



Province of Alberta

HEALTH PROFESSIONS ACT

NATUROPATHS PROFESSION REGULATION

Alberta Regulation 126/2012

Extract

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ALBERTA REGULATION 126/2012

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Definitions

1 In this Regulation,

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

- (g) “general register” means the general register category of the regulated members register;
- (h) “membership 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;
- (i) “provisional register” means the provisional register category of the regulated members register;
- (j) “Registrar” means the registrar of the College;
- (k) “Registration Committee” means the registration committee of the College;
- (l) “standards of practice” means the standards of practice governing the practice of naturopathic medicine as adopted by the Council in accordance with the bylaws and section 133 of the Act.

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) provisional register;
- (c) courtesy register.

Registration

General register

3(1) An applicant for registration as a regulated member may be registered on the general register if the applicant

- (a) has successfully completed a 4-year program of studies in naturopathic medicine approved by the Council,
- (b) has successfully passed the registration examination approved by the Council and the jurisprudence examination approved by the Council, and
- (c) meets one of the following:
 - (i) within the 2 years immediately preceding the date the Registrar receives the complete application, has met the requirements set out in clauses (a) and (b);

- (ii) within the 3 years immediately preceding the date the Registrar receives the complete application, has provided 1200 hours of professional services while the applicant was a registered member in good standing of a college or association of naturopathic medicine and carried on an active practice in a jurisdiction recognized by the College;
- (iii) demonstrate to the satisfaction of the Registrar that the applicant is currently competent to practise as a naturopathic practitioner.

(2) For the purposes of subsection (1)(c)(iii), the Registrar may require an applicant to undergo any examinations, testing, assessment, training or education the Registrar considers necessary, including a requirement that the applicant successfully pass the registration examination referred to in subsection (1)(b).

Provisional register

4(1) An applicant for registration as a regulated member may be registered on the provisional register if the applicant

- (a) meets the registration requirements of section 3 except for the successful completion of the examinations referred to in section 3(1)(b), or
- (b) is qualified to practise as a naturopathic practitioner in another jurisdiction recognized by the Council but the applicant's competencies are being assessed under section 7(2).

(2) A registration on the provisional register expires after one year.

(3) Despite subsection (2), the Registrar may extend a registration on the provisional register for up to one additional year after the registration has expired under subsection (2) if the Registrar is of the opinion that extenuating circumstances exist.

(4) If a regulated member registered on the provisional register successfully passes the registration examination and the jurisprudence examination, the Registrar must remove the member's name from the provisional register and enter it on the general register.

(5) A regulated member registered on the provisional register may practise only

- (a) while under the supervision of a regulated member registered on the general register or under the supervision

of another regulated health professional approved by the Registrar, and

- (b) in accordance with any conditions specified by the Registrar.

Courtesy register

5(1) A naturopathic practitioner registered in good standing in another jurisdiction recognized by the Council 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 month unless, in the opinion of the Registration Committee, there are extenuating circumstances.

(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.

Equivalent jurisdiction

6 An applicant for registration as a regulated member on the general register who is registered in good standing in another jurisdiction recognized by the Council under section 28(2)(b) of the Act as having registration requirements substantially equivalent to the registration requirements set out in section 3 may be registered on the general register.

Substantial equivalence

7(1) An applicant for registration as a regulated member on the general register who does not meet the requirements of section 3 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 set out in section 3 may be registered on the general register.

(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 any examination, testing and assessment activities that the Registrar or Registration Committee considers necessary.

- (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 considers necessary in order for the applicant to be registered.
- (5) The Registrar or Registration Committee may require an applicant to pay all the costs incurred under subsections (2), (3) and (4).
- (6) The Registrar or Registration Committee may require an applicant under subsection (1) to provide any other relevant information or evidence that the Registrar or Registration Committee considers necessary in order to assess an application under this section.

Examination attempts

- 8(1) Subject to subsection (2), an applicant for registration as a regulated member may attempt the registration examination and the jurisprudence examination only 3 times each.
- (2) An applicant who fails the registration examination or the jurisprudence examination 3 times may apply to the Registrar for permission for one final attempt.
- (3) The Registrar may require an applicant to successfully complete coursework and pass examinations before granting permission for one final attempt under subsection (2).

Good character

- 9(1) An applicant for registration as a regulated member must provide 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) written references from colleagues and, where applicable, from another jurisdiction in which the applicant is currently registered;
 - (b) a written 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 naturopathic medicine or of another profession that provides a professional service;

- (c) the results of the applicant's current criminal record check;
- (d) a written 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;
- (e) any other relevant evidence as requested by the Registrar.

(2) If an applicant has engaged in an activity that has, in the opinion of the Registrar, undermined the applicant's good character and reputation in the past, the applicant may provide evidence to the Registrar of rehabilitation.

