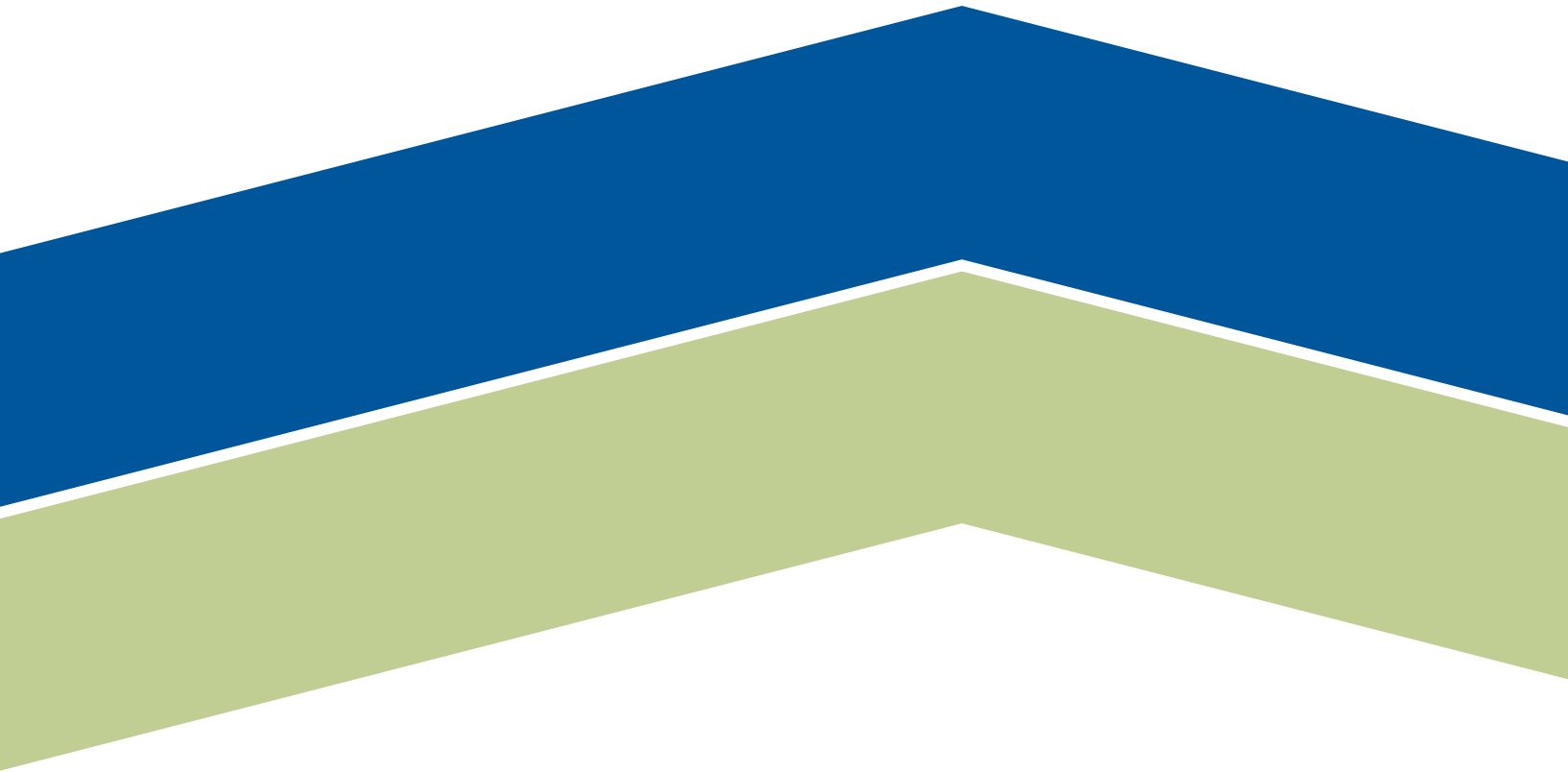


**Mission**

Public confidence in receiving safe, competent, and ethical diagnostic and therapeutic care from regulated professionals.

