



Bylaws

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Bylaws of the College of Physiotherapists of Alberta established by the Council as authorized pursuant to the *Health Professions Act* (HPA).





COLLEGE OF
PHYSIOTHERAPISTS
OF ALBERTA

The College of Physiotherapists of Alberta regulates and leads the practice of physiotherapy in Alberta.

College of Physiotherapists of Alberta

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Part I - General

Whereas College of Physiotherapists of Alberta is duly incorporated under the *Health Professions Act* of the Province of Alberta;

And whereas power is given to the Council of the College of Physiotherapists of Alberta by the *Health Professions Act* to make bylaws as may be necessary;

Now therefore the Council of the College enacts as follows:

Definitions

1. In these bylaws:
 - a. 'HPA' means the *Health Professions Act*, R.S.A. 2000, c. H-7;
 - b. 'College' means the College of Physiotherapists of Alberta;
 - c. 'Registrar' means the Registrar of the College appointed under section 8 of the Act;
 - d. 'membership year' means the period of time from October 1 to the following September 30;
 - e. 'Council' means the Council of the College, established under section 5 of the HPA;
 - f. 'Chair' means the person appointed or elected as Presidency under section 5 of the HPA;
 - g. 'regulated member' means a person who is registered as a member under section 33 (1)(a) of the HPA;
 - h. 'regulations' means regulations made under section 131 of the HPA, the *Physical Therapists Profession Regulation*;
 - i. 'standards of practice' means the standards of practice adopted by the College under sections 133 and 133.1 of the HPA.

Bylaws in force

2. These bylaws come into force on the same day that the *Health Professions Act*, Schedule 20, is proclaimed in force.

Head office

3. The head office of the College of Physiotherapists of Alberta is located in Edmonton, Alberta or at such a location as may be determined by Council.

Seal

4. (1) The College of Physiotherapists of Alberta shall have a seal which shall consist of the words 'College of Physiotherapists of Alberta.'
- (2) The Chair and the Registrar of the College and such other person or persons as may be authorized by the Council shall each have authority to affix the seal of the College to any document requiring the seal to be affixed.

Part II - Governance

Council

Duties and powers

5. (1) The Council shall exercise all the powers and duties granted to a governing Council under the HPA.
- (2) Council may perform any duties not specified in the HPA that allows the College to fulfill its mission and purpose including policy development and the establishment of committees not specified in the HPA or these bylaws.
- (3) Council shall approve terms of reference for all committees established under the HPA or in accordance with these bylaws.

Composition

6. Council consists of the following:
 - a. six regulated members appointed in accordance with these bylaws;
 - b. the number of public members appointed by the Lieutenant Governor in Council in accordance with the HPA; and
 - c. any non-voting member appointed by Council.

Non-voting members of Council

7. (1) The Council may appoint one or more persons as non-voting members of the Council for any term and purpose decided by the Council.
- (2) Non-voting members are not entitled to vote on any matters but may participate in discussions.

Terms of office

8. (1) Except when these bylaws otherwise provide, the term of office of all regulated members of the Council is three years renewable once.
- (2) In accordance with section 5(4) of the HPA, a member of the Council, continues to hold office after the expiry of that member's term until a successor is appointed.

- (3) Members of the Council commence their term of office on the date of the first meeting of Council following their appointment.

Vacant positions on Council

9. (1) If a regulated member of the Council is unable to complete their term of office, the Council may appoint a regulated member who meets the eligibility criteria set out at article 21 of these bylaws to serve the remainder of the term of office.
- (2) If Council does not fill the position in accordance with article 9(1) of these bylaws the position:
 - a. shall remain vacant until the next regularly scheduled Council appointment cycle, and
 - b. shall be adjusted to maintain the term of office.

Officers

10. (1) Council shall elect a Chair and Vice-Chair from among the voting members of Council, and the Chair and Vice-Chair shall be the officers of Council.
- (2) The election of officers shall be by ballot as determined by Council.
- (3) An officer shall hold office for one year.
 - a. An officer is eligible for re-election upon the expiry of their term of office but may not serve for more than three years unless Council considers it to be in the public interest to permit the officer to serve one or more additional terms of office.
- (4) The Chair shall chair meetings of Council.
 - a. The Chair is a non-voting member of all committees established by the Council unless excluded by the HPA.
 - b. If the Chair is temporarily absent or unable to act, the Vice-Chair shall perform the functions, duties, powers and responsibilities of the Chair.

- c. If both the Chair and the Vice-Chair are temporarily absent or unable to act, the Council shall determine who shall perform the functions, duties, powers and responsibilities of the Chair.
- (5) The Chair and Vice-Chair shall serve on the Executive Committee of Council, as set out in bylaw 16.

