

# THE COMMENTATOR

**CMLTA**  
COLLEGE OF  
MEDICAL LABORATORY  
TECHNOLOGISTS  
OF ALBERTA

Volume 2, Issue 1 - February 2013

## COUNCIL'S CHRONICLES

### FROM THE PRESIDENT'S PEN

Welcome to 2013! The change from one calendar year to the next invites both plans for the upcoming year and reflections upon the previous year. I invite you to meet your new [Council for 2013](#). College Council, including newly elected and appointed Councilors, held a strategic planning session in October 2012 with an eye to laying the groundwork for the next three years. Not surprising, the focus was on continuing the operationalization of the decision to divest the College of its limited membership services portfolio and focus on the College's Minister-directed obligations (registration, continuing competence, and complaints of professional misconduct).

Much of the discussion centered on the future of the Annual General Meeting (AGM). Ultimately, Council concluded the College should continue to host an annual meeting for members; the format of the meeting is likely to evolve in the future as it has in the past. The 2013 Council is looking forward to another busy year of striving towards the College's [vision](#) of enhancing patient safety and public protection and promoting high standards for the professional practice of Medical Laboratory Technologists (MLTs).

Of course with each planning session that charts the future direction of the College, the topic of money comes up just as it does when anyone decides on future goals. In fact, a frequently asked question from members is "How does the College spend the dues I pay every year?" In response to this question, I have reviewed the College's 2012 financial position. The [Executive Director's Exchange](#) contains an excellent, detailed analysis on the same subject, but I have chosen a broader vantage point. Using data

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### NOMINATIONS

[click here for details](#)

### AWARD OF DISTINCTION

#### DEADLINE:

June 1, 2013

[click here for details](#)

### AWARD OF MERIT

#### DEADLINE:

June 1, 2013

[click here for details](#)

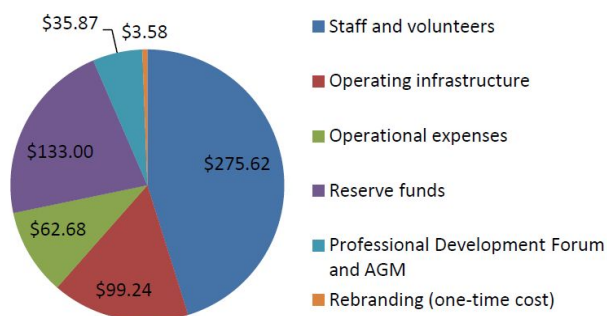
### BURSARY AWARD

#### DEADLINE:

December 31, 2013

[click here for details](#)

from the College's 2011 audited financial statement, I calculated the distribution of College expenditures into several categories and then translated the equivalent portion to the registration dues/fees each regulated member paid to obtain a 2012 MLT registration and Practice Permit. One disclaimer to note in my analysis: conduct costs were not included because they vary greatly depending upon the number and complexity of complaints of unprofessional conduct received in a given year, which is why the College has set aside conduct contingency funds and also additional operational reserve funds for unforeseen expenses. I am not an accountant by training and this is my personal interpretation of the audit data. The College financial audits are a matter of public record and I invite you to view the financial and other information in the College's [Annual Reports](#), which are prepared for the Minister of Health.



So what does this graph tell us? As with many businesses, human resources are the most significant cost.....both staff and volunteer. The College must offer fair, competitive salaries and benefit packages to retain competent, committed staff and reduce employee turnover. The College reimburses volunteers because Council does not feel personal funds should subsidize government-mandated committees, for example, those individuals who volunteer to sit on Hearing Tribunals and adjudicate complaints of unprofessional conduct against regulated members. The operational infrastructure, such as property lease, insurance, computer hardware and software, also comprises a large portion of College expenses. Furthermore, it is not surprising with a mandate to uphold patient safety and public protection through legislation, specifically the *Health Professions Act* and the *Medical Laboratory Technologists Profession Regulation*, the College frequently seeks legal opinions and expertise to ensure the College is fulfilling its legislated

mandate. The operational fees in the graph include legal expenses and the costs associated with outsourcing to other professionals, such as IT support and accountants.

College Council does not make financial decisions lightly and fully comprehends the impact each decision has on all College members. After all, Councilors, except for the public members appointed by the government, pay MLT registration and Practice Permit dues too. Member dues and fees directly support College business - enhancing patient safety and public protection by enforcing high standards of professional practice, and ultimately contributing to the wellness of Albertans.

