



College of
Midwives
of Alberta

Celebrating 10 Years

Bylaws of the College of Midwives of Alberta

Effective March 23, 2023

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PART ONE DEFINITIONS

1.1 Definitions

In these bylaws:

“Act” means the *Health Professions Act*, RSA 2000. c.H-7 and includes the regulations under the Act.

“Administrative Bodies” means a Hearing Tribunal or a Complaint Review Committee required by the Act that serves an appeal or review function in the Act.

“Bylaws or Bylaw” means these bylaws and includes the Governance Policy, as amended from time to time.

“Chair” means the position of president of Council, as referenced in section 5(1) of the Act.

“Client” means an individual who contracts with one or more Registrants for Professional Services. Client also includes the newborn infant of the individual who entered the contract for Professional Services. In this context an individual is considered a Client for the duration of the contract and the duration of an episodic care situation.

“Code of Ethics” means the code of ethics that is established and maintained by Council under section 5(1)(d) of the Act.

“College” means the College of Midwives of Alberta, also referred to as the CMA.

“Committee” means a Governance Committee or a Standing Committee, established by Council.

“Competence Committee” means a competence committee as outlined in section 10 of the Act and established by Council.

“Complaints Director” means the complaints director of the College appointed under section 14(3) of the Act.

“Condition” includes a restriction and limitation but does not include a condition placed on a practice permit upon registration of the individual as set out in Bylaw 9.2.

“Council” means the council of the College established under section 5 of the Act.

“Council Members” or “Members” means the elected and/or appointed Registrants and Public Members to Council who are eligible to vote at Council whether singular or plural.

“Deliver” with reference to a notice or other document, includes:

- a. Mail to or hand to the person who is addressed on the notice,
- b. Deposit in a mailbox or other receptacle for receipt of mail at a person’s residence or place of business,
- c. Transmit to a person’s email address, at the most recent email address provided to the College and entered into the Register, or
- d. Otherwise send or make available to a person in electronic form on the College website.

“Governance Committee” is a committee recognized in the Act and established by Council.

“Hearings Director” means the hearings director of the College appointed under section 14(1) of the Act.

“In Good Standing” means a Registrant

- a. has no debts, fees, costs, fines, levies or assessments or any other sums owing to the College,
- b. has a valid and current practice permit that is not subject to Conditions because of a Sanction or is currently Suspended,
- c. is not in default of returning any information or form required under the Act or Bylaws to the College, and
- d. is in compliance with all orders or directions made under the Act.

“Inspector” means a Registrant or other individual appointed by Council under Part 3.1 of the Act.

“Ordinary Resolution” means a Resolution that requires a majority vote of Council Members or of Quorum to be passed.

“Panel of Council” or “Council Panel” means a selection of Council members, including at least 50 percent Public Members that serves a review or appeal function in the Act.

“Patient Relations Program” means the program required by the College under section 135.6 of the Act.

“Practice of Midwifery” means Professional Services provided under the Act, Schedule and Regulation by a Registrant.

“Professional Service” means a service that comes within the practice of the regulated profession of midwifery.

“Public Member” means a person appointed as a public member under the Act.

“Register” means an official list of 1 or more categories of Registrants who provide Professional Services and 1 or more categories of non-Registrants as set out in section 33(1) of the Act.

“Registrant” means a person who is registered as a regulated member who provides Professional Services, as outlined in section 33(1)(a) of the Act.

“Regulation” means the *Midwives Profession Regulation* and includes any regulation to the Health Professions Act that affects the CMA.

“Resolution” includes a motion.

“Sanction” means an order or orders that may be made by a Hearing Tribunal under section 82 of the Act or upheld or ordered on appeal.

“Special Resolution” means a Resolution that requires a majority plus one votes of Council Members or a quorum to be passed.

“Standards of Practice” means the standards of practice adopted by the College under sections 133 and 133.1 of the Act.

“Standing Committee” means a committee established by Council to carry out specific purposes as outlined in the Bylaws.

“Suspend” or “Suspended” means a Registrant must not provide, delegate or supervise the Practice of Midwifery of another Registrant or student; not make appointments for Clients or prospective Clients; not communicate with Clients or prospective Clients except to advise a Client or prospective Client of the fact and duration of their suspension, advise a Client or prospective Client of another health professional who can take over their care, and refer a Client or prospective Client to another Registrant.

“Task Force” means a working group or ad hoc committee of Registrants and Non-Registrants who are not Council Members and are selected by Council to complete specific tasks within a specific time frame and report to Council.

PART TWO COUNCIL

Council's Role

2.1 Council is the body that governs the College of Midwives of Alberta in the public interest.

Governance

2.2 Council manages and conducts the activities of the College, exercises the rights, powers and privileges and carries out the duties of the College in the name of and on behalf of the College and carries out the powers and duties of Council under the Act and the Bylaws.

Terms of Reference

2.3 Council approves terms of reference for Council and determines its own procedures, subject to the Act, Regulation and Bylaws.

Committees and Task Forces

2.4 Council may create, appoint and establish Committees and Task Forces necessary to carry out their role by Ordinary Resolution.

Head Office

2.5 The head office of the College is located at Calgary, Alberta, or such other location as may be determined by Council.

Governance Policy

2.6 Council may establish governance policies addressing, among other matters, the appointment, composition, quorum, terms of references and procedures for any Administrative Body, Committees, Task Force, Complaints Director, Hearings Director; Registers for Registrants and non-Registrants; and rights and privileges of categories of Registrants and non-Registrants.

Governance Policy Part of Bylaws

2.7 The Governance Policies established by Council form part of the College's Bylaws and any reference to the Bylaws includes a reference to the College's Governance Policies.

Funding for Treatment and Counselling

2.8 Council must fund and allocate funds for treatment and counselling, as required by section 135.9 of the Act.

Delegation

2.9 Subject to Bylaws 2.13, 2.14 and 2.15, Council may delegate any of its powers and duties to one or more persons or Committees by Ordinary Resolution of Council.

Impose Conditions on Delegation

2.10 Council may impose conditions on a delegation under Bylaw 2.9.

Delegates Subject to Act and Bylaws

2.11 When Council delegates a power or duty, it may authorize the person or committee to further delegate the power or duty, subject to any conditions imposed by Council. Any reference in the Bylaw or the Act or any other enactment to a Council is deemed to be also a reference to a delegate and to a delegate of the delegate under the Bylaw.

Delegate to Executive Director and Registrar

2.12 Council may delegate any powers or duties to the Executive Director and Registrar set out in Bylaws.

Council Cannot Delegate Everything

2.13 Council cannot delegate:

- a. The power to make regulations, bylaws, governance policies, or to adopt a Code of Ethics or Standards of Practice, and
- b. Its powers or duties with respect to an appeal under Part 4 of the Act.

Designation by Council under Section 65 of the Act

2.14 Council designates the Executive Committee to make decisions under section 65(1) of the Act.

Designation by Council under Section 86 of the Act

2.15 Council designates the Executive Committee to make decisions under section 86(1) of the Act.

Composition of Council

2.16 Council consists of:

- a. 5 Registrants appointed in accordance with the Bylaws who are voting members, and
- b. 5 Public Members appointed in accordance with the Act who are voting members.

Executive Director and Registrar and Former Chair

2.17 The Executive Director and Registrar and the Former Chair are non-voting attendees (ex officio) of Council.

Former Chair

2.18 Despite Bylaws 2.17, 3.1 and 3.14, if at the time the Chair becomes the Former Chair, they continue to have at least one remaining year of their term on Council, they will remain on Council, continue to hold one position of Registrants in Bylaw 2.16(a) and be a voting member of Council.

