

O.C. 491/2001

A.R. 248/2001

December 19, 2001

The Lieutenant Governor in Council orders as follows:

that the Association of the Chemical Profession of Alberta be registered as a professional association with that name;

that the professional title and the abbreviations of the title that may be used exclusively by the Association and its members be “Professional Chemist”, “P. Chem.”, “PChem”, “Chemist in Training”, “C.I.T.” and “CIT”, respectively;

that the proposed regulation in the attached Appendix, being the Professional Chemists Regulation is approved.

For Information only

Recommended by: Minister of Human Resources and Employment

Authority: Professional and Occupational Associations Registration Act (section 9)

A P P E N D I X

Professional and Occupational

Associations Registration Act

PROFESSIONAL CHEMISTS REGULATION

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Definitions

1 In this Regulation,

- (a) “Act” means the *Professional and Occupational Associations Registration Act*;
- (b) “Association” means the Association of the Chemical Profession of Alberta;
- (c) “Association Registrar” means the Registrar of the Association appointed under the by-laws;
- (d) “Board” means the Board of Directors of the Association established under the by-laws;
- (e) “by-laws” means the by-laws of the Association;
- (f) “chemical sciences” means the analytical, biochemical, organic, inorganic, physical, theoretical and applied chemistry disciplines;
- (g) “chemist-in-training” means a person who is registered as a chemist-in-training under this Regulation;
- (h) “Discipline Committee” means the Discipline Committee established pursuant to section 17;
- (i) “practice of chemistry” means
 - (i) sampling, analyzing, evaluating, interpreting, reporting, advising, training and educating in the chemical sciences,
 - (ii) the application of chemical sciences including, without limitation, environmental monitoring, industrial chemistry, research, quality systems, laboratory operations and method development, and

- (iii) the management of the activities listed in subclauses (i) and (ii);
- (j) “Practice Review Committee” means the Practice Review Committee established pursuant to section 13;
- (k) “professional chemist” means a person who is registered as a professional chemist under this Regulation;
- (l) “professional development credit” means a professional development credit granted pursuant to section 12;
- (m) “registered member” means a professional chemist or a chemist-in-training;
- (n) “Registration Committee” means the Registration Committee established pursuant to section 2.

Registration Committee

2(1) There is hereby established the Registration Committee consisting of

- (a) one professional chemist who is a member of the Board,
- (b) 3 other professional chemists who are not members of the Board, and
- (c) the Association Registrar.

(2) The members of the Registration Committee must be appointed by the Board in accordance with the by-laws.

(3) The Registration Committee shall meet at the call of the chair.

(4) A quorum for a meeting of the Registration Committee is a majority of its members.

Registers

3(1) The Association Registrar shall maintain, in accordance with this Regulation and the by-laws and subject to the direction of the Board,

- (a) a register of professional chemists, and
- (b) a register of chemists-in-training.

(2) The Association Registrar shall enter in the appropriate register

(a) the name of an individual whose registration has been approved by the Registration Committee or the Board, as the case may be, and who has paid the fee prescribed by the by-laws, and

(b) the mailing address of that individual.

Powers and duties of Registration Committee

4(1) The Registration Committee shall consider applications from persons to become registered members of the Association in accordance with this Regulation and the by-laws and may

(a) approve the registration,

(b) refuse to approve the registration, or

(c) defer approval until the applicant has done either or both of the following:

(i) passed examinations and completed work experience in order to satisfy the requirements of section 9;

(ii) completed any further type and term of experience required by the Registration Committee in order to satisfy the requirements of section 9.

(2) The Registration Committee shall send a written notice of any decision made by it to the applicant.

(3) If the decision made by the Registration Committee is to refuse the registration of the applicant, it shall send written reasons for the decision to the applicant.

Review of application

5(1) An applicant whose application for registration is refused by the Registration Committee may, by notice in writing served on the Association Registrar within 30 days of receiving a notice of refusal and the reasons for it, appeal the refusal, and the notice of appeal must set out the reasons why, in the applicant's opinion, the application for registration should be approved.

(2) An applicant who appeals a decision of the Registration Committee under subsection (1)

(a) must be notified in writing by the Association Registrar of the date, place and time that the Board will hear the appeal, and

(b) is entitled to appear with counsel or an agent and make representations to the Board when it hears the appeal.