# Bylaws

November 4, 2023



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## Definitions

### 1. Definitions

In these bylaws:

- (a) "Act" means the *Health Professions Act*;
- (b) "Chair" means the president appointed pursuant to section 7 of the Act;
- (c) "College" means the Alberta College of Medical Diagnostic and Therapeutic Technologists, or the ACMDTT;
- (d) "Complaints Director" means the complaints director of the College appointed under section 14(3) of the Act;
- (e) "Council" means the council of the College established under section 5 of the Act;
- (f) "Council year" commences on July 1<sup>st</sup> and ends on June 30<sup>th</sup>;
- (g) "Council term" is three years;
- (h) "Ex officio Council member" is an immediate past registrant on Council, appointed by the Council in a non-voting capacity for one Council year;
- (i) "Hearings Director" means the hearings director of the College appointed under section 14(1) of the Act;
- (j) "Registrar" means the registrar of the College appointed under section 8 of the Act;
- (k) "Registration year" commences on January 1<sup>st</sup> and ends on December 31<sup>st</sup> of the same calendar year.
- (l) "Regulation" means the *Medical Diagnostic and Therapeutic Technologists Profession Regulation*;
- (m) "Registrant" means a regulated member of the College;
- (n) "Specialty" means any of radiological technology, nuclear medicine technology, magnetic resonance technology, radiation therapy and electroneurophysiology;
- (o) "Standards of Practice" means the Standards of Practice adopted by the College under sections 133 and 133.1 of the Act;
- (p) "Vice Chair" means the vice president of Council.

## Council

### 2. Council

#### *Duties and Powers*

- (1) The *Council* is the governing body of the *College* and may exercise all the powers and duties granted to a council under the *Act*.

#### *Composition*

- (2) *Council* shall consist of:
  - (a) six *registrants* appointed in accordance with bylaw 4, including
    - i. one *registrant* appointed from each *Specialty*, and
    - ii. one other *registrant* who also practices ultrasound; and
  - (b) the number of public members required to be appointed by the Lieutenant Governor in Council in accordance with the *Act*.
  - (c) any non-voting members appointed by *Council*, including the Chief Executive Officer (CEO) and *ex officio Council* members.

#### *Term of Office*

- (3) Except as otherwise stated in these bylaws, the term of office for a *registrant* on *Council* shall be three *Council years*.
- (4) A *registrant* on *Council* may not serve more than two consecutive terms of office.

#### *Officers*

- (5) Each year, as applicable, *Council* shall appoint a *Chair* and a *Vice Chair* from among the *registrants* on *Council*.
- (6) The *Chair* shall hold office for two *Council years*, and may serve a maximum of two consecutive terms as *Chair*.
- (7) The *Vice Chair* shall hold office for two *Council years*, and may serve a maximum of two consecutive terms as *Vice Chair*.
- (8) In the event the term of the *Chair* or *Vice Chair* extends beyond their *Council term*, the *Council term* of the *Chair* or *Vice Chair* will be extended to the completion of the *Chair* or *Vice Chair* term, as applicable.
- (9) The *Chair* shall chair meetings of *Council*.
- (10) If the *Chair* is temporarily absent or unable to act, the *Vice Chair* shall perform the functions, duties, powers and responsibilities of the *Chair*.
- (11) If both the *Chair* and *Vice Chair* are temporarily absent or unable to act, *Council* will determine who shall perform the functions, duties, powers and responsibilities of the *Chair*.

#### *Meetings*

- (12) Except when *Council* otherwise directs, *Council* meetings are open to *registrants* and the public.
- (13) Meetings may be in person or by a technology that permits all persons participating in the meeting to communicate with each other, and:
  - (a) motions made through any of these mediums will hold equal force; and.
- (14) a written record of the motion shall be ratified by *Council*.

#### *Quorum*

- (15) A quorum for meetings of the *Council* shall be:
  - (a) a majority of all the appointed members of *Council*; and
  - (b) at least two *registrants* and two Public Members.
- (16) A quorum in order to make a *Council* decision is a majority of the appointed members of *Council*.

#### *Voting*

- (17) Except as otherwise stated in these bylaws and regardless of voting method, a decision shall be made by a majority vote of the *Council* members participating, including the *Chair*.
- (18) In the case of a tie vote, the *Chair* will cast a second, deciding vote.

#### *Terms of Reference and Procedures*

- (19) *Council* shall approve terms of reference for *Council* and may determine its own procedures, subject to the *Act*, the *Regulation*, and these bylaws.