Non-Voting Attendee of Council

2.19 Council may appoint any other person as a non-voting attendee of Council.

Positions of Council

2.20 The positions of Council include the Chair, Vice Chair, Public Officer, and Former Chair.

Registrant's Council Term

2.21 Except as otherwise stated in the Bylaws, the term for a Registrant of Council is 3 years, starting in June and finishing in June, with approximately 2 Registrants appointed each year.

Three Consecutive Terms

2.22 A Registrant must not serve more than 3 consecutive terms and must not serve more than 4 terms in their lifetime.

Two Year Period

2.23 Subject to Bylaw 2.22, a Registrant may fill a vacancy on Council if at least 2 years have passed since their last term expired.

Public Member's Council Term

2.24 The term for a Public Member is up to 3 years but no more than 6 years, as outlined in the Act as may be amended from time to time.

Quorum

2.25 A quorum to make Council decisions is a minimum of 6 Members to be present, subject to at least fifty percent of those present being Public Members.

Calculating Quorum

2.26 To calculate whether 6 Council Members are present for a Council decision, a Public Member position on Council to which the Lieutenant Governor in Council has not appointed an individual is not counted in the quorum calculation.

Voting

2.27 Except as otherwise stated in the Bylaws, a Council decision is made by Ordinary Resolution of Council.

Bylaws Passed by Special Resolution

2.28 A Bylaw, an amendment to a Bylaw, or repeal of a Bylaw is passed by Special Resolution.

Chair Votes in Tie Vote

2.29 Except as otherwise stated in the Bylaws, the Chair will not vote except in the event of a tie vote, in which case the Chair will cast a deciding vote.

Decisions of Council

2.30 Any reference to a decision or resolution made or to be made by Council means a decision or resolution made or to be made by Members of Council.

PART THREE EXECUTIVE OF COUNCIL

Composition of Executive

3.1 The Executive Committee is the Chair, Vice Chair, Public Officer, Former Chair and Executive Director and Registrar. The Executive Director and Registrar, and Former Chair are non-voting attendees of the Executive.

Term

3.2 The term for each Executive position is 2 consecutive years.

Decisions

3.3 Decisions of Executive are made by consensus, failing which by Ordinary Resolution.

Meetings

3.4 The Chair will announce Executive meetings as necessary that will be scheduled through the Executive Director and Registrar.

Role of Executive

3.5 The Executive must:

- a. Administer the affairs of the College between Council Meetings, as outlined in the Bylaws,
- b. Perform any other duties assigned by Council,
- c. Review the audited financial statements for presentation to and approval by Council,
- d. Identify important issues that are relevant to the College and ensure these issues are raised with Council to consider, and
- e. Advise Council to consider approving a Task Force where necessary for the functioning of Council.

Executive Must Not

3.6 The Executive must not change Bylaws, policy of the College or make decisions that are decisions of Council as a whole.

Electing Vice Chair and Public Officer

3.7 Every other year, Council will elect the Vice Chair and the Public Officer from Council Members by Ordinary Resolution, except the Chair and Former Chair who accede to the positions from Vice Chair and Chair subject to the Bylaws.

Replacement Elected

3.8 Despite Bylaw 3.7, if an individual on Executive does not fulfil their term for any reason, Council may elect a replacement from the current Council to complete the remaining term.

Chair

3.9 The Chair:

- a. Presides at and chairs Council Meetings and Executive Meetings,

- b. Votes on Executive,
- c. Must be a Registrant,
- d. Must not serve consecutive terms as Chair,
- e. May hold the position of Chair two times in their lifetime,
- f. Ensures Council adheres to governance policies,
- g. Facilitates effective and orderly communication and decision-making of Council,
- h. Assumes all other roles, responsibilities and accountabilities as outlined in Council policies, and
- i. Votes in any resolution that is a Special Resolution.

Chair as Spokesperson

3.10 The Chair acts as a spokesperson with the Executive Director and Registrar and maintains the integrity and dignity of the College.

Roles of Chair

3.11 The Chair assumes all other roles, responsibilities and accountabilities as outlined in Council policies, Bylaws and as may be identified by Council.

Vice Chair

3.12 The Vice Chair:

- a. Votes on Executive,
- b. Must be a Registrant,
- c. Must not serve consecutive terms as Vice Chair,
- d. May hold the position of Vice Chair two times in their lifetime,
- e. Assumes all other roles, responsibilities and accountabilities as outlined in Council policies, and
- f. Performs the functions, duties, powers, and responsibilities of the Chair if the Chair is temporarily absent or unable to act.

Public Officer

3.13 The Public Officer:

- a. Votes on Executive,
- b. Must be a Public Member of Council,
- c. Must not serve consecutive terms as Public Officer,
- d. May hold the position of Public Officer 2 times in their lifetime,
- e. Assumes all other roles, responsibilities and accountabilities as outlined in Council policies, and
- f. Performs the functions, duties, powers and responsibilities of the Chair or Vice Chair if they are temporarily absent or unable to act.

Former Chair

3.14 The Former Chair:

- a. Provides historical insight and knowledge, continuity of leadership, and governance support to Council as well as assuming other roles, responsibilities and accountabilities required by Council,
- b. Must be a Registrant,
- c. Does not vote on Executive, subject to Bylaw 2.18,
- d. Must be the most immediate person who held the position of Chair,
- e. Must not serve consecutive terms as Former Chair,
- f. May hold the position of Former Chair 2 times in their lifetime if they have held the position of Chair immediately before assuming the position of Former Chair, and
- g. Performs the functions, duties, powers, and responsibilities as assigned or delegated from time to time.

PART FOUR COUNCIL MEETINGS

Number of Meetings

4.1 Council meetings are held at least four (4) times per calendar year. Any meeting called and held by Council is a Council Meeting.

Chair Calls Meetings

4.2 Additional Council Meetings may be called at the request of the Chair or at the request of two-thirds (2/3) of Council Members, except as set out in Bylaw 7.8.

Publication of Meeting

4.3 The Executive Director and Registrar will publish the date, time, and location of a Council meeting on the College website at least 14 calendar days before the Council Meeting.

Recording Meeting

4.4 All Council meetings will be recorded by a minute taker, who will also record every person who is present at the Council meeting.

Minutes Published

4.5 The Executive Director and Registrar must ensure that minutes taken at a Council Meeting are retained and subject to Bylaw 4.9, posted on the College website.

How Council Meets

4.6 Council meets and conducts business in-person, by teleconference, by videoconference, by electronic means or in any combination of these means. The Chair will decide how Council will meet and conduct business.

In Camera

4.7 Part or all of a Council Meeting may be in camera, which means it is confidential and some individuals may be excluded from a Council meeting, including in following circumstances:

- a. Instructions are given to or opinions are received from legal counsel that are subject to solicitor-client privilege;
- b. Information will be discussed that, if disclosed, may prejudice interests of any person involved in
 1. A proceeding under the Act, including under Parts 2 and 4, or
 2. Any criminal, civil or administrative proceeding;
- c. Communications with the Ombudsman will be discussed;
- d. Personnel matters will be discussed;
- e. Property acquisitions will be discussed;
- f. Financial or personal or other matters will be discussed of such a nature that the interest of any affected person or the public interest in avoiding disclosure of those matters outweighs the public interest in Council Meetings being open to the public; or

- g. Information will be discussed that the College is required to keep confidential.

