

## Professional Conduct Publication Policy

Approved November 2019

Amended June 2023

### **Purpose**

Publishing information about disciplinary matters provides increased transparency, accountability and increases public confidence regarding the College of Physiotherapists of Alberta's (CPTA) self-regulating activities. CPTA will attempt to publish disciplinary decisions in a manner that achieves maximum transparency, while appropriately balancing the need to safeguard sensitive personal information of third parties.

### **Scope**

CPTA has adopted a common framework for publication of all discipline decisions.

### **Policy Statement**

CPTA will publish discipline decisions in accordance with the framework. Principles considered in development of the publication framework include:

- Transparency and accountability to the public and government
- Developing public confidence in oversight by regulators
- Demonstration of how regulators protect the public
- Education and possible deterrence of registrants

### **Responsibilities**

The Registrar has discretion to make decisions about publication in accordance with s. 119 of the *Health Professions Act*.

- For decisions other than findings of sexual abuse or sexual misconduct, the Registrar may publish with or without the member's name
- The Registrar may publish all or part of a decision
- May redact names and information that could reveal the identity of third parties
- May redact sensitive personal or health information

The Registrar will consider the following factors with publication:

- The public interest, including transparency of the College's discipline process
- The College's interest in educating its registrants and the public
- Whether publication is likely to cause harm to one or more persons

- Whether publication or distribution is relevant to the regulated registrant's suitability to practice
- Any other factors the Registrar considers to be relevant to the matter

### **Publication Procedures**

In consideration of the publication policy above, CPTA publishes information about complaints and disciplinary proceedings as follows:

- a) The College will publish notices of hearing at least 30 days in advance of the scheduled hearing by posting the date, time and location of the hearing together with the charges of unprofessional conduct on the College's website.
- b) Information on how to attend a hearing and who to contact about the hearing will be posted on the College's website.
- c) The College will publish decisions, including any orders made, by the Hearing Tribunal, Council or the Alberta Court of Appeal on the College's website 7 business days after the decision is given to the parties provided no application for redaction has been submitted to the Registrar.
- d) A party has 3 business days after a decision is given to make an application for redaction to the Registrar. The application must include the specific information or word(s) the party is seeking to be redacted from the published decision, and the reason(s) for the redaction.
- e) A copy of the discipline decision will be provided to the Canadian Legal Information Institute (CanLII) for publication.
- f) Decisions will be posted on the College's website for a period of 10 years. A registrant's discipline history can be accessed indefinitely by contacting the College.
- g) Decisions of unprofessional conduct based in whole or in part on sexual abuse or sexual misconduct will be published indefinitely.
- h) The College will publish decisions or a summary of the decision in the College's e-newsletter.
- i) For a dismissed complaint or a complaint resolved by consent, the Registrar may publish the information about the complaint anonymously (without identifying any parties) if it will be useful in educating the public and the profession.

This policy applies to the publication of information about complaints and disciplinary proceedings after April 1, 2019.