



Province of Alberta

HEALTH PROFESSIONS ACT

# **RESPIRATORY THERAPISTS PROFESSION REGULATION**

**Alberta Regulation 137/2009**

Extract

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**ALBERTA REGULATION 137/2009**

**Health Professions Act**

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**Definitions**

- 1 In this Regulation,
  - (a) “Act” means the *Health Professions Act*;
  - (b) “College” means the College and Association of Respiratory Therapists 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) “provisional register” means the provisional register category of the regulated members register;
- (i) “Registrar” means the registrar of the College;
- (j) “Registration Committee” means the registration committee of the College.

**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 on the general register must have successfully completed

- (a) a diploma or baccalaureate degree in respiratory therapy in a program of studies approved by the Council, and
- (b) a registration examination approved by the Council.

**(2)** An applicant under subsection (1) must meet at least one of the following:

- (a) within 4 years immediately preceding the date the Registrar receives a complete application, have met the requirements set out in subsection (1);
- (b) within 4 years immediately preceding the date the Registrar receives a complete application, have successfully completed a refresher program in respiratory therapy approved by the Council;
- (c) demonstrate to the satisfaction of the Registrar or Registration Committee that the applicant is currently competent to practise as a respiratory therapist.

**Equivalent jurisdiction**

**4** 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**

**5(1)** An applicant for registration as a regulated member on the general register who does not meet the registration requirements set out in 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)** For the purposes of assessing substantial equivalency of qualifications of an applicant under subsection (1), the Registrar or Registration Committee may require the applicant to undergo any examination, testing or assessment activity that the Registrar or Registration Committee considers necessary.

**(3)** The Registrar may direct an applicant under subsection (1) to undergo any education or training activity that the Registrar or Registration Committee considers necessary in order for the applicant to be registered.

**(4)** The Registrar 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.

#### **Provisional register**

**6(1)** An applicant for registration as a regulated member may be registered on the provisional register if the applicant

- (a) is qualified to practise respiratory therapy in another jurisdiction and the applicant's competencies are being assessed under section 5,
- (b) has fulfilled the registration requirements set out in section 3 but has not completed the registration examination referred to in section 3(1)(b), or
- (c) is enrolled in a refresher program in respiratory therapy approved by the Council for the purpose of completing the registration requirements referred to in section 3(2)(b).

**(2)** A regulated member registered on the provisional register may practise only 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.

- (3) A registration on the provisional register is valid for one year.
- (4) Despite subsection (3), the Registrar may extend a registration on the provisional register beyond one year if the Registrar is of the opinion that extenuating circumstances exist.
- (5) If a regulated member registered on the provisional register meets the registration requirements set out in section 3, the Registrar must remove the regulated member's name from the provisional register and enter it on the general register.

#### **Courtesy register**

**7(1)** A person who requires registration in Alberta on a temporary basis for a specified purpose and period of time approved by the Registrar is eligible for registration on the courtesy register if that person

- (a) is registered as a respiratory therapist in good standing in another jurisdiction, or
- (b) satisfies the Registrar of having the necessary qualifications and competencies to carry out the purpose for which the registration is required.

(2) A regulated member who is registered on the courtesy register under subsection (1) may practise only in accordance with any conditions specified by the Registrar.

(3) A registration on the courtesy register under this section may not exceed 6 months.

#### **Liability insurance**

**8** 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.

#### **Good character**

**9** 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 respiratory therapy or of another profession;
- (c) the results of a current criminal records check;
- (d) a written statement 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 or Registration Committee.

**English language requirements**

**10(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 respiratory therapy.

**(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.

**Practice Permit****Renewal requirements**

**11** A regulated member registered on the general register applying for renewal of the member's practice permit must provide

- (a) evidence of having met the continuing competence requirements set out in this Regulation,
- (b) a written statement as to whether the 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,
- (c) a written statement as to whether the member has been the subject of any disciplinary action by a regulatory organization in Alberta or elsewhere since the member's last practice permit, and
- (d) evidence of having the type and amount of professional liability insurance required by the Council.

**Practice permit conditions**

**12** The Registrar may impose conditions on a practice permit, which may include, but are not limited to, the following:

- (a) completing continuing competence requirements within a specified time;
- (b) practising under the supervision of a regulated member;
- (c) limiting a member's practice to specified procedures;
- (d) limiting a member's practice to research or teaching;
- (e) prohibiting a member from supervising students of the profession or others as identified by the Registrar;
- (f) requiring a member to complete any examination, testing, assessment, counselling, training or education within a specified time;
- (g) requiring a member to report to the Registrar on specified matters on specified dates;
- (h) limiting a member to provide services only for a specified purpose.

**Continuing Competence**

**Continuing competence program**

**13** As part of the continuing competence program, a regulated member registered on the general register must submit evidence in a form satisfactory to the Registrar of having met the following requirements as established by the Council:

- (a) a minimum of 48 educational credit hours in the 2-year period immediately preceding the date the Registrar receives the application for the renewal of a practice permit;
- (b) a minimum of 1500 practice hours in the 4-year period immediately preceding the date the Registrar receives the application for the renewal of a practice permit.