In Camera Reasons and Minutes

4.8 If all or part of a Council Meeting is held in camera, the minute taker must record the reasons for the in camera session and exclusion of any person. The minute taker will continue to record minutes of an in camera portion, but these minutes will not be distributed in the same way as other Council minutes. If Council decides to ask the minute taker to leave the meeting because of the nature of the information, the Chair will designate a minute taker from Council for the in camera session.

Edit Minutes

4.9 Before the Executive Director and Registrar publishes or posts Council meeting minutes on the College website or distributes the minutes to Council Members, a person directed by Council or the Executive Director and Registrar, must edit the minutes, if applicable, to remove information in Bylaw 4.8 about portions of the Council meeting held in camera if the reasons for removing that information are noted in the minutes.

Conflicts of Interest

- 4.10 Council Members are subject to the Conflict of Interest Governance Policy. All Council Members and attendees of Council must:
- a. Refrain from attempting to exert influence in connection with issues for which they are in conflict or potential conflict of interest, and
 - b. Abstain from participating in any discussions, written communications, panels or voting on such issues pending resolution of the conflict or potential conflict as outlined in the Conflict of Interest Governance Policy.

Attendance at a Meeting

4.11 Council meetings are open to Registrants and the public, except for those portions that Council votes to hold in camera.

Must Notify Executive Director and Registrar

4.12 Registrants and the public must contact the Executive Director and Registrar in writing or by email at least 5 calendar days before the date of the Council meeting to indicate their attendance otherwise they will not be allowed to attend the Council meeting.

Exclusion from a Council Meeting

4.13 Council may exclude any person from any part of a meeting and declare all or part of a meeting to be in camera, after a motion by Council affirming the exclusion as set out in Bylaw 4.7.

Guests

4.14 Council may invite guests to a Council meeting upon prior approval by the Chair.

Council Agenda

4.15 The Executive Director and Registrar, and Chair will set the agenda and Members will be invited to add to the agenda.

Approving Agenda

4.16 Council will review, approve, or amend the agenda at the beginning of every Council meeting.

Consent Agenda

4.17 Council may use a consent agenda in the process of decision making at a Council Meeting. The Chair is responsible for approving all matters to be placed on a consent agenda. The Chair will present the consent agenda for approval at Council. At a Council meeting, any two Members may request that an item is removed from a consent agenda and placed on the agenda to facilitate more discussion.

Email Resolutions

4.18 Council may pass a resolution without scheduling a meeting if the resolution is in writing and is circulated by the Chair or the Executive Director and Registrar to Council Members by email. A resolution addressed in this manner must be passed by Ordinary Resolution tallied by email.

Council Materials

4.19 Members will receive all materials by electronic means that are required to make decisions, including the agenda, a consent agenda, documents and reports from the Executive Director and Registrar 14 calendar days in advance of the date of the Council Meeting.

PART FIVE APPOINTMENT TO COUNCIL

Eligibility for Appointment

5.1 A Registrant is not eligible to be appointed to Council if, on the date that applications must be received under Bylaw 5.5, the person:

- a. Does not ordinarily reside in Alberta;
- b. Is not In Good Standing;
- c. Has been removed or disqualified from Council in the preceding 3 years;
- d. Is a member of a council of any other college, regulated under the Act or an equivalent Act in any province or territory;
- e. Has been formally charged with unprofessional conduct that has not yet been determined by a hearing tribunal because the hearing tribunal has not issued their final order, in Alberta or another jurisdiction;
- f. Has had an entitlement to practice a profession or the Practice of Midwifery cancelled, revoked or Suspended in Alberta or, another jurisdiction, for any reason other than late payment or non-payment of fees or as outlined in Bylaw 5.1(g), in the preceding 3 years;
- g. Has 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 Canada;
- h. Has voluntarily relinquished an entitlement to practice a profession or the Practice of Midwifery in Alberta or another jurisdiction, with the effect of preventing the commencement or completion of an investigation, review or other proceeding that could have resulted in that entitlement to practice or provide services being cancelled, revoked or Suspended;
- i. Has been suspended or removed as a Council Member, or the equivalent of a council member of another college under the Act or any other body, in Alberta or another jurisdiction, that regulates a profession in the preceding 3 years;
- j. Is the subject of an order of or finding by any court, in Canada or another jurisdiction, that the person is incapable of managing their own affairs;
- k. Is an employee of the College;
- l. Is elected to a federal or provincial public office;
- m. Occupies a senior position (Assistant Deputy Minister or higher) with the Government of Alberta or any provincial, territorial or federal government;
- n. Is a member of a health authority board;
- o. In their primary responsibility in the course of their employment represent a health authority or any other midwifery employer in collective bargaining or in the proceedings under a collective bargaining agreement with Registrants or the equivalent or Registrants in any province or territory;
- p. In their primary responsibility in the course of their employment negotiates or sets fees charged by Registrants for Professional Services or guidelines on fees charged by Registrants for Professional Services on behalf of Registrants;
- q. Is an employee, board officer, board member, or committee chair at, or holds any other position of responsibility with a midwifery professional association or union; and

- r. Was an employee, board officer, board member or committee chair at, or held any other position of responsibility with, a professional association in the preceding 3 years.

Competencies

5.2 Council approves specific competencies required for Registrants to be appointed. The Appointment Committee will identify and present specific competencies that are being sought from the candidates to Council. Council must motion to approve the competencies. The approved competencies will be detailed in the notice of appointment as outlined in Bylaw 5.5.

Timing of Appointment

5.3 An appointment to Council will be held in the month of June every year, subject to the Bylaws.

Personal Statement

5.4 Every eligible candidate must submit a written personal statement in the form, manner and by the deadline established in Bylaw 5.5.

Notice of Appointment

5.5 At least 60 days before the expiry of a term for a Registrant of Council position or positions to be filled in an appointment process, the Executive Director and Registrar must Deliver notice of the appointment process to every Registrant.

Appointment Procedure

5.6 A notice under Bylaw 5.5 must contain information about the appointment procedure, including without limitation, all of the following:

- a. The length of the term for each Council member position to be filled in the appointment process,
- b. The date and time of the closing of the applications for the appointment process,
- c. The eligibility requirements of a Registrant to be appointed, as outlined in Bylaw 5.1,
- d. How to apply to be appointed to Council and the information that must be included in the application process,
- e. The desired competencies for appointed Council Members generally, and if specific competencies are sought for the Council Member position or positions to be filled in the Council appointment process, what those competencies are,
- f. The way a Registrant is appointed,
- g. The names of the Appointment Committee, and
- h. The date and time the name of the successful appointee will be Delivered to the Registrants.

Appointment Application

5.7 An application for appointment under Bylaw 5.6 must:

- a. Be delivered to the Executive Director and Registrar by the date outlined in the notice under Bylaw 5.5;
- b. Be in a form satisfactory to the Executive Director and Registrar;

- c. Include a personal statement as outlined in Bylaw 5.4; and
- d. Include a signed statement of the Registrant seeking appointment that they:
 - 1. Meet the eligibility requirements,
 - 2. Describe how they satisfy the competencies outlined in the notice, and
 - 3. Promise to observe the Act, Regulations, Bylaws, Code of Ethics and all applicable legislation, appointment procedures and the conduct of the appointment process.

Automatic Appointment

5.8 Subject to Bylaws 5.11 and 5.12, at the close of the call for appointments, if only one candidate applies in accordance with this section of the Bylaws for a Council Member position to be filled, and the candidate meets the requirements set out in the Bylaws, the candidate seeking appointment will be presented to Council for appointment.