(3) The Registrar may also consider information other than that provided by the applicant in determining whether the applicant is of a good character and reputation, but if the Registrar considers that information, the Registrar must give the applicant sufficient particulars of the information to allow the applicant to respond to that information.

Liability insurance

10 An applicant for registration as a regulated member must provide evidence of having the type and amount of professional liability insurance required by the Council.

English language requirements

11(1) An applicant for registration as a regulated member must be reasonably proficient in English to be able to engage safely and competently in the practice of naturopathic medicine.

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

Citizenship

12 An applicant for registration as a regulated member must provide proof that the applicant is a Canadian citizen or is lawfully admitted to and entitled to work in Canada.

Titles and Abbreviations

Authorization to use titles, etc.

13(1) A regulated member registered on the general register or courtesy register may use

- (a) the titles “naturopathic doctor”, “naturopathic practitioner”, “naturopath” and “doctor of naturopathic medicine”,
- (b) the initials “N.D.” and “R.N.D.”, and
- (c) the title “Doctor” and the abbreviation “Dr.” in connection with providing a health service within the practice of naturopathic medicine.

(2) A regulated member registered on the provisional register may use the title “naturopath”.

Restricted Activities

Restricted activities authorization

14(1) Subject to subsections (2) and (3), a regulated member may, in the practice of naturopathic medicine and in accordance with the standards of practice, perform the following restricted activities:

- (a) to cut a body tissue, to administer anything by an invasive procedure on body tissue or to perform other invasive procedures on body tissue below the dermis or the mucous membrane;
- (b) to insert or remove instruments, devices or fingers
 - (i) beyond the cartilaginous portion of the ear canal,
 - (ii) beyond the point in the nasal passages where they normally narrow,
 - (iii) beyond the opening of the urethra for the purpose of obtaining diagnostic samples,
 - (iv) beyond the labia majora, but not beyond the cervix, for the purpose of examining the cervix, performing Pap smears and obtaining diagnostic samples, and
 - (v) beyond the anal verge, but not beyond the rectal-sigmoidal junction, for the purpose of a rectal exam or prostate exam.

(2) A regulated member may not perform any of the following restricted activities unless the regulated member meets the requirements of subsection (3):

- (a) to cut a body tissue, to administer anything by an invasive procedure on body tissue or to perform invasive procedures on body tissue below the dermis or the mucous membrane for the purpose of needle acupuncture or

administering intravenous ozone, chelation therapy or supplemental vitamins and minerals;

- (b) to insert or remove instruments, devices or fingers
 - (i) beyond the labia majora for the purposes of vaginal ozone therapy, and
 - (ii) beyond the anal verge for the purposes of performing colon hydrotherapy, rectal ozone therapy or the Keesey technique for reduction of hemorrhoids;
- (c) to use a deliberate, brief, fast thrust to move the joints of the spine beyond the normal range but within the anatomical range of motion, which generally results in an audible click or pop;
- (d) to administer blood products for the purposes of administering intravenous ozone therapy.

(3) A regulated member may perform a restricted activity described in subsection (2) only if the regulated member

- (a) has provided evidence to the Registrar of having the competencies required to perform the restricted activities described in subsection (2) and has received notification from the Registrar that the authorization to perform the restricted activities is indicated on the appropriate register, or
- (b) is enrolled in a training program approved by the Council in the restricted activity to be performed and performs the restricted activity with the consent of and under the supervision of a regulated member who is authorized under clause (a) to perform that restricted activity.

(4) A regulated member who consents to supervise another regulated member under subsection (3)(b) must comply with the supervision requirements set out in section 17.

Restriction

15(1) Despite any authorization to perform restricted activities, regulated members must restrict themselves in performing restricted activities to those activities that they are competent to perform and to those that are appropriate to the member's area of practice and the procedure being performed.

(2) A regulated member who performs a restricted activity must do so in accordance with the standards of practice.

Students

16(1) A student who is enrolled in a 4-year program of studies in naturopathic medicine approved by the Council is permitted to perform, within that program, the restricted activities described in section 14(1) with the consent of and under the supervision of a regulated member.

