



College of
Speech and Hearing
Health Professionals of BC

Regulator of Audiologists, Hearing Instrument
Practitioners and Speech-Language Pathologists

May 3, 2018

VIA EMAIL: PROREGADMIN@gov.bc.ca

Mark MacKinnon, Executive Director
Professional Regulation & Oversight Branch
Clinical Integration, Regulation, and Education Division
Ministry of Health
PO Box 9639, Stn Prov Govt
Victoria, BC V8W 9P1

ATTN: MARK MACKINNON

Dear Mr. MacKinnon:

On July 19, 2017, the Board of the College of Speech and Hearing Health Professionals of British Columbia (CSHHPBC) approved amendments to the CSHHPBC Bylaws.

The omnibus amendments clarify and streamline the procedures for board and general meetings, reduce the number of registrants required for quorum at general meetings to lessen a cost and administrative pressure for the College, and repeal and replace the term “Registry” with “register” to conform with the Act.

A copy of the proposed amendments is being distributed to BC health professions colleges and posted on the CSHHPBC website to ensure that the public and other interested stakeholders may view the Board-approved amendments in a timely manner.

COMMENTS:

Please submit comments on these amendments by August 1, 2018 to:

CSHHPBC: Email/fax	Ministry of Health: Email/online
<ul style="list-style-type: none">▪ Email: registrar@cshhpbcc.org▪ Fax: (604) 568-1566 <p>Attention: Registrar & CEO</p>	<ul style="list-style-type: none">▪ Email: PROREGADMIN@gov.bc.ca▪ Online: Feedback Form <p>Attention: Executive Director, Professional Regulation & Oversight Branch</p>

CSHHPBC: Ordinary mail	Ministry of Health: Ordinary mail
<p>College of Speech and Hearing Health Professionals of British Columbia 630 – 999 West Broadway Vancouver, BC V5Z 1K5</p> <p>Attention: Registrar & CEO</p>	<p>Professional Regulation & Oversight Branch Clinical Integration, Regulation, and Education Division Ministry of Health PO Box 9639, Stn Prov Govt Victoria, BC V8W 9P1</p> <p>Attention: Executive Director, Professional Regulation & Oversight Branch</p>

CSHHPBC Bylaw Amendments – Omnibus Amendments 2018

(“chair” references, ss. 37-42; “registry” references; and s. 87.9)

(1) “Chair” references and sections 37-42

Definitions

1. In these bylaws:

"Act" means the *Health Professions Act*;

"appointed board member" means

(i) [Repealed 2016-05-08.]

(ii) a person appointed to the board under section 17(3)(b) of the Act;

"board" means the board of the college;

"board member" means an appointed board member or an elected board member;

“Board Members’ Code of Ethics” means the code established by the board, including standards for board members to avoid conflicts of interest;

~~**“chair”** means the chair of the board elected under section 12;~~

“client” means a person who receives a service provided by a registrant, and includes

(i) a patient at a health care facility,

(ii) a resident in a long-term care facility,

(iii) if the registrant is learning a technique or service, a subject or simulated client,

(iv) a student attending an elementary or secondary school, and

(v) if the context so requires, the parent or legal guardian of a child client, or the legal representative of an adult client;

“clinical decision support tool” means information created or approved by the quality assurance committee that supports clinical decision making, and includes professional guidelines, clinical practice guidelines, clinical procedures and protocols;

"**Code of Ethics**" means the standards of professional ethics for registrants, including standards for avoiding conflicts of interest, established by the board under section 19(1)(l) of the Act and set out in Schedule E;

"**college**" means the College of Speech and Hearing Health Professionals of British Columbia established under section 51(1) of the Act for the professions;

"**deliver**", with reference to a notice or other document, includes mail to or leave with a person, or deposit in a person's mailbox or receptacle at the person's residence or place of business, or delivery by email or similar electronic means to a person's email account;

"**elected board member**" means

- (i) [Repealed 2016-05-08.]
- (ii) a registrant elected to the board under section 17(3)(a) of the Act or appointed to the board under section 10;

"**examination**" means a theoretical examination, given orally or in writing, or a practical examination, or any combination of these, and includes a supplemental examination;

["general meeting" means a general meeting of registrants convened under section 37](#)

"**in good standing**" means

- (a) in respect of a registrant,
 - (i) the registrant's registration as a member of the college is not suspended under the Act, and
 - (ii) no limits or conditions are imposed on the practice of the registrant under section 20, 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the Act, and
- (b) in respect of a member of a regulatory body that governs one or more of the professions in another jurisdiction,
 - (i) the member has met the continuing competency requirements or quality assurance requirements of that regulatory body,
 - (ii) the member has paid the applicable membership fees of that regulatory body,
 - (iii) the member is not the subject of an active complaint investigation or an active citation or disciplinary proceeding initiated by that regulatory body, and
 - (iv) the member does not have any sanctions or restrictions placed on his practice.