Appointment Committee

5.9 The Appointment Committee will supervise and administer all Council appointments and may establish any additional procedures, consistent with the Bylaws for that purpose.

Candidate Interviews

5.10 The Executive Director and Registrar may initiate candidate interviews with the Appointment Committee and a candidate by June 1.

Considering Application

5.11 An application for appointment to Council must not be considered by the Appointment Committee unless it is received by the Executive Director and Registrar in accordance with Bylaw 5.7 and no later than the date and time indicated by the Executive Director and Registrar on the notice under Bylaw 5.5.

Recommendation of Appointments

5.12 The chair of the Appointment Committee must present a report to Council outlining their recommendations of Registrants to be appointed. Council must motion to approve an appointment.

Acceptance of Appointment

- 5.13 By accepting their appointment to Council, a Council Member undertakes to do all of the following during their term:
- a. Subordinate their personal interests to make a collective decision, as one voice of Council in the public interest,
 - b. Provide a personal photograph that can be published by the CMA;
 - c. Receive governance training,
 - d. Read and be informed of the Act, Regulation, Bylaws, and all other legislation that applies to the College,
 - e. Attend Council meetings regularly and contribute to the work of Council,

- f. Abide by all policies,
- g. Exercise vigilance for and declare any apparent or real conflict of interest in accordance with the Bylaws,
- h. Prepare for each Council meeting in advance by reviewing the materials, including financial reports,
- i. Maintain confidentiality of all Council matters in accordance with their fiduciary obligations and confidentiality agreement,
- j. Report immediately to the Chair and Executive Director and Registrar if they are the subject of a complaint, investigation or hearing under Part 4 of the Act,
- k. Report immediately to the Chair and Executive Director and Registrar if they are criminally charged with an offence related to sexual misconduct or sexual assault,
- l. Report immediately to the Chair and Executive Director and Registrar if they are convicted of a criminal offence, and
- m. Report immediately to the Chair and Executive Director and Registrar if they are, will be or have been engaged in any conduct or activity that undermines the College or its objectives.

Vacancy Within 12 Months

- 5.14 If a position of a Registrant Member of Council becomes vacant within 12 months before the expiry of their term, Council may do any one of the following:
- a. Leave the position vacant until the next appointment cycle for that Member's position,
 - b. Seek recommendations for appointment for the remaining term from the Appointment Committee, or
 - c. Direct the Executive Director and Registrar to open the appointment process for the remaining term in accordance with the applicable appointment procedures under the Bylaws.

Other Vacancy

- 5.15 If a position of a Registrant Member of Council becomes vacant any time other than within 12 months before the expiry of their term, Council may:
- a. Seek recommendations for appointment for the remaining term from the Appointment Committee, or
 - b. Direct the Executive Director and Registrar to open the appointment process for the remaining term in accordance with the applicable appointment procedures under the Bylaws.

PART SIX INELIGIBILITY OF OFFICER OR SENIOR EMPLOYEE OF PROFESSIONAL ASSOCIATION OR LABOUR UNION

Initial and Ongoing Eligibility

- 6.1 An individual who is an officer or senior employee of a professional association or a labour union that represents members of a regulated health profession is not eligible to be appointed or elected to any of the following positions:
- a. Council Member.
 - b. Member of the Registration Committee, Competence Committee or Hearing Tribunal.
 - c. Complaints Director or the Complaints Director's delegate.
 - d. Hearings Director or the Hearings Director's delegate.
 - e. Registrar or the Registrar's delegate.
 - f. Chair of the Council or the Chair's delegate.

Automatic Termination

- 6.2 If an individual appointed to or elected to a position listed in Bylaw 6.1 subsequently becomes an officer or senior employee of a labour union or professional association representing members of the College, the individual is not eligible to continue to serve and the individual's appointment or elected term is terminated.

PART SEVEN TERMINATION AND REMOVAL OF COUNCIL MEMBER

Automatic Termination of Registrant

7.1 A Registrant of Council must resign or be terminated from Council if the Registrant:

- a. Provides a written notice of resignation to the Chair or the Executive Director and Registrar;
- b. Is Suspended or ceases to be a Registrant In Good Standing with the College;
- c. Is no longer a Registrant because their practice permit and registration are cancelled;
- d. Is in default of payment of any debt, fees, fines, levies, assessments or any other sums owing to the College as of December 31 of a calendar year;
- e. Is found guilty of unprofessional conduct under the Act or in accordance with the Act;
- f. Occupies a senior position (Assistant Deputy Minister or higher) with the Government of Alberta or any provincial, territorial or federal government;
- g. Becomes a member of a health authority board;
- h. In their primary responsibility in the course of their employment represent a health authority or any other midwifery employer in collective bargaining or in the proceedings under a collective bargaining agreement with Registrants or the equivalent or Registrants in any province or territory;
- i. Becomes an officer or senior employee of a labour union or professional association representing members of the College, as set out in Bylaw 6.2;
- j. Dies; or
- k. Is employed or contracted by the College.

Special Resolution

7.2 Except as outlined in Bylaw 6.2, a Registrant of Council may be terminated or suspended from Council by Special Resolution voting in favour of the termination or temporary suspension.

Council Vote

7.3 Council must consider the matter and vote on the following question:

“Are you in favour of removing Registrant (or temporarily suspending for ___ days), _____, as a member of Council?”

Attendance

7.4 The Registrant of Council who is the subject of the vote may attend any such meeting of Council and be heard; however, that Registrant will abstain from the vote on the issue, will be absent during the vote on the issue and will not be advised of which Council Members voted in favour of or against the motion.

Automatic Removal of Public Member

7.5 Subject to Bylaw 6.2, a Public Member of Council must resign or be removed from Council if:

- a. The Public Member provides written notice of resignation to the Chair,
- b. The appointment of the Public Member is rescinded or amended such that the Public Member is no longer appointed to Council,
- c. The Public Member becomes an officer or senior employee of a labour union or professional association representing members of the College, as set out in Bylaw 6.2,
- d. The Public Member dies, or
- e. The Public Member's term expires, and they chose not to continue serving on Council after the expiry of their term until their appointment is amended, rescinded or a successor is appointed.

Complaints about Council Member

7.6 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,
- b. Has been charged with an offence related to sexual abuse, sexual misconduct or female genital mutilation, or
- c. Is or has been engaged in any conduct or activity that undermines the College or its objectives.

Investigation of Council Complaint

7.7 On receipt of a written complaint under Bylaw 7.6 the Chair or Vice Chair must arrange for an investigation to be conducted in accordance with a process approved by Council that is conducted in accordance with principles of natural justice and fairness.

Results of Investigation

7.8 Following the investigation conducted under Bylaw 7.7, if the Chair or Vice Chair determines there are reasonable grounds to believe the Council Member who is the subject of the complaint is or has been found guilty of an offence under the Criminal Code of Canada; is or has been charged with an offence related to sexual abuse, sexual misconduct or female genital mutilation; or is or has been engaged in conduct or activity that undermines the College or its objectives, then the Chair or Vice Chair must call a meeting of Council to review and discuss the results of the investigation and outcomes.

Termination or Recommendation by Special Resolution

7.9 A Registrant must be terminated from Council and a recommendation to rescind an appointment of a Public Member must be made after a Special Resolution of Council voting in favour of the question.

Question to Vote

7.10 Council must 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?”
- 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?”