(2) A student who is enrolled in a 4-year program of studies in naturopathic medicine approved by the Council and who is taking a specific course of studies within that program is, with the consent of and under the supervision of a regulated member, permitted to perform additional restricted activities as follows:

- (a) a student who is taking a specific course of needle acupuncture studies is permitted to perform the restricted activity described in section 14(2)(a) for the purpose of performing needle acupuncture;
- (b) a student who is taking a specific course of chelation therapy studies is permitted to perform the restricted activity described in section 14(2)(a) for the purpose of administering chelation therapy;
- (c) a student who is taking a specific course of studies regarding supplemental vitamins and minerals is permitted to perform the restricted activity described in section 14(2)(a) for the purpose of administering supplemental vitamins and minerals;
- (d) a student who is taking a specific course of ozone therapy studies is permitted to perform the restricted activities described in
 - (i) section 14(2)(a) for the purpose of administering intravenous ozone,
 - (ii) section 14(2)(b)(i) for the purpose of performing vaginal ozone therapy,
 - (iii) section 14(2)(b)(ii) for the purpose of performing rectal ozone therapy, and
 - (iv) section 14(2)(d) for the purposes of administering blood products for intravenous ozone therapy;
- (e) a student who is taking a specific course of colon hydrotherapy studies is permitted to perform the restricted activity described in section 14(2)(b)(ii) for the purpose of performing colon hydrotherapy;

- (f) a student who is taking a specific course of Keesey technique studies for reduction of hemorrhoids is permitted to perform the restricted activity described in section 14(2)(b)(ii) for the purpose of the reduction of hemorrhoids;
- (g) a student who is taking a specific course of spinal manipulation studies is permitted to perform the restricted activity described in 14(2)(c) for the purpose of performing spinal manipulation.

Supervision

17 A regulated member who consents to supervise a student under section 16 or a regulated member under section 14(3)(b) must

- (a) be on site with the student or regulated member and available to assist while the student or regulated member is performing the restricted activity,
- (b) be authorized to perform the restricted activity being performed by the student or regulated member, and
- (c) have a minimum of one year's experience in performing the restricted activity.

Continuing Competence

Program credits

18 A regulated member must obtain the number of continuing competence program credits in each membership year as determined by the Council.

Competence activities

19 Continuing competence program credits may be obtained through the following continuing competence activities in accordance with the rules referred to in section 20:

- (a) attendance at courses or seminars related to naturopathic medicine that are designed to enhance the professional development of regulated members;
- (b) presentation of a continuing competence activity to a group of regulated members;
- (c) attendance at sessions sponsored or approved by the Council concerning functions of the College, including

professional development, code of ethics and standards of practice;

- (d) providing mentoring or supervision to students of naturopathic medicine education programs approved by the Council;
- (e) participation as a member of the Council or a committee established by the Council;
- (f) presentation of a research paper or abstract at a meeting approved by the Council;
- (g) publication of a research paper in a peer-refereed journal;
- (h) self-directed study approved by the Council;
- (i) other activities approved by the Council.

Rules

20(1) The Registrar or Competence Committee may recommend to the Council rules governing the continuing competence program, including the following:

- (a) rules governing the program credits that may be earned for each continuing competence activity;
- (b) rules governing the type and category of continuing competence activities that a regulated member must undertake in a membership year;
- (c) rules limiting the number of continuing competence activities within a specific category for which a member may earn credits;
- (d) rules governing additional continuing competence activities for which program credits may be earned;
- (e) rules governing criteria for selecting individual regulated members or groups of regulated members for practice visits;
- (f) other rules, as required, governing the continuing competence program.

(2) The rules recommended under subsection (1) and any recommended amendments to those rules must be distributed by the Registrar to all regulated members for their review.

(3) The Council may establish rules and amendments to the rules 30 or more days after the Registrar has distributed the

recommended rules or amendments to the rules under subsection (2).

Rule distribution

21 The rules and any amendments to the rules established under section 20(3) must be made available by the College to all regulated members and, in printed form, on request to the Minister, regional health authorities and any person who requests them.

Annual form

22(1) As part of the continuing competence program, a regulated member must complete, on an annual basis and in a form satisfactory to the Registrar,

- (a) a self-assessment,
- (b) a learning plan, and
- (c) a list of continuing competence activities undertaken together with supporting documentation.

(2) A regulated member must retain a copy of the documents referred to in subsection (1) for a period of not less than 5 years from the end of the membership year in which the self-assessment, learning plan or list of continuing competence activities undertaken were completed.

(3) A regulated member must, on the request of the Registrar or the Competence Committee, submit anything referred to in subsection (1) to the Registrar or Competence Committee.

Review and evaluation

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

Practice visits

24 A person or persons appointed under section 11 of the Act are authorized to carry out practice visits and may, for the purpose of assessing continuing competence, select individual regulated members or groups of regulated members for a practice visit in accordance with the rules established under section 20.

Actions to be taken

25 If the results of a review and evaluation under section 23 or a practice visit under section 24 are unsatisfactory, the Competence Committee may direct a regulated member to undertake one or more of the following:

- (a) to complete specific continuing competence requirements or professional development activities within a specified time period;
- (b) to report to the Competence Committee on specified matters on specified dates;
- (c) to correct any problems identified in the review and evaluation or practice visit;
- (d) to complete any other activity required to be completed by the Competence Committee.