Meetings

- 11. (1) Council shall meet a minimum of four times a year.
- (2) The Chair may call any additional meetings of the Council:
 - a. that the Chair considers necessary by providing 24 hours notice or
 - b. upon the request of the Council members in accordance with criteria established by Council.
- (3) Except when Council otherwise directs, Council meetings are open to regulated members and the public.
- (4) Council meetings may be held in person, by phone or any other means of communication technology that allows all persons to hear and be heard.

Quorum

- 12. A quorum is a majority of the voting members of Council.
- 13. For the purposes of calculating whether a majority of the voting Council members are present for a Council decision, public representative positions on Council to which the Lieutenant Governor in Council has not appointed an individual shall not be counted.

Voting

- 14. (1) Voting on matters by the Council may be conducted:
 - a. at a meeting of the Council; or
 - b. with the authorization of the Chair, by an email or a vote conducted during a teleconference.

- (2) Except as otherwise provided in these bylaws and regardless of voting method, a decision shall be made by a majority vote of the Council members participating in the vote.
- (3) Except as otherwise provided in these bylaws, the Chair shall not vote except to break a tie.

Council appeal panels

- 15. (1) Council appeal panels will be selected from the Council as a whole.
- (2) Council designates the Hearings Director to designate members of Council to sit as an appeal panel and designate a member of each appeal panel to act as the chair.
- (3) A Council appeal panel shall:
 - a. carry out the duties and powers of Council under section 31 of the Act;
 - b. carry out the duties and powers of Council under section 41 of the Act;
 - c. carry out the duties and powers of Council under sections 87 to 89 of the Act;
 - d. carry out the duties and powers of Council under section 93 of the Act; and
 - e. carry out the duties and powers of Council under sections 118(6) to 118(8) of the Act.
- (4) A quorum of an appeal panel is a minimum of two regulated members and the number of public members required by section 12(1) of the HPA.
- (5) The Chair may be designated to sit on an appeal panel and, if so is entitled to vote in any decision made by that appeal panel.
- (6) A decision of an appeal panel of Council shall be by a majority vote.
- (7) If an appeal panel is sitting with an even number and there is a tie vote, then the chair shall cast a second and deciding vote.
- (8) Subject to the HPA and these bylaws, an appeal panel of Council may determine its own procedures.

Executive Committee

Composition

16. (1) The Executive Committee shall be composed of:
 - a. the Chair;
 - b. the Vice-Chair;
 - c. two Council members appointed by Council, who may be public members and
 - d. the Registrar as a non-voting member.
- (2) The Executive Committee shall include no less than one and no more than two public members.

Duties and powers

17. The Executive Committee shall:
 - a. administer the affairs of the College between meetings of Council, as specified in these bylaws and in accordance with Council policy; and
 - b. perform any other duties assigned by Council.

but shall not change any policy of the College nor authorize or incur any expenditure that is not explicitly authorized by Council policy.

Meetings

18. The Executive Committee meetings shall be held at the request of the Chair or any two members of the Executive Committee.

Termination

Automatic termination

19. A regulated member of Council automatically ceases to be a Council member if the member:
 - a. provides a letter of resignation to the Chair or the Registrar;
 - b. ceases to be a resident of Alberta;
 - c. is elected as a Member of the Legislature of Alberta or as a Member of Parliament;
 - d. is suspended or ceases to be a regulated member;

- e. is found guilty of unprofessional conduct under the Act or makes an admission of unprofessional conduct that is accepted by a hearing tribunal in accordance with the Act; or
- f. has had a complaint referred to or is the subject of a hearing tribunal or appeal under Part 4 of the HPA.

Complaints about Council members

20. (1) A person may make a written complaint about a member of Council to the Chair or Vice-Chair if that Council member:
 - a. is found guilty of an offence under the Criminal Code of Canada; or
 - b. is or has been engaged in any conduct or activity that undermines the College or its objectives.
- (2) On receipt of a written complaint under article 20(1) of these bylaws, the Chair or Vice-Chair shall arrange for an investigation to be conducted in accordance with the process approved by Council.
- (3) If, following the investigation conducted under subsection (2), the Chair or Vice-Chair determines there are reasonable grounds to believe the Council member who is the subject of the complaint has been found guilty of an offence under the Criminal Code of Canada, or is or has been engaged in conduct or activity that undermines the College or its objectives, then the Chair or Vice-Chair shall ask the Chair to call a meeting of Council to review and discuss the results of the investigation.
- (4) Council shall consider the matter and vote on the following question:
 - a. If the Council member is a regulated member, "Are you in favour of removing ____ as a member of Council?"
 - b. If the Council member is a public member, "Are you in favour of recommending to the Lieutenant Governor in Council that the appointment of ____ to Council be rescinded?"
- (5) The Council member who is the subject of the complaint may attend any such meeting of Council and be heard; however, that member shall abstain from the vote on the issue and shall be absent during the vote on the issue.

