

Conditions on a Practice Permit at Registration or Renewal

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INTRODUCTION

The College of Licensed Practical Nurses and Health Care Aides of Alberta (CLHA) has the **authority** under the *Health Professions Act* (HPA)ⁱ to carry out its activities and **govern** Health Care Aides (HCAs)* in a manner that protects and serves the public interest.

This policy explains how and when **conditions** can be added to a **practice permit** and outlines the authority of the **Registrar, Registration Committee, Competence Committee**, or a delegate to **impose** those conditions. Conditions imposed in accordance with sections 65, 82, and 118 of the HPA, or voluntarily during the complaints process, are not covered under this policy.

Terms found in the definition section are **bolded** where they appear for the first time in this document.

PURPOSE

This policy outlines the types of conditions that may be imposed on a practice permit, when they can be applied, and how HCAs can practice under these conditions during **registration** or renewal.

POLICY

Conditions are imposed, where needed, in a fair and unbiased way to support safe practice and protect the public.

Sections 30(2) and 40(2) of the HPA permits the Registrar, Registration Committee, Competence Committee, or a delegate to approve an application for a practice permit with conditions (including those referred to in section 40.1(1) of the HPA). If an HCA has conditions on their practice permit, they may still be able to practice provided that they follow the conditions.

* In this document, “HCA(s)” has the same meaning as “regulated member” in the *Health Professions Act*.

Additionally, section 40(2)(b) permits the Registrar to impose conditions on a practice permit as part of a **continuing competence** review.

Common Practice Permit Conditions

The CLHA may impose conditions on an HCA's practice permit either at registration or renewal to protect the public and ensure the delivery of safe care. Section 40.1(1) provides examples of the type of conditions that can be imposed on a practice permit. The types of conditions that the CLHA may impose include:

- practicing under a type of **supervision**, with certain populations, or in certain practice settings;
- not performing certain **restricted activities**;
- not practicing alone;
- submitting to additional practice visits or other assessments such as taking a medical or psychological evaluation;
- reporting regularly to the Registrar on status or progress;
- not supervising others, including unregulated staff or students;
- completing continuing competence activities within a set timeline;
- making improvements through education;
- restricting employment to certain employers or in certain healthcare settings; and
- practicing only for a specific period of time or under a restricted class of register, i.e., provisional.

Conditions may be accompanied by documents, such as a **learning plan**, supervision plan, or **reporting agreement**. Failure to follow a condition may result in **suspension**, referral to the **Complaints Director**, or the CLHA not renewing the practice permit.

Reasons Conditions May Be Imposed

When imposing conditions on a practice permit, the Registrar, Complaints Director, Registration Committee, Competence Committee, or a delegate must provide reasons for their actions. Below are some common reasons a condition may be applied to an HCA practice permit in the context of registration or renewal.

Fitness to Practice

As stated in HPA section 28(3), where there is reason to believe an applicant could be a danger to the public due to a disability or **incapacity**, the Registrar, the Registration Committee, or Competence Committee may require the HCA to have a physical or mental examination by someone agreed upon by the applicant and the Registrar, Registration Committee, or appointed if there is no agreement.

Practice Gaps and Low Practice Hours

A practice gap is defined as a period of time during which an HCA was unable to practice in their profession. Having low practice hours means an HCA was not able to reach the required 1,000 practice hours in the previous four years, as required in the *Actively Engaged Requirements for Registration* policy. As a result, having a practice gap or low practice hours may affect the HCA's clinical skills, knowledge, and ability to remain current and competent in their practice environment. HCAs who have a practice gap or low practice hours may be denied a practice permit during renewal or may have conditions placed on their practice permit.

Exceptions to the practice hour **requirement** may be made in exceptional circumstances where the applicant or HCA can demonstrate that they have a characteristic protected from **discrimination** under the *Alberta Human Rights Act* and can demonstrate that the protected characteristic contributed to their inability to meet the requirements. **Evidence** may be required before an exception is made. Each case will be assessed on an individual basis to determine whether and how an accommodation can be provided. Even when there is evidence of discriminatory impact, the applicant may or may not be eligible for registration.

If an exception is made, the practice permit may be issued subject to conditions. Conditions that are commonly placed on a practice permit resulting from practice gaps or low practice hours include practicing under supervision for a specific amount of time, and the HCA must fulfill the practice hour requirement by a specified date.

Good Character and Reputation Including Criminal Charges

As stated in section 28(1)(e) and section 40(1)(d.1) of the HPA, an HCA must provide evidence of having **good character** and reputation in a way described by the Registrar or a delegate. If there is insufficient proof of the HCA's good character and reputation, a condition may be applied to their practice permit.

Under section 127.1(4) of the HPA, HCAs need to report criminal charges or convictions to the Registrar as soon as reasonably possible. Where no decision has been made yet, the Registrar may apply conditions such as regular reporting to the CLHA or practicing with supervision.

Types of Supervision Conditions

When the Registrar, Registration Committee, Competence Committee, or a delegate places a supervision condition on an HCA, the level and type of supervision required to practice will be clearly stated on the practice permit and in the **decision letter**. This may include the requirement of **direct supervision**, **indirect supervision**, or **remote supervision**.

HCAs under supervision:

- do not supervise others,
- follow all applicable standards of practice and code of ethics, and
- follow all required practice restrictions.

