

OSPG Guidance: Application for Designation under the Professional Governance Act

VERSION 1.1

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Issued by: 

Paul Craven, Superintendent



OSPG

Office of the Superintendent
of Professional Governance



Version Control History

Version #	Date (YYY-MM-DD)	Modification	Approved by
1.0	2021-02-05	Initial version	Paul Craven, Superintendent
1.1	2021-05-05	Corrections to clarify flow chart information	Paul Craven, Superintendent



Application for Designation under the Professional Governance Act

Introduction

The *Professional Governance Act* (PGA) includes provisions for designating new regulatory bodies that may bring other currently regulated professions under the PGA or may add professions that lack a regulatory framework. The designation process can commence by application of a prospective regulatory (A), by decision of the Superintendent (B), or by decision of government. The latter does not require an investigation as the designation decision has already been made.

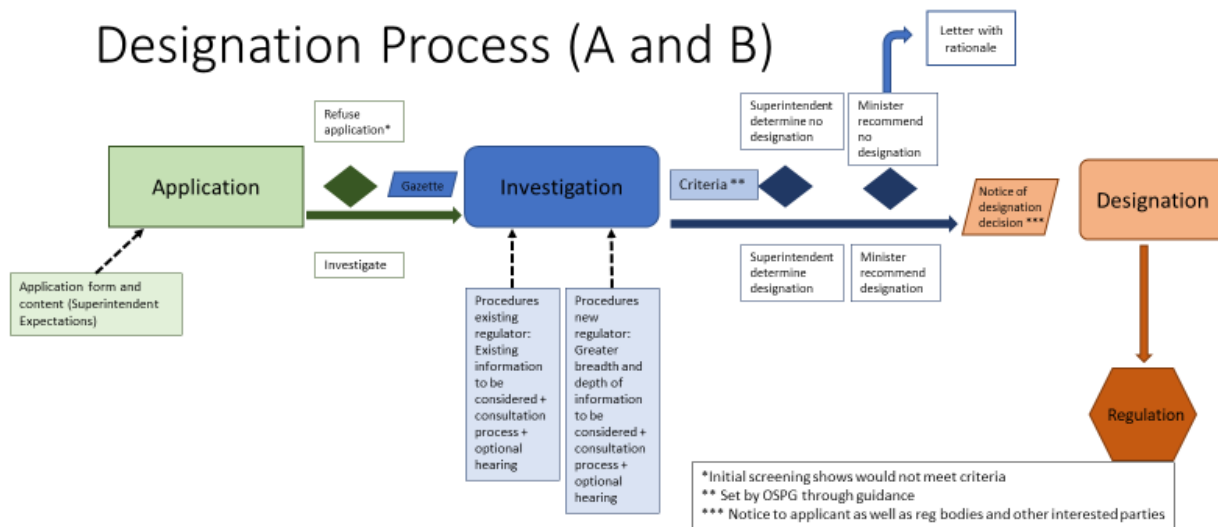


Figure 1 PGA Designation Process

The Superintendent’s recommendation on whether to designate a professional regulator as a regulatory body under the PGA must be based on whether the designation is in the public interest. Professional self-regulation addresses risks to the public and environment from incompetent and unethical practice of a profession. Criteria for determining whether it is in the public interest to include a profession under the PGA or grant rights for self-regulation of a profession typically consider the risks of professional practice, the capacity of the profession to meet all of the s. 22 PGA responsibilities, the level of discretion and professional judgement exercised by members of the profession, and the existence of a body of knowledge underpinning the profession. These types of criteria may be considered as the basis for the Superintendent’s recommendation.

An application by a potential regulatory body begins the process to investigate whether its designation is in the public interest. The OSPG is available for initial dialogue on the designation process and the information requested in an application in order to facilitate understanding. While the information



outlined below is required to be included in the initial application, how the information is presented is at the regulator's discretion. Regulators are encouraged to use visuals, diagrams, and creative formats to present information in the application in a way that is accessible and clear.

Once an investigation is underway, additional information may be requested to assist with the evaluation of your organization against the criteria for determining designation.

General Information and Contacts

- Contact information (leadership and point of contact), including website address, email, mailing, phone
- List/links to documents – bylaws, incorporation documents if applicable, any relevant audits/reports of the profession

Overview of your organization

- Organizational structure – number and roles of staff, committees, etc
- Structure of council – numbers of elected professionals and appointed lay members, roles, election process, appointment process
- Annual operating budget
 - Annual membership fees
 - Other revenue streams
- History and mandate, including:
 - When and how established (e.g. operating legislation)
 - Drivers for establishment
 - Current mandate and key activities, including transparency measures
 - Scope of practice for your profession(s) and examples of professional discretion
 - Any important changes to the organization over time
 - Operating jurisdiction(s)
- Decision making process including requirements for ratification of decisions

Current regulatory state

- Categories of registrants/members
 - Number of registrants per category
 - Rights and privileges for each category (e.g. titles, abbreviations, designations, seals and signing requirements, practice rights, voting rights, degree of supervision required)
- How do you regulate your registrants/members? Provide a brief overview of your
 - Admission requirements and accredited education courses
 - Code of ethics and standards of professional practice
 - Competency and practice standards



- Complaints and discipline procedure and volume of complaints received/investigated annually
- Additional practice requirements for registrants/members including continuing education requirements
- List other enactments (federal, provincial, municipal) that require or enable your registrants/members to carry out work?
- Examples of discipline outcomes that illustrate why profession important to regulate

Relationships

- Are there federal/international organizations you are affiliated with?
- Is your profession regulated in other jurisdictions and if so, which?
- How does your organization and registrants/members interact with the regulatory bodies currently governed by the PGA?

Direction

- What challenges do you have with your current state?
- What are your organization's thoughts on its future state, including how it could see itself fitting under the PGA?
- What would you hope to achieve if included under the PGA?
- Desired timeframe to come under PGA
- What work have you started with your membership to communicate a potential move to the PGA and what work is planned for on the path to designation?

Risks

In addition, applicants will be required to fill out a risk matrix identifying risks associated with malpractice of the profession to:

- Public health and safety
- Environment and property
- Public trust

The risk matrix must indicate the likelihood and the impact of each risk to materialize as well as all risk mitigations in place for each risk. Applicants may use the risk matrix template developed by the [Professional Standards Authority](#) or may use other templates or forms to present the required information.