- (6) In a vote under subsection (4), the Chair shall be entitled to vote unless the Chair is the subject of the complaint.
- (7) If two-thirds or more of the Council members present and vote in favour of the question in subsection (4) above
 - a. if a regulated member is the subject of the complaint then they shall be removed from office effective immediately;
 - b. if a public member is the subject of the complaint, then Council shall recommend to the Lieutenant Governor in Council that their appointment be rescinded.
- (8) If two-thirds or more of the Council members present and voting do not vote in favour of the question in subsection (4) above, then the member who is the subject of the complaint shall not be removed from office and Council shall proceed to consider the seriousness of the issue and may take other action as deemed appropriate.

Appointments of regulated members to Council

Eligibility

- 21. (1) To be eligible for appointment to Council, a candidate must be:
 - a. a regulated member of the College on the general register;
 - b. a resident of Alberta, and
 - c. compliant with all orders or directions made pursuant to the Act.
- (2) A regulated member is not eligible for appointment to Council if:
 - a. had their practice permit suspended or their registration cancelled following a finding or admission of unprofessional conduct under Part 4 of the HPA within the past five years;
 - b. there is an unconcluded proceeding under Part 4 of the HPA;
 - c. they are currently subject to an undertaking, a condition imposed under Part 4 of the HPA or a direction under section 118 of the Act,
 - d. fees, costs, fines, levies or any other sums are owed to the College by the individual;
 - e. they have been employed at the College within the past five years; or

- f. they have been an officer or a senior employee of a professional association or a labour union that represents members of a regulated health profession within the past five years.

- (3) A regulated member is not eligible for appointment to Council if the regulated member is, at the time the appointment would take effect:
 - a. an officer or a senior employee of a professional association or a labour union that represents members of a regulated health profession; or
 - b. a Member of the Legislature of Alberta or a Member of Parliament.

Timing and method

- 22. (1) The Registrar shall identify any regulated members of Council whose terms are expiring that year.
- (2) In any year in which new regulated members of Council will be appointed, the Governance Committee shall prepare a skills, knowledge, and attributes matrix, taking into account the following factors:
 - a. the requirements of the Act, the Regulation, and these bylaws with respect to the composition of Council;
 - b. current or expected vacancies on Council; and
 - c. skills, knowledge or attributes that
 - i. relate to the duties and functions of regulated members of Council, or
 - ii. may not be adequately represented among the regulated members currently on Council.
- (3) In any year in which new regulated members of Council will be appointed, the Registrar shall send a call for applications to all regulated members in accordance with the processes and timelines set out in policy approved by Council.
- (4) The call for applications must specify the deadline and process for regulated members to submit applications for appointment to the Council and must include or provide regulated members with access to the skills, knowledge and attributes matrix.

- (5) In accordance with the processes and timelines set out in policy approved by Council, the Registrar shall confirm whether each application for appointment to Council meets the eligibility criteria set out at article 21 of the Bylaws and provide the Governance Committee with all of the applications received from eligible candidates.
- (6) Where the number of eligible applicants is equal to or fewer than the number of vacant positions, the Governance Committee may direct the Registrar to send out a second call for applications for appointment to Council and may directly ask any eligible regulated member to apply.
- (7) The Governance Committee shall consider the applications received from eligible candidates and shall make recommendations to Council regarding candidates for appointment to Council with specific reference to the skills, knowledge and attributes matrix, in accordance with the processes and timelines set out in policy approved by Council.
- (8) Appointments of regulated members to Council shall be made by Council.

Insufficient applicants

- 23. If, despite steps taken by the Governance Committee under article 22(6) of the bylaws, the number of eligible applicants is fewer than the number of vacant positions, Council may appoint any regulated member who meets the eligibility criteria set out at article 21 of the bylaws to fill the vacancy for a term specified by the Council.

Notice of appointments to Council

- 24. The Registrar shall post the names of the regulated members appointed to Council on the College's website no later than five business days following the appointments by Council.

Part III - Registration

Registration applications

25. (1) The Registrar shall consider complete applications for registration as a regulated member.
- (2) The Registrar may, at their sole discretion, decide to refer a registration application to the Registration Committee.