Request for Review

An HCA may request a review of a condition imposed on their practice permit by submitting a written request to the Registrar, stating the reasons why the application should be approved without a condition, within 30 days of receiving a copy of the decision letter, as stated in sections 31(1) and 41(1) of the HPA. These reviews are conducted by the CLHA Council. The CLHA may charge a fee for this review.

Upon completing the reviews, the Council may confirm, reverse, or change the decision or refer the matter back to the Registrar or a delegate to reassess and make a new decision on the application for a practice permit.

CONCLUSION

Applying conditions on a practice permit is one way the CLHA fulfills its mandate to protect the public. This method can allow an HCA to continue practicing under specific conditions, thereby ensuring that any identified risks are effectively reduced. The aim is to maintain the **integrity** of the profession and the safety of **clients**.

Documents are updated frequently. For the most current version and access to related documents and resources, please visit the Knowledge Hub on clha.com.

If after reading this document you have questions about conditions on a practice permit, please contact the CLHA's Registration Department at hcaregistration@clha.com, 780-484-8886 or 1-800-661-5877 (toll free in Alberta).

DEFINITIONS

Authority: refers to the power or right to give orders, make decisions, and enforce obedience. It can also mean the appropriate person to give orders or make decisions.

Client: an individual who receives a **professional service** from the HCA. The term client is interchangeable with patient and resident, depending on the work setting.

Competence Committee: a committee responsible for making recommendations to the Council on continuing competence requirements, conducting competence assessments, and addressing related issues/concerns to assure the continued competence of members.

Complaints Director: the CLHA staff member responsible for administering the unprofessional conduct complaint process.

Conditions: a restriction, requirement, or limitation placed on an HCA's practice permit. A condition is placed on a practice permit when the CLHA has additional requirements for an HCA either in their practice as an HCA or in their communication with the CLHA to maintain registration.

Continuing competence: the improvement of knowledge, skills, and judgment required to practice safely and ethically throughout one's career.

Decision letter: the CLHA's written notice to an HCA as part of its registration or application outcome, (e.g., approve, refuse, approve with conditions), including reasons and next steps.

Direct supervision: a supervising health professional is physically present at the point of care. This means the supervisor is in the same physical location as the HCA and client.

Discrimination: an action or decision that has a negative effect on an individual or group based on personal characteristics, including a person's race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

Evidence: facts, information, documents, etc. that give reason to believe that something is true.

Good character: a requirement that HCAs demonstrate integrity, honesty, and professionalism. Criminal charges, convictions, or other documented concerns may contribute to assessing an individual's character.

Govern: to lead, control, or manage an organization or group, often by creating rules and making decisions that guide their actions.

Impose: to force something to be accepted or put in place.

Incapacity: when an HCA suffers from a physical, mental, or emotional condition or disorder or an addiction to alcohol or drugs or other chemicals that impairs the ability to provide professional services in a safe and competent manner.

Indirect supervision: the supervising health professional is available for consultation and guidance but is not required to be physically present at the point of care. The person providing indirect supervision is readily available on-site and can provide assistance when needed. This means the supervising health professional is in the same workplace and can assist and/or attend to the HCA and client within a short period of time.

Integrity: being honest and trustworthy.

Learning plan: a written plan outlining the educational or training activities an HCA must complete to meet a condition on their permit.

Professional service: defined in the *Health Professions Act* as a service that falls within the practice of an HCA. This includes one or more of the following:

- assist and support activities of daily living to provide basic personal care and health services,
- assist in teaching a Health Care Aide certificate program approved by the Council,
- participate in client education and promotion of client wellness across the lifespan,
- teach Health Care Aide techniques and practices to practitioners in the workplace, and
- provide restricted activities provided by the regulation.

Practice permit: a formal authorization issued by the CLHA that allows an HCA to practice within their profession. A practice permit may have conditions specific to the HCA in addition to conditions for all HCAs on the same register.

Registrar: the individual responsible for registering HCAs with a regulatory health college and other operations of the college. The CEO of the CLHA is also the Registrar of the CLHA.

Registration: when a regulatory college approves an applicant to use a specific title, like Health Care Aide, and work in a certain profession.

Registration Committee: assesses, reviews, and makes decisions on applications for registration or certification/authorization to ensure applicants meet specific legal requirements. The committee can approve, approve with conditions, refuse, or defer an application for registration, while maintaining objectivity and fairness in the registration process.

Remote supervision: the supervising health professional is available for consultation and guidance but is not required to be physically present at the point of care. This means the supervisor can be easily contacted through technology, i.e., by phone or video conference, when assistance is needed.

Reporting agreement: a formal arrangement requiring the HCA to provide regular updates to the CLHA as part of a condition.

Requirements: something that is needed.

Restricted activities: health services that can only be performed by authorized persons because of the risks associated with the performance of these activities and the need to ensure that professionals possess the necessary competencies.

Supervision: the process by which an experienced healthcare professional guides and supports the learning and professional development of another healthcare professional or provider, with the aim of ensuring that care provided to clients remains safe, effective, and of high quality.

Suspension: when a healthcare provider is temporarily not authorized to practice. This happens when their practice permit is inactive, often due to concerns about conduct, competence, meeting regulatory requirements, etc.

REFERENCES

¹ Health Professions Act, RSA 2000, c H-7. Government of Alberta.
<https://www.qp.alberta.ca/documents/Acts/H07.pdf>