

Operations, Procedures and Governance Review Final Report

October 2021



Project Purpose

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- To assess the College's existing governance functions and supporting operations/management processes (at circa 25 August – 1 October 2021) and to identify best practices to ensure the College's compliance with Alberta's Health Professions Act (HPA) and its public interest and public safety mandate. Specifically, to:
 - Assess the **current state** through a structured methodology and qualitative techniques.
 - Conduct an **environmental scan** to identify leading practices in regulatory and governance functioning and key supportive management functions.
 - Identify **opportunities for improvement** that may involve changes to governance structures and philosophy, policies and procedures, staffing, organization design, and enabling technology

Limitations and Cautions

- The development of the structure, process, and competencies required of a regulatory college under the HPA are immense and ongoing. The HPA obligates all colleges, regardless of size and capacity, to meet the legislated public interest and public protection mandate.
- The council members, interim registrar/executive director (ED), and staff are to be commended for their support of the College mandate and for their efforts to complete the transition from the Health Disciplines Act to the HPA.
- This project is an assessment of the College as it is **currently** centered (at circa 25 August – 1 October 2021) with recommendations to evolve the College to fully meet its HPA obligations. As such, the project is **not an assessment of the past**, including behaviours/actions purported or actual. No attribution is provided to explain/justify how the current College structure, processes, or organizational model came into existence. The current state is acknowledged and accepted “as is” with the focus on “what should be”.
- Much has been developed and put into place by Council and College staff over a relatively short period, including the key regulatory components of initial registration, entry to practice examination, and complaints and discipline processes. And indeed, while this project was underway, the interim registrar/ED has developed and is implementing several needed reform activities, many of which this report speaks to. However, much more is required in the regulatory and governance components, and College operations.

Recommendations

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- Ten (10) key recommendations are presented that build on the findings and observations obtained in two companion inputs - the Current State Assessment and the Environmental Scan, and a role clarification session involving the current Council president and vice-president, and the interim registrar/ED.
- In addition, a number of suggestions are presented in those review reports that will further assist the College in strengthening its governance, regulatory, and operations functions. These suggestions are summarized in a table.
- The recommendations are presented in the following sections: **governance structures and philosophy, policies, and procedures, staffing and organization design, and enabling technology.**
- They are focused on the adoption of a policy governance model of oversight; building a full suite of governance, regulatory, and operations policies and procedures; enhancing the College's human resources capacity; and conducting an IT security audit.
- None of the recommendations require changes to legislation. They can be accomplished with changes to bylaws and policy — governance, regulatory, and operations policies.

Governance Structures and Philosophy

1. Council will adopt a policy governance model versus the current operational model
2. Council will approve a strategic plan and a new mission and vision statement that aligns with the statutory public interest and public protection mandate of the College
3. Council will consist of eight members. Four public government-appointed members and four registrants selected through a competency-based nomination process with a mandatory orientation session covering the College mandate and the role of a councillor.
4. Council will establish, as sub-committees to Council, a Finance, Risk and Audit Committee (FRAC), a Governance and Nominating Committee (GNC), and an Appeal Committee
 - Council will approve revised terms of reference for the regulatory committees – Registration Review Committee, Acupuncture Education Program Review Committee, Competency Committee, and Examination Committee.
5. Council will revise its bylaws to align with the adoption of a policy governance model and recent legislative changes

Policies and Procedures

6. The College will develop a full suite of organizational policies and related procedures
7. The College will develop a formal communication and engagement plan

Staffing and Organization Design

8. The College will develop a human resource philosophy and a companion, comprehensive human resources framework of policies, procedures, individual staff files, and templates regarding hiring, onboarding/ orientation, performance management, professional development, safe disclosure, diversity, equity, and inclusion, pay and benefits, etc.
9. The College will conduct an assessment of staffing to meet the above-noted regulatory, operational, and governance functions

Enabling Technology

10. The College will conduct an Information Technology (IT) security audit

Additional Suggestions

Governance Structures and Philosophy

- Council should adopt a standardized format and style for agendas, minutes, and briefing notes to support good decision making and provide consistency in the format and detail with respect to decisions reached, the rationale for decisions, and use of formal motions.
- The College should engage a chartered professional accountancy firm to undertake a complete financial management and control review and recommend policy, procedures, and options to undertake the College's financial matters. That review should lead to a request for proposal for new auditors.
- Well-written guidance documents for the Registration Review Committee and the Acupuncture Education Program Review Committee should be developed, and an analysis conducted of the results of registration and program review decisions looking for patterns over time that may inform the need for changes in standards, decision making criteria, the development of advice to the profession documents, etc.
- A written, competency-based approach to populate a roster of registrants for the Complaint Review Committees and Hearing Tribunals should be introduced, as well as a training and orientation scheme for registrants on the College's adjudication membership list (and public members of the government adjudication list), as well as policies and procedures for the Hearing Director to establish and manage CRCs and HTs.
- Publication and redaction guidelines for notices of a hearing and decisions are required, as well as:
 - Policy decision on cost recovery and the use of fines for findings of unprofessional conduct; and
 - Standardized templates for communication with the respondent registrant, their representative, and the complainant, and for decisions of the adjudicative bodies.
- A request for proposal specifying the College's requirements and expected fees for independent legal counsel for CRCs and HTs should be issued, and a similar engagement approach (request for proposal) should be considered for selecting the College's general counsel.
- The suggestions identified in the Summary of Council Meeting Observations, 11 September 2021 Meeting (contained in Appendix 1, Current State Assessment, of this report) should be implemented.

Policies and Procedures

- Citing the past, there were several examples cited in the registrant survey submissions and interviews of what could be described as unjustified complaints prosecutions. Whether founded in fact or not, consideration should be given to conducting a review of complaints and appeals conducted under the HDA, acknowledging that the HDA was a limited statute and no changes to those cases is possible. This would speak to significant concerns expressed through the survey responses of regulated members.
- The suggestions identified in the Minimum Requirements Specified/Suggested in the Health Professions Act (HPA) (contained in Appendix 1, Current State Assessment, of this report) should be implemented.

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