



COLLEGE OF
PHYSIOTHERAPISTS
OF ALBERTA

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 Physiotherapy Alberta - College + Association (operating as the 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 Physiotherapy Alberta - College + Association, operating as 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) 'regulated member' means a person who is registered as a member under section 33 (1)(a) of the HPA; and
 - (g) 'regulations' means regulations made under section 131 of the HPA, the Physical Therapists Profession Regulation.

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. The College of Physiotherapists of Alberta shall have a seal which shall consist of the words 'Physiotherapy Alberta - College + Association.'
- (2) The President 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. The Council shall exercise all the powers and duties granted to a governing Council under the HPA.
- (2) Council may perform any other duties not specified in the HPA that allows the College to fulfill its mission and purpose including policy development and the appointment of committees not specified in the HPA.

Composition

6. Council consists of the following composition:
 - (a) six regulated members elected by the regulated members of the College;
 - (b) public members appointed by the Lieutenant Governor in Council in accordance with the HPA; and
 - (c) any ex officio member appointed by Council.

Ex officio members

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

Terms of office

8. 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 elected or appointed.

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

Vacant positions on council

9. If a regulated member of the Council, is unable to complete their term of office, the Council may appoint a member on the general register to serve the remainder of the term of office.
- (2) If the position cannot be filled according to article 9 of these bylaws the:
 - (a) position shall remain vacant until the next regularly scheduled Council election, and
 - (b) position shall be adjusted to maintain the term of office.

Change of residence

10. If a member of the Council ceases to be a resident of Alberta during their term of office, that member automatically resigns their position on Council.

Officers

11. Council shall elect a President and Vice-President from among the members of Council.
- (2) Election shall be by ballot as determined by Council.
- (3) Officers shall hold office for one year.
 - (a) Officers are eligible for re-election upon the expiry of their term of office but may not serve for more than three years unless Council deems it to be in the best interest of the organization or the profession to do so.

- (4) The President shall preside in Council.
 - (a) The President is an ex-officio member of the committees appointed by the Council unless excluded by the HPA.
 - (b) In the absence of the President, the Vice-President shall preside in Council and have all the powers and duties of the President.

Meetings

- 12. Council shall meet a minimum of four times a year.
- (2) The President may call any additional meetings of the Council that the President considers necessary providing 24 hours notice or upon the request of the Council members in keeping 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.
- (5) Meetings shall be chaired by the President or in the President's absence, the Vice-President. In the absence of the President and Vice-President, a Chair of the meeting shall be elected from among Councillors present in person at the commencement of the meeting.

Quorum

- 13. A quorum is a majority of Council members eligible to vote and in office at the time of the vote.
- 14. For the purposes of calculating whether a majority of Council members is 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

- 15. Voting on matters by the Council may be conducted:
 - (a) at a meeting of the Council; or
 - (b) with the authorization of the President, by an email or a vote conducted during a teleconference.
- (2) Unless 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) The President shall not be entitled to vote except to break a tie.

Council Appeal Panels

- 16. Council appeal panels will be selected from the Council as a whole.
- (2) Council designates the Hearings Director to designate council appeal panel members and 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) 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.

- (6) Subject to the HPA, an appeal panel of Council may determine its own procedures.
- (7) Decisions of the appeal panel of Council shall be by a vote of the majority of members present at an appeal.

EXECUTIVE COMMITTEE

Composition

17. The Executive Committee shall be composed of:
 - (a) the President;
 - (b) the Vice-President; and
 - (c) two Council members appointed by Council, which may be public members, and the Registrar.
- (2) The Executive Committee shall include a minimum of 25% to a maximum of 50% of its composition as public members.
- (3) The Registrar shall be a non-voting member of the Executive Committee.

Duties and powers

18. 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.

