

Right to Practice Webinar Questions and Answers

The *Professional Governance Act* (PGA) received Royal Assent on November 27, 2018. The PGA will initially govern five regulatory bodies overseeing agrologists, applied biologists, applied science technologists and technicians, engineers and geoscientists, and forest professionals. The intent of the PGA is to ensure the regulatory bodies operate under a consistent framework that incorporates best practices of governance regardless of the profession. The PGA is also intended to strengthen government oversight by establishing a statutory Office of the Superintendent of Professional Governance (Office) in the Ministry of Attorney General. This Office will be responsible for administering the PGA and for ensuring that best practices for professional governance are implemented.

The PGA enables the granting of practice rights by regulation to the regulatory bodies. Practice rights will be continued for the Engineers and Geoscientists of BC (EGBC) and the Association of BC Forest Professionals (ABCFP), but will be new for the BC Institute of Agrologists (BCIA), the College of Applied Biology (CAB) and the Applied Science Technologists and Technicians of BC (ASTTBC). In October 2018, government initiated engagement on approaches to granting practice rights and the details that could be included in regulation. On December 18, 2018, government delivered a webinar on this topic to interested parties. The following questions were raised by participants and include responses from government.

- 1. How is government going to collaborate with professional associations in determining activities within a profession's scope of practice that will be protected based on level of risk?**
 - Engagement with the regulatory bodies within scope of the PGA is anticipated to continue in the coming years as this policy work is developed.
 - Government is also looking at other jurisdictions that do similar work. As an example, the United Kingdom's Professional Standards Authority (PSA) is a regulator of health professions that is recognized internationally for their expertise in professional governance. The PSA has developed risk matrices for regulated health professions that are being reviewed for their applicability in the B.C. context.
- 2. How does government plan to deal with disparities or potential conflicts between ethical responsibilities when there are overlapping or shared scopes of practice for different professional designations?**
 - The five acts currently governing the five regulatory bodies have differences between their codes of ethics. The *Professional Governance Act* (PGA) sets common ethical principles that professions within scope of the PGA must include in their codes of ethics to introduce greater consistency while still allowing each profession to have additional ethical requirements specific to their profession. As the Office works collaboratively with all five regulatory bodies to implement the PGA, issues related to overlapping scopes of practice, such as potential ethical conflicts, can be addressed.

- 3. When harmonizing different bodies with diverse professional approaches or professional disciplines, how can government avoid the lowest common denominator, which could negate values that a particular profession brings to the table?**
 - The intent of the PGA is to set the highest governance standards within a modernized legislative framework to ensure all regulated professions operate in the public interest. The PGA also allows for profession-specific differences, for example, additional ethical requirements.

- 4. Has government quantified how many non-registered professionals are working in areas where registered professionals are also operating?**
 - As practice rights are defined for CAB, BCIA, the ASTTBC it will be possible to gain a comprehensive understanding of the number of people operating within their respective scopes of practice, and the impact practice rights will have on these people. The Office will be working with the regulatory bodies over the coming years to research and develop policy on practice rights, including assessing potential impacts from establishing practice rights for professions.

- 5. What will right to practice mean for practicing biology in British Columbia? For example, can a Registered Professional Biologist (RPBio) coordinate or oversee unregistered staff in the field?**
 - There is still significant work to be done before enabling practice rights for the three regulatory bodies that are currently without, including what authority registrants will have to oversee non-registrant work. The Office will work collaboratively with the regulatory bodies to complete this work. Identifying and implementing an approach for practice rights is likely a multi-year initiative that started with an early discussion with the public and with professionals through the intentions paper ([link](#)).

- 6. What does “non-registered professional” mean?**
 - For regulated professions that already have practice rights, including engineers, geoscientists and foresters, one must be registered with the regulatory body for the respective profession to conduct work with the scope of practice for that profession. However, the three remaining regulated professions under the PGA (biologists, agrologists, and applied science technologists and technicians) only have right to title, meaning non-registered individuals can operate within the scopes of practice set by the respective regulatory bodies but are restricted from using the professional title protected by those regulatory bodies. This is what is meant by “non-registered professional” or “non-registered practitioner”.

- 7. The current five professional bodies to be included under the PGA do not cover the full spectrum of professionals operating in the natural resource sector. Why is government starting the discussion about practice rights before adding additional professional associations under the PGA?**
 - Government was directed to look specifically at the professions under scope of the PGA and whether it is in the public interest to consider some level of practice rights for the professions that currently do not have them. The work to grant practice rights will be a multi-year process that government initiated with the intentions paper ([link](#)).