(3) A member of the Registration Committee who is also a member of the Board may participate in the appeal but shall not vote on a decision of the Board under this section, and may not be counted for the purpose of a quorum of the Board when it is hearing the appeal.

(4) On hearing an appeal under this section, the Board may make any decision the Registration Committee may make, and shall give written notice of its decision to the applicant.

Certificate of registration

6 On entering the name of a person in the appropriate register, the Association Registrar shall issue a certificate of registration to that person.

Payment of fees

7(1) A registered member shall pay the annual fee prescribed by the by-laws to the Association Registrar or to any person authorized by the Association Registrar to accept payment of the fee.

(2) A registered member who applies for renewal of registration after the annual renewal date prescribed by the Board shall pay the late renewal fee prescribed by the by-laws to the Association Registrar or to any person authorized by the Association to accept payment of the fee.

Annual membership card

8(1) The Association Registrar shall issue an annual membership card in accordance with the by-laws to a person

(a) whose registration is not under suspension or cancelled, and

(b) who has paid the annual fee.

(2) A member's registration expires annually on the date prescribed in the by-laws, unless it is renewed.

Registration as professional chemist

9(1) An applicant who

(a) produces documentation satisfactory to the Registration Committee that shows that the applicant has obtained

(i) an undergraduate degree or graduate degree in chemical sciences from the University of Alberta, the University of Lethbridge or the University of Calgary, or

(ii) an undergraduate degree or graduate degree in chemical sciences from another educational institution that is, in the opinion of the Registration Committee, substantially equivalent to a degree referred to in subclause (i),

and

(b) has at least 24 months of work experience in the practice of chemistry that is acceptable to the Registration Committee,

is entitled to be registered as a professional chemist.

(2) Notwithstanding subsection (1), the following applicants are also entitled to be registered as professional chemists:

(a) an applicant who has obtained a combination of academic qualifications and experience that, in the opinion of the Registration Committee is substantially equivalent to the requirements of subsection (1);

(b) an applicant who

(i) has completed and passed the Graduate Record Exam(s) (GRE), Chemistry Section(s) recognized by the Registration Committee, and

(ii) has at least 60 months of work experience in the practice of chemistry that is acceptable to the Registration Committee;

(c) an applicant who is the equivalent of a professional chemist in good standing with a reciprocal association recognized by the Board.

Registration as chemist-in-training

10 An applicant who meets the academic requirements of section 9(1)(a) or (2)(b)(i) but does not have the required work experience is entitled to be registered as a chemist-in-training.

Renewal of registration

11**(1)** A professional chemist or chemist-in-training who applies for a renewal of registration is entitled to have the registration renewed if the applicant

(a) provides evidence that

(i) in the 3 years preceding the application for renewal, the applicant

(A) obtained at least 1200 hours of work experience in the practice of chemistry that is acceptable to the Registration Committee, and

(B) obtained at least 150 professional development credits,

or

(ii) in the year preceding the application for renewal, the applicant

(A) obtained at least 400 hours of work experience in the practice of chemistry that is acceptable to the Registration Committee, and

(B) obtained at least 50 professional development credits,

and

(b) pays the renewal fee prescribed by the by-laws.

(2) Where an applicant does not meet the requirements of subsection (1)(a), the Registration Committee may nevertheless register the applicant subject to any conditions the Registration Committee considers to be appropriate with respect to completion of the requirements.

Professional development

12(1) For the purposes of this Regulation, professional development activity consists of the following:

(a) course work;

(b) course development;

(c) teaching;

(d) on-the-job coaching;

(e) publishing written professional or technical material;

(f) attendance at conferences or seminars;

(g) reading professional or technical material;

(h) contributing to the activities or administration of the Association;

(i) any other activity that the Practice Review Committee considers to be a professional development activity.

(2) The Registration Committee may grant professional development credits to a registered member for the satisfactory completion of a professional development activity approved by the Practice Review Committee.

(3) The Board shall establish a schedule setting out the number of professional development credits assigned to each professional development activity.

Practice Review Committee

13(1) There is hereby established the Practice Review Committee consisting of

(a) one professional chemist who is a member of the Board, and

(b) at least 3 other professional chemists who are not members of the Board.

(2) The members of the Practice Review Committee must be appointed by the Board in accordance with the by-laws.

(3) The Practice Review Committee shall meet at the call of the chair.