Meetings

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

TERMINATION

Automatic termination

20. A regulated member of Council automatically ceases to be a Council member if the member:
 - (a) provides a letter of resignation to the President or the Registrar
 - (b) is suspended or ceases to be a regulated member; or
 - (c) 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

Impeachment

21. A person may make a written complaint about a member of Council to the Executive Committee 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 21 of these bylaws, the Executive Committee 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 President or Vice-President 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 President or Vice-President shall ask the President 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 (5), the President shall be entitled to vote unless the President is the subject of the complaint.
- (7) If two-thirds or more of the Council members present and voting vote in favour of the question in subsection (5) 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 (5) 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.

Resignation

- 22. A regulated member of Council who is eligible to vote and who runs for federal or provincial public office shall resign their Council position if elected.

ELECTIONS

Council elections

- 23. The election of members to Council shall occur at such time and place as determined by Council.

Nomination eligibility

- 24. A regulated member on the general register is eligible for nomination.
 - (2) Despite article 24 of these bylaws, a regulated member is not eligible for nomination for election if at any time within the three years before the election is to be held if:
 - (a) they are found guilty of unprofessional conduct; and
 - (b) the penalty imposed includes any of the following:
 - (i) suspension of the regulated member's practice permit, or
 - (ii) cancellation of the regulated member's practice permit and registration.
 - (3) College employees are not eligible for nomination.

Council nominations

- 25. The Registrar shall make a list of all regulated members on the general register eligible to vote on a date determined by Council.
 - (2) The Registrar shall provide to each regulated member on the general register a nomination form approved by Council.
 - (3) Nomination for Council election requires the:
 - (a) signatures of at least two sponsoring regulated members on the general register;
 - (b) written acknowledgment of the nominee that they accept the nomination; and
 - (c) nomination to be received by the Registrar on a date specified by the Council.
 - (4) If no valid nomination(s) is received pursuant to article 25(3) of these bylaws, the Registrar shall:

- (a) call for new or additional nominations;
 - (b) set a new date by which nominations must be received; and
 - (c) set the date for and conduct a special election.
- (5) If after a second call for nominations vacancies remain, Council shall appoint a regulated member(s) that meets the eligibility criteria in article 24(1)(2)(3) of these bylaws.

Election process

26. The registrar shall administer Council elections and may establish procedures for that purpose
- (2) Voting shall be by a secure and confidential electronic process approved by Council.
 - (3) A ballot shall be prepared on a secure electronic platform with candidates' names listed in alphabetical order by surname.
 - (4) The ballot shall be sent to each regulated member on the general register and shall be sent to the members' email address shown on the regulated member register.
 - (5) Voting instructions will be Included with the ballot and any other information Council determines is required, including the date by which the ballot must be received.
 - (6) A vote must not be counted unless cast using the procedure for completing and delivering the ballot specified in the instructions under subsection 26.
 - (7) Council shall appoint a scrutineer, to supervise ballot counting, and to prepare a report of the election results, who shall be a regulated member on the general register but not nominated for election.

Ballot counting

27. Ballots shall be counted on the first business day following the deadline for the receipt of ballots. If the date must be changed for any reason, candidates shall be notified as soon as possible of the new date and time.

- (2) All ballots shall be counted by secure electronic means, with the results of the count reported via electronic report to the scrutineer.
- (3) The scrutineer shall prepare an election report, which shall include:
 - (a) The names of all elected members; and
 - (b) Statistical information, including the:
 - (i) Total number of eligible voting members;
 - (ii) Total number of ballots returned; and
 - (iii) Total number of spoiled ballots.
- (4) A copy of this election report shall be kept at the College's office for 30 days following the election of any particular year.
- (5) The scrutineer shall provide the Registrar with the electronic report.
- (6) The candidate receiving the most votes for a position in an election is the successful candidate.
- (7) In the case of a tie vote, the scrutineer must select the candidate by random draw between the tied candidates.

Ballot Count Review

28. Any voting member, excluding an election candidate, may request to view the election report as prepared by the scrutineer within 30 days from the election.

Notice of Results

29. The Registrar shall post the names of the elected members on the College's website no later than five business days following the election.

