> <p>(a) the regulated member displays a lack of competence in the provision of professional services that has not been remedied by participating in the continuing competence program,</p> <p>(b) the regulated member may be incapacitated, or</p> <p>(c) the conduct of the regulated member constitutes unprofessional conduct that cannot be</p>

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	<p>the failure or contravention may be considered to be unprofessional conduct by the review panel whether or not it would be so held under subsection (1).</p> <p>Suspension pending decision 40 Notwithstanding anything in this Act, the chair of a review panel may suspend the registration of an authorized entity pending the decision of the review panel with respect to the conduct of the authorized entity.</p> <p>Order re unskilled practice or unprofessional conduct 50(1) If the review panel or, on appeal, the Council finds that the conduct of an investigated person constitutes unskilled practice of architecture or unprofessional conduct, or both, the review panel or the Council, as the case may be, may make any one or more of the following orders: (a) reprimand the investigated person; (b) suspend the registration of the investigated person either generally or from any field of the practice of architecture; (c) suspend the registration of the investigated person either generally or from any field of practice until (i) that person has completed a specified course of studies or obtained supervised practical experience, or (ii) the review panel or Council is satisfied as to the competence of the investigated person generally or in a specified field of practice; (d) accept in place of a suspension the investigated person's undertaking to limit that person's practice; (e) impose conditions on the investigated person's ability to engage in the practice of architecture generally or in any field of the practice, including the conditions that that person (i) practice under supervision,</p>	<p>readily remedied by means of the continuing competence program.</p> <p>Report of inspection to registrar 53.4(1) Within 90 days after completing an inspection the inspector who conducted the inspection must give a report setting out the findings of the inspection to the regulated member and the registrar. (2) The registrar must make a referral to the complaints director if, on the basis of information contained in the inspection report, the registrar is of the opinion that (a) a regulated member has failed or refused to co-operate with an inspector conducting an inspection under this Part, (b) a regulated member has provided false or misleading information under this Part, (c) a regulated member has failed or refused to comply with a direction made by the registrar under subsection (3), (d) a regulated member may be incapacitated, or (e) a regulated member's conduct constitutes other unprofessional conduct.</p> <p>Conditions, suspension during proceedings 65(1) On the recommendation of the complaints director or the hearing tribunal, a person or committee designated by the council may (a) impose conditions on an investigated person's practice permit generally or with respect to any area of the practice of that regulated profession, including the condition that the investigated person (i) practise under supervision, or (ii) practise with one or more other regulated members, or (b) suspend the practice permit of an investigated person, until the completion of proceedings under this Part. (2) An investigated person may apply to the Court of Queen's Bench for an order staying a decision by a person or committee under subsection (1).</p> <p>Orders of tribunal 82(1) If the hearing tribunal decides that the conduct of an investigated person constitutes unprofessional conduct, the hearing tribunal may make one or more of the following orders: (a) caution the investigated person; (b) reprimand the investigated person; (c) impose conditions on the investigated person's practice permit generally or in any area of the practice of the regulated profession, including conditions that the investigated person (i) practise under supervision, (ii) practise with one or more other regulated members, (iii) not practise in an area of the practice of the regulated profession until the investigated person has successfully completed a specific course of studies or obtained supervised practical</p>

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	<p>(ii) not engage in sole practice,</p> <p>(iii) permit periodic inspections by a person authorized by the review panel or Council, or</p> <p>(iv) report to the review panel or Council on specific matters;</p> <p>(f) direct the investigated person to pass a particular course of study or satisfy the review panel or Council as to that person's practical competence generally or in a field of practice;</p> <p>(g) direct the investigated person to satisfy the review panel or Council that a disability or addiction can be or has been overcome, and suspend the person until the review panel or Council is so satisfied;</p> <p>(h) require the investigated person to take counselling or to obtain any assistance that, in the opinion of the review panel or Council, is appropriate;</p> <p>(i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the review panel or Council, were not rendered or were improperly rendered;</p> <p>(j) cancel the registration of the investigated person.</p>	<p>experience of a type described in the order,</p> <p>(iv) not practise in an area of the regulated profession, or</p> <p>(v) report on specific matters to the hearing tribunal, council, committee or individual specified in the order;</p> <p>(d) direct the investigated person to satisfy the hearing tribunal, committee or individual specified in the order that the investigated person is not incapacitated and suspend the investigated person's practice permit until the hearing tribunal, committee or individual is so satisfied;</p> <p>(e) require the investigated person to undertake counselling or a treatment program that in its opinion is appropriate;</p> <p>(f) direct that within the time set by the order the investigated person must pass a specific course of study, obtain supervised practical experience of a type described in the order or satisfy the hearing tribunal, committee or individual specified in the order as to the investigated person's competence generally or in an area of the practice of the regulated profession;</p> <p>(g) suspend the practice permit of the investigated person for a stated period or until</p> <p>(i) the investigated person has successfully completed a specific course of studies or obtained supervised practical experience of a type described in the order, or</p> <p>(ii) the hearing tribunal or a committee or individual specified in the order is satisfied as to the competence of the investigated person generally or in a specified area of the practice of the regulated profession;</p> <p>(h) cancel the registration and practice permit of the investigated person;</p> <p>(i) if, in the opinion of the hearing tribunal, the investigated person's fees for professional services were