



OSPG

Office of the Superintendent
of Professional Governance

Practice Rights Under the *Professional Governance Act*

Summary: As of February 5, 2021, the practice rights under *Professional Governance Act* remain the status quo. That is, the same as they were under the previous statutes.

Initial implementation of practice rights under the *Professional Governance Act* (PGA), involves carrying forward the status quo from the statutes to be repealed and expressing them in a consistent format under the framework of the PGA, with some modernizations. This means that each regulatory body will

- Regulate the same registrants it was regulating under its former statute (*regulated practice*);
- Have authority to confer the same titles (with some modernizations) as in its former statute (*reserved titles*); and,
- Continue protecting any practice rights reserved for the profession (*reserved practice*), if authorized under the former statute (the *Foresters Act* or the *Engineers and Geoscientists Act*). This means that, upon initial implementation, reserved practices are only granted for professional forestry, engineering, and geoscience. No new reserved practices are being established upon initial implementation of the PGA.

With respect to Applied Biologists and Agrologists, work is already underway to establish reserved practice for registrants of these professions. We expect that the *Applied Biologists Regulation* and *Agrologists Regulation* will be updated to set out the impending reserved practice in the coming months following a further period of consultation. The introduction of these new reserved practices will include a reasonable transition period identified well in advance of the reserved practices being introduced.

The Office of the Superintendent of Professional Governance (OSPG) also intends to begin a process with Applied Science Technologists and Technicians of B.C. (ASTTBC) and Engineers and Geoscientists B.C. (EGBC) to discuss the opportunities and challenges associated with, and potential approaches to, reserved practice within the engineering discipline for technologists and technicians.



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General Questions and Answers:

If practice rights remain the same as under the former statute, why do the practice definitions in the regulations look so different than the former statutes?

In the course of drafting regulations to bring the *Professional Governance Act* (PGA) into force, it became clear that some consistency is needed in the way that the definitions of regulated and reserved practice are framed for the regulatory bodies under the PGA. This is because definitions for all regulatory bodies under the PGA will be considered in context of each other, rather than within the context of their current individual statutes. Having different levels of detail in the content or the verbs of each definition could have unintended consequences to the practice definitions of other regulatory bodies.

On a go-forward basis, it is also necessary to establish a modernized reserved practice regime that contemplates the addition of new reserved practices under the PGA. Prompted by these considerations, we undertook an analysis of all proposals to identify those elements that make up a common framework that can be applied across regulatory bodies. The consistent framework that we have identified involves the following:

- A regulated practice that arises from the provision of advice and services based or ancillary to on specific disciplines or in relation to specific technical matters.
- Where granted, a reserved practice that is derived from the aspects of the regulated practice that require the experience or technical knowledge of a registered professional in order to hold paramount the safety, health and welfare of the public, including the protection of the environment and the health and safety of the workplace.

How will you communicate to registrants, industry and the public that the existing reserved practices of professional forestry, engineering and geoscience remain the same as before, though the wording has changed?

Although the words setting out the definitions of regulated and reserved practice in the professional regulations under the *Professional Governance Act* (PGA) will be different (and more concise) than the former statutes, in practice, the same registrants will be regulated, and the same reserved practices will be protected. In support of the transition to the new definitions, the following provisions will be put in place:

- The Office of the Superintendent of Professional Governance (OSPG) will support regulatory bodies in preparing illustrative materials that articulate the existing reserved practices of professional forestry, engineering, and geoscience being carried forward to public and industry audiences
- Backstops have been included in the regulation to clearly identify that everything included in reserved practice under the former statutes, immediately before their repeal, is still in the reserved practice under the PGA.



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What does this mean for regulatory bodies who didn't have reserved practices under their former statutes?