**Continuing professional development**

**14** To obtain educational credit hours, a regulated member registered on the general register may undertake one or more of the following developmental activities in accordance with any rules established by the Council:

- (a) attendance at a respiratory health-related scientific or clinical course designed to enhance professional development;
- (b) attendance at professional development sessions on respiratory therapists' clinical practice issues;
- (c) attendance at a respiratory health-related study club;
- (d) self-directed study to enhance professional development;
- (e) providing respiratory health-related presentations, beyond regular employment obligations, to regulated members or other groups;
- (f) successful completion of a course leading to a respiratory therapy baccalaureate degree or the successful completion of a course in graduate studies;
- (g) presentation of a research paper or abstract at a scientific meeting;
- (h) publication in a peer-reviewed journal;
- (i) publication in the College newsletter;
- (j) other activities approved by the Council, the Registrar or the Competence Committee.

**Continuing competence program rules**

**15(1)** The Council may establish rules governing

- (a) the eligibility of an activity to qualify for educational credit hours,
- (b) the educational credit hours that may be earned for each continuing competence activity,
- (c) the type or category of professional development activities that a regulated member must undertake,
- (d) the number of educational credit hours that may be earned within a specific type or category of continuing competence activities, and
- (e) the continuing competence program.

**(2)** The Registrar and the Competence Committee may recommend rules or amendments to the rules to the Council.

**(3)** Before the Council establishes any rules or amendments to the rules, the rules or the amendments to the rules must be distributed to the regulated members registered on the general register for their review.

**(4)** The Council may establish the rules or amendments to the rules 30 or more days after distribution under subsection (3) and after having considered any comments received on the proposed rules or proposed amendments to the rules.

#### **Rule distribution**

**16** The Registrar must distribute the rules and any amendments to the rules established under section 15(4) to the regulated members registered on the general register and provide copies on request to the Minister, regional health authorities and any person who requests them.

### **Restricted Activities**

#### **Authorized restricted activities**

**17(1)** A regulated member may, in the practice of respiratory therapy 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 surgical or other invasive procedures on body tissue below the dermis or the mucous membrane for the following purposes:
  - (i) performing blood analyses;
  - (ii) assisting with cardiac procedures;
  - (iii) performing hemo-dynamic monitoring;
  - (iv) assisting with anesthesia;
  - (v) administering injections;
  - (vi) suturing;
  - (vii) performing routine wound care;
- (b) to insert or remove instruments, devices, fingers or hands beyond the point in the nasal passages where they normally narrow and beyond the pharynx for the purpose of inserting or removing tubes;

- (c) to administer blood or blood products when assisting with anesthesia;
- (d) to administer anesthetic gases, including nitrous oxide, for the purposes of anesthesia or sedation when assisting with the provision of anesthesia or bronchodilation.

**(2)** For the purpose of this section, “assisting” means a regulated member of another college or a physician is on-site directing the procedure being performed.

#### **Special authorization restricted activities**

**18** A regulated member who has provided evidence satisfactory to the Registrar of having completed and remaining current in the advanced training required by the Council and who has received notification from the Registrar that the authorization is indicated on the regulated members register is authorized to perform the following restricted activities for the purposes of performing extracorporeal membrane oxygenation, needle thoracentesis and the insertion and maintenance of chest tubes:

- (a) to cut a body tissue, to administer anything by an invasive procedure on body tissue or to perform surgical or other invasive procedures on body tissue below the dermis for the purpose of insertion and maintenance of chest tubes, insertion of central venous pressure catheters and needle thoracentesis;
- (b) to insert or remove instruments, devices, fingers or hands into an artificial opening into the body for the purpose of insertion and maintenance of chest tubes, insertion of central venous pressure catheters and needle thoracentesis;
- (c) to administer blood or blood products for the purpose of extracorporeal membrane oxygenation;
- (d) to order any form of ionizing radiation in medical radiography for the purpose of ordering a chest x-ray.

#### **Restriction**

**19(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 must perform a restricted activity in accordance with the standards of practice.

**Students, supervision**

**20(1)** A student who is enrolled in a respiratory therapy program of studies approved by the Council or a regulated member undergoing training to perform a restricted activity in a program approved by the Council is permitted to perform the restricted activities referred to in sections 17 and 18 with the consent of and under the supervision of a regulated member who is authorized to perform those restricted activities.

**(2)** A student in a post-secondary health services program of studies approved by the council of another college under the Act that includes studies related to restricted activities described in sections 17 and 18 is permitted to perform those restricted activities with the consent of and under the supervision of a regulated member who is authorized to perform those restricted activities.