Attendance

7.11 The Council Member who is the subject of the complaint may attend any such meeting of Council and be heard; however, that Council Member will abstain from the vote on the issue, will be absent during the vote on the issue and will not be advised of which Council Members voted in favour of or against the motion.

Actions

7.12 If the Council Members present and vote in favour of the question in Bylaw 7.10 by Special Resolution, then:

- a. The Registrant who is the subject of the complaint will be removed from Council and terminated effective immediately, or
- b. If a Public Member is the subject of the complaint, Council will recommend to the Lieutenant Governor in Council that the Public Member’s appointment be rescinded.

Referral to Complaints Director

7.13 If the Council Member is a Registrant, Council will decide whether the matter needs to be referred to the Complaints Director, under Part 4 of the Act.

Special Resolution Not Passed

7.14 If the Special Resolution of Council is not in favour of the question in Bylaw 7.10, then the Council Member who is being complained about will not be removed from Council. Council will proceed to consider the seriousness of the issue and may take other action as deemed appropriate.

PART EIGHT COMMITTEES, PANELS, ADMINISTRATIVE BODIES, TASK FORCES and INSPECTORS

Committees

8.1 Council must establish Committees it considers necessary to carry out its role, duties, and responsibilities. Council will establish committees that are either Standing Committees or Governance Committees.

Governance Policy for Committees

8.2 Council will approve Governance Policy for Committees.

Criteria for Membership on Committees

8.3 Council must establish criteria for membership on Committees.

Appointment and Removal of Committee Members

8.4 Council must create a process for the appointment and removal of members of Committees.

Written Report on Activities

8.5 Every year, Administrative Bodies must prepare a written summary on their activities for the preceding 12 months and submit it to the Executive Director and Registrar for Council's informational purposes.

Reporting to Council

8.6 Standing Committees must prepare and submit reports as defined in the Governance Policy.

Panels of Council for Review and Appeal

8.7 Panels of Council for review and appeal as required by the Act and set out in the Governance Policy will be established. Selected Council Members sit on an Appeal Panel of Council or a Review Panel of Council. Public Members of Council comprise at least 50 percent of a Panel of Council.

Administrative Bodies

8.8 Council will select individual Registrants to be listed on a roster of Registrants for the purpose of being selected by the Hearings Director to sit on a Complaint Review Committee or Hearing Tribunal, as defined in the Act. The roster will also include Public Members appointed by the Government of Alberta. Council Members cannot sit on or participate in the decision-making process of a Hearing Tribunal or a Complaint Review Committee.

Governance Committees

8.9 Council will select individual Registrants to be members of Governance Committees. One Registrant Council Member may be selected as a member of each committee although it is not a requirement. Governance Committees include:

- a. Competence Committee outlined in section 10 of the Act and established by Council. Council must appoint at least 3 members to the Competence Committee, the majority of which must be Registrants and 1 of whom must be designated by Council as Chair,

- b. Inspection Committee outlined in section 53.5 of the Act and established by Council. Council must appoint at least one member to the Inspection Committee, and
- c. Registration Committee outlined in section 9 of the Act and established by Council. Council must appoint at least 3 members to the Registration Committee, the majority of which must be Registrants and 1 of whom must be designated by Council as Chair.

Standing Committees

- 8.10 Council may establish Standing Committees, including:
- a. Strategic Planning Committee,
 - b. Finance and Audit Committee,
 - c. Code of Ethics and Standards of Practice Committee, and
 - d. Appointment Committee.

Conflict of Interest

- 8.11 Committees, Administrative Bodies, and Panels of Council are subject to the Conflict of Interest Governance Policy and must:
- a. Refrain from attempting to exert influence in connection with issues for which they are in conflict or potential conflict of interest, and
 - b. Abstain from participating in any discussions, written communications, hearings or voting on such issues pending resolution of the conflict or potential conflict as outlined in the Conflict of Interest Governance Policy.

Committee Costs and Expenses

- 8.12 The College will reimburse travel expenses and such other costs and expenses for all Committees, Task Forces, Administrative Bodies and Panels of Council under the Act, the Regulations and Bylaws in accordance with policies made by Council.

Ex Officio Members

- 8.13 Standing Committees can include ex officio members.

Ex Officio Non-Voting

- 8.14 Individuals sitting as ex officio members of Committees must not vote and must be appointed to a Committee by Council.

Inspectors

- 8.15 Council may appoint 1 or more individuals as an Inspector for the purpose of determining whether Registrants are complying with the Act, Bylaws, Standards of Practice and Code of Ethics.

Inspection Powers and Obligations

- 8.16 The inspection powers and obligations are listed in Part 3.1 of the Act.

PART NINE REGISTERS OF REGISTRANTS AND NON-REGISTRANTS

Register Categories

9.1 Categories of Registers for Registrants established by Council are as follows:

- a. General Register,
- b. Provisional Register,
- c. Courtesy Register,
- d. Student Register,
- e. Inactive Register,
- f. Suspended, and
- g. Cancelled.

Conditions of Practice

9.2 The conditions that may be placed on a practice permit issued in the categories in Bylaw 9.1, except cancelled, are:

- a. Must practice under the new registrant agreement,
- b. Must practice under supervision,
- c. Must practice as a second attendant,
- d. Must successfully complete examination, or
- e. Other.

Register

9.3 The Registers established by the Act and Bylaws may be maintained in a written record or by means of an electronic/computer record, or both.

Name on the Register

9.4 For the purposes of the Registers, a Registrant or individual must provide the College with their full legal name. "Full legal name" means a person's first, middle initial and last name and is the name:

- a. Set out on the person's birth certificate or record of birth,
- b. Set out on the person's certificate of change of name, or
- c. The name taken by the person after they get married or divorced.

Verification of Name

9.5 The Executive Director and Registrar may, at any time, verify a Registrant's full legal name by requiring the Registrant to provide proof of their full legal name in a form that is satisfactory to the Registrar. This may include: a driver's license; passport; permanent resident card; birth certificate; record of birth; certificate of change of name; marriage certificate; or divorce certificate.

Full Legal Name

9.6 A Registrant's full legal means first name, middle initial and last name and is the name that must appear in the Register and on the Registrant's practice permit and must also be the name used by the Registrant in their practice setting and marketing.

Alternative Name

9.7 Despite Bylaw 9.4, a Registrant may make a written request to the Executive Director and Registrar to use a name other than their full legal name in the Register, on their practice permit and in the practice setting. The Executive Director and Registrar may grant the Registrant's request with or without conditions if the Registrar is satisfied that extenuating circumstances exist and the public will remain protected.

Name Change

9.8 If a Registrant's full legal name changes under any circumstances including in Bylaw 9.7, they must inform the College within 30 days of the change, pay the applicable fee, and follow the policy in place.

Add or Remove Information

9.9 The Executive Director and Registrar may add information to the Register as set out in section 33(4) of the Act or remove information from any Register of the College.

Correction of Information

9.10 Upon the direction of Council, a Hearing Tribunal, the Registration Committee, a Complaint Review Committee or the Competence Committee, the Executive Director and Registrar may correct or remove any entry made in error in a Register of the College.

Cancellation of Practice Permit

9.11 No registration or practice permit will be cancelled except in accordance with the Act, Standards of Practice, or the Bylaws.

Access to Information

9.12 A member of the College may request access to the information on their record upon payment of the applicable fee.

Determination of Residence

9.13 When it is necessary to determine the residence of a Registrant or individual on a Register for any purpose under the Act, Regulations or these Bylaws, the residence of the individual will be considered for all purposes to be the address of the member recorded in the Register unless otherwise provided in the Bylaws.