## MEETING HIGHLIGHTS

College Council convened on Saturday, October 13, 2012 to develop the 2013 – 2015 Strategic Plan, including goals, key initiatives, and resource requirements. The Strategic Plan is directly linked with the College's legislated responsibilities (registration, professional competence/continued learning, and adjudication of complaints) and an additional goal of operational excellence.

As a result of a Councilor resignation and an unfilled position on the Legislation Sub-Committee, Council appointed Myanh La as Councilor (term ending December 31, 2014) and Kristen Desranleau as a member of the Legislation Sub-Committee. These appointments were conducted via email motions and were ratified October 19, 2012.

College Council convened on Saturday, November 17, 2012 for a regularly scheduled Council meeting. The following are highlights from the meeting:

- Appointed Jodi Luckwell to 2013 President Elect (progressing to President and Past President for 2014 and 2015 respectively).
- Appointed Aischa Hammond and Myron Pilip to the Legislation Sub-Committee for a three-year term commencing January 1, 2013.
- Approved the 2013 College meeting schedule for Council and Committees.
- Approved the 2013 College budget and expenditures linked to the Strategic Plan.
- Approved the 2012 Annual General Meeting (AGM)



minutes for presentation to the membership at the 2013 AGM.

- Approved revisions to College personnel and finance policies as per recommendations of insurance providers and auditors respectively.

## COLLEGE VOLUNTEERS

The College would like to welcome the following volunteers:

- Elizabeth Forestell (elected to Council commencing January 2013)
- Erin Granigan (elected to Council commencing January 2013)
- April Hillman (appointed to Council in September 2012)
- Myanh La (appointed to Council in October 2012)
- Jodi Luckwell (appointed to Council commencing January 2013)
- Aischa Hammond (appointed to Legislation Sub-Committee commencing January 2013)
- Kristen Desranleau (appointed to Legislation Sub-Committee commencing January 2013)

Biographies of Councilors can be found at <http://cmlta.org/home/about/council/>

The College would like to thank the following volunteers who completed their term December 31, 2012:

- Myron Pilip – Council Presidential Chain
- Melody Montgomery – Councillor
- Leila Kipke – Councillor

## NOMINATIONS

Council is currently accepting nominations for the upcoming positions:

- 2014 – 2016 President Elect
- 2014 - 2016 Councilor
- 2014 - 2016 Councilor

If you are interested, please submit a [Call for Nominations form](#).

The deadline is May 31, 2013.

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## EXECUTIVE DIRECTOR'S EXCHANGE

## **The Cost of Doing Business**

Let's be candid, in the real world it is all about the money! Not surprisingly, the CMLTA is often asked: Where do my dues go? What do you do with my money? Why are my dues so high?

A review of the revenue/expenditures as provided in the 2011 Audited Financial Statements for the CMLTA outlines the "money trail" and exactly where the \$1,400,845 collected in dues revenue was allocated.

Pursuant to the *Health Professions Act* (HPA), a College must appoint and/or elect a Registrar, Complaints Director, Hearings Director, Council, President, and regulated members for the purpose of Hearing Tribunals and Complaint Review Committees. A College must carry out its activities and govern its regulated members in a manner that protects and serves the public interest. A College must establish, maintain, and enforce standards for registration, continuing competence, and professional practice via Standards of Practice and a Code of Ethics for regulated members of the profession. A College must also prepare an Annual Report for the Minister of Health which contains requested information in a form acceptable to the Minister.

This is a lofty directive from the government which requires substantial funding to ensure the CMLTA can fulfill each of its mandated responsibilities. The CMLTA has a legal obligation to comply with all aspects the HPA; therefore, it must implement the necessary infrastructure to support operations in an efficient and sustainable manner (e.g. building lease, insurance, computer hardware/software, telephones, photocopier, staff). The 2011 audited financial statement itemizes the detailed expenditures associated with HPA-mandated programs/services with a total cost of \$1,068,717, which represents 76% of member dues.

In 2008, the Alberta College of Medical Laboratory Technologists (ACMLT), as it was referred to during this time, experienced a significant increase in the number of complaints of unprofessional conduct against its regulated members. This resulted in a precarious financial position for the ACMLT and a \$200,000 deficit due to costs associated with investigations, hearings, and legal expertise. As a result, members experienced a considerable increase

in MLT registration and Practice Permit dues for 2009. In retrospect, the ACMLT possibly should have increased dues incrementally each year prior to 2009, but Council did not want the membership to incur undue financial hardship if it was not deemed necessary at the time.