**(3)** A regulated member who consents to supervise under this section must be engaged by or approved to supervise by an organization that offers the program of studies referred to in subsection (1) or (2) and

- (a) must be authorized to perform the restricted activity being performed, and
- (b) must be either
  - (i) present in the room and available to assist, or
  - (ii) not present in the room but available for consultation if the supervising regulated member is of the opinion that the student or regulated member undergoing training is able to safely and effectively perform the restricted activity.

**Non-regulated persons, supervision**

**21(1)** A person who is not described in section 4(1)(a) of Schedule 7.1 to the *Government Organization Act* is permitted to perform the restricted activity of inserting or removing instruments, devices, fingers or hands beyond the point in the nasal passages where they normally narrow and beyond the pharynx for the purpose of suctioning in airway management, but only if that person

- (a) has the consent of, and is being supervised in accordance with subsection (2) by, a regulated member of the College while performing the restricted activity, and
- (b) is engaged in providing health services to another person.

- (2) When a regulated member of the College supervises a person referred to in subsection (1) performing a restricted activity, the regulated member must
- (a) be authorized to perform the restricted activity being performed,
  - (b) supervise the person who is performing the restricted activity by being available for consultation while that person is performing the restricted activity, and
  - (c) comply with the requirements approved by the Council governing the provision of supervision by regulated members of the College of persons performing restricted activities pursuant to section 4(1)(b) of Schedule 7.1 to the *Government Organization Act*.

### **Titles**

#### **Authorization to use titles, etc.**

**22(1)** A regulated member registered on the general register or courtesy register may use the following titles and initials:

- (a) registered respiratory therapist;
  - (b) registered respiratory technologist;
  - (c) respiratory therapist;
  - (d) respiratory technologist;
  - (e) R.R.T.
- (2) A regulated member registered on the provisional register may use the title “provisional respiratory therapist”.
- (3) A regulated member who holds a doctorate degree in respiratory therapy from a program approved by the Council may use the title “Doctor” and the abbreviation “Dr.” alone or in combination with other words in connection with providing a health service within the practice of respiratory therapy.

### **Alternative Complaint Resolution**

#### **Process conductor**

**23** 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**

**24** 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**

**25** 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**

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

## **Reinstatement**

### **Reinstatement application**

**27(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 5 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 29(a).

**(3)** An applicant under subsection (1) must provide evidence to the Registrar of the applicant's qualifications for registration.

**(4)** On receipt of an application under subsection (1), the Registrar must refer it to the Registration Committee for review.

### **Consideration of application**

**28(1)** An application under section 27 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 respiratory therapy and does not pose a risk to public safety.

**Decision**

**29** The Registration Committee may, on completing the review, in accordance with section 28, 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 to reissue the practice permit;
- (c) an order to impose specified conditions on the person's practice permit;
- (d) 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;
- (e) any other order that the Registration Committee considers necessary for the protection of the public.

**Review of decision**

**30(1)** An applicant whose application for reinstatement is refused or on whose practice permit conditions have been imposed under section 29 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**

**31(1)** The Registration Committee, under section 29, or the Council, under section 30, may order that its decision be published in a manner it considers appropriate.

(2) The College must make the decisions under sections 29 and 30 available for 5 years to the public on request.

### Information

#### Providing information

**32(1)** A regulated member or an applicant for registration must provide the following information in addition to that required under section 33(3) of the Act on the initial application for registration, when there are changes to the information or at the request of the Registrar:

- (a) full legal name and, if applicable, previous names;
- (b) gender;
- (c) date of birth;
- (d) home address, telephone number, fax number and e-mail address;
- (e) emergency contact telephone number;
- (f) degrees and other qualifications, including the name of the institution and year of graduation or completion;
- (g) place of employment as a respiratory therapist, including the employer's mailing address, telephone number, fax number and e-mail address;
- (h) the type of facility in which the regulated member or applicant for registration practises respiratory therapy;
- (i) the number of working hours the regulated member or applicant for registration was employed in the practice of respiratory therapy in the previous year;
- (j) the employment history as a respiratory therapist of the regulated member or the applicant for registration;
- (k) the areas of practice;
- (l) any specialities of the regulated member or the applicant for registration;
- (m) languages in which a regulated member or an applicant for registration is proficient in providing respiratory therapy services;

- (n) other jurisdictions in which a regulated member or an applicant for registration is or has been registered to practise respiratory therapy;
- (o) other colleges or associations of a regulated health profession that the regulated member or applicant for registration is registered with and providing services related to that health profession.

**(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.

**Section 119 information**

**33** 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, 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 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 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.

### **Transitional Provision, Repeal and Coming into Force**

#### **Transitional**

**34** On the coming into force of this Regulation, a person described in section 6 of Schedule 26 to the Act is deemed to be entered on the regulated members register in the register category that the Registrar considers appropriate.

#### **Repeal**

**35** The *Respiratory Therapists Regulation* (AR 328/85) is repealed.

#### **Coming into force**

**36** This Regulation comes into force on the coming into force of Schedule 26 to the *Health Professions Act*.



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