Non-Registrants

9.14 If Council decides to establish a Register of non-Registrants, the Register, details of individuals that may be entered on the Register, who may apply to be placed on the Register, and any entitlements that flow from being placed on the Register will be set out in in the Governance Policy.

Prohibition

9.15 A person who has been convicted of a criminal offence related to the procurement or performance of female genital mutilation is not eligible for registration with the CMA.

PART TEN REGISTRATION AND PRACTICE PERMITS

Registration

10.1 Every individual seeking registration with the College, including reinstatement, must submit a complete application and pay the fee to the Registrar in the appropriate form and manner set out by the Registrar for the category of registrants in which the individual is seeking registration.

Complete Application

10.2 The Registrar will not consider an application for registration unless it is complete, and the fee is paid.

Registration Application

10.3 The Registrar must consider a complete application for registration as a Registrant.

Information for a Complete Registration Application

10.4 The Registrar must require applicants for registration as a Registrant to provide:

- a. The demographic status of the applicant, including, without limitation, addresses, email addresses and other contact information,
- b. Education, training and experience of the applicant, including, without limitation, degrees, diplomas, certificates and professional examinations, and
- c. The applicant's other professional registrations within Alberta or in other jurisdictions.

Notification of Change of Address

10.5 Registrants are required to update all changes to their information set out in Bylaw 10.4 in the Registrant portal within 15 days of the change.

Registration Committee

10.6 The Registrar may, in their sole discretion, refer any complete application for registration to the Registration Committee for their assessment.

Practice Permit

10.7 Every individual seeking registration with the College including renewal or reissuance of a practice permit, must submit a complete application and pay the fee to the Registrar in the appropriate form and manner set out by the Registrar and in the Act for the category of registrants in which the individual is seeking registration.

Complete Application

10.8 An application for a practice permit or renewal of a practice permit will not be considered until it is complete, including the payment of the fee.

Practice Permit Application

10.9 The Registrar must consider a complete application for a practice permit.

Information for a Complete Renewal Application

10.10 The Registrar must require Registrants in their application to renew their practice permit to provide:

- a. The demographic status of the Registrant, including, without limitation, addresses, email addresses and other contact information,
- b. Education, training and experience of the Registrant, including, without limitation, additional degrees, diplomas, certificates and professional examinations, and
- c. The Registrant's practice of the regulated profession, including, without limitation, practice locations, areas of practice, specializations, names of supervisors or supervisees and other professional registrations within Alberta or in other jurisdictions.

Continuing Competence Requirements

10.11 Applicants for a practice permit must meet the requirements for continuing competence as set out by the continuing competence program within its Standard of Practice.

Registration Committee

10.12 The Registrar may, in their sole discretion, refer any complete application for a practice permit to the Registration Committee for their assessment.

Expiry of Annual Practice Permit

10.13 An annual practice permit expires on December 31 each year.

Application Date for Renewal of Annual Practice Permit

10.14 Each Registrant must submit a complete application for a practice permit including fee payment and all information required by the Registrar under the Act, the Bylaws, and the Regulations, by November 30 of each year. The application must indicate the registration status the Registrant is applying for.

Late Fee

10.15 Every Registrant who does not submit their complete application, including fee payment, for renewal of their annual practice permit by November 30 of each year, will be assessed a late payment fee in addition to their fee payment as set out in the Bylaws that must be paid before the application will be processed by the Registrar.

Part 4 Reinstatement and Reissuance Applications

10.16 An application for reinstatement from an individual whose practice permit and registration have been cancelled under Part 4 of the Act may apply in writing to the Registrar to have the practice permit reissued and the registration reinstated as set out in section 45.1 of the Act.

Costs Set Out in Bylaws

10.17 After completing a review of the application as set out in sections 45.1(4) and (5) of the Act, the Registrar, Registration Committee or Competence Committee, as the case may be, may write a

decision that includes 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.

Renewal Additional Requirements

10.18 To renew a practice permit, a Registrant must provide the following if requested by the Registrar:

- a. A passport photo ID of the Registrant,
- b. Evidence of being a Canadian citizen or being lawfully permitted to work in Canada, and
- c. Evidence of English language proficiency.

Reinstatement of Practice Permit and Registration

10.19 A Registrant whose practice permit and registration are cancelled under the Act may apply to the Registrar for the practice permit to be reissued and registration to be reinstated in accordance with the Act.

Referral to Registration Committee

10.20 The Registrar may, in their sole discretion, refer any application for reissuance and reinstatement to the Registration Committee, in accordance with the Act and Bylaws.

Professional Liability Insurance

10.21 An applicant for registration as a Registrant or renewal of a practice permit must provide proof satisfactory to the Registrar that the applicant has their own liability insurance of \$35,000,000.

No Reinstatement or Reissuance

10.22 The practice permit and registration of a Registrant or individual whose practice permit and registration are cancelled based in whole or in part on sexual abuse; on a conviction of the person under section 268 of the Criminal Code (Canada) in respect of wounding or maiming with the meaning of subsection 268(3) of the Criminal Code (Canada); or on a conviction of the Registrant or individual under section 151, 152, 153, 153.1, 155, 162, 162.1, 163.1, 171.1, 172.1, 172.2, 173, 271, 272, 273, 286.1, 286.2 or 286.3 of the Criminal Code (Canada) may not apply for the practice permit to be reissued and the registration reinstated.

Practicing without Valid Practice Permit or Registration

10.23 A person who continues to engage in the Practice of Midwifery while their registration or practice permit is inactive, Suspended, cancelled, or expired, is practicing illegally, and may be referred to the Complaints Director, Public Health and/or be subject to penalty according to the Act. If the registration is reinstated and/or a practice permit reissued, the registration and practice permit may be subject to conditions, and the contravention may be reported to the Complaints Director.

Citizenship

10.24 An applicant for registration as a Registrant must provide evidence satisfactory to the Executive Director and Registrar that the applicant is a Canadian citizen or is lawfully admitted to and entitled to work in Canada.

English Language Proficiency

10.25 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 Midwifery.

Demonstrate English Language Proficiency

10.26 An applicant may be required by the Executive Director and Registrar to demonstrate English language proficiency as set out in the Governance Policy.

Culture and Jurisprudence Exam

10.27 An applicant for registration must write and pass the Culture and Jurisprudence Exam.

Good Character

10.28 An applicant for registration must submit proof of good character and reputation as required by the Registrar and as set out in section 29.1 of the Act.

PART ELEVEN CODE OF ETHICS AND STANDARDS OF PRACTICE

Adopting a Code of Ethics or Standards of Practice

11.1 Council must adopt a Code of Ethics and establish Standards of Practice for the Practice of Midwifery, as set out in section 3(c) of the Act.

Amending a Code of Ethics or Standards of Practice

11.2 Council may develop and propose amendments to a Code of Ethics, standards for registration, of continuing competence and Standards of Practice for the Practice of Midwifery, under section 133 of the Act.

Continuing Competence Program

11.3 Council must establish a continuing competence program within its Standards of Practice, as outlined in section 50 of the Act.

Female Genital Mutilation

11.4 Council must establish and propose specific Standards of Practice regarding Female Genital Mutilation.

Sexual Abuse and Sexual Misconduct

- 11.5 Council must establish and propose specific Standards of Practice about Sexual Abuse and Sexual Misconduct, including:
- a. Setting out who is considered to be a Client for the purposes of Registrants.
 - b. Respecting when a sexual relationship may occur between a Registrant or former Registrant and a Client.
 - c. Respecting when a person who is a spouse of or in an adult interdependent relationship with a Registrant may also be a Client.

