

Volume 6, Issue 2 - May 2017

COUNCIL MEETING HIGHLIGHTS

The CMLTA Council convened on March 4, 2017 for a regularly scheduled Council meeting. The following are highlights from the meeting:

- Approved the 2016 audited financial statement as presented by auditors.
- Appointed Yaremchuk & Annicchiarico to perform the 2017 financial audit.
- Approved the 2016 Annual Report to be distributed to the Minister of Health, Regulated Members, and other stakeholders.
- Approved revisions to Council Process policies, specifically changes to the executive restructure of Council. Please reference the [Registrar's Review](#) article in the February 2017 issue of *The Commentator*.
- Approved amendments to CMLTA Bylaws.
- Approved the Executive Director/Registrar Succession Preparedness Plan.
- Approved Pauline Tomlin as the 2016 recipient of the Recognition of Excellence award.

NOMINATIONS

Council is currently accepting expressions of interest for the following vacant positions:

- 2018 - 2020 [Councilor](#) (3 vacancies)
- 2018 - 2020 [Legislation Sub-Committee Member](#) (3 vacancies)

Please click on the links above to submit the applicable form.

2018 DUES NOTICE

September 15-October 31, 2017: \$450 (early bird discount)

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NOMINATIONS

[click here for details](#)

RECOGNITION OF EXCELLENCE

DEADLINE: December 31, 2017

[Click here for details](#)

November 1-30, 2017: \$500 (regular dues)
December 1-31, 2017: \$625 (regular dues plus processing fees)

For the 2018 renewal season, the CMLTA will no longer provide the option to pay CSMLS annual membership fees online with the payment of CMLTA registration dues. Regulated Members will need to [contact the CSMLS directly](#) for the payment and renewal of CSMLS memberships.

REGISTRAR'S REVIEW

The PM – Essential to the CMLTA

In this case, “PM” doesn’t refer to the individual residing at Rideau Cottage on 1 Sussex Drive, but rather to individuals who are equally as important to the CMLTA as the Prime Minister is to the Canadian political landscape.

“PM” refers to a person appointed as a Public Member (PM) pursuant to the *Health Professions Act* (HPA) to serve as a member of a designated Council. Similarly to the Prime Minister being tasked with exercising the powers vested in him by the constitution, the PM is commissioned under the HPA to carry out the activities of a College and to govern its Regulated Members in a manner that protects and serves the public interest. The HPA requires twenty-five percent of the voting members of a Council, a Complaint Review Committee, and a Hearing Tribunal to be comprised of PMs. An individual cannot serve as a PM if they are a Regulated Member of the College, if they are directly involved in the negotiation or proceedings with respect to a collective bargaining agreement, or an officer of a regional health authority or on the Advisory Board established as per section 22 of the HPA.

A PM may be appointed to a Council for a term of up to three years and may be reappointed to a second term not to exceed more than six consecutive years. However, a PM appointment continues after the expiry of the term of the appointment until the PM’s appointment is rescinded or a successor is appointed. This protocol is unlike the CMLTA’s Bylaws for elected Regulated Members of Council who can only serve two consecutive three-year terms and then if their office is not filled through election or appointment by Council, the office remains vacant.

Up until March 20, 2017, Mr. Ira Goldman served six years in a three-year appointment and Mr. Ken Gall served eight and a half years in a six-year term (two, three-year terms) as PMs on CMLTA Council. This tenure of volunteer service well-beyond their stated terms of office highlights their dedication to the CMLTA and their desire to ensure that patient safety and public protection are paramount to the programs and services of the CMLTA. The CMLTA requires a third PM to satisfy the requirement of twenty-five percent of Council to be comprised of PMs and Alberta Health continues to recruit a suitable PM to fill this office. On behalf of Karen Matejka, your 2017 CMLTA President and all Council, I would like to thank Ira and Ken for their volunteer commitment to the CMLTA. Ira and Ken ensured Council heard their voices and represented the best interests of the general public on all matters of discussion and both are examples of altruism in its truest sense. It is an understatement to say their perspectives and contributions have been valuable, insightful, and greatly appreciated by Council over the past number of years.

As Ira and Ken's volunteer service with the CMLTA comes to an end, it is with great pleasure the CMLTA Council welcomes Mr. Aaron Zelmer and Mr. Domingo Chavez to the CMLTA as the new PMs on Council for a term effective March 20, 2017 – March 20, 2020. The CMLTA is excited to have Aaron and Domingo on Council as PMs bring a perspective and insight outside of the MLT community that is an essential element of a fulsome and robust debate for any issue facing a regulatory body. I encourage you to [learn more](#) about your new PMs on CMLTA Council. Aaron and Domingo's backgrounds and professional experiences bring a wealth of knowledge and expertise to the CMLTA that are instrumental in safeguarding that the programs and services of the CMLTA and the strategic direction for the organization focuses on patient safety and public protection for you and your families.

Another way to get to know your new Council PMs is to volunteer to be a member of the CMLTA Council yourself. It is as simple as submitting your [Call for Nominations](#) form by May 26, 2017 and allowing your name to stand for election to Council for the 2018 – 2020 term.

