



How will you benefit from attending this practical course?

In matters regarding self-governing professions, the practices, procedures, and rules are all unique and ever-changing. The unique role of the self-regulatory body in protecting the public interest and maintaining the profession's integrity and credibility must be balanced with the individual member's interest. This is a great opportunity to exchange ideas, experiences and benchmark with executives from other regulatory bodies to ensure your self-regulatory body is compliant. This course will examine the public interest by looking at the fundamental elements of regulating the profession and governing the practitioners within a regulated profession. These range from defining controlled acts, setting standards of qualification for entry into the profession, establishing a process for licensed individuals, through to setting standards of practice and ethics, establishing continuing competency requirements, defining misconduct, and establishing a process for dealing with complaints. Acuity Forum's Professional Regulation and Discipline conference is the landmark event for the disciplinary and regulatory community. Our panel of expert speakers from regulatory bodies and top legal firms will lead you through the most important cases and key practical developments. It is vital that you understand the implications that this raft of new developments will have on professional regulation in practice.

Hear from these leading organizations:

- Health Professions Review Board of British Columbia
- College of Physicians and Surgeons of British Columbia
- College of Psychologists of British Columbia
- Association of Professional Engineers and Geoscientists of British Columbia
- Architectural Institute of British Columbia
- Anthony Tobin and Associates
- Harper Grey LLP
- FDR Forensic Data Recovery Inc.
- NG Ariss Fong Lawyers
- Thomas W. Lutes Barrister & Solicitor
- Swartz Law Corporation
- WorkBC Initiatives

Who should attend this event?

- Registrars and Deputy Registrars
- Members of the Compliant Committee
- Members of the Discipline Committee
- Investigation Officers
- Licensed Professionals
- In-House Counsel
- Associations
- Lawyers
- Staff Members of Professional Bodies
- Consultants

Speaker Biographies

Thomas Lutes, Barrister & Solicitor
Director of Professional Conduct and Illegal Practice
Architectural Institute of British Columbia

Thomas is responsible for the AIBC's Professional Conduct and Illegal Practice Department, including working with the Professional Conduct Board and its committees. Reporting to the Executive Director, he manages the complaint, investigations, and consensual resolution process as well as the investigations and resolutions or prosecutions of Illegal Practice matters. He works closely with the Director of Professional Practice to help advise AIBC members and the general public on the requirements and interpretations of various aspects of the *Architects Act*, AIBC Bylaws, *Code of Ethics* and rulings of Council that affect architectural practice and the public interest.

Jerome Marburg LL.B. MBA
Director of Registration and Licensing, General Counsel
Architectural Institute of British Columbia

Jerome has extensive experience as a regulator and general counsel to professional regulatory bodies, first fulfilling this type of role in 1994. His responsibilities include the supervision and administration of two main portfolios: Registration and Licensing, as legislated by the BC Architects Act. Reporting to the Executive Director, he works with the AIBC Registrar and is the staff liaison for the Registration Board and its committees, including intern architects and architectural technologists. He is also responsible for managing the AIBC Register of individuals and firms; the AIBC's member information databases; and all other departmental activities. Jerome also reviews applications for reinstatement, alternative qualifications, notices of retirement and supervises other changes in membership, Certificates of Practice, Temporary Licences, and affiliate memberships. In addition, he serves as the Freedom of Information and Protection of Privacy Officer for the AIBC. As a barrister and solicitor, Jerome serves as General Counsel to the AIBC.

J. Thomas English, Q.C. Chair, Health Professions Review Board

Tom English, Q.C. was appointed as the Chair of the Health Professions Review Board on December 8, 2008. Mr. English is a Partner and Counsel with Fraser Milner Casgrain. Previously, he was a Partner at Russell & Dumoulin and an Assistant/Adjunct Professor with the Faculty of Law at the University of British Columbia. In the community he is an active member and former President with the Vancouver Aquarium Science Centre, a President of the Vancouver Aquarium Conservation Foundation, Vice President of the BC Sports Hall of Fame Foundation, and Chair of the Vancouver Economic Development Commission. Mr. English holds his Bachelor of Commerce and his Bachelor of Laws from the University of British Columbia; and his Master of Laws from Harvard University. He was admitted to the British Columbia Bar in 1965.