(4) A quorum for a meeting of the Practice Review Committee is a majority of its members.

Powers and duties of Practice Review Committee

14 The Practice Review Committee

(a) may, on its own initiative, and shall, at the request of the Board, inquire into and report to and advise the Board in respect of

(i) the assessment and development of educational standards and work experience requirements that are conditions precedent to registration as a professional chemist,

(ii) the evaluation of desirable standards of competence of professional chemists generally,

(iii) any other matter that the Board from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of chemistry under this Regulation, and

(iv) the practice of chemistry generally;

(b) may, with the approval of the Board, conduct a review of the practice of a registered member.

Notice

15 The Practice Review Committee shall give reasonable notice to a registered member of its intention to conduct a review of the practice of the registered member.

Reports and recommendations

16 After each inquiry or review under section 14, the Practice Review Committee

(a) shall make a written report to the Board on the inquiry or review and, where appropriate, on its decision,

(b) may make recommendations, together with reasons, to the Board regarding the matter inquired into or reviewed,

(c) may make recommendations to a registered member as to that member's conduct in the practice of chemistry, and

(d) shall, if it is of the opinion that the conduct of a registered member constitutes or may constitute either unskilled practice of the profession or professional misconduct within the meaning of section 19 of the Act, forthwith refer the matter relating to that conduct to the chair of the Discipline Committee to be dealt with under Part 3 of the Act, and in such a case the Discipline Committee shall deal with it as if it were a complaint.

Discipline Committee

17(1) There is hereby established the Discipline Committee consisting of

(a) one professional chemist who is a member of the Board, and

(b) 3 other professional chemists who are not members of the Board.

(2) The members of the Discipline Committee must be appointed by the Board in accordance with the by-laws.

(3) The Discipline Committee shall meet at the call of the chair.

(4) A quorum for a meeting of the Discipline Committee is a majority of its members.

Costs

18(1) The Discipline Committee, with respect to hearings before it, and the Board, with respect to reviews by it, may order the investigated person to pay the following costs:

(a) the fee payable to the lawyer advising the Discipline Committee or Board at the hearing or review and the fee payable to the lawyer acting in a prosecutory role at the hearing or review;

(b) the cost of recording the evidence and preparing transcripts;

(c) the expenses of the members constituting the Discipline Committee including, without limitation, the per diem allowances of those members;

(d) any other expenses incurred by the Association that are incidental to the hearing or review.

(2) Where the Board determines under section 22(3)(a) of the Act that a complaint is frivolous or vexatious, it may order the complainant to pay the following costs:

(a) the fee payable to the lawyer advising the Board at any hearing held by the Board;

(b) any other expenses incurred by the Association that are incidental to any hearing held by the Board.

Cancellation and suspension

19(1) The registration of a registered member is cancelled or suspended when the decision to cancel or suspend the registration is made in accordance with the Act or this Regulation.

(2) The Association Registrar shall enter a memorandum of the cancellation or suspension of the registration in the appropriate register indicating

(a) the date of the cancellation or suspension,

(b) the period of suspension, and

(c) the nature of any finding under Part 3 of the Act.

(3) If the registration of a registered member is cancelled, the person whose registration is cancelled shall, on request, surrender to the Association Registrar all documents and materials relating to the registration.

Cancellation on request

20 The Association Registrar shall not cancel the registration of a registered member at the request of the registered member unless the request for cancellation is approved by the Board.

Non-payment of fees

21 If a registered member is in default of payment of annual fees, penalties, costs or any other fees, dues or levies payable under the Act, the Association Registrar shall, on the direction of the Board, cancel or suspend the registration of that person on the expiration of 30 days following service on that person of a written notice from the Board demanding payment of the amount due, unless the amount due is paid before that date.

Registration in error

22 The Board shall direct the Association Registrar to cancel the registration of any person that is entered in error in a register.

Use of title

23(1) A professional chemist may use the title “Professional Chemist” and the abbreviations “P.Chem” and “PChem”.

(2) A chemist in training may use the title “Chemist-in-training” and the abbreviations “C.I.T.” and “CIT”.

Transitional

24 The Association Registrar shall enter in the register of professional chemists or chemists-in-training the name of a person who, on the coming into force of this Regulation, is registered as a professional chemist or chemist-in-training, as the case may be, under the by-laws of the Association.