### **3. Council Members Ceasing to Hold Office**

#### *Automatic termination*

- (1) A *registrant* on *Council* automatically ceases to be a *Council* member if:
  - (a) the *registrant* provides a letter of resignation to the *Chair* or the *Registrar*;

- (b) the *registrant* is suspended or ceases to be a *registrant*;
- (c) the *registrant* 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*; or
- (d) the *registrant* is absent from three *Council* meetings in any *Council year*;

#### *Complaints about Council members*

- (2) A person may make a written complaint regarding the conduct of a *Council* member to the *Chair* or *Vice Chair* if the *Council* member:
  - (a) has been 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.
- (3) On receipt of a written complaint under subsection (2), the *Chair* or *Vice Chair* shall arrange for an investigation to be conducted in accordance with the process approved by *Council*.
- (4) If, following the investigation conducted under subsection (2), the *Chair* or *Vice Chair* 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 *Chair* or *Vice Chair* shall call a meeting of *Council* to review and discuss the results of the investigation.
- (5) *Council* shall consider the matter and vote on the following question:
  - (a) If the *Council* member is a *registrant*, "Are you in favour of removing \_\_\_\_\_ as a member of *Council*?" or;
  - (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?"
- (6) 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.
- (7) In a vote under subsection (5), the *Chair* shall be entitled to vote unless the *Chair* is the subject of the complaint.
- (8) 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 *registrant* 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.
- (9) 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 subsection (8) above shall not apply and *Council* shall proceed to consider the seriousness of the issue and may take other action as deemed appropriate.

#### *Vacancies*

- (10) If a *registrant* on *Council* is unable to complete their term of office, *Council* may appoint a *registrant* on the general register to serve the remainder of the term of office.
- (11) If the office of *Chair* becomes vacant before the *Chair's* term of office would normally end, a new *Chair* shall be selected by *Council* from among the *Council* members, in accordance with *Council* policy.

## Appointment to Council

### 4. Nominations Committee

- (1) *Council* shall appoint at least one *registrant Council* member and one public *Council* member to the Nominations Committee.
- (2) *Council* shall appoint a member of the Nominations Committee to act as chair.
- (3) Subject to the *Act*, the *Regulation*, these bylaws, and the terms of reference approved by *Council*, the Nominations Committee may determine its own procedures.
- (4) A decision of the Nominations Committee shall be by a vote of a majority of members present, including the chair. In the case of a tie vote, the chair will cast a second, deciding vote.
- (5) The Nominations Committee shall receive and consider applications for nomination to *Council* and make recommendations to *Council* regarding candidates for appointment to *Council* in accordance with the timelines set out in the terms of reference approved by *Council*.
- (6) Appointments shall be made by *Council*, having regard for the recommendations of the Nominations Committee.
- (7) In the event that there is no suitable candidate for a particular *Specialty* as required by bylaw 2(2), *Council* shall appoint a *registrant* on the general register from any *Specialty* to fill the vacancy.

#### 4.1 Eligibility for Appointment to Council

- (1) To be eligible for appointment to *Council*, a person must:
  - (a) Be a *registrant* on the general register of the *College*;
  - (b) Have no fees, costs, fines, levies, or any other sums owing to the *College*;
  - (c) Have a valid and current practice permit that is not currently suspended.
- (2) To be eligible for appointment to *Council*, a person must not:
  - (a) Have been formally charged with unprofessional conduct that has not yet been determined by a hearing tribunal;
  - (b) Have been found guilty of unprofessional conduct within the preceding five years;
  - (c) Have been found guilty of unprofessional conduct related to sexual abuse, sexual misconduct or any sexual boundary violation at any time in any jurisdiction including outside of Canada;
  - (d) Be currently subject to an order or direction made pursuant to the *Act* that has not been discharged;
  - (e) Be appointed on the *Council* within the preceding two *Council terms*;
  - (f) Be employed by the *College* or have been employed by the *College* within the preceding two *Council terms*; or
  - (g) Be an officer or senior employee of a professional association or a labour union that represents members of a regulated profession.

## Code of Ethics and Standards of Practice

### 5. Procedure for adopting or amending a Code of Ethics or Standards of Practice

- (1) *Council* may adopt or amend a code of ethics or standards of practice in accordance with the consultation process set out at section 133 of the *Act*.
- (2) No fewer than sixty days before adopting a proposed code of ethics or standards of practice or amendment, *Council* shall provide a copy to *registrants* or post a copy on the *College's* website for review and comment, and shall indicate a deadline for *Council* to receive written comments.

- (3) *Council* shall consider any written submissions received in accordance with subsection (2) before making a decision.