Registration Committee

26. (1) Council shall appoint no fewer than three regulated members to the Registration Committee for a term to be decided by Council.
- (2) Council shall designate a member of the Registration Committee to act as Chair.
- (3) The Registration Committee shall determine any registration or practice permit issue referred to them by the Registrar.
- (4) The Registrar, or designate, shall attend Registration Committee meetings.
- (5) A quorum of the Registration Committee is three members.
- (6) Registration Committee decisions shall be by a vote of the majority of committee members present at a meeting.
- (7) Subject to the HPA, these bylaws and any terms of reference approved by Council, the Registration Committee may determine its own rules and procedures.

Professional Liability Insurance

27. (1) An applicant for registration as a regulated member under section 28 of the HPA, and upon application for a practice permit under section 40 of the HPA, an applicant must provide evidence satisfactory to the Registrar that the applicant holds personal professional liability insurance in the amount of \$5 million.

Language Proficiency

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

- (2) An applicant may be required by the Registrar to demonstrate proficiency as required by subsection (1) in accordance with requirements approved by Council.

Equivalent Jurisdiction

29. (1) The following jurisdictions are recognized as having substantially equivalent competence and practice requirements for the purposes of section 28 (2)(b) of the Act
- (2) BC, SK, MB, ON, QC, PEI, NB, NS, NFLD, YK

Practice Permits

30. (1) The Registrar shall consider complete practice permit applications.
- (2) The Registrar may, at their sole discretion, decide to refer a practice permit application to the Registration Committee.
- (3) Regulated members shall complete a practice permit application by September 15 of each year which will become effective October 1. If a regulated member does not provide a complete practice permit application by October 1, their practice permit shall be suspended under section 39 of the HPA.
- (4) If the Registrar determines a regulated member has not complied with conditions imposed on the practice permit, the Registrar may refer the matter to the Registration Committee to make a decision under section 40(2) of the HPA.

Reinstatement Application (non-disciplinary)

31. A regulated member whose practice permit and registration are cancelled under the HPA, except under Part 4 of the HPA, may apply to the Registrar for the practice permit to be re-issued and registration reinstated.

Part IV - Registers

Information Regarding Regulated Members and Applicants

- 32. (1) A regulated member or applicant for registration must provide the information specified at section 33(4)(b) of the Act and any other information about the regulated member or applicant's demographic status, education, training, experience, or professional practice considered necessary by the Registrar.
 - (2) A registered member must notify the Registrar in writing of any changes to the information collected under subsection (1).
 - (3) The College may disclose information collected under subsection (1) about a regulated member
 - a. with the consent of the regulated member; or
 - b. in a summarized or statistical manner so it is not possible to relate the information to the regulated member or any other identifiable person.
- f. as otherwise permitted or required under the HPA.

Changes to Information

- 33. (1) No information recorded on any register may be changed or added to except in accordance with the direction of the Registrar.
- (2) No name shall be removed from the regulated members register except in accordance with:
 - a. an order of the Complaint Review Committee, Hearing Tribunal, Council, or a court;
 - b. a direction of the Registrar or the Registration Committee under the HPA;
 - c. a direction of the Registrar following failure to comply with a notice under the HPA;
 - d. a direction of the Registration Committee, when a person fails or refuses to comply with the conditions of renewal for an annual practice permit;
 - e. a direction of the Registrar when the Registrar is satisfied that a regulated member has died; or

Part V - Professional Conduct

Membership List

34. Council shall appoint no fewer than eight regulated members on the general register to the membership list referred to in section 15 of the HPA. This list shall be used for appointing members to any hearing tribunal or complaint review committee.

Hearing Tribunal

35. (1) A Hearing Tribunal consists of the regulated members and the public members appointed to the Hearing Tribunal.
- (2) A quorum of a Hearing Tribunal is two regulated members and the number of public members required by section 12(1) of the HPA.
- (3) A decision of a hearing tribunal shall be a majority vote. If a Hearing Tribunal is sitting with an even number and there is a tie vote, then the Chair shall cast a second and deciding vote.
- (4) Subject to the HPA and these bylaws, a Hearing Tribunal may determine its own procedures.

Complaint Review Committee

36. (1) A Complaint Review Committee consists of the regulated members and the public members appointed to the Complaint Review Committee.
- (2) A quorum of a Complaint Review Committee is two regulated members and the number of public members required by section 12(1) of the HPA.
- (3) A decision of a complaint review committee shall be by majority vote. If a Complaint Review Committee is sitting with an even number and there is a tie vote, then the Chair shall cast a second and deciding vote
- (4) Subject to the HPA and these bylaws, a Complaint Review Committee may determine its own procedures.