“profession” means either the profession of hearing instrument practice, speech-language pathology or audiology as the context so requires;

“professional association” means a health profession association as defined in section 1 of the Act or similar organization, that

(a) is composed of members who are registrants or persons registered or licensed in another jurisdiction for the practice of audiology, hearing instrument dispensing, or speech-language pathology, and

(b) has as one of its purposes the promotion of the interests of its members;

"professional misconduct of a sexual nature" means

(i) sexual intercourse or other forms of physical sexual relations between the registrant and the client,

(ii) touching, of a sexual nature, of the client by the registrant, or

(iii) behaviour or remarks of a sexual nature by the registrant towards the client;

but does not include touching, behaviour and remarks by the registrant towards the client that are of a clinical nature appropriate to the service being provided.

“public body” means a “public body” as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

"public representative" means a person who

(i) is not a registrant or former registrant; and

(ii) has no close family or business relationship with a registrant or former registrant and includes an appointed board member;

“quality assurance program” means the program administered by the quality assurance committee under section 26.1 of the Act;

"Regulation" means the Speech and Hearing Health Professionals Regulation, B.C. Reg. 413/2008;

"respondent" means a registrant named in a citation under section 37 of the Act;

"special resolution" means a resolution that requires a 75 percent majority vote of those persons present and eligible to vote at a meeting;

"Standards of Practice" means the standards, limits or conditions for the practice of a profession by registrants established by the board under section 19(1)(k) of the Act;

“**supervision**” means a situation in which a person’s practice is overseen by a qualified registrant;

“**trade union**” means a local, provincial or national organization or association of employees that

(a) has as one of its purposes the regulation of relations between those employees and their employers through collective bargaining, and

(b) includes among those employees, registrants employed in their professional capacity as audiologists, hearing instrument practitioners or speech-language pathologists;

~~“**vice-chair**” means the vice-chair of the board elected under section 12.~~

Removal of elected board member

8(1) An elected ~~board~~ member of the board ceases to hold office ~~as an elected board member~~ if he or she:

(a) ceases to ~~be an active registrant or a retired registrant~~ become a member in good standing;

(b) submits a written resignation to the chair of the board or the registrar;

(c) becomes an employee of the college,

(d) is removed by resolution under section 17.11(5) of the Act,

(e) is absent from three or more consecutive board meetings for a reason that the board does not find acceptable, or

(f) is elected or appointed to, or becomes employed in, a position described in section 4(3)(e).

Board ~~Chair~~ and vice-chair

12(1) Each year, the board members must elect from among their number a chair and a vice-chair by majority vote

(a) at the first meeting of the board following an election under section 17(2) of the Act, or

- (b) in a year where there is no election under section 17(2) of the Act, at the first meeting that is at least eleven months after the date of the election of the chair and the vice chair in the year before.
- (2) The term of office for the chair and the vice-chair begins at the time they are elected under subsection (1) and ends in the next year at the start of the board meeting described in subsection (1)(a) or (b).
- (3) While a board member remains on the board, there is no limit on the number of terms that he or she may serve as the chair or ~~the~~ vice-chair of the board, either in succession or in total.
- (4) The chair of the board must
- (a) preside at all meetings of the board and general meetings of the college,
 - (b) sign all instruments executed on behalf of the college as required,
 - (c) sign the minutes of each meeting after they are approved by the board, and
 - (d) act generally in accordance with the requirements of his or her office for the proper carrying out of the duties of the board.
- (5) The chair of the board is an *ex officio*, non-voting member of all the committees described in Part 2.
- (6) In the absence of the chair of the board, the vice-chair of the board must perform the duties of the chair.
- (7) If both the chair and ~~the~~ vice-chair of the board are absent from a board meeting, the board members present must elect one of their number by majority vote to be the acting chair for that meeting.

Board meetings

- 13(1) The board must meet at least ~~4~~four times in each fiscal year and must provide reasonable notice of board meetings to registrants and the public.
- (2) The registrar must call a meeting of the board at the request of either the chair of the board or any ~~3~~three board members.
- (3) Posting notice of a board meeting on the college website is deemed to meet the requirement for notice to registrants and the public under subsection (1).
- (4) The registrar must provide the following to registrants and members of the public on request:
- (a) details of the time and place of a board meeting,

- (b) a copy of the agenda for that meeting, and
- (c) a copy of the minutes of any previous meeting.