Process

- 11.6 Council must provide, for review and comment, a copy of a proposed Code of Ethics, and proposed Standards of Practice and proposed amendments to the Registrants and others identified by Council and as set out below, in the following process, in the following chronology:
- a. The Executive Director and Registrar will Deliver a notice to Registrants that a specific document is under review by Council or the Standing Committee, as the case may be, and that Registrants may provide written comments to Council or the Standing Committee for a period of 14 calendar days. If no comments are received, the process proceeds to 11.6(b).
 - b. When the document under review has been completed or amended and the initial comments from Registrants are received, Council will review and motion that the Executive Director and Registrar will email Registrants and publish the document on the website, asking that all Registrants review the document and provide written comments within a period of 21 days of the Delivery of the document.

- c. After the expiry of the 21 days, Council or the Standing Committee, will review any comments received and consider if the document requires any amendments or changes. If no comments are received, Council will proceed.
- d. Council will motion to provide a copy of the document to the Minister and any other persons Council considers necessary for review and comment, as required by sections 133(2)(b) and (c) of the Act.

Adoption

11.7 Council may adopt a Code of Ethics, and Standards of Practice and may adopt amendments to the documents after it has reviewed and considered any written comments described in Bylaw 11.6.

Publication

11.8 After a Code of Ethics or Standards of Practice are adopted by Council, the Executive Director and Registrar will publish the documents on the College's website.

PART TWELVE ADMINISTRATION

Registrar

12.1 Council must appoint a Registrar as required by section 8 of the Act.

Not Required to Be Registrant

12.2 The Registrar is not required to be a Registrant.

Duties of Registrar

12.3 The Registrar will perform all duties required of and exercise the powers provided to the Registrar in the Act, Regulations and Bylaws.

Role of Registrar

12.4 The Registrar:

- a. Considers applications for registration, for a practice permit, and annual renewals of a practice permit,
- b. Undertakes any other power or duty given to the Registrar under the Act, the Regulations, or these Bylaws,
- c. May delegate in writing any of their powers, duties, and responsibilities to another person with or without conditions, and
- d. Executes any powers and duties delegated by Council.

Forms, Certificates, Permits or Other Documents

12.5 The Registrar is authorized to prescribe such forms, certificates, permits or other documents that may be required for the purposes of the Act, the Regulations, or the Bylaws.

Executive Director

12.6 Council must select an Executive Director and may assign the role of the Registrar to the Executive Director.

Not Required to Be Registrant and Role

12.7 The Executive Director is not required to be a Registrant and:

- a. Is a non-voting attendee of every Committee of the College unless there is a specific exclusion motioned by Council,
- b. Holds final responsibility for all administrative and operational matters for the College,
- c. Reports to Council, and
- d. May delegate in writing any of their powers, duties, and responsibilities to another person with or without conditions.

Funding For Treatment and Counselling

12.8 The Executive Director and Registrar, and Complaints Director are appointed to administer funding for treatment and counselling and the Patient Relations Program under Part 8.2 of the Act.

Deputy Registrar

12.9 An individual may be hired or retained to act as a Deputy Registrar.

Not Required to Be Registrant

12.10 The Deputy Registrar is not required to be a Registrant.

Reporting

12.11 The Deputy Registrar reports to the Executive Director.

Duties

12.12 The Deputy Registrar will perform all duties as assigned by the Executive Director.

Complaints Director

12.13 Council must appoint a Complaints Director.

Not Required to Be Registrant

12.14 The Complaints Director is not required to be a Registrant and cannot be a Council Member.

Powers and Duties

12.15 The Complaints Director may undertake any power or duty given to the Complaints Director under the Act, the Regulations, or the Bylaws.

Reporting

12.16 The Complaints Director reports to the Executive Director.

Delegating

12.17 The Complaints Director may delegate some or all of their duties to an individual, except for the Hearings Director.

Disclosing of Information

12.18 The Complaints Director may disclose any information regarding a complaint or disciplinary proceeding if the information:

- a. Is required to be disclosed for the purposes of the Act, the Regulations, or the Bylaws,
- b. Is required to be disclosed for registration, a certificate of standing or the Registrant has consented to the disclosure,
- c. Is required to be disclosed by law, or
- d. Is disclosed to a law enforcement agency for the purpose of reporting potential criminal conduct or for the purpose of providing information for a law enforcement investigation, subject to the Act, and any enactment or law that applies to the College.

Hearings Director

12.19 Council must appoint a Hearings Director.

Not Required to Be Registrant

12.20 The Hearings Director is not required to be a Registrant and cannot be a Council Member.

Powers and Duties

12.21 The Hearings Director may undertake any power or duty given to the Hearings Director under the Act, the Regulations, or the Bylaws.

Reporting

12.22 The Hearings Director reports to the Executive Director.

Delegating

12.23 With the approval of the Executive Director, the Hearings Director may delegate some or all of their duties to an individual, except for the Complaints Director.

Disclosure

12.24 The Hearings Director may disclose any information regarding a disciplinary proceeding if the information:

- a. Is required to be disclosed for the purposes of the Act, the Regulations, or the Bylaws,
- b. Is required to be disclosed by law, or
- c. Is disclosed to a law enforcement agency for the purpose of reporting potential criminal conduct or for the purpose of providing information for a law enforcement investigation, subject to the Act, and any enactment or law that applies to the College.

Legal Counsel

12.25 The Executive Director and Registrar, the Council, a Panel of Council, or with the approval of the Executive Director and Registrar or Council, a Committee, a Task Force, an Administrative Body or an employee or agent may retain legal counsel for the purpose of advising the College on any matter, and assisting Council, a Committee, a Task Force, an Administrative Body, Executive Director and Registrar or any employee or agent of the College in exercising any power or performing any duty under the Act, Regulations, Bylaws or legislation that applies to the CMA.

Seal

12.26 The College seal will be maintained by the Executive Director and Registrar.

PART THIRTEEN BANKING and FINANCE

Fiscal Year

13.1 The fiscal year of the College is the calendar year from January 1 to December 31 of the same year.

Accounts

13.2 Council or the Executive Director and Registrar may establish and maintain accounts with a chartered bank, trust company, or credit union as the Council determines from time to time.

Financial Commitments

13.3 Council must:

- a. Annually approve an operating and capital budget for the ensuing fiscal year,
- b. Annually review the forecasted excess or deficiency of revenue over expenses for the current fiscal year, and
- c. Review on a quarterly basis, the interim operating statements, balance sheets, and status of any contingency reserve funds established under Bylaw 13.4c.

Financial Authority

13.4 Council may:

- a. Amend the budget approved under the Bylaws,
- b. Establish contingency reserve funds, from which any disbursements must only be authorized by Special Resolution of Council, and
- c. Establish additional criteria for disbursements to be made from a contingency reserve fund established under the Bylaws.

Authorized Signatories for Amount up to \$10,000

13.5 All cheques, drafts, notes, electronic fund transfers, invoice approvals or orders for payment of money and all notes and bills of exchange for up to \$10,000 must be signed by the Executive Director and Registrar OR by any 2 of the following: Deputy Registrar, Chair or Vice Chair.

Authorized Signatories for Amount over \$10,000

13.6 All cheques, drafts, notes, electronic fund transfers, invoice approvals or orders for payment of money and all notes and bills of exchange for \$10,001 or more must be signed by at least 1 of the following: Chair or Vice Chair, AND 2 of the following: Executive Director and Registrar, Deputy Registrar, Chair or Vice Chair. Written authorization may be given at each instance for the Executive Director and Registrar or Deputy Registrar to sign on behalf of the Chair or Vice Chair.