improper or inappropriate or the professional services that the investigated person provided were improperly rendered or required the complainant to undergo remedial treatment, the hearing tribunal may direct the investigated person to waive, reduce or repay the fee for professional services provided by the investigated person;</p> <p>(j) direct, subject to any regulations under section 134(a), that the investigated person pay within the time set in the order all or part of the expenses of, costs of and fees related to the investigation or hearing or both, including but not restricted to</p> <p>(i) the expenses of an expert who assessed and provided a written report on the subject- matter of the complaint,</p> <p>(ii) legal expenses and legal fees for legal services provided to the college, complaints director and hearing tribunal,</p> <p>(iii) travelling expenses and a daily allowance, as determined by the council, for the complaints director, the investigator and the members of the hearing tribunal who are not public members,</p> <p>(iv) witness fees, expert witness fees and expenses of witnesses and expert witnesses,</p> <p>(v) the costs of creating a record of the proceedings and transcripts and of serving notices and documents, and</p> <p>(vi) any other expenses of the college directly attributable to the investigation or hearing or both;</p> <p>(k) direct that the investigated person pay to the college within the time set in the order a fine</p>

	Alberta Association of Architects	Alberta Dental Association and College (Health Professions Act)
		<p>not exceeding the amount set out in the column of the unprofessional conduct fines table that is specified for the college in a schedule to this Act for each finding of unprofessional conduct or the aggregate amount set out in that column for all of the findings arising out of the hearing;</p> <p>(l) any order that the hearing tribunal considers appropriate for the protection of the public.</p> <p>Assessing incapacity</p> <p>118(1) If a complaints director has grounds to believe that a regulated member is incapacitated, whether or not a complaint has been made under section 54, the complaints director may direct the regulated member to submit to specified physical or mental examinations, or both, by a person or at a facility specified by the complaints director and, despite section 100(4) to (6), request the person or facility to report to the complaints director and the regulated member within a time specified by the complaints director.</p> <p>(2) On receipt of the results of any mental or physical examination under subsection (1), and if recommended by the person or facility the complaints director may direct the regulated member to submit to treatment by a person or at a facility specified by the complaints director.</p> <p>(3) Despite section 100(4) to (6), the complaints director may request that the results of the treatment under subsection (2) be provided by the person or facility to the complaints director and the regulated member within the time specified by the complaints director.</p> <p>(4) The complaints director may direct that the regulated member cease providing professional services until a report is received under subsection (1) or if a direction is made under subsection (2), cease providing professional services until the complaints director is satisfied that the regulated member is no longer incapacitated and the complaints director must notify the registrar of the direction to cease providing professional services.</p> <p>(5) If the regulated member does not comply with a direction of the complaints director under subsection (1), (2) or (4),</p> <p>(a) the complaints director must continue with the investigation process if a complaint was previously made with respect to a matter that arose because of the alleged incapacity, and</p> <p>(b) the complaints director may treat the non-compliance as a complaint in accordance with section 56 and act on it under section 55 if no complaint has been previously made with respect to a matter that arose because of the alleged incapacity.</p> <p>(6) The regulated member may appeal a direction of the complaints director under subsection (1), (2) or (4) to the council.</p> <p>(7) An appeal under subsection (6) must be in writing, must set out the grounds for the appeal and must be served on the registrar within 7 days after receipt of the direction by the regulated member.</p> <p>(8) An appeal under subsection (6) must be conducted</p> <p>(a) as soon as reasonably practicable, and</p> <p>(b) in accordance with section 89.</p> <p>(9) If a complaint has been made against a regulated member, and the complaints director</p> <p>(a) is satisfied that the matter complained of arose because of the incapacity of the regulated member,</p> <p>(b) has made one or more directions under subsections (1) and (2), and</p>

	Alberta Association of Architects	Alberta Dental Association and College (Health Professions Act)
		<p>(c) is satisfied that the regulated member is complying with the directions made under subsection (2), the complaints director may, at any time before the matter has been referred to the hearings director, suspend any proceedings with respect to the complaint for a period of time that the complaints director considers appropriate.</p> <p>(10) Despite Part 4, if a matter has been suspended under subsection (9) and the complaints director is satisfied that the regulated member is no longer incapacitated, the complaints director may decide to suspend the proceedings indefinitely, with or without conditions.</p> <p>(11) Despite a suspension of proceedings under subsection (9) or (10), the complaints director may, despite Part 4, at any time direct that the proceedings with respect to the complaint be resumed.</p> <p>(12) If the complaints director suspends proceedings under subsection (9) or (10), the complaints director must within 14 days notify the complainant in writing of the suspension and the reasons for it.</p> <p>Dentists Profession Regulation</p> <p>Actions to be taken</p> <p>20 If the results of a practice visit are unsatisfactory, the Competence Committee may direct a regulated member or a group of regulated members to undertake one or more of the following actions:</p> <ul style="list-style-type: none"> (a) completion of specific continuing competence requirements or professional development activities within a specified time; (b) completion of any examinations, testing, assessment, training, education or counselling; (c) a requirement to practice under the supervision of another regulated member for a specified period of time; (d) a requirement that the regulated member or group of regulated members limit their practice to specified procedures or practice settings; (e) a requirement for the regulated member or group of regulated members to report to the committee on specified matters on specified dates; (f) that the regulated member or group of regulated members be prohibited from supervising other dentists or dental students; (g) that the regulated member or group of regulated members correct any problems identified in the practice visit.