Lauri Balson, Acting Executive Director, Health Professions Review Board

Lauri Balson has been acting as the Executive Director of the Health Professions Review Board since November 2008. Prior to assuming this role with the new Board she was the Executive Director for two other health-related appeal boards (the Community Care Facilities and Hospital Appeal Boards) and a third board responsible for industry training appeals. Ms. Balson received her law degree from Queen's University (1983). She is a member of the BC Council of Administrative Tribunals (since 1997) and was on the Board of Directors from 2003-2005. Prior to taking on the position of Executive director for the appeal boards, Ms. Balson spent 5 years with the BC Children's Commission in a variety of positions including, investigating child fatalities, as Director of children's rights complaint resolution and investigation, and Manager of care plan reviews.

Bev Shuttleworth, Market Portfolio Manager, WorkBC Initiatives

Bev Shuttleworth grew up on the Lower Mainland and attended Kwantlen College and the University of British Columbia. She worked in the private sector within the tourism and hospitality industries in management, human resources and operations for the past 25 years. One of these opportunities lead her to Manitoba where, up until January, she ran the provincial Tourism sector council – working closely with industry associations, government and businesses. Bev joined the B.C. government in January. In addition to her file on the AIT, she is involved in developing strategies to meet the workforce needs of employers throughout the province.

Lisa C. Fong, Lawyer, Ng Ariss Fong (General Counsel for the College of Psychologists of British Columbia)

Lisa's practice is a blend of commercial and administrative litigation, and advising regulatory bodies. She has appeared as counsel before tribunals, in arbitrations (both commercial and labour), in the British Columbia Supreme Court and Court of Appeal, and in various levels of the Federal Court. Lisa has a special interest in creative and novel solutions, addressing undeveloped areas of law, and grappling with difficult legal or policy issues. In the area of professional disciplinary law, Lisa has defended professionals against allegations of misconduct, incompetence, and off duty conduct. She has addressed diverse areas including culpability where the professional is suffering from a disability, discrimination based on race, competing methodologies of practice, freedom of speech, privacy rights of the professionals in the public sphere, and ethical boundary violations.

Efrem Swartz, Lawyer, Swartz Law Corporation

Mr. Swartz graduated from UBC Law School in 1999 after finishing 2nd in his first year class. After graduation, M. Swartz served as the Law Clerk to Mr. Justice Lambert and Chief Justice Finch of the British Columbia Court of Appeal. From 2000 – 2009, Mr. Swartz was an associate lawyer at boutique law firms where he worked on a variety of large-scale civil litigation files and professional regulatory matters. In the field of professional regulation, Mr. Swartz has been retained by the Law Society of British Columbia to investigate complaints against other lawyers. Mr. Swartz has also prepared submissions for the Real Estate Council of British Columbia, the Property Assessment Board and the Workers' Compensation Appeal Tribunal. In 2009, Mr. Swartz became a sole practitioner. He is now retained on an ongoing basis by the British Columbia College of Teachers with respect to all matters of professional regulation.

Speaker Biographies

William S. Clark, Partner, Harper Grey LLP

William maintains an administrative and general litigation practice, with special emphasis on the representation of professionals in both civil and regulatory matters. He has appeared at every level of Court in British Columbia including the Supreme Court of Canada and has appeared before a wide variety of regulatory and administrative tribunals. In professional regulatory and civil matters, William has acted as counsel for most professionals including lawyers, teachers, dentists, doctors, psychologists, physiotherapists, occupational therapists, engineers, nurses, and podiatrists. He chairs the Professional Regulation Law practice group.

