
Professional Regulation of Forestry Practitioners

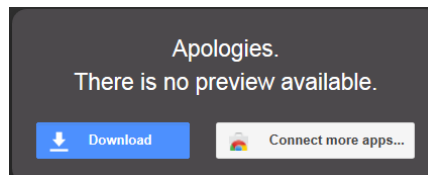
“The summaries and their associated interpretations contained in this document are for general information only, not legal advice. To interpret or apply the law, you must consult the legally enforceable documents (Acts, Regulations, Agreements etc...). This information is provided ‘as is’, without representation or warranty. The College of Alberta Professional Foresters will not be responsible for any loss or damage arising from your reliance on this information. These summaries and interpretations are provided for your personal or educational use; it cannot be reproduced for commercial distribution.”

2015 Spring Study Session for the CAPF Professional Exam

Topic	Learning Module	Audio (See instructions below)	Speaker
Professional Regulation of Forestry Practitioners – An Overview	ORP RFP	WMA Audio	Doug Krystofiak Tel: (780) 432 1177 registrar@capf.ca

NOTE: To listen to the presentations in Windows Media Audio format:

1. Click on [WMA Audio](#)
2. Click **Download**



3. Click **Download anyway** if Google Drive can't scan for viruses (audio files are clean)
4. Click **Open** or **Save**



Professional Regulation of Forestry Practitioners - an overview

March 7, 2015

Doug Krystofiak, RPF
Executive Director & Registrar

Presentation Outline:

- Intent of professional regulation
- 'Entry' & 'practice' standards
- Overview of Professions Regulated in AB
- Types of regulatory regimes/key terms
- AB forestry profession regulation - history
- RFPAMandatory Registration provisions
- Canadian overview
- Questions

Why regulate professions?

- Protect **public interest** (e.g., safety) not interests of practitioners
- **Protect consumers from harm** (via incompetent or unethical behavior of a regulated practitioner)
- "Harm" can be **direct** (to consumer of professional services) or **indirect** (to 3rd party or society; forests publicly owned)
- A **profession is granted self-regulation** status by government via professional legislation (a privilege; not a right)
- Self-regulated professions (in AB=54) can "raise" a practitioner's level of ethical and competent behavior but cannot guarantee such
- "raised" via setting of **entry** and **practice standards**

Entry Standards:

- **Education:** CFAB accredited forestry program (BSc in Forestry) or equivalent
- **Work experience:** 2 years (post-graduate)
- **Sponsoring/Mentoring RPF(s)**
- **Jurisprudence Exam:** addresses Acts, Regulations, Policy (Fed/Prov) pertinent to forestry & professional practice (e.g., RFPA and RPF Regs)
- **Assess good character, legal age & ability to legally work**
- **Professional Liability insurance coverage** (if required; requirement under AENV regulation – rec/rem prof signoffs)

Practice Standards:

- Adherence to a **Code of Ethics & Standards of Practice**
duties to the public, profession/members, clients/employers, practice, etc.
- **Continuing Education (CE) or Continuing Competence (CC) requirements**
trend CE (voluntary) shifting towards CC (mandatory/audited)
- **Complaint resolution mechanisms**
Alternative Complaint Resolution (ACR) and/or Hearing Tribunals, Ombudsman role on process-related complaints, Appeals
- **Maintain good standing** (e.g., dues payment; register updates; mandatory annual remittances – good character declaration & CCP activities; maintain CCP minimum requirements)

Regulated Professions Offer:

- **Public accountability** (via professional statute)
- Peer and public review (**public interest protection**)
- A defined **Scope of Practice**
- **Protected Titles** (so public can distinguish)
- Regulated members abiding by **Code of Ethics & Standards of Practice**
- **Complaint Resolution Mechanism** and Practice Reviews (in ESofP regimes)
- Emphasis on **Continuing Competence/Education** – ongoing commitment to maintaining competencies
- **Practice Permits** (advises public on practice conditions & good standing)
- Set and maintain **Entry and Practice Standards**
- **Professional Sign-offs – Restricted/Controlled Activities** (only done by regulated Professionals)

AB Professional Regulation

54 regulated professions under 12 statutes:

- Health Professions Act - HPA (27 PROs under 1 Act) – RTP (MR/RA) legislation
- Non – Health Professions (25 PROs under 9 Acts; soon accountants 1 Act and 1 PRO with common designation CPA):
 - Under AB Jobs, Skills, Training and Labour - JSTL Minister
 - Professional Governance Unit oversight
 - 13 under POARA (umbrella Act) plus Consulting Engineers and ASET - RTT typically
 - 12 RTP (7 ESofP & 3 MR/RA)
- Legal Profession (1)
- Teachers (1)