CCP CONVERSATIONS

WHAT'S IN YOUR INBOX?

What's worse than receiving the Continuing Competence Program (CCP) Compliance Audit notice in your inbox? Being randomly selected for the CCP Compliance Audit and not receiving your notice!

The CMLTA has communicated to Regulated Members on multiple occasions the importance of maintaining current and accurate personal contact information on file with the CMLTA. This ensures you receive important regulatory communications sent from the CMLTA. The CCP Compliance Audit notice is no exception.

At the beginning of each year, the CMLTA randomly selects a minimum of ten percent of Regulated Members from the previous year's registration roster to participate in the CCP Compliance Audit. Individuals selected for the CCP Compliance Audit are sent CCP Compliance Audit notices detailing all relevant documentation required to be submitted to the CMLTA by a specified deadline.

A completed online CCP Compliance Audit must be submitted to the CMLTA prior to the specified deadline. The CMLTA follows a detailed schedule with specified deadlines to ensure timely processing and correspondence with an audited individual. The CMLTA institutes a cumulative late fee an individual who disregards the stipulated deadlines.

Regardless of an individual's current registration status, once a CCP Compliance Audit notice has been issued, it will remain outstanding on an individual's record until the request has been satisfied. An individual must notify the CMLTA immediately, in writing, of extenuating circumstances preventing compliance within the specified timeline. Otherwise, the request remains outstanding.

The *Health Professions Act* (HPA) defines unprofessional conduct in section 1(1)(pp)(vi)(A) as "*failure or refusal to comply with the requirements of the continuing competence program*". Furthermore, any non-compliance with the CCP Compliance Audit may be treated as a complaint

pursuant to section 56 of the HPA which states:
".....if the complaints director has reasonable grounds to believe that the conduct of a regulated member or former member constitutes unprofessional conduct ... or is aware of non-compliance with a direction under section 118, the complaints director may treat the information, notice or non-compliance as a complaint and act on it under section 55".

Additionally, pursuant to the HPA, all outstanding fees must be paid by the individual and all outstanding documentation be submitted before an MLT Practice Permit can be renewed, issued, or reinstated.

Your personal contact information can be updated anytime through the Member Login on the cmlta.org website.

VERSION 4 OF THE CONTINUING COMPETENCE PROGRAM (CCP)

Version 4 of the CCP came into effect for the 2017 registration and MLT Practice Permit renewal season. This version is only available electronically. Please discard or recycle all materials related to previous versions. It is not necessary to return any materials to the CMLTA.

COURTS SUPPORT REGULATOR'S AUTHORITY TO ENFORCE CCP

[Click here to read more.](#)

PROFESSIONAL PRACTICE PERSPECTIVES

UNITED WE STAND

All elected officials must learn one fundamental principal of governance. It doesn't matter what type of organization they govern: health regulatory Colleges, municipalities, societies, or corporations, this one principle applies. Ready for it? Here it is: the words Council and Board are singular!

The legislation, Bylaws, and policies that establish the governing power for an organization should always refer to the power of a single entity. In the

case of the CMLTA, that power is given to Council. Council is the governing body and sets the direction for the organization, dictates policy, and establishes the operational budget. Council may, through resolutions, direct the CMLTA.

Council has power. Why is this such an important governance principal? Nobody else has the power to govern your College. In my previous articles, I have presented the idea that the executive of the CMLTA (President and Vice President) does not have any specific power to govern, nor does the President alone have any unique power to govern. In fact, no individual Councilor, regardless of title, has the power to govern the CMLTA. This is referred to as the *primacy of Council*.

No individual Councilor, Council, or executive member may direct the CMLTA or its administration, commit the CMLTA to any course of action, or expend funds on behalf of the CMLTA.

If you as a Regulated Member bring an issue or concern to a Councilor, the best they can commit to is bringing the matter forward on your behalf to all of Council. If you ever have an elected official commit to more than that, they are misrepresenting their authority.

The Role the Councilor

While Council as a singular entity has power, individual Councilors, regardless of their title, have duties. Some of the duties of Councilors include:

- Voting on issues that require a Council motion;
- Being well-informed on all aspects of a matter before voting;
- Acting in good faith, without bias, or conflict of interest;
- Maintaining confidentiality;
- Respecting and upholding the democratically-determined decisions of Council; and
- Respecting the *primacy of Council*.

These duties apply to all Councilors. Even the President generally has duties, and not powers. In addition to the duties of all other Councilors, the President-specific duties include:

- Chairing Council meetings in a manner that ensures the will of Council is determined and that individual

- Councilors have the right to be heard;
- Speaking on behalf of Council and reflecting the will of Council; and
 - Signing, on Council's behalf, official documents and agreements supported by the will of Council.

Because Councilors have duties while Council has power, it is critical that your Council works together effectively as a team on behalf of the CMLTA. Effective teams have practices and processes that support collaborative work. They respect the opinions of others, even when they are different from their own. They trust that other Councilors will fulfill their duties on their behalf. They question ideas without personally attacking the individuals bringing the ideas forward. They speak with one voice, supporting the collective will of Council, even when it differs from their own personal perspective.

