

(Consolidated up to 76/2007)

ALBERTA REGULATION 255/2001

Health Professions Act

**MEDICAL LABORATORY TECHNOLOGISTS
PROFESSION REGULATION**

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Definitions

1 In this Regulation,

- (a) “Act” means the *Health Professions Act*;
- (b) “clinical genetics register” means the clinical genetics register category of the regulated members register;
- (c) “College” means the Alberta College of Medical Laboratory Technologists;
- (d) “Competence Committee” means the competence committee of the College;
- (e) “Complaints Director” means the complaints director of the College;
- (f) “Council” means the council of the College;
- (g) “courtesy register” means the courtesy register category of the regulated members register;

- (h) “diagnostic cytology register” means the diagnostic cytology register category of the regulated members register;
- (i) “general register” means the general register category of the regulated members register;
- (j) “provisional register” means the provisional register category of the regulated members register;
- (k) “Registrar” means the registrar of the College;
- (l) “Registration Committee” means the registration committee of the College;
- (m) “registration year” means the period of time between 2 successive dates established in the bylaws made under section 132 of the Act by which a regulated member is required to apply for the renewal of a practice permit.

AR 255/2001 s1;76/2007

Registers

Register categories

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

- (a) general register;
- (b) diagnostic cytology register;
- (c) clinical genetics register;
- (d) provisional register;
- (e) courtesy register.

AR 255/2001 s2;76/2007

Registration

General register

3 An applicant for registration as a regulated member on the general register must have obtained a diploma from a program in medical laboratory science of at least 2 years’ duration or a degree from a program, approved by the Council, and have successfully passed a registration examination approved by the Council.

Diagnostic cytology register

4 An applicant for registration as a regulated member on the diagnostic cytology register must have obtained a diploma from a program in medical laboratory science of at least 2 years' duration or a degree from a program, approved by the Council, with a specialization in diagnostic cytology and have successfully passed a registration examination approved by the Council.

Clinical genetics register

5 An applicant for registration as a regulated member on the clinical genetics register must have obtained a diploma from a program in medical laboratory science of at least 2 years' duration or a degree from a program, approved by the Council, with a specialization in clinical genetics and have successfully passed a registration examination approved by the Council.

Current qualifications

6 An applicant for registration under section 3, 4 or 5 must have met the requirements set out in that section within 4 years of the date that the Registrar receives a complete application or the applicant must

- (a) have been employed for at least 900 hours in the practice of medical laboratory technology in the 4 years immediately preceding the date the application is received by the Registrar, or
- (b) have successfully completed a refresher education program approved by the Council within 2 years of the date the complete application is received by the Registrar.

Equivalent jurisdiction

7 An applicant for registration as a regulated member who is currently registered in good standing in another jurisdiction recognized by the Council under section 28(2)(b) of the Act as having substantially equivalent registration requirements may be registered on the appropriate register.

AR 255/2001 s7;76/2007

Substantial equivalence

8(1) An applicant who does not meet the registration requirements under section 3, 4 or 5 but whose qualifications have been determined by the Registrar or Registration Committee under section 28(2)(c) of the Act to be substantially equivalent to the registration requirements under section 3, 4 or 5 may be registered on the appropriate register, as determined by the Registrar or Registration Committee.

- (2) In determining whether an applicant's qualifications are substantially equivalent under subsection (1), the Registrar or Registration Committee may require the applicant to undergo examination, testing and assessment activities.
- (3) For the determination under subsection (2), the Registrar or Registration Committee may use the services of experts and other resources to assist with the examination, testing and assessment activities.
- (4) The Registrar or Registration Committee may direct the applicant to undergo any education or training activities the Registrar or Registration Committee may consider necessary in order for the applicant to be registered.
- (5) The Registrar or Registration Committee may request any further information and evidence that the Registrar or Registration Committee considers necessary in order to assess an application under this section.

AR 255/2001 s8;76/2007

Provisional register

- 9(1)** An applicant for registration as a regulated member may be registered on the provisional register if the applicant has fulfilled the educational requirements set out in section 3, 4 or 5 but has not completed the registration examination approved by the Council or has written the registration examination but has not yet received the examination results.
- (2) The applicant must successfully pass a registration examination approved by the Council within one year of registration on the provisional register.
- (3) A registration on the provisional register expires after one year unless the requirements of subsection (2) are met.
- (4) If a regulated member registered on the provisional register has successfully passed the registration examination approved by the Council, the Registrar must remove the regulated member's name from the provisional register and enter it on the category of the regulated members register that the Registrar or Registration Committee may determine to be appropriate.
- (5) A person whose registration on the provisional register expires may apply to the Registrar or Registration Committee for an extension not to exceed 3 months following the next scheduled registration examination if that person provides evidence that he or she has been accepted to write that next scheduled registration examination.

(6) A person who is registered on the provisional register may practise only while supervised, in a manner satisfactory to the Registrar or Registration Committee, by a regulated member other than a regulated member registered on the provisional register.