Julie K. Gibson, Associate, Harper Grey LLP

Julie Gibson practices in the areas of commercial litigation, professional regulation and health law. She was admitted to the Bar of British Columbia in 2003. Julie has appeared in the British Columbia Court of Appeal and the British Columbia Supreme Court, as well as before a variety of administrative tribunals. Julie is Assistant Chair of the Administrative Law Practice Group.

Anthony G. V. Tobin, Associate, Tobin and Associates

Anthony was called to the Bar of the Supreme Court of British Columbia in 1982. After articling with a firm specializing in maritime law, he acted as a prosecutor for the Ministry of the Attorney General. In that role he prosecuted criminal cases for almost eight years. In 1990 Anthony commenced acting in the area of professional misconduct and incompetence. Since then he has acted for many Colleges and other self-regulating bodies in providing legal counsel on a wide range of issues from bylaws, to policies and procedures, drafting Codes of Ethics and practice standards, to dispute. Anthony has appeared before the Court of Appeal of British Columbia on what is now regarded as one of the leading authorities on "sentencing" in professional misconduct cases.

Dr. Heidi Oetter

Registrar

College of Physicians and Surgeons of British Columbia

Dr. Heidi Oetter has been selected as the successor to Dr. Morris VanAndel, Registrar, upon his retirement at the end of October 2008. Dr. Oetter has been Deputy Registrar at the College since May 2004. During this time she has been involved in all aspects of the College, including ethics, quality assurance and peer review, and the prescription review and methadone programs. She has played an integral role in representing the College's interests in the transition to electronic health records, and has spent the last year collaborating and working closely with government on issues associated with the Health Professions Act and other legislation. Prior to joining the College, Dr. Oetter was a family practitioner in Coquitlam and, reflective of her strong interest in mental health, was a member of the Department of Psychiatry at Royal Columbian Hospital. From 2001 to 2002, she held the position of President of the BCMA. She also served as a BC representative on the CMPA council for three years. Dr. Oetter obtained her medical degree from UBC in 1985.

Dr. W. Robert Vroom

Deputy Registrar

College of Physicians and Surgeons of British Columbia

Dr. W. Robert Vroom is a Deputy Registrar at the College of Physicians and Surgeons of British Columbia. His portfolios include Clinical Performance Complaints and Physician Prescription Review. Dr. Vroom was formerly Chief of Staff, Medical Director and Clinical Director of the Emergency Department in Surrey, B.C.

Geoff Thiele LLB, Director Investigation and Discipline

Association of Professional Engineers and Geoscientists of British Columbia

A graduate of the University of Toronto Law School, Geoff Thiele practiced law in the Lower Mainland for nine years before joining a claims adjusting firm. For five years, he investigated professional liability claims against engineers, architects, surveyors and a wide variety of other professions. Mr. Thiele joined APEGBC as the Associate Director, Regulatory Compliance in October 2004 before moving into the role of Director, Investigation and Discipline, where he is responsible for the complaint (investigation and discipline of members) and enforcement (illegal practice) processes, as well as providing general legal advice to the Association.

Terrence L. Robertson Q.C., Partner, Harper Grey LLP

Terry Robertson practices in the areas of criminal law, civil litigation, professional regulation, professional discipline matters and insurance law. Mr. Robertson has been a policy advisor to the Government of British Columbia regarding extensive revisions to the School Act and the Teaching Profession Act and the establishment of public school teaching as a self-governing profession. He is currently the special prosecutor appointed by the Attorney General of British Columbia in the prosecution of two leaders of a polygamous sect in Bountiful, BC.

Andy Joyce, Manager of Digital Forensics, FDR Forensic Data Recovery

Andy Joyce is a Manager of Digital Forensics and eDiscovery at FDR Forensic Data Recovery Inc. He has investigated a wide range of complex, international Internet major crimes and testified as an expert computer forensic witness in both the BC Supreme Court and the Crown courts of the United Kingdom, including the Old Bailey. He has successfully led multiple eDiscovery engagements and has been the lead investigator on numerous computer forensic engagements, including network intrusion, intellectual property theft and government investigations. Mr. Joyce served as a detective in the UK for 13 years, where his work focused on computer crime, network intrusion, child exploitation and terrorism investigations involving computers.