(5) The accidental omission to deliver notice of a board meeting to, or the non-receipt of such notice by, any person entitled to receive notice does not invalidate proceedings at that meeting.

(6) Despite subsections (1) and (2), the chair of the board may call a meeting of the board without providing notice to registrants and to the public if necessary to conduct urgent business.

Voting

16(1) A majority of the board constitutes a quorum.

~~(2) A resolution proposed at a meeting must be seconded, but neither the name of the mover or seconder of the resolution need be recorded in the minutes.~~

~~(3)~~ No resolution proposed at a board meeting need be seconded, and ~~T~~the chair of ~~a~~ the meeting may move or propose a resolution.

~~(4)~~ In case of an equality of votes, the chair of a board meeting does not have a casting or second vote in addition to the vote to which he or she is entitled as a board member and the proposed resolution does not pass.

(4) Voting by proxy is not permitted at a board meeting.

~~Special~~ Resolution in writing

~~17(1) For the purposes of this section, “special resolution” means a resolution that is~~

~~(a) approved by 75 percent of the current members of the board in writing,~~

~~(b) conducted by mail, facsimile or e-mail, and~~

~~(c) filed with the registrar or the chair, as the case may be.~~

~~(2)~~ Where it is not possible for the board to meet to discuss an urgent issue that requires a prompt decision, the board may approve vote on a ~~special~~ resolution by email or any other form of written communication, and if approved in writing by a majority of the board members voting, ~~such a~~ the resolution is valid and binding and of the same force and effect as it had been duly passed at a meeting of the board.

~~(3)~~ A ~~report~~ record of ~~any special~~ a resolution ~~approved~~ conducted under subsection ~~(2)~~ 1 must be ~~verified and set out~~ included in the minutes of the next meeting of the board.

Part 4 – General Meetings of Registrants

General meetings

37(1) A general meeting ~~of the registrants~~ must be

- (a) held in British Columbia at a time and place determined by the board, and
- (b) open to the public.

(2) An annual general meeting must be held at least once in every calendar year and not more than 15 months after the holding of the last preceding annual general meeting.

(3) The following matters must be ~~presented~~ considered at an annual general meeting

- (a) financial statements,
- (b) the report of the board,
- (c) the report of the registrar, ~~and~~
- (d) the report of the accountant, if any; and

(e) a resolution proposed by a registrant under section 39, if any.

(4) Every general meeting, ~~(a) other than an annual general meeting,~~ is an extraordinary general meeting, ~~and (b) is open to the public.~~

(5) The board

- (a) may convene an extraordinary general meeting by resolution of the board, and
- (b) must convene an extraordinary general meeting within 60 days after receipt by the registrar of a request for such a meeting signed by at least 10 percent of

- (i) the registrants from ~~any one of the three~~ a professions who are eligible to vote, or
- (ii) ~~10 percent of all~~ registrants who are eligible to vote.

Notice of general meetings

38(1) Subject to section 40(5), ~~T~~he registrar must provide notice of ~~an annual or extraordinary~~ general meeting to every registrant, and the public at least 45 days prior to the meeting.

(2) Notice of a general meeting must include

- (a) the place, day and time of the meeting,
- (b) the general nature of the ~~business~~ matters to be considered at the meeting,

(c) any resolutions proposed by the board, and

(d) any resolutions proposed by ~~the~~ registrants under section 39 and delivered to the registrar ~~prior to the distribution of~~ before the notice is provided.

(3) ~~The registrar may satisfy the requirement to provide notice under subsection (1) and section 40(6) by posting on the college website N~~notice of a general meeting provided to registrants and the public by posting a notice at the college website is deemed to meet the requirement of that complies with subsection ~~(1~~2~~)~~.

(4) The accidental omission to ~~deliver~~ provide a notice of a general meeting to, or the non-receipt of such a notice by, a ~~registrant, a public representative or the public~~ person entitled to receive it does not invalidate proceedings at that meeting.

Resolutions proposed by registrants

39(1) ~~At least 30 days prior to the date of a general meeting, any 20 registrants who are eligible to vote at the meeting may deliver to the registrar a written notice to the registrar at least 30 days prior to the date of an annual or extraordinary general meeting requesting the introduction to~~ introduce a resolution at the meeting.

(2) ~~On receipt of a notice specified in~~ If a resolution received in compliance with subsection (1) has not been included in the notice for a general meeting under section 38(2)(d), the registrar must post a copy of the resolution on the college website and at least 14 days prior to the date of ~~that~~ the meeting, ~~the registrar must (a) deliver a notice and a copy of the resolution to each registrant, or (b) post a copy of the resolution at the college's website.~~

(3) A registrant who is eligible to vote at a general meeting may propose a resolution ~~at a general meeting~~ from the floor of the meeting, ~~but~~ and any such resolution ~~must~~ will be noted by the chair of the meeting and placed at the end of the agenda to be debated if time permits.