Effective Governance Practices

In my experience, there are effective governance practices that support the *primacy of Council*. My recommendations over the years to the CMLTA Council include:

i. Council Orientations and Governance Training

No one intuitively knows how to effectively govern without experience and everyone can benefit from a comprehensive governance orientation when beginning a term on Council. Even experienced Councilors can benefit from ongoing training to reinforce their roles and to help them to continually grow and develop new skills. I recommend ongoing governance training for all my clients.

ii. Councilor Code of Conduct

A well-written and binding Code of Conduct can provide clear guidelines on the duties and expectations of Councilors. I recommend that Councils review their Code of Conduct and reaffirm it annually. An effective Code of Conduct also provides recourse to Council when Councilors fail to fulfill their elected or appointed office.

iii. Appointed Executive

In the articles I penned for the CMLTA in May 2016 and February 2017, I pointed out that many regulatory Colleges have moved away from Regulated Members electing the President or any other members (e.g. Vice President) of the executive. In these colleges, Council elects a

President and a Vice President from among the Councilors elected by the Regulated Members. Colleges have discovered that this model has some major governance benefits when compared to electing the executive through a Regulated Member vote. Among them: a) an appointed President has the support of Council which allows the President to be effective in the role; b) the President can be selected from among the Councilors with the most experience and dedication to the College; and c) an effective President can serve more than one term in office. Some Regulated Members have viewed the move to an appointed rather than elected executive position as a loss of power to the membership' however, it is important to remember that the board complement is still elected by the Regulated Members. There is no loss of control because the Council executive, including the President, has no more control over the CMLTA than any other individual Councilor.

Concluding Comments

The Regulated Members of the CMLTA can support the effective operation of their Council by being aware of the roles of both the Council and its individual Councilors, and by holding their elected representatives accountable to those offices. One can also monitor Council practices to ensure that ongoing governance training, Council-appointed executive positions, and an effective Code of Conduct are in place.

*By Russell Farmer, President
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GREY AREAS

Commentary on Legal Issues Affecting Professional Regulation

1. [Alternatives to Self-Regulation May have their Own Issues by Julie Maciura March 2017 - No. 214](#) (NOTE: The CMLTA's current complaint and formal discipline policies/processes reflect the auditor's recommendations as outlined in this article.)

2. [An Unusual Case by Bernie LeBlanc April 2017 - No. 215](#)

AWARD RECIPIENTS

Recognition of Excellence: The CMLTA recognizes Pauline Tomlin as the recipient of the 2016 CMLTA Recognition of Excellence award.

Student Endowment Award: The CMLTA recognizes Adesewa Adeleye from the UofA MLS program.

The CMLTA Student Endowment Fund has been established to financially assist students with their education in the medical laboratory field. The CMLTA supports an endowment fund at the Northern Alberta Institute of Technology, the Southern Alberta Institute of Technology, and the University of Alberta. The interest from these invested endowment funds are administered by each of the institutions respectively.

DESIGNATION REMOVAL NOTICE

The CMLTA has historically displayed the levels of MLT post-secondary education (e.g. BSc, MSc, PhD, ART) on an MLT Practice Permit. In adherence to Section 36(3) of the *Health Professions Act* (HPA), the CMLTA will no longer display any designations related to post-secondary education, other than MLT. The legislation stipulates a Practice Permit must include: the name of the Regulated Member; the unique registration number; the name of the college that is issuing the Practice Permit; a statement that the Practice Permit is issued pursuant to the HPA; any conditions imposed on the Practice Permit (e.g. supervision); the category of registration; the expiry date of the Practice Permit; and it may contain any other information as authorized pursuant to the Bylaws. CMLTA Bylaws do not authorize any other additional information to be printed on an MLT Practice Permit. If an employer requires evidence of other post-secondary education so that it may be acknowledged in accordance with the HSAA pay scale provisions, it is a Regulated Member's responsibility to provide diplomas, degrees, etc. to their employer.

RECOGNITION OF EXCELLENCE

Don't work for recognition, but do work worthy of recognition. - H. Jackson Brown, Jr.

The foundation for the Recognition Program is based on the vision, mission, core values, and regulatory role of the CMLTA. It is peer to peer recognition of Medical Laboratory Technologists (MLTs) who epitomize professional practice; who advance the profession; and who demonstrate to others the CMLTA's *Standards of Practice* and *Code of Ethics*.

To view the Recognition of Excellence parameters or to nominate a deserving MLT, please click [here](#).

The CMLTA welcomes all feedback and encourages Regulated Members to provide recommendations for continuous improvements to the mandated programs and services offered by the CMLTA. Regulated Member feedback is important to the CMLTA Council and any opportunity to implement your suggestions is mutually beneficial for all parties. Please send your comments/feedback to info@cmlta.org.

The College of Medical Laboratory Technologists of Alberta (CMLTA) is a recognized leader in the regulation and governance of medical laboratory 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 Medical Laboratory Technologists (MLTs) and fostering excellence in professional practice.

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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