	College of Physicians and Surgeons of Alberta (Health Professions Act)	Alberta Veterinary Medical Association
Provisions related to remedies for incapacity or fitness to practise	<p>See Alberta Dental Association and College (above) for relevant provisions from the <i>Health Professions Act</i></p> <p>Physicians, Surgeons and Osteopaths Profession Regulation Fitness to practice 14 An applicant for registration as a regulated member must, on the request of the Registrar, submit evidence satisfactory to the Registrar confirming the member's fitness to practice.</p> <p>Competence assessment 24(1) The Competence Committee may, in accordance with the rules established under section 25, 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) For the purpose of an assessment under subsection (1), the Competence Committee may use one or more of the following processes: (a) practice visits; (b) examinations; (c) individualized assessments of professional competence that may include, but are not limited to, assessments of (i) professional knowledge or skills, (ii) communication skills, (iii) mental and physical health, (iv) professional ethics, or (v) practice management; (d) interviews; (e) any other type of evaluation required by the Competence Committee.</p>	<p>Act</p> <p>Definitions 1 In this Act, ... (d.3) "incapacitated" means suffering from a physical, mental or emotional condition or disorder or an addiction to alcohol or to drugs as defined in the <i>Pharmacy and Drug Act</i> or other chemicals that impairs the ability to practice veterinary medicine in a safe and competent manner; ... (n.1) "unprofessional conduct" means any or all of the following, whether or not it is disgraceful or dishonourable: ...</p> <p>Conditions, suspension during proceedings 33(1) On the recommendation of the Complaint Review Committee, the Hearing Tribunal or the Complaints Director, a person designated by or a committee designated or established by the Council may (a) impose conditions on an investigated person's annual certificate generally or with respect to any area of the practice of veterinary medicine, including the condition that the investigated person (i) practise under supervision, or (ii) practise with one or more registered veterinarians, or (b) suspend the annual certificate of an investigated person, until the completion of proceedings under this Part. (2) The investigated person may apply for an order of the Court of Queen's Bench to stay a decision by a person or committee under subsection (1).</p> <p>Orders of tribunal 41.1(1) If the Hearing Tribunal decides that the conduct of an investigated person constitutes unprofessional conduct, the Hearing Tribunal may make any one or more of the following orders: (a) cautioning the investigated person; (b) reprimanding the investigated person; (c) imposing conditions on the investigated person's annual certificate generally or in any area of the practice of veterinary medicine, including conditions that the investigated person (i) practise under supervision, (ii) practise with one or more other registered veterinarians, (iii) not practise in an area of the practice of veterinary medicine until the investigated person has completed a specific course of studies or obtained supervised practical experience of a type described in the order, (iv) not practise in an area of veterinary medicine, or</p>

	<p>(v) report on specific matters to the Hearing Tribunal, the Council or a committee or individual specified in the order;</p> <p>(d) directing the investigated person to satisfy the Hearing Tribunal, the Council or the committee or individual specified in the order that the investigated person is not incapacitated and suspend the investigated person's annual certificate until the Hearing Tribunal, committee or individual is so satisfied;</p> <p>(e) requiring the investigated person to undertake counselling or a treatment program that in its opinion is appropriate;</p> <p>(f) directing that within the time set by the order the investigated person must pass a specific course of study, obtain supervised practical experience of a type described in the order or satisfy the Hearing Tribunal or a committee or individual specified in the order as to the investigated person's competence generally or in an area of the practice of veterinary medicine;</p> <p>(g) suspending the investigated person's annual certificate for a stated period or until</p> <p>(i) the investigated person has successfully completed a specific course of studies or obtained supervised practical experience of a type described in the order, or</p> <p>(ii) the Hearing Tribunal or a committee or individual specified in the order is satisfied as to the competence of the investigated person generally or in a specified area of the practice of veterinary medicine;</p> <p>(h) cancelling the registration and annual certificate of the investigated person;</p> <p>(i) if in the opinion of the Hearing Tribunal the investigated person's fees for the practice of veterinary medicine were improper