## Registration

### 6. Registration Committee

- (1) A registration committee is hereby established, and may carry out the powers and duties set out in the *Act*, the *Regulation*, and these bylaws.
- (2) *Council* shall appoint no fewer than three *registrants* to the registration committee, and shall appoint a member as chair.
- (3) Members shall be appointed to the registration committee for a term of three years, unless *Council* specifies a different term at the time of appointment. Members may serve a maximum of two consecutive terms on the registration committee.
- (4) A quorum of the registration committee is three members.
- (5) A decision of the registration committee shall be made by a majority vote of the members, including the chair. In the case of a tie, the chair shall cast a second, deciding vote.
- (6) Subject to the *Act*, the *Regulation*, these bylaws, and any terms of reference approved by *Council*, the registration committee may determine its own procedures.

### 7. Professional Liability Insurance

- (1) Upon application for registration as a *registrant* under section 28 of the *Act*, and upon application for a practice permit under section 40 of the *Act*, an applicant must provide evidence satisfactory to the *Registrar* that the applicant holds professional liability insurance with minimum coverage of CAD \$2,000,000 (two million) per claim.
- (2) Within 30 days of a written request from the *Registrar*, a *registrant* must provide evidence satisfactory to the *Registrar* of having the type of professional liability insurance required in subsection (1).

### 8. Language Proficiency

- (1) An applicant for registration as a *registrant* must be sufficiently proficient in English to be able to engage safely and competently in the practice of the profession.
- (2) An applicant may be required by the *Registrar* or Registration Committee to demonstrate proficiency as required by subsection (1) in accordance with requirements approved by *Council*.

### 9. Equivalent Jurisdictions

- (1) The following provincial regulatory authorities are recognized as having substantially equivalent competence and practice requirements for the purposes of section 28(2)(b) of the *Act*:
  - (a) Nova Scotia College of Medical Imaging and Radiation Therapy Professionals
  - (b) Saskatchewan Association of Medical Radiation Technologists
  - (c) College of Medical Radiation and Imaging Technologists of Ontario
  - (d) New Brunswick Association of Medical Radiation Technologists
  - (e) College of Allied Health Professionals of Prince Edward Island
- (2) The Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec (OTIMROEPMQ) is recognized as having substantially equivalent competence and practice requirements for the purposes of section 28(2)(b) of the *Act* for the following specialties only:
  - (a) Nuclear Medicine
  - (b) Radiation Therapy



## 10. Registration Applications

- (1) The *Registrar* shall consider complete applications for registration as a *registrant*.
- (2) The *Registrar* may, in their sole discretion, refer any application for registration to the Registration Committee.

## 11. Practice Permit Renewal

- (1) *Registrants* must submit a complete application for a practice permit to the *Registrar* by December 31<sup>st</sup> each year.
- (2) Applications for practice permits shall be considered by the *Registrar*.
- (3) The *Registrar* may, in their sole discretion, refer any application for a practice permit to the Registration Committee.

## 12. Reinstatement Applications (Non-Disciplinary)

- (1) A *registrant* whose practice permit and registration are cancelled under the *Act*, except under Part 4 of the *Act*, may apply to the *Registrar* for reinstatement.
- (2) The *Registrar* may, in their sole discretion, refer any application for reinstatement to the Registration Committee.

## 13. Reinstatement Applications under Section 45.1 of the Act

On completing a review of an application for reinstatement from a person whose practice permit and registration were cancelled under Part 4 of the *Act*, the *Registrar* or Registration Committee may order the person to pay any or all of the College's expenses.

# Registers

## 14. Information Regarding Registrants and Applicants

- (1) A *registrant* or applicant for registration must provide the information specified at section 33(4)(b) of the *Act* and any other information about the *registrant* or applicant's demographic status, education, training, experience or professional practice considered necessary by the *Registrar*.
- (2) A *registrant* must notify the *Registrar* in writing of any changes to the information collected under subsection (1).
- (3) The College may disclose information collected under subsection (1) about a *registrant*:
  - (a) with the consent of the *registrant*; or
  - (b) in a summarized or statistical manner so it is not possible to relate the information to the *registrant* or any other identifiable person.

## 15. Changes to Information on Registrant Registers

- (1) The *Registrar* may enter, change, or remove information from the *registrant* registers.
- (2) No registration or practice permit shall be cancelled except in accordance with the *Act*.

## 16. Registers of Non-Regulated Members

- (1) The following registers of non-regulated members are hereby established:
  - (a) Student Register
  - (b) DMS Roster

### *Student Register*

- (2) A person who is a student in the specialties listed in section (i) may apply to the *Registrar* for membership in the *College* as a student member.
- (3) The Student register shall contain, with respect to each person entered on the register, the following information:
  - (a) name, address, telephone number, and email address;
  - (b) date of birth, previous last name (if applicable), gender, *specialty*, educational information; and
  - (c) any other information requested and provided by the person with their consent.
- (4) A person on the student register is entitled to:
  - (a) be eligible for membership on those committees that are not a statutory committee; and
  - (b) receive the *College* newsletter.