The Office of the Superintendent of Professional Governance (OSPG) is supportive of establishing new reserved practices for applied biology and agrology in an appropriate time frame. The reserved practices will be based on the same modern, consistent format as professional forestry, engineering and geoscience. OSPG will be working with regulatory bodies over the coming months to carry out engagements that facilitate transition to reserved practice in these professions. Recognizing there are no former definitions to reference as backstops, it is essential that the regulations and supporting materials provide sufficient certainty for all parties in the context of newly established reserved practices. This will allow sufficient time and notice for industry and non-registered practitioners to prepare for transition to a reserved practice. We expect that the *Applied Biologists Regulation* and *Agrologists Regulation* will be updated to set out the impending reserved practice in the coming months, well in advance of the reserved practice being brought into force.

At this time, Applied Science Technologists and Technicians B.C. (ASTTBC) is not actively pursuing reserved practice rights for its registrants.

Profession-specific questions and answers

I am a registrant of Engineers and Geoscientists B.C. (EGBC) – are there any changes to my practice rights?

No, the reserved practices of engineering and geoscience will be the same as they were under the *Engineering and Geoscientists Act*, with some modernizations.

What happened to the exemptions to the reserved practice under section 2 of the *Engineers and Geoscientists Act*?

A number of exemptions to the reserved practices of engineering and geoscience are set out in the *Engineers and Geoscientists Act*, which provided helpful clarity under that statutory framework. OSPG's view is that these explicit exemptions are no longer required due to the shift in the underlying scheme from the *Engineers and Geoscientists Act* to the PGA, but in practical terms, the status quo will continue (to the extent that activities are consistent with the policy objectives of those exemptions).

Specifically, Office of the Superintendent of Professional Governance (OSPG) has very carefully considered the exemptions in 2(2) and 2(9) of the *Engineers and Geoscientists Act*. Our understanding is that the policy objective of these exemptions is to provide clarity that:

- mines inspectors and prospectors may carry out their work without being registered with EGBC; and,
- that aspects of acquiring tenures or keeping tenures in good standing that don't involve the knowledge or expertise of a professional engineers or geoscientists may be undertaken without being registered with EGBC



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Should practical matters arise in respect of the transition from explicit exemptions under the *Engineers and Geoscientists Act* to the PGA, the OSPG is open to revisit the matter of exemptions should that prove necessary to maintain the status quo of intended policy objectives at a practical level.

I am a registrant of the Association of B.C. Forest Professionals (ABCFP) – are there any changes to my practice rights?

No, the reserved practice of forestry will be the same as it was under the *Foresters Act*, with some modernizations.

I am a registrant of the College of Applied Biology (CAB) – do I have any new practice rights?

Not yet. A reserved practice for applied biology is not being established as of February 5, 2021. We expect that the *Applied Biologists Regulation* will be updated to set out the impending reserved practice in the coming months following a further period of consultation. The introduction of these new reserved practice will include a reasonable transition period identified well in advance of the reserved practices being introduced.

I am a registrant of the B.C. Institute of Agrologists (BCIA) – do I have any new practice rights?

Not yet. A reserved practice for applied biology is not being established as of February 5, 2021. We expect that the *Agrologists Regulation* will be updated to set out the impending reserved practice in the coming months following a further period of consultation. The introduction of these new reserved practice will include a reasonable transition period identified well in advance of the reserved practices being introduced.

I am a registrant of Applied Science Technologists and Technicians of B.C. (ASTTBC) – do I have any new practice rights?

No. The status quo remains. A reserved practice for engineering and applied science technology is not being established as of February 5, 2021.

The *Applied Science Technologists and Technicians Regulation* sets out that whenever registrants of ASTTBC are working in the reserved practice of engineering, they must continue to do so under the supervision of a registrant of Engineers and Geoscientists B.C. (EGBC), as was the case under the former statute. This reflects the status quo.

The Office of the Superintendent of Professional Governance (OSPG) intends to begin a process with ASTTBC and EGBC to discuss the opportunities and challenges associated with, and potential approaches to, reserved practice within the engineering discipline for technologists and technicians.