AR 255/2001 s9;76/2007

Courtesy register

9.1(1) A medical laboratory technologist in good standing in another jurisdiction in Canada who applies for registration in Alberta on a temporary basis for a specified purpose approved by the Registrar may be registered on the courtesy register if the applicant satisfies the Registrar of having competence to provide the services related to the specified purpose.

(2) The registration of a person registered on the courtesy register is valid for the term specified by the Registrar but may not exceed one year.

(3) It is a condition of registration on the courtesy register that the person must remain registered in good standing in the jurisdiction in which the person was registered at the time of the person's application for registration on the courtesy register and, if the registration in the other jurisdiction is suspended or cancelled, the courtesy registration is cancelled.

AR 76/2007 s7

English language requirements

10(1) In addition to the other registration requirements in this Regulation, an applicant for registration as a regulated member must be sufficiently proficient in the English language to be able to provide professional services in English.

(2) An applicant may be required by the Registrar to demonstrate proficiency in the English language in accordance with the standards approved by the Council.

Good character and reputation

11 Every applicant for registration as a regulated member must provide written evidence satisfactory to the Registrar of having good character and reputation by submitting one or more of the following on the request of the Registrar:

- (a) a statement by the applicant as to whether the applicant is currently undergoing an investigation or is subject to an unprofessional conduct process or has previously been disciplined by another regulatory body responsible for the regulation of medical laboratory technologists or of another profession that provides a professional service;

- (b) a statement by the applicant as to whether the applicant has ever pleaded guilty or has been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside Canada for which the applicant has not been pardoned;
- (c) any other relevant evidence as requested by the Registrar.
AR 255/2001 s11;76/2007

Practice Permit

Renewal requirements

12 A regulated member applying for renewal of the member's practice permit must state whether the regulated member has pleaded guilty or has been found guilty of a criminal offence in Canada or an offence of a similar nature in a jurisdiction outside Canada since the member's last practice permit and provide evidence of having met the continuing competence requirements set out in this Regulation, and must

- (a) have been employed in the practice of medical laboratory technology for 900 working hours in the 4-year period immediately preceding the application for renewal,
- (b) have completed refresher education approved by the Council in the 2-year period immediately preceding the application for renewal, or
- (c) have been granted a degree or diploma described in section 3, 4 or 5 within the 4-year period immediately preceding the application for renewal.

AR 255/2001 s12;76/2007

Conditions

12.1 When issuing a practice permit, the Registrar or Registration Committee may impose conditions, including, but not limited to, the following:

- (a) that a regulated member practise only while conducting research or teaching at an educational facility;
- (b) that a regulated member complete the continuing competence requirements within a specified time;
- (c) that a regulated member complete examinations, testing, assessments, clinical practicums or work experience;
- (d) that a regulated member practise under supervision;

- (e) that a regulated member's practice be limited to areas or practice settings specified by the Registrar;
- (f) that a regulated member use only those titles specified by the Registrar;
- (g) that a regulated member is prohibited from supervising students of the profession or regulated members of the College.

AR 76/2007 s10

Continuing Competence

Continuing competence program

12.2 As part of the continuing competence program, a regulated member must complete the following, on an annual basis, in a form satisfactory to the Registrar:

- (a) a self-assessment based on the competency profile developed by the College indicating the areas where continuing competence activities are to be undertaken by a regulated member in the next registration year;
- (b) a written learning plan that sets out the continuing competence goals of the regulated member for the next registration year and the continuing competence activities to be undertaken by the regulated member during that year to achieve the continuing competence goals;
- (c) a completed learning plan from the previous registration year documenting the competence activities that were completed.

AR 76/2007 s10

Review and evaluation

12.3 The Registrar must periodically select regulated members in accordance with criteria established by the Council for a review and evaluation of all or part of a regulated member's continuing competence program.

AR 76/2007 s10

Actions to be taken

12.4 If the results of a review and evaluation under section 12.3 are unsatisfactory, the Competence Committee may direct a regulated member to undertake one or more of the following within a specified period of time:

- (a) to complete specific competence program requirements;

- (b) to complete any additional learning activities required by the Competence Committee;
- (c) to provide relevant information or evidence of continued learning and competence as requested by the Competence Committee;
- (d) to submit to periodic review and evaluation;
- (e) to report to the Competence Committee on specified matters on specified dates.

AR 76/2007 s10

Alternative Complaint Resolution Process

Process conductor

13 When a complainant and an investigated person have agreed to enter into an alternative complaint resolution process, the Complaints Director must appoint an individual to conduct the alternative complaint resolution process.

Agreement

14 The person conducting the alternative complaint resolution process must in consultation with the complainant and the investigated person establish the procedures for and objectives of the alternative complaint resolution process, which must be set out in writing and signed by the complainant, the investigated person and the representative of the College.

Confidentiality

15 The complainant and the investigated person must, subject to sections 59 and 60 of the Act, agree to treat all information shared during the process as confidential.

AR 255/2001 s15;76/2007

Leaving the process

16 The complainant or the investigated person may withdraw from the alternative complaint resolution process at any time.