### *DMS Roster*

- (5) A person who is a diagnostic medical sonographer may apply to the *Registrar* for membership in the *College* on the DMS Roster.
- (6) The DMS Roster shall contain, with respect to each person entered on the register, the following information:
  - (a) name, address, telephone number, and email address;
  - (b) date of birth, previous last name (if applicable), and gender;
  - (c) any other information requested and provided by the person with their consent.
- (7) A person on the DMS Roster is entitled to:
  - (a) be eligible for membership on those committees that are not a statutory committee;
  - (b) receive the *College* newsletter.

### *Changes to Information*

- (8) The *Registrar* may enter, change, or remove information from the registers set out in subsection (1).

## Continuing Competence

### **17. Competence Committee**

- (1) A competence committee is hereby established, and may carry out the powers and duties set out in the *Act*, the *Regulation*, the *Standards of Practice* and these bylaws.
- (2) *Council* shall appoint no fewer than three *registrants* to the competence committee, and shall appoint a member as chair.
- (3) Members shall be appointed to the competence committee for a term of three years, unless *Council* specifies a different term at the time of appointment. Members may serve a maximum of two consecutive terms on the competence committee.
- (4) A quorum of the competence committee is three members.
  - (a) A decision of the competence committee shall be made by a majority vote of the members participating in the vote, including the chair.
  - (b) In the case of a tie, the chair shall cast a second, deciding vote.
- (5) Subject to the *Act*, the *Regulation*, these bylaws, and any terms of reference approved by *Council*, the competence committee may determine its own procedures.

## Professional Conduct

### 18. Membership List

- (1) *Council* shall appoint no fewer than three *registrants* to the membership list referenced in section 15 of the *Act*. This list shall be used for appointing *registrants* to both hearing tribunals and complaint review committees.
- (2) A person shall not sit on a complaint review committee and a hearing tribunal with respect to the same matter.

### 19. Complaint Review Committee

- (1) A complaint review committee consists of the *registrants* and public members appointed to it by the *hearings director*.
- (2) The *hearings director* shall appoint a chair of each complaint review committee.
- (3) A quorum for a complaint review committee is two *registrants* and the number of public members required by section 12(1) of the *Act*.
- (4) A decision of a complaint review committee shall be by majority vote. 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.
- (5) Subject to the *Act*, the *Regulation*, these bylaws, and any terms of reference approved by *Council*, a complaint review committee may determine its own procedures.

### 20. Hearing Tribunal

- (1) A hearing tribunal consists of the *registrants* and public members appointed to it by the *hearings director*.
- (2) The *hearings director* shall appoint a chair of each hearing tribunal.
- (3) A quorum for a hearing tribunal is two *registrants* and the number of public members required by section 12(1) of the *Act*.
- (4) A decision of a hearing tribunal shall be by majority vote. 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.
- (5) Subject to the *Act*, the *Regulation*, these bylaws, and any terms of reference approved by *Council*, a hearing tribunal may determine its own procedures.

### 21. Appeals Committee

- (1) An appeals committee is hereby established, from which panels shall be selected.
- (2) *Council* shall appoint four members of *Council* to the appeals committee, two of whom shall be *registrants* on *Council* and two of whom shall be public members on *Council*.
- (3) *Council* members shall be appointed to the appeals committee for a term of one year, unless *Council* specifies a different term at the time of appointment. *Council* members may serve multiple consecutive terms on the appeals committee.
- (4) *Council* members appointed to the appeals committee shall continue to hold office after the expiry of their term on the appeals committee or their term on *Council* for the sole purpose of concluding hearings under subsection (5) that have commenced but have not been completed.
- (5) A panel of *Council* from the appeals committee 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*.
- (6) A quorum for a panel of the appeals committee shall be two *registrants* on *Council* and the number of public members on *Council* required by section 12(1) of the *Act*.
- (7) Council shall appoint a chair of the appeals committee who will select the members of the appeals committee who will sit on a particular panel and will appoint a chair of each panel.
- (8) A decision of a panel of the appeals committee shall be by majority vote. If a panel is sitting with an even number and there is a tie vote, then the chair shall cast a second and deciding vote.