Session A**From Basics to Bandwidth:
From Self-Regulating Fundamentals to Electronic Seals**

Thomas M. Lutes, Barrister & Solicitor – Director of Professional Conduct and Illegal Practice, Architectural Institute of British Columbia

Jerome Marbury LL.B MBA, Director of Registration and Licensing General Counsel, Architectural Institute of British Columbia

- Low hanging fruit: policies vs. operations and related governance issues
- Self-regulating 'identity' issues:
 - The mystery of the 'public interest'
 - Member advocacy – fair or foul?
 - Gatekeeping: registration/licensing; and
 - Shepherding: conduct/discipline/practice/ professional development
- Emerging Issues:
 - Publication/transparency/protocols
 - Competency-based assessments
 - Labour mobility
 - Mandatory PD and peer reviews; and
 - Electronic 'seals' and related assurances of professional review

The Role of the Health Review Board

J.Thomas English Q.C., Chair, Health Professions Review Board

Lauri Balson, Acting Executive Director, Health Professions Review Board

The Health Professions Review Board came into effect March 16, 2009, and has the power to review the timeliness and outcome of health regulatory college decisions regarding individual cases of registration refusal and dissatisfaction with how the designated health professions colleges handle complaints from the public about college registrants in British Columbia. This session will be an introduction to this new organization presented by its Chair and Executive Director. Mr. English and Ms. Balson will outline the role and mandate of the Review Board and how it intersects with the self-regulated health professions colleges within its jurisdiction.

Update on Trade Mobility Agreements

Bev Shuttleworth, Market Portfolio Manager, WorkBC Initiatives This session will provide an update on the Agreement on Internal Trade (AIT) Chapter 17 – Labour Mobility and progress to date in B.C., as well as across the country.

Session B**The Duty to Report under the Health Professions Act**

Lisa C. Fong, Lawyer, Ng Ariss Fong Lawyers (General Counsel for the College of Psychologists of British Columbia)

Efrem Swartz, Lawyer, Swartz Law Corporation

This workshop will address requirements to report under the *Health Professions Act*, the intersection of the *Act* and Codes of Conduct, requirements to report under other commonly-encountered statutes, the sufficiency of grounds to make a report, and the consequences of reporting and not reporting. The workshop will include case examples from the point of view of both regulatory bodies and registrants, and an interactive session to engage participants in the issues of enforcing and complying with duties to report.

Session C**Perspectives on the Public Interest: Regulation & Governance**

William S. Clark Partner and Julie K. Gibson Associate – Harper Grey LLP

- Who is the "public", and what is the "interest" to be protected?
- How does a self-regulatory body adequately protect the public while respecting member' rights? What challenges must be overcome in doing so?
- Protecting the public v. protecting the rights of members – where is the dividing line, and how do self-regulatory bodies "walk the walk"
- Implications re: failing to protect the public interest
- How does a self-regulatory body re-capture the public interest if we have previously failed to protect same?

Session D**Revitalizing Resolutions: ADR and Professional Regulation**

Anthony Tobin, Lawyer, Tobin & Associates

- How mandated rules impact results
- Achieving flexibility in a legislative environment to optimize results
- What is ADR? Defining the options
- Fitting the process to the problem
- ADR from a practical perspective
- The components of a positive experience in achieving resolution

Day Two

September 25, 2009

Register Today!

Tel: (416) 238-2751 or (416) 238-4916

Fax: (416) 423-2638

Session A Health Professions Act and Quality Assurance Programs

Dr. Heidi Oetter, Registrar, College of Physicians and Surgeons of British Columbia

Dr. W. Robert Vroom, Deputy Registrar, College of Physicians and Surgeons of British Columbia

The speakers will review the experience of the College of Physicians and Surgeons of BC in administering a number of quality assurance activities.