In light of the financial position the organization faced in 2008, the financial auditors recommended the organization should minimize risk and liability and build operational and conduct contingency/reserve funds for future financial security. College Council agreed with the auditor's recommendation as it was also the leading practice of other regulatory bodies to sustain operational and contingency reserve funds. In 2011, \$260,000 or 19% of member dues were directed to an operational reserve fund. Currently, the CMLTA has \$750,000 in operational reserves and \$300,000 in a conduct contingency fund to protect the organization and to offset any unforeseen financial stressors. This also translates into the potential for future "zero-balance budgets" in which projected revenue parallels expenses, thus surplus funds and large dues increases are not necessary.

The only non-HPA program/service provided by the CMLTA is the Professional Development Forum/Annual General Meeting. The CMLTA is not required by legislation to conduct an AGM, but as the Bylaws are currently structured, Council must obtain membership approval for all Bylaw amendments. The CMLTA Council has struggled with the future of this event as it is not an HPA requirement, yet they cannot amend the Bylaws without regulated members' support. The format of this annual event is up for debate among Council as this technically is a member-based service that is not in alignment with the regulatory-only direction of Council. Yet, this is the only opportunity Council has to interact and connect with even a small percentage of the membership. The costs associated with this annual event are \$72,128 which accounts for only 5% of member dues, but not every member attends and benefits as the nature of the profession is primarily shift work and the large geography of the province prevents the membership as a whole from participating.

If one closely reviews the numbers and costs associated with "doing business" and the day-to-day



operations of the CMLTA, it can be logically concluded there is no reckless spending of membership dues in the organization. In fact, as Council is comprised of regulated members, they are cognizant and sensitive to increases in organizational expenditures as they are also required to support the CMLTA by paying for an annual MLT registration and Practice Permit themselves. The CMLTA Council views its HPA mandate of patient safety and public protection in the highest regard, but it also applies the same foresight, scrutiny, and diligence in allocating membership dues.

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### **COMPETENCE AND PROFESSIONAL DEVELOPMENT DIALOGUE**

Reminder: Continuing Competence Program compliance audit notices were mailed to members January 2, 2013. If you have been selected for the compliance audit, please adhere to deadlines for document submission as stated in the audit notice. Non-compliance may affect your current MLT registration and Practice Permit status.

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CSMLS has released a revised refresher course list for Internationally Educated MLTs (IEMLTs) seeking certification. The updated refresher course list is now in effect for any Prior Learning Assessment (PLA) clients taking the exam for certification. CSMLS has also developed an "ideal Clinical Placement Blueprint" for PLA clients. This program will provide IEMLTs with tools and resources to help meet their CSMLS learning plan requirements in a flexible effective manner. More information on these courses and the blueprint is [available here](#).

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**DIFFERENT**

Think. Learn. Aspire. Belong.

**LABCON 2013**

CSMLS National Conference of Medical Laboratory Science  
Congrès national de sciences de laboratoire médical de la SCLSM

[labcon.csmls.org](http://labcon.csmls.org)

## PROFESSIONAL DISCIPLINE AND CONDUCT CONSIDERATIONS

The College received three complaints of unprofessional conduct in 2012. The College Complaint's Director dismissed one complaint as there was insufficient evidence of unprofessional conduct for the following reasons:

(1) the nature of the complaint did not meet the legal threshold necessary to pursue the matter; (2) the allegations did not pose a significant risk to public safety and protection in the context of the provision of competent medical laboratory healthcare services; and (3) the allegations were employer-employee specific and unrelated to clinical practice.

Two complaints have been forwarded to formal investigations and Hearing Tribunals may be convened dependent upon the Investigator's final reports.

The College received one complaint of unprofessional conduct to date in 2013. This matter is currently under investigation.



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## **COUNCIL APPROVED 2014 DUES & FEES**

September 15 - October 31, 2013: early bird discount (\$560)

November 1-30, 2013: regular dues (\$610)

December 1-31, 2013: regular dues plus processing fees (\$735)

All voluntary renewals (MLA, Associate, Retired) will continue as hard-copy (\$160)

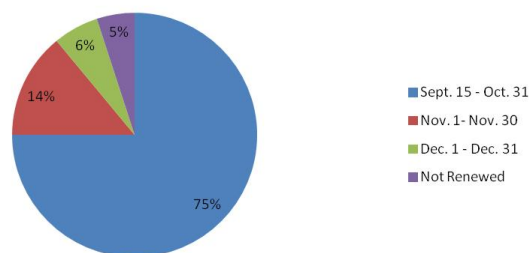
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## **REGISTRAR'S REVIEW**