AR 255/2001 s16;76/2007

Reinstatement

Application under Part 4 of Act

17(1) A person whose registration and practice permit have been cancelled under Part 4 of the Act may apply in writing to the Registrar to have the registration and practice permit reinstated.

- (2) An application under subsection (1) may be made
- (a) not earlier than 5 years from the date of cancellation, and
 - (b) not more than once each calendar year after the refusal of an application under section 18(3)(a).
- (3) An applicant under subsection (1) must provide evidence to the Registrar of qualifications for registration.

AR 255/2001 s17;76/2007

Review of application

- 18(1)** An application under section 17 must be reviewed by the Registration Committee.
- (2) When reviewing an application under section 17, the Registration Committee must
- (a) consider the record of the hearing at which the applicant's registration and practice permit were cancelled, and
 - (b) consider whether
 - (i) the applicant meets the current requirements for registration,
 - (ii) any conditions imposed at the time the applicant's registration and practice permit were cancelled have been met, and
 - (iii) the applicant is fit to practise medical laboratory technology and does not pose a risk to public safety.
- (3) The Registration Committee on reviewing an application may make one or more of the following orders:
- (a) an order denying the application;
 - (b) an order directing the Registrar to reinstate the person's registration and to reissue the practice permit;
 - (c) an order directing the Registrar to impose specified conditions on the person's practice permit.

AR 255/2001 s18;76/2007

Review of decision

- 19(1)** An applicant whose application is denied or on whose practice permit conditions have been imposed under section 18 may apply to the Council for a review of the decision of the Registration Committee.

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

AR 255/2001 s19;76/2007

Access to decision

20(1) The Registration Committee, under section 18, and the Council, under section 19, may order that its decision be publicized in a manner it considers appropriate.

(2) The College must make a decision under section 18 or 19 available for 5 years to the public on request.

AR 255/2001 s20;76/2007

21, 22 Repealed AR 76/2007 s13.

Titles

Use of titles

23 A regulated member may, in the regulated member's practice of medical laboratory technology, use the words "registered" and "regulated" and may use any of the following titles, abbreviations and initials:

- (a) medical laboratory technologist;
- (b) registered medical laboratory technologist;
- (c) M.L.T.

AR 255/2001 s23;76/2007

Information

Requested information

24(1) A regulated member must provide the following information on the initial application for registration, when there are any changes to the information, an application for a practice permit and on request of the Registrar:

- (a) the regulated member's place of employment, the employer's address and phone number and the name of the regional health authority where the employment is located;
- (b) the number of working hours the regulated member has been employed in the practice of medical laboratory technology in the preceding 4 years;

- (c) the educational history, including the name of the institution from which the regulated member graduated, the year of graduation and the language of instruction;
- (d) the year of completion of the registration examination, the level of certification and subject areas;
- (e) the regulated member's date of birth, mailing address and home and work phone numbers.

(2) Subject to section 34(1) of the Act, the College may release the information collected under subsection (1)

- (a) with the consent of the regulated member whose information it is, or
- (b) in a summarized or statistical form so that it is not possible to relate the information to any particular identifiable person.

AR 255/2001 s24;76/2007

Section 119 information

25 The periods of time during which the Council is required to provide information under section 119(4) of the Act to a member of the public are as follows:

- (a) information referred to in section 33(3) of the Act entered in a register for a regulated member, except for the information referred to in section 33(3)(h) of the Act, while the named regulated member is registered as a member of the College;
- (b) information referred to in section 119(1) of the Act respecting
 - (i) the suspension of a regulated member's practice permit, while the suspension is in effect,
 - (ii) the cancellation of a regulated member's permit, for 5 years after the cancellation,
 - (iii) the conditions imposed on a regulated member's practice permit, while the conditions are in effect,
 - (iv) the directions made that a regulated member cease providing professional services, while the directions are in effect, and
 - (v) the imposition of a reprimand or fine under Part 4 of the Act, for 5 years after the imposition of the reprimand or fine;

- (c) information as to whether a hearing is scheduled to be held under Part 4 of the Act with respect to a named regulated member, until the hearing is concluded;
- (d) information respecting
 - (i) whether a hearing has been held under Part 4 of the Act with respect to a named regulated member, for 5 years from the date the hearing is concluded, and
 - (ii) a decision and a record of the hearing referred to in section 85(3) of the Act of a hearing held under Part 4 of the Act, for 5 years after the date the hearing tribunal of the College rendered its decision.

AR 255/2001 s25;76/2007

Transitional Provisions, Repeals and Coming into Force

Transitional provisions

26 On the coming into force of this Regulation,

- (a) a registered member described in section 6 of Schedule 11 of the Act is deemed to be registered on the regulated member register in the register category that the Registrar considers appropriate, and
- (b) a temporary registered member described in section 6 of Schedule 11 of the Act is deemed to be registered on the regulated member register in the temporary register category.

Repeal

27 The *Medical Laboratory Technologists Regulation* (AR 49/93) is repealed.

Coming into force

28 This Regulation comes into force on the coming into force of Schedule 11 of the *Health Professions Act*.