- How quality assurance programs are different from complaint investigations
- Measuring effectiveness of quality assurance activities
- How legislation enables quality assurance activities
- A review of international perspectives on QA activities
- Remediation and the Clinical Competence Program

Session B Case-Study: Examining, Reviewing and Rewriting Governing Legislation

Geoff Thiele LLB, Director Investigation and Discipline
Association of Professional Engineers and Geoscientists of British Columbia

A case study presented by Geoff Thiele, LLB, Director, Investigation and Discipline of The Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) on the work involved, internally and externally, in reviewing and rewriting its governing legislation. He will review the reasons for undertaking the project, some of the most significant findings during the research, some of the challenges faced internally and externally in getting support for new legislation, the current status of the project, and where the project appears to be headed.

Case-Study: An Overview of Current Legislative Changes Affecting Professional Conduct and Illegal Practice

Thomas M. Lutes, Barrister & Solicitor and Director of Professional Conduct and Illegal Practice,
Architectural Institute of British Columbia

Thomas M. Lutes, Barrister & Solicitor and Director of Professional Conduct & Illegal Practice with the Architectural Institute Of British Columbia will discuss the changes that the organization has undertaken to its internal professional conduct and illegal practice rules and process as well as an overview of the legislative change initiative currently under discussion.

Session C Essential Privacy and Disclosure Issues for the Investigation Process

Terry L. Robertson Q.C., Partner, Harper Grey LLP

- Legislative and regulatory framework for privacy in investigations
- Does "investigative body status" under PIPEDA get you anywhere?
- Litigation Role of privacy legislation in obtaining and disclosing evidence
- Use of disciplinary hearing material in criminal and civil cases
- Striking a balance between privacy and the public interest

Session D CSI for Regulators: How can Regulators use Forensic Evidence

Andy Joyce, Manager Digital Forensics, FDR Forensic Data Recovery Inc.

- Identifying sources of electronic evidence
- Types of electronic evidence
- Preservation of electronic evidence
- Computer forensic case studies
- Emerging technologies and trends

Professional Regulation and Discipline Conference

Registration Form

Please write in BLOCK LETTERS

1st Delegate

Name: _____

Position: _____

Email: _____

2nd Delegate

Name: _____

Position: _____

Email: _____

Company Details

Organization: _____

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Province: _____ Postal Code: _____

Phone: _____ Fax: _____

Course Fees:

By August 14	After August 14
<input type="checkbox"/> \$995 both days	<input type="checkbox"/> \$1095 both days
<input type="checkbox"/> \$595 single day 24 th - 25 th	<input type="checkbox"/> \$695 single day 24 th - 25 th
<input type="checkbox"/> \$195 single session 24 th - 25 th A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/>	<input type="checkbox"/> \$205 single session 24 th - 25 th A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/>

Team discounts:

2-5%
 3-10%
 4-15%
 5-20%
 6-25%

Your Registration Includes:

Registration fees include all course materials, and may include continental breakfast, lunch and refreshments. Transportation, parking and accommodation are not included.

Course Schedule:



8:00am – 5:30pm on both days of the program.

Date: September 24 – 25, 2009

Venue: Executive Hotel Vintage Park
Vancouver, BC

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Acuity Forums
Toronto Star Building
1 Yonge Street, Suite 1801
Toronto, Ontario M5E 1W7

Cancellation Policy:

Substitutions may be made at any time. If you are unable to attend, please make cancellations in writing and fax to (416) 423-2638, by September 11, 2009. A credit voucher will be issued to you for the full amount, redeemable against any other Acuity Forums conference. If you prefer, you may request for a refund of fees paid less \$150 administration fee. Registrants who cancel after the above date will not be eligible to receive any credits or refunds and are liable for the entire registration fees. Confirmed delegates who do not cancel by September 11, 2009, and fail to attend, will be liable for the entire registration fee. Acuity Forums reserves the right to change the date, location and content for the event(s) offered herein without further notice and assumes no liability for such changes.

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