REGISTERS AND RECORDS

Changes to Information

30. No information recorded on any Register may be changed or added to except in accordance with the direction of the

Part III - Membership

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; a direction of the Registration Committee, when a person fails or refuses to comply with the conditions of renewal for an annual practice permit; and
 - (d) a direction of the Registrar when the Registrar is satisfied that a regulated member has died.

FEES

Setting fees

31. 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 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.

Registration applications

32. The Registrar shall consider complete applications for registration as a regulated member.

Part IV - Registration

- (2) The Registrar may, at their sole discretion, decide to refer a registration application to the Registration Committee.

Registration Committee

33. 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) Subject to the HPA, the Registration Committee may determine its own rules and procedures.
 - (7) Registration Committee decisions shall be by a vote of the majority of committee members present at a meeting.

Practice permits

34. 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.
 - (4) A regulated member whose practice permit is 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.

- (5) If the Registrar determines a regulated member does not comply with conditions imposed on the practice permit, the Registrar may refer the matter to the Registration Committee in accordance with the HPA.

Reinstatement Review Committee

35. Council shall designate the Registration Committee to act as the Reinstatement Review Committee
 - (1) The Reinstatement Review committee may consider applications for reinstatement from persons whose registration and practice permit has been cancelled under Part 4 of the HPA, in accordance with the Regulations
 - (2) A quorum of the Reinstatement Review Committee is three members
 - (3) Subject to the HPA, the Reinstatement Review Committee may determine its own rules and procedures.
 - (4) Reinstatement Review Committee decisions shall be by a vote of the majority of the members present at a reinstatement review.

Membership list

36. 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

Part V - Professional Conduct

members to both any hearing tribunal or complaint review committee.

Hearing Tribunal

37. A Hearing Tribunal consists of the regulated members and any public members appointed to the Hearing Tribunal.
- (2) A quorum of a Hearing Tribunal is a minimum of two regulated members and the number of public members required by section 12(1) of the HPA.
- (3) 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, a Hearing Tribunal may determine its own procedures.

Complaint Review Committee

38. A Complaint Review Committee consists of the regulated members and any public members appointed to the Complaint Review Committee.
- (2) A quorum of a Complaint Review Committee is a minimum of two regulated members and the number of public members required by section 12(1) of the HPA.
- (3) 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, a Complaint Review Committee may determine its own procedures.
- (5) Complaint Review Committee decisions shall be by a vote of the majority of the members present at a complaint review.

Publication of conduct information

39. (1) 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 Act including the order or the decision itself, and information referred to inspection 119(1) of the Act, 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.
- (2) In addition to 39(1) the Registrar may publish or distribute information including but not limited to the following:
 - a. Information on the College's Register;
 - b. Any direction made pursuant to section 118(4) of the Act;
 - c. Information regarding upcoming hearings or appeals.

Delegation of duties under the HPA

40. 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

41. Council shall appoint a regulated member as the College 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.

Forms and documents

42. 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.

FINANCIAL MATTERS

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. 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.

- (3) The College of Physiotherapists of Alberta shall publish a copy of its audited financial statement annually.

Auditor

46. Council shall appoint one or more chartered accountants registered in the Province of Alberta as the Auditor.
- (2) No member of Council is eligible to be appointed as the Auditor.
- (3) The Auditor shall:
 - (a) examine The College of Physiotherapists of Alberta 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.

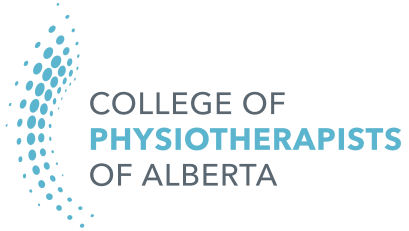
Bylaws

48. A bylaw or amendment to an amendment to a bylaw under S132(1) of the HPA may be passed at any meeting of Council.

CODE OF ETHICS + 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 by following a consultation process as outlined in section 133 of the HPA.



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