## **22. Designations by *Council* under Sections 65 and 86 of the *Act***

- (1) *Council* hereby designates the chair of the Registration Committee to make decisions under section 65(1) of the *Act*.
- (2) *Council* hereby designates the chair of the Registration Committee to make decisions under section 86(1) of the *Act*.

## **Committees**

### **23. Other Committees**

- (1) In addition to committees established in the *Act* or in these bylaws, *Council* may establish such committees as it considers necessary in carrying out its duties and responsibilities.
- (2) *Council* shall set out a process in policy for the appointment and removal of members of committees established under section (1).

### **24. Terms of Reference for Committees**

- (1) *Council* shall approve terms of reference for all committees established in the *Act*, in these bylaws, and under bylaw 22(1).

## **Publication and Distribution of Information**

### **25. Publication and Distribution of Information by the Registrar**

The *Registrar* may publish or distribute information respecting any order 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 in section 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 *Regulation*, the *Personal Information Protection Act*, SA 2003, c P-6.5, or any other enactment that applies to the *College*.

### **26. Additional Information that may be published on the College Website**

In addition to the information required under the *Act*, the *College* may publish the following information on the *College* website:

- (1) General information about the *College* and its operations;
- (2) General information about:
  - (a) the profession of medical radiation technology and electroneurophysiology technology
  - (b) general information on medical radiation and electroneurophysiology practice
  - (c) general information about the regulatory processes under the HPA and the *College's Regulation*
  - (d) applying for registration and practice permits

- (e) the professional conduct process including complaints and concerns
  - (f) continuing competence
  - (g) patient relations; and
  - (h) other matters covered under the HPA.
- (3) Member Portal;
  - (4) Public Register of medical radiation technologists and electroneurophysiology technologists, which includes:
    - (a) information on both *registrants* and non-regulated members' registration number
    - (b) practice name
    - (c) join date
    - (d) conduct history
    - (e) the *registrant's* conditions imposed on their practice permit and an explanatory note describing key themes on the public register.
  - (5) Publication and reports;
  - (6) Learning resources and opportunities;
  - (7) Information on how to contact the *College*; and
  - (8) Hearing tribunal decisions, and decisions of the appeals committee arising from appeals from a hearing tribunal.

## Administration

### 27. Chief Executive Officer

- (1) *Council* shall hire a Chief Executive Officer (CEO).
- (2) The CEO shall report to *Council* and, is accountable for the operation and administration of the *College* as outlined in the *Council* Policies.
- (3) An individual, if they have been a *Council* member, is eligible to be appointed as CEO after two full *Council* terms have passed since the individual ceased to be a *Council* member.

### 28. Forms and Documents

The *Registrar* is authorized to prescribe such forms, certificates, permits or other documents that may be required for the purposes of the *Act*, the *Regulation*, or these bylaws.

### 29. Reimbursement of Expenses

The *College* shall reimburse expenses incurred by *registrants* on *Council*, committee members and Hearing Tribunal members in the course of carrying out their duties under the *Act*, the *Regulation*, and these bylaws, in accordance with policies made by *Council*.

### 30. Fees and Levies for Applicants and Members

- (1) *Council* has established the following fees:
  - (a) Application fees
  - (b) Registration fees for *registrants*;
  - (c) Registration fee for student members;
  - (d) Late payment fees;

- (e) Fees for reviews or appeals of any decisions under the *Act*.
- (2) *Council* may also establish any fees, costs, levies, or assessments to be paid by *registrants* or applicants for any service or thing provided by the *College* under the *Act*, the *Regulation*, or these bylaws.
- (3) Before establishing a fee, cost, levy or assessment under subsection (1) or (2), or before making any changes to such fee, cost, levy or assessment, *Council* shall provide notice to the *registrants* via the *College* website no fewer than 60 days before the fee, cost, levy, assessment, or change comes into effect.

### **31. Head Office**

- (1) The head office of the *College* shall be located at Edmonton, Alberta, or such other location as may be determined by *Council*.

### **32. Use of Funds**

- (1) The *College* may make use of all revenues received from registrant 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* and the *College* shall publish annually a copy of its financial information in the form required by the Minister under section 4(1)(f) of the *Act*.

## **Bylaws**

### **33. Enactment, Amendment, and Repeal of Bylaws**

- (1) A bylaw or an amendment to a bylaw may be passed at any meeting of *Council*.
- (2) The CEO is authorized to make any corrections to article and section designation, punctuation, and cross referencing, except where this would change the intent or meaning of the bylaw amendment that was adopted.