

Anonymous, Non-registrants

Unlawful Practice

Location:

Vancouver, BC

Date of Action:

June 23, 2023

On June 20, 2023, the Registration Committee granted registration to two former registrants who had inadvertently failed to renew their registrations by March 31, 2022. They continued to practise speech-language pathology until they sought to apply to renew their registrations in 2023 and discovered their registrations had lapsed. The Registration Committee was satisfied of good character but critical of the Applicants' conduct, as they should have ensured their awareness of the College's electronic mail notices and should have become aware of their registration status in any event, as part of complying with regulatory requirements. The Registration Committee granted registration but referred the matters to the Quality Assurance & Professional Practice Committee ("QAPP Committee"). The Registration Committee found no jurisdiction to grant registration retroactively.

A. Background: Applicant 1 and Applicant 2 were speech-language pathologists registered with the College prior to March 31, 2022. They failed to renew their registrations by March 31, 2022, and advised that they did not receive various e-mail notices from the College, as software filtered e-mails for "spam" messages and automatically deleted them after 30 days. They further advised they did not comply with requirements to post their renewals of registration as they worked mostly from home due to COVID-related measures, and their insurers did not require proof of registration for renewal. Their registrations had been cancelled under the *Health Professions Act* ("HPA") and the College's Bylaws. As the applicants were not aware they received the College's notices of non-renewal and cancellation, each applicant continued to practice for approximately one year, which amounted to unlawful practice. Upon discovering they were not registrants, the Applicants ceased practice, and applied for registration. The applicants requested that the Registration Committee grant registration retroactively, to legitimize the work they had performed.

B. Resolution: The Registration Committee was satisfied of the Applicants' good character in the circumstances. The committee was, however, critical of the Applicants as they should have known that they had to renew their registrations:

- The College's renewal deadline of March 31 has remained unchanged since its inception in 2009.

- The Applicants should have confirmed their registrant statuses at various times, including when they represented their registrant statuses to their insurers, and when posting proof of renewal at their workplaces.
- The Applicants should have regularly checked the College's website, in part to remain updated with respect to the College's Bylaws and standards.
- All registrants are professional obligated to remain current with their registration and payment of fees, pursuant to the standard of practice for Professional Accountability & Responsibility.

Each registrant is responsible for ensuring they choose and configure their e-mail software and diarize or set reminders to check "spam" folders regularly, to ensure they are aware of notices from the College. Registrants who do not take reasonable measures put themselves at risk of cancellation for non-renewal, which occurs automatically.

The Registration Committee granted registration to the Applicants but referred the matters to the QAPP Committee, with a recommendation that the QAPPC arrange for professional practice consultations. The Registration Committee decided the HPA did not provide for a power to grant registration retroactively.