Borrowing

13.7 Council may raise money or guarantee or secure the payment of money in the name of the College, in any manner determined by Council by Ordinary Resolution to carry out the duties and objects of the College as set out in the Act.

Real Property

13.8 The College may only sell, transfer, dispose of, mortgage, charge or otherwise encumber a beneficial interest that it holds in real property by Special Resolution of Council.

Investments

13.9 With Council's approval by Ordinary Resolution, the Executive Director and Registrar will only invest in financial instruments where the initial monetary investment and the interest are guaranteed.

Auditor

13.10 Each year, Council must appoint a chartered accountant, or a firm registered by the College of Professional Accountants Alberta to be the auditor.

Financial Statements

13.11 The Executive Director and Registrar must submit the College's financial statements to the auditor within 60 days of the end of the fiscal year.

Audited Financial Statements and Report

13.12 The audited financial statements of the College together with a signed and certified copy of the Auditor's report must be presented annually to Council.

Auditor's Report

13.13 The auditor's report must be prepared within 110 days of the close of the fiscal year for presentation to Council unless Council has approved an alternative deadline.

Insurance

13.14 The College may purchase and maintain any of the following:

- a. Insurance for the benefit of its Council Members, directors, officers, and employees, against liability, fines, damages, costs, charges, and expenses,
- b. Fidelity insurance or bonding in respect of its employees in such amounts as the Council may determine from time to time, and
- c. Such other insurance as Council determines is appropriate for the proper administration of the College.

Reimbursement of Expenses

13.15 The College will reimburse expenses incurred by Council, Committee members, Administrative Bodies, Task Forces, an Inspector, and staff in the course of carrying out their duties under the Act, the Regulation, and the Bylaws, in accordance with the Governance Policy.

Hourly Rate

13.16 The College will pay an hourly rate in accordance with the Governance Policy.

PART FOURTEEN FEES, LEVIES, COSTS AND ASSESSMENTS

Power of Council

14.1 Council may establish any fees, costs, levies, or assessments to be paid by Registrants, applicants or the public for any service or thing provided by the College under the Act, the Regulation, or the Bylaws.

Specific Fees and Levies

14.2 Council may establish or change fees, costs, levies, and assessments, including the following:

- a. Application fees,
- b. Letter of Standing fees,
- c. Costs of investigations and hearings,
- d. Document search, request and copy fees or costs,
- e. Examination fees,
- f. Fees for the expenses of a College as set out section 45.1(6)(d) of the Act,
- g. Fees for a review or an appeal of any decision under the Act,
- h. Fees for a specified physical or mental examination, or both under section 118 of the Act,
- i. Inactive registration fee,
- j. Late Payment fees including late practice permit renewal fee,
- k. Name change fees, and
- l. Registration, and practice permit fees.

Notice

14.3 Before establishing a fee, cost, levy, or assessment under Bylaw 14.2, or before making any changes to such fee, cost, levy or assessment, Council shall provide notice to Registrants on the College website no fewer than 60 days before the fee, cost, levy, assessment, or change comes into effect.

Special Levy

14.4 If special circumstances arise requiring additional funding for the College, Council may impose a special levy against the Registrants.

Invoice

14.5 When fees, costs, levies, or assessments are payable, invoice of the fees, costs, levies, or assessments payable will be Delivered to those Registrants or persons required to pay them.

Payment Before Service

14.6 A Registrant or person who has received an invoice under Bylaw 14.5 to pay a fee, cost, levy, or assessment will not receive the thing, services or product requested until the fee, cost, levy, or assessment is paid in full.

Use of Funds

14.7 Council may make use of all revenues received from registration and practice permit fees, other fees, costs, levies, assessments, and sources of income to carry out the objectives of the College.

Financial Policy

14.8 Financial policy pertaining to the College must be determined by Council and the College will publish annually a copy of its financial information in the form required by the Minister under section 4(1)(f) of the Act.

PART FIFTEEN PUBLICATION AND DISTRIBUTION OF INFORMATION

Information under Section 119(1) of the Act

- 15.1 The Executive Director and Registrar has authority to publish or distribute information as permitted or required under the Act, the Regulation, Bylaws, or any other enactment that applies to the College, or as otherwise permitted or required by law, including but not limited to:
- a. Information about a direction under section 118 of the Act,
 - b. Any order or decision made under Part 2 of the Act to Suspend, cancel, or place Conditions on Registrant's practice permit or made under Part 4 of the Act by a Hearing Tribunal or Council, including the order or decision itself, and
 - c. Information referred to in section 119(1) of the Act, subject to any requirements of the Act, Regulation, the *Personal Information Protection Act*, or any other enactment or law that applies to the College.

Additional Information

- 15.2 In addition to the information required under the Act and section 135.92(2), the Executive Director and Registrar may publish and remove the following information on the College website:
- a. Information about the CMA, its purpose, the midwifery profession and practices,
 - b. Information about the law and regulatory processes under the Act and Bylaws,
 - c. The "Find a Midwife" function including information about Registrants' and former Registrants' registration and practice permit status, unique registration number, practice location and name, contact information and email address, history, conditions, advanced authorizations, certifications, and restrictions,
 - d. Registration requirements, practice permit renewals, regulatory registration practices, registration decision processes, review and appeal processes,
 - e. Fees, timelines, forms and applications, and support for applicants in the registration process,
 - f. Information about Professional Conduct Part 4 of the Act such as how to make a complaint, the process, jurisdiction, how to apply for a review of dismissal of a complaint, processes, fees and general timelines,
 - g. The name of a Registrant who has been referred to a hearing under Part 4 of the Act,
 - h. The date, time and location including video conference of a scheduled hearing and how an individual may attend the hearing,
 - i. Whether or not a hearing has been adjourned or rescheduled,
 - j. Where there is a considerable threat to public safety, notice about any individual or group who is or is not registered with the College and may be engaging in the Practice of Midwifery or performing restricted activities, and
 - k. General information about Council and the operations of the College, including:
 1. Standards of Practice and Code of Ethics,

2. Publications and annual reports,
3. Resources and services offered by the College,
4. Career openings at the College,
5. A private website portal for Registrants, and
6. Contact information of the College.

PART SIXTEEN CONTINUING COMPETENCE PROGRAM CONDITIONS

Council May Establish Conditions

16.1 Council may establish Conditions to be imposed on a Registrant's practice permit as part of a continuing competence program.

Specific Conditions

16.2 The Competence Committee may consider and impose the Conditions listed in section 40.1(1) of the Act as well as and including, but not limited to:

- a. An appropriate condition in the discretion of the Competence Committee to achieve the purposes of the specific continuing competence program.

PART SEVENTEEN TRANSITIONAL BYLAWS

Deemed to be Appointed or Elected

17.1 A current Registrant Council Member who was elected or appointed under the previous bylaws is deemed to have been elected or appointed at the time of their election or appointment and will continue to be a Council Member for the remainder of their current term.

Reappointment

17.2 A current Registrant of Council who was elected or appointed under the previous bylaws and is serving their first term on Council may seek an appointment for a second consecutive term on Council in accordance with the Bylaws.

Not Eligible for Reappointment

17.3 A current Registrant of Council who was elected or appointed to a second consecutive term on Council under the previous bylaws is not eligible to seek an appointment for a third consecutive term on Council.