Practice Permit**Renewal requirements**

26 A regulated member applying for renewal of the member's practice permit must

- (a) provide evidence of having met the continuing competence requirements set out in this Regulation,
- (b) provide evidence that the regulated member holds current cardiopulmonary resuscitation certification at the level required by the Council, and
- (c) provide evidence of continuing to meet the requirements set out in sections 9, 10 and 12.

Conditions

27 On issuing a practice permit to a regulated member, the Registrar may impose conditions on the practice permit, including, but not limited to, the following:

- (a) that the member limit the member's practice to specified services or areas of practice;
- (b) that the member practise under the supervision of another regulated member for the period of time considered necessary by the Registrar;
- (c) that the member refrain from performing specified restricted activities.

Alternative Complaint Resolution

Process conductor

28 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

29 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

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

Leaving the process

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

Reinstatement

Reinstatement application

32(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 reinstated and the practice permit reissued.

(2) An application under subsection (1) must

- (a) not be made earlier than 3 years after the date of the cancellation, and
- (b) not be made more frequently than once in each 12-month period following a refusal of an application under section 34(a).

(3) An applicant under subsection (1) must provide evidence to the Registrar of

- (a) the relevant professional or personal actions that the applicant has taken since the cancellation, and

- (b) the applicant's qualifications for registration.

Consideration of application

33(1) An application under section 32 must be considered by the Registration Committee in accordance with the application for registration process set out in sections 28 to 30 of the Act.

(2) When reviewing an application in accordance with subsection (1), the Registration Committee must consider

- (a) the record of the hearing at which the applicant's registration and practice permit were cancelled, and
- (b) whether the applicant
 - (i) meets the current requirements for registration,
 - (ii) has met any conditions imposed under Part 4 of the Act before the applicant's registration and practice permit were cancelled, and
 - (iii) is fit to practise naturopathic medicine and does not pose a risk to public safety.

Decision

34 The Registration Committee may, on completing the review of an application in accordance with section 33, issue a written decision containing one or more of the following orders:

- (a) an order refusing the application;
- (b) an order directing the Registrar to reinstate the person's registration and reissue the person's practice permit;
- (c) an order to impose specified conditions on the person's practice permit;
- (d) any order that the Registration Committee considers necessary for the protection of the public;
- (e) an order directing the applicant to pay any or all of the College's expenses incurred in respect of the application as provided for in the bylaws.

Review of decision

35(1) An applicant whose application for reinstatement is refused or on whose practice permit conditions have been imposed under section 34 may request a review by the Council.

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

Access to decision

36(1) The Registration Committee, under section 34, and the Council, under section 35, may order that its decision be published in a manner it considers appropriate.

(2) The College must make the decisions under sections 34 and 35 available for 5 years to the public on request.

Information

Information to be provided

37(1) A regulated member or an applicant for registration must provide the following information, in addition to the information required under section 33(3) of the Act, to the Registrar on the request of the Registrar, on application for registration and when there are any changes to the information:

- (a) gender;
- (b) date of birth;
- (c) the languages in which a regulated member or an applicant for registration can provide professional services;
- (d) home address, business mailing address, telephone number, cell phone number, pager number, emergency contact telephone number, fax number, e-mail address and website address;
- (e) full legal name and, if applicable, previous names and aliases;
- (f) any other college of a regulated health profession in which a regulated member or an applicant for registration is registered and whether the regulated member or the applicant for registration is a practising member of that college;
- (g) names of other jurisdictions in which a regulated member or an applicant for registration is registered as a naturopathic practitioner;
- (h) degree and other qualifications, including specialization;

- (i) any restricted activities authorized in section 14(2) that a regulated member performed in the previous year;
 - (j) a recent passport photo;
 - (k) name of the person that is supervising a regulated member, if a regulated member is registered on the provisional register.
- (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 person 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.

Section 119 information

38 The periods of time during which the College is to provide information under section 119(4) of the Act are as follows:

- (a) information referred to in section 33(3) of the Act entered in a register for a regulated member, while the registered member is registered as a member of the College and for 2 years after ceasing to be registered, except for the information referred to in section 33(3)(h) of the Act;
- (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 and for 5 years after the period of suspension has expired,
 - (ii) the cancellation of a regulated member's practice 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 2 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 2 years after the date the hearing tribunal of the College rendered its decision.

Transitional and Coming into Force

Transitional

39 On the coming into force of this Regulation, a person described in section 5 of Schedule 14 to the Act is deemed to be entered on the regulated members register in the register category that the Registrar considers appropriate.

Coming into force

40 This Regulation comes into force on the coming into force of Schedule 14 to the *Health Professions Act*.



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