A review of the data collected during the online registration and MLT Practice Permit renewal reveals the following:

- Inconsistencies with the number of MLT hours worked for 2012. The submission of 2012 actual and scheduled/estimated MLT hours may be obtained from an individual's pay stubs to date, from a supervisor or Human Resources representative, or calculated by using the following formula: annual FTE hours subtract non-work hours (vacation, sick leave, LOA) equals total MLT hours worked
- Difficulty writing Learning Objectives for Continuing Competence Program Learning Plan. Some individuals state the Resources and Strategies to be utilized to achieve a learning goal as opposed to an appropriately written Learning Objective. A Learning Objective is a specific measurable statement describing the knowledge, skills, judgements, and attitudes an individual will acquire and relate directly to a specific competency in the MLT Competency Profile. Resources and Strategies are the tools an individual utilizes to fulfill a Learning Objective. For example, "I will read a relevant textbook" is a Resource and Strategy and the complementary Learning Objective would be "I will enhance my understanding of advances in Clinical Chemistry protocols".

**2013 MLT Registration and Practice Permit  
Renewal Information by Date**




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## PROFESSIONAL PERSPECTIVES

### **The Social Media Challenge – Discipline, Good Character, and the Right to Freedom of Expression**

Professional regulators are beginning to grapple with the impact that social media such as Facebook and blog postings will have on their regulatory functions. Just as cases on the impact of social media in the workplace are starting to work their way through the legal system, so too are cases involving professional regulatory bodies. Social networking sites and internet postings can provide evidence relevant to the assessment of good character. They may also demonstrate behaviour that is unprofessional. As professional regulatory bodies in Canada begin to consider issues involving social media, they will also have to remain mindful of the impact that their actions have on their members' right to freedom of expression.

#### **Discipline**

It is well established that professional regulatory bodies are able to deal with the misconduct of members even if the misconduct does not arise from the member's activities as a registered member. While private conduct will not always be unprofessional conduct, it can become unprofessional conduct when it affects the member's integrity, professional character or impacts on the reputation of the profession as a whole. When members inappropriately use social media such as internet blogs, it sometimes raises the issue of whether such "off duty conduct" is unprofessional.

Last year, regulators in both Ontario and British Columbia considered internet blog postings of their members. The College of Optometrists of Ontario

received a complaint from one of its members that another member had posted personal and derogatory comments about him online hiding behind a pseudonym.<sup>[1]</sup>

The complainant complained that the content of the posting and use of a pseudonym was “disgraceful, dishonorable, unprofessional or unethical”. The investigated member admitted to sending the email under the pseudonym and apologized for his conduct but defended himself against the allegation on the basis that while his comments were “intemperate or ill-considered” they did not amount to unprofessional conduct. Nor, he argued, was the use of a pseudonym unprofessional, disgraceful or discreditable. The investigated member also argued that the matter was outside the jurisdiction of the College as the complaint did not involve patient safety or engage his fitness to practice.

The Inquiries, Complaints and Reports Committee of the College found that the investigated member did not act unprofessionally in expressing his opinion on a publicly accessible website or by using a pseudonym to bring the website to the attention of others.

The complainant appealed the matter to the Appeal Board. The Board found that the Committee’s decision was unreasonable on the basis that the Committee should have paid more attention to the personal and derogatory content of the postings. The Board did not specifically address the use of the pseudonym. Given that the investigated member had already recognized that his actions were wrong, the Board did not refer that matter back for reconsideration.

The Law Society of British Columbia also considered comments posted by one of its members on the internet.<sup>[2]</sup> A BC lawyer posted comments that included discourteous and personal remarks about an Ontario lawyer. These included, “This is the kind of guy that gives lawyers a bad name. He is relying on intimidation and blackmail to get the lousy \$500. Don’t pay him. I hate these sleazy operators”. The BC lawyer argued that his comments were justified due to the blameworthy conduct of the Ontario lawyer.

The Hearing Panel found that the blog posting was a



mixture of conduct in the lawyer's practice and his private life. In this regard they noted that he identified himself as a lawyer and received potential file referrals as a result of his blog posting. Regardless of whether the blog posting was private or professional, the Hearing Panel found that the blog posting constituted professional misconduct as it was a marked departure from the conduct expected of members of the Law Society. The lawyer was ordered to pay a \$1,500 fine and \$3,000 in costs.