Types of Regulatory Regimes:

- **Licensing Regime** (Right to Practice - RTP):
 - via Exclusive Scope of Practice (ESoP) or Mandatory Registration (MR) provisions & Restricted/Controlled (R/C) Activities
 - registration is mandatory to: practise in the defined scope of practice or approve/provide restricted activities (i.e., professional sign-offs/approvals on specific documents/plans) or use protected titles
 - regulates majority of practitioners (never 100%); MR only applies to those that are 'eligible' to register but does not restrict practice (except who can do or approve R/C Activities); ESoP restricts those (professional practitioners and incorporations) that practise unless regulated or under the direct supervision of a regulated member.
 - ESoP (e.g., AB P7, BC RPFs); register professional corporations too (e.g., engineering consulting companies and accountants).
 - R/C Activities & MR provisions applied in Medical professions (HPA - replaced ESoP), Forestry and Agrology

Regulatory Regimes (cont):

- **Certification Regime** (Right to Title - RTT):
 - voluntary registration
 - must only be registered to use protected titles – qualified professionals opt out of being accountable or subject to complaint resolution mechanisms, etc.
 - R/C Activities don't typically apply (exceptions?)
 - difficult to regulate the entire profession (e.g., biologists (ASPB), ARPFNB in NB)

AB History – professional regulation
of forestry practitioners:

- **Forestry Profession Act** (1985) & **Regulation** (1988) – grandparenting window; certification regime with voluntary membership & protected titles only (e.g., RPF, PFor, RF & FIT).
- **Regulated Forestry Profession Act** (2000), **RPFs Regulation** (2002), **RPFTs Regulation** (2002) and **Expenses and Review Fees Regulation** (2002) – protected titles; MR provisions (sections 22(2) & 40); forest technologists (RPFT) regulated; common scope of practice but 2 autonomous regulatory bodies. Sign-offs evolved over time (via AESRD-AFMP Standard-Annex 2, Reclamation/Remediation Certs, TM Regs).
- [Merger](#) of Colleges will open RFPA again in near future (2016?).

RFPA Mandatory Registration (MR) provisions:

- 40(1) A person must apply for registration if the person**
- (a) is qualified to meet the requirements of section 22(2)..., and**
 - (b) intends to provide any or all of the following:**
 - (i) Professional services on public land;**
 - (ii) The teaching of the practice of a regulated profession to regulated members or students of the regulated profession;**
 - (iii) The supervision of regulated members who provide professional services on public land**

Who is qualified?

- 22(2) An applicant must provide evidence of competence in the practice of the profession
- (a) by fulfilling **one or more** of the following as required by the regulations:
- (i) education requirements, that may include being enrolled in a program of studies,
 - (ii) experience requirements,
 - (iii) successful completion of examinations, or
 - (iv) holding degrees, certificates or diplomas,
- (b) by being registered with a profession in another jurisdiction..., or
- (c) by satisfying the Registration Committee of having,a combination of education, experience, practice or other qualifications....(CFPFA National Assessment process – competency based and considers both work experience and education - determines “equivalency”)

MR (cont):

- 22(2) gives College “broad” discretion – we are taking a reasonable/defendable approach; want to be on leading edge not bleeding edge
- 22(2)(a)’s “One or more” focused on satisfying the educational entry standard (**accredited BSc in Forestry or equivalent**)
- **Emphasis is on practitioner who is qualified** (= transferring/visiting RPF in good standing or accredited BSc in Forestry grad/Equivalent) **& practising forestry** (RFPA defines scope) **on public lands** (Provincial Crown lands)
- **MR won’t capture all forestry practitioners** (differing education, exemption clauses, where they work – Federal Crown or private lands) - **CAPF cannot force upgrading.**

Scope of Regulation:



- 8 provinces regulated
- PEI & 3TERR not likely; MB considering
- 5 **RTP** (BC, AB, SK, ON & QC)
- 3 **RTT** (NB, NL & NS)
- BC, AB, SK also regulate Forest Technologists – RFTs/RPFTs

Questions?

- CAPF Exam Preparation webpage
www.capf.ca
- 2 pdfs in Member Area:
 - Overview of Regulated Professions
 - Regulation of Forestry Profession in AB

Also, read over CAPF Bylaws & RFPAct & 2 Regulations (**HINT**)