Publication of Conduct Information

37. The Registrar has authority to publish or distribute information respecting any decision, order, or direction made by a hearing tribunal or the Council under Part 4 of the HPA including the order or the decision itself, and information referred to in section 119(1) of the HPA, as deemed appropriate by the Registrar and in any manner deemed appropriate by the Registrar subject to any requirements in the Act, the Regulations, the Personal Information Protection Act, R.S.A. 2003, c. P-6.5, any other enactment that applies to the College or as otherwise permitted or required by law.

Delegation of Duties Under the HPA

38. (1) Council hereby designates the Registration Committee Chair as the individual to carry out the duties under section 65 of the HPA.
- (2) The Council hereby designates the Registration Committee Chair as the individual to carry out the duties under section 86 of the HPA. In the event that the Registration Committee Chair was involved in a request for an interim condition/ suspension of the same registrant, the Council shall appoint an alternate designate.

Part VI - Administration

Registrar

39. (1) Council shall appoint a regulated member as the Registrar.
 - (2) In addition to the duties prescribed by the HPA, the Registrar is responsible for the College operations and administration as directed by Council and in accordance with these bylaws. The Registrar reports to the Council.
 - (3) The Registrar may delegate in writing any of the Registrar's duties and responsibilities to another person with or without conditions.
- g. resources
 - h. learning opportunities
 - i. information on how to contact the College
 - j. information for employers
 - k. a college website portal for registrants
 - l. information about upcoming hearings or appeals;
 - m. Hearing Tribunal decisions including the name of the investigated person;
 - n. Decisions of the Appeals Committee arising from appeals from a Hearing Tribunal; and
 - o. without limiting any of the foregoing, any information permitted or required to be published under the Act or these bylaws.

Forms and Documents

40. The Registrar is authorized to prescribe such forms, certificates, permits or other documents that may be required for the purposes of the HPA, regulations or these bylaws.

Website

Information that may be posted on the College's website

41. In addition to the information required under the HPA, the College may publish the following information on the College website:
 - a. general information about the College and its activities;
 - b. general information about the profession of physiotherapy and physiotherapy practice;
 - c. general information about regulatory processes under the HPA, including applying for registration, applying for practice permits, the professional conduct process including complaints, continuing competence, and other matters addressed in the HPA;
 - d. information published by the Registrar under article 37 of these bylaws;
 - e. any information on the College's register, including the information set out at section 33(2) (b), (c), and (h) of the HPA and article 32 of these bylaws;
 - f. publications and reports

Financial Matters

Setting Fees

42. (1) Council may establish fees, costs, levies, and assessments for the following:
 - a. application fees;
 - b. registration fees;
 - c. registration review fees;
 - d. practice permit fees;
 - e. late payment fees;
 - f. fees for reviews or appeals of any decisions under the HPA; and
- (2) Council may establish and make changes to such other fees, costs, levies, and assessments as it deems advisable for anything it considers necessary for services provided to a regulated member or to any other person.

Banking Institution

43. Council shall appoint a bank listed in Schedule I or II of the Bank Act, S.C. 1991, c. 46, as the College of Physiotherapists of Alberta's financial institution.

Fiscal Year

44. The fiscal year commences October 1 and ends the following September 30.

Use of Funds

45. (1) The College is entitled to make use of all revenues received from membership fees and other sources of income to carry out the objectives of the College.
- (2) Financial policy pertaining to the College shall be determined by Council.

Auditor

46. (1) The College of Physiotherapists of Alberta shall publish a copy of its audited financial statement annually.
- (2) Council shall appoint one or more chartered accountants registered in the Province of Alberta as the Auditor.
- (3) No member of Council is eligible to be appointed as the Auditor.
- (4) The Auditor shall:
- a. examine the College's accounts, books and securities in accordance with generally accepted accounting principles; and,
 - b. provide a written report to the Registrar upon completion of the audit.

Costs and Expenses

47. The College of Physiotherapists of Alberta shall reimburse travel expenses and such other costs and expenses for all committee members and boards under the HPA, regulations and these bylaws in accordance with policies made by Council.

Bylaws

48. A bylaw or amendment to an amendment to a bylaw under section 132(1) of the HPA may be passed at any meeting of Council.

Code of Ethics and Standards of Practice

Process for developing or adopting

49. Council may develop or adopt a Code of Ethics and Standards of Practice or amend them in accordance with the consultation process as set out at section 133 of the HPA.



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