### **Registration Requirement – Good Character**

Just as internet postings and social networking sites may offer evidence of unprofessional conduct, they may also provide evidence relevant to the assessment of good character when considering applications for registration.

Last year a hearing panel of the Law Society of Upper Canada (LSUC) considered the content of an applicant's blog in assessing the applicant's character. [\[3\]](#)

The applicant applied to the LSUC to be admitted as a paralegal. The Law Society opposed the application on the basis that she was not of good character. One of twelve factors cited by the Law Society were blogs maintained by the applicant that contained unsubstantiated and defamatory allegations against a number of organizations and individuals. The blogs also contained statements that were discriminatory or threatened violence to individuals. The applicant admitted to being the author of the blogs and in her evidence attempted to provide justification for the content.

The LSUC hearing panel held that the blogs adversely impacted upon the applicant's reputation and integrity as well as the reputation and integrity of the legal profession and the administration of justice. The panel further held that the information on the blogs demonstrated that the applicant did not have concern for or possess the qualities required of a member of the LSUC being, fairness, accuracy, integrity and respect for the rule of law. The application was denied with the blogs being one of eleven factors cited by the panel in support of its decision.

### **The Right to Freedom of Expression**

While social media may be changing how we

communicate, the tension between the duty of professional regulatory bodies to protect the public interest and the rights of regulated members to freedom of expression is not new. Before internet blogs and social networking sites professional regulatory bodies wrestled with their members' letters to the editor, pamphlets and picketing. In addition to raising issues about when a member's conduct in their private life can be the subject of disciplinary action, these cases also raise issues about the extent to which professional regulators can restrict their members' freedom of expression – a right protected by s. 2(b) of *the Canadian Charter of Rights and Freedoms*. As social media provides an ever expanding platform for expression, these issues will likely increasingly land on the doorstep of regulators.

### **Recommendations for Regulators**

In the College of Optometrists of Ontario case discussed above, the Appeal Board of the College of Optometrists of Ontario concluded its decision by commenting that the case demonstrated the need for the College to develop policy regarding what is appropriate use by its members of the internet, social networking sites and other forms of electronic communication:

“Clearly, as this case demonstrates, there is still some debate over where the line is drawn between acceptable and non-acceptable online postings. ...the College is in the best position to determine where that, and other lines regarding electronic communication, should be drawn. Given the burgeoning nature of the internet and similar forms of electronic communications and the broadly and almost instantly available information, the Board believes the College could greatly assist its members by developing a clear set of expectations in the use of these media.”

Regulatory bodies may wish to implement Standards of Practice or written policy that confirm expectations regarding the use of social media, including potential implications if a member breaches the guidelines.

*Written by Bonnie Bokenfohr of Field Law's Professional Regulatory Group. Reprinted with permission.*

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[1] 1 T.F. v. S.T., 2011 CanLII 14376 (ON HPARB).

[2] Laarakker (Re), 2011 LSBC 29; 2012 LSBC 2.

[3] Ormilla Bhoopaul v. Law Society of Upper Canada,

[Click here to view the CMLTA Social Media Practice Advisory Statement](#)

**SAVE THE DATE**

CMLTA Professional  
Development Forum &  
Annual General Meeting

**28** Saturday  
September 2013

Marriott at River Cree Resort  
300 East Lapotac Blvd  
Edmonton (Enoch), Alberta

events@cmlta.org

Website  
& Registration  
Launching March 2013

**CMLTA** COLLEGE OF  
MEDICAL LABORATORY  
TECHNOLOGISTS  
OF ALBERTA

## AWARD RECIPIENTS

The College awarded Professional Development Certificates to the following members:

- Mariana Burstyn
- Giselle Monroe
- Annamma Thomas
- Debora VanLanduyt
- Mara Zanier

*The College of Medical Laboratory Technologists of Alberta (CMLTA) is a recognized leader in the regulation and governance of healthcare services. As a trusted partner in healthcare regulation, the CMLTA acknowledges self-regulation is a privilege and endeavors to enhance public protection and patient safety, promote high standards for professional practice, and contribute to the overall wellness of Albertans. The CMLTA protects the public by regulating the professional practice of Medical Laboratory Technologists (MLTs) and guiding the advancement of the profession.*

*The Commentator e-newsletter is the CMLTA's primary communication vehicle and is distributed*



February, May and October. *It provides MLTs and the public with current and timely information about CMLTA programs, services, and topics relevant to MLTs and which may have an impact on the healthcare continuum.*

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