- When sections of the PGA come into force allowing for additional professions to be added, the Superintendent will have the authority to investigate whether adding a particular profession is in the public interest and whether practice rights should be granted to the profession. This later phase of regulation development will be the responsibility of the Office.
- 8. Is the Professional Standards Authority (PSA) in the UK, which regulates health sector professionals, relevant to the five regulatory bodies under scope of the PGA? On what basis would they understand the issues with practice rights for these five professions?**
- Government is gathering information from a variety of sources, including from the PSA, to inform the direction practice rights will take. The PSA is providing professional governance expertise, rather than technical expertise. Their professional governance model is internationally recognized for its best practices.
- 9. Will the work to review practice rights under the PGA mean changes for those professional designations (e.g., registered forest technologists) that currently have practice rights?**
- Government does not intend to make any changes for professions that currently have practice rights.
- 10. How is government planning to work with the professions collaboratively on establishing practice rights, particularly as additional professions may be added under the PGA?**
- Defining the scopes of practice for the various professions is one of the biggest pieces of work in moving forward with practice rights for these professions. The five regulatory bodies have been working collaboratively with government and are committed to continuing this work on practice rights.
- 11. Who will be responsible for setting requirements for non-registered practitioners to register with a regulatory body, and what tools will be used to confirm that these practitioners have the necessary qualifications?**
- Part of the policy work to grant practice rights to title-restricted professions is to assess the impact to all professionals working in a specific field. Government's intent is to work with the regulatory bodies who maintain the gatekeeper function for their professions on a fair transition plan that considers the impacts to non-registered professionals as well as protection of the public interest. Options could include limited licences, tests of knowledge and work experience in absence of meeting entrance qualifications, grandfathering, and an adequate transition period. Ultimately the decisions on qualifications for entrance to a profession will remain with the regulatory bodies; however government did gather suggestions or recommendations on this in the intentions paper ([link](#)).
- 12. How will granting practice rights enhance the ability of regulatory bodies to enforce the PGA and pursue disciplinary actions against professionals?**
- Granting practice rights to professions that only have right to title will give the regulatory bodies enforcement powers to ensure individuals practicing within a protected area of practice uphold the PGA and the regulatory body's bylaws, including their code of ethics and practice standards.

13. In circumstances where professionals testify in court as an expert witness, the judge is the arbiter of the experience and qualifications, and decides whether a professional opinion can be offered or not –will the PGA take power from the judge and put it in the hands of the government and the regulatory body?

- The PGA will not change how experts are qualified to give evidence before a court or tribunal. Admissibility of expert evidence is governed by substantive and procedural rules under the *BC Evidence Act*, the BC Supreme Court Rules and the rules of the various administrative tribunals.
- The qualification of expert witnesses is not necessarily related to registration with a regulatory body. For example, university professors might be well qualified to provide expert opinion in court or administrative proceedings, even if they are not practicing members of a profession.

14. Right to practice is an additional layer of oversight that takes time and money – will the additional administration be funded by tax payers, clients, or professional members?

- The intent of the PGA, including introducing practice rights for those professions that do not have them, is not to create an additional layer of bureaucracy that adds unnecessary cost. Government will assess the impacts of new requirements in the development of policy and regulations. With respect to the short-term funding required to establish the Office, government has committed that these costs will not be borne by professionals to be regulated under the PGA. Final decisions on long-term funding for the Office have not been made.

15. Can government reduce professional fees when they could be a barrier to registration for those that are self-employed or close to retirement?

- The decision around what fees are for different categories for members is made by the regulatory bodies for self-regulating professions. It is not a decision government makes. The intent is that those fees enable the regulatory body to govern their profession in the public interest.

16. How will B.C. maintain its provincial standards for entrance to a profession, given legislation and agreements that allow for movement of professionals between jurisdictions (e.g., inter-provincial trade agreements and mobility of professionals)?

- There are inter-provincial trade agreements that enable the movement of professionals from one province to another, and there are different entry requirements for professions from province to province. Government is aware of the issue of professionals being registered in other jurisdictions and then coming back to practice in B.C. Regulatory bodies can assess professionals coming from another jurisdiction into B.C. and consider whether they have the required knowledge, experience and other qualifications to practice in B.C. where conditions may be different from a professional's home jurisdiction.