or inappropriate or the veterinary medicine services were improperly rendered or required the complainant's animal to undergo remedial treatment, directing the investigated person to waive or reduce the fees or repay the fees to the complainant;</p> <p>(j) directing, subject to the regulations, that the investigated person pay within the time set in the order all or part of the costs of the investigation and hearing in accordance with the regulations;</p> <p>(k) directing that the investigated person pay to the Association within the time set in the order a fine not exceeding \$10 000 for each finding of unprofessional conduct and not exceeding a maximum aggregate fine of \$50 000 for all findings of unprofessional conduct arising out of a hearing;</p> <p>(l) any order that the Hearing Tribunal considers appropriate for the protection of the public.</p> <p>Assessing incapacity</p> <p>65.1(1) If the Complaints Director or the Complaint Review Committee has grounds to believe that a registered veterinarian is incapacitated, whether or not a complaint has been made or deemed to have been made under section 27, the Complaints Director or Complaint Review Committee may refer the matter to a committee designated or established by the Council.</p> <p>(2) The committee, on receipt of a referral under subsection (1), may direct the registered veterinarian to submit to specified physical or mental examinations, or both, by a person or at a facility specified by the committee and request the person or facility to report to the committee and the registered veterinarian within a time specified by the committee.</p> <p>(3) On receipt of the results of any mental or physical examination under subsection (2), the committee may direct the registered veterinarian to submit to treatment recommended by the person or facility referred to in subsection (2), by a person or at a facility specified by the</p>
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	<p>committee.</p> <p>(4) The committee may request that the results of the person or facility providing the treatment under subsection (3) be provided to the committee and the registered veterinarian within the time specified by the committee.</p> <p>(5) The committee may direct that the registered veterinarian cease practicing veterinary medicine until a report is received under subsection (2) or, if a direction is made under subsection (3), cease practicing veterinary medicine until the committee is satisfied that the registered veterinarian is no longer incapacitated, and the committee must notify the Registrar of the direction to cease practicing veterinary medicine.</p> <p>(6) If the registered veterinarian does not comply with a direction of the committee under subsection (2), (3) or (5),</p> <p>(a) the committee must refer the matter to the Complaints Director to continue with the investigation process if a complaint was previously made with respect to a matter that arose because of the alleged incapacity, and</p> <p>(b) if no complaint has been previously made with respect to a matter that arose because of the alleged incapacity, the committee may make a complaint respecting the matter to the Complaints Director under section 27.</p> <p>(7) The registered veterinarian may appeal a direction of the committee under subsection (2), (3) or (5) to the Council.</p> <p>(8) An appeal under subsection (7) must be in writing, must set out the grounds for the appeal and must be served on the Hearings Director within 7 days of receipt of the direction by the registered veterinarian.</p> <p>(9) An appeal under subsection (7) must be conducted</p> <p>(a) as soon as reasonably practicable, and</p> <p>(b) in accordance with section 45.</p> <p>(10) If a complaint has been made against a registered veterinarian and the committee</p> <p>(a) is satisfied that the matter complained of arose because of the incapacity of the registered veterinarian,</p> <p>(b) has made one or more directions under subsections (2) and (3), and</p> <p>(c) is satisfied that the registered veterinarian is complying with the directions made under subsection (3), the committee may, at any time before the matter has been referred to the Hearings Director, suspend any proceedings with respect to the complaint for a period of time that the committee considers appropriate.</p> <p>(11) Despite Part 5, if proceedings have been suspended under subsection (10) and the committee is satisfied that the registered veterinarian is no longer incapacitated, the committee may decide to suspend the proceedings indefinitely, with or without conditions.</p> <p>(12) Despite a suspension of proceedings under subsection (10) or (11), the committee may, despite Part 5, at any time direct that the proceedings with respect to the complaint be resumed.</p> <p>(13) If the committee suspends proceedings under subsection (10) or (11), the committee must within 14 days notify the complainant in writing of the suspension and the reasons for it.</p>
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