~~(4) A resolution proposed by a registrant must be seconded, but neither the name of the mover or seconder of the resolution need be recorded in the minutes.~~

~~(5)~~ Except as provided in Subject to section 55(2), all resolutions ~~approved by the registrants is~~ at a general meeting are for the consideration of the board and are not binding on the board.

Proceedings at general meetings

40(1) Subject to subsection (6), A quorum ~~at any~~ for a general meeting ~~of registrants is 2~~10 registrants who are eligible to vote at the meeting.

~~(2) No business, other than the adjournment or termination of the meeting, may be conducted at a general meeting at a time when a quorum is not present at the start of the meeting~~ If there ceases to be a quorum present during a general meeting, the business then in progress must be suspended, and while a quorum is not present, no further business may be conducted, other than the adjournment or termination of the meeting.

~~(3) If~~ An annual general meeting or an extraordinary general meeting convened by resolution of the board under section 37(5)(a) must be adjourned to a date within 45 days, at a time and place to be determined by the board, if a quorum is not present within 30 minutes from

(a) the time appointed for the commencement start of a the general meeting, or

(b) from any time during a general the meeting when there ceases to be a quorum is not present, the meeting must be adjourned.

~~(4) If at any time during a general meeting there ceases to be a quorum present, business then in progress may continue~~ An extraordinary general meeting convened further to a request under section 37(5)(b) must be adjourned and cancelled and no further action may be taken in respect of the request to convene the meeting if a quorum is not present within 30 minutes from

(a) the time appointed for the start of the meeting, or

(b) any time during the meeting when there ceases to be a quorum present.

~~(5) In the absence of both the chair and the vice-chair of the board, an acting chair for a meeting must be elected by a majority vote of the registrants present.~~

~~(6) A general meeting may be adjourned from time to time and from place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.~~

~~(7)~~ When a general meeting is adjourned in accordance with under subsection (3) or by motion, notice of the rescheduled meeting in accordance with section 38(2) must be delivered provided as in the case of the original meeting to every registrant and the public at least 15 days prior to the date of the rescheduled meeting.

(6) The registrants who attend a general meeting reconvened following an adjournment under subsection (3) and who are eligible to vote at the meeting will be deemed to be a quorum for the meeting.

(7) No business may be transacted at a general meeting that is reconvened following an adjournment other than the business left unfinished when the meeting was adjourned.

(8) In the absence of both the chair and the vice-chair of the board, an acting chair for a general meeting must be elected by a majority vote of the registrants present who are eligible to vote.

(9) No resolution proposed at a general meeting need be seconded and the chair of the meeting may propose a resolution.

~~(810)~~ Except as these bylaws otherwise provide, the most recent edition of *Robert's Rules of Order* governs the procedures at ~~an annual or extraordinary~~ a general meeting.

Voting

41(1) A registrant eligible to vote at a general meeting who is present at a general meeting is entitled to one vote, and the chair of the meeting, if the chair is a registrant eligible to vote at a general meeting, is entitled to one vote.

(2) Voting at a general meeting ~~must~~ may be conducted

(a) by a show of hands, or

(b) by secret ballot, if

(i) the chair of the meeting determines that the subject matter of the vote warrants, or

(ii) the registrants eligible to vote at the meeting vote in favour of this option.

~~(3) If the chair determines that it is not possible to determine if the vote was in favour or against the resolution or if the membership votes in favour of this option, the chair may ask for a count of hands in favour and then against the resolution.~~

~~(4) Despite subsection (2) or (3), if the chair determines that the subject matter of the vote warrants or if the membership votes in favour of this option, the chair may then direct that the vote be conducted by secret ballot.~~

~~(53)~~ In case of an equality of votes, the chair of a general meeting does not have a casting or second vote in addition to the vote to which he or she may be entitled under subsection (1), and the proposed resolution does not pass.

Notice to public representatives

42. Every notice ~~or mailing~~ provided to ~~the general membership of the college~~ registrants under section 38(1) and 40(5) must also be provided to ~~a~~ the public representatives ~~servicing on the board or a committee.~~

(2) “Registry” references (ss. 64(3), 75(1), 76, 101, 106, 110, 119, 122, 125, 128, 130.3, 131.3, 131.10)

~~Registration—inactive~~Inactive registration

64(1) The registration committee may grant inactive registration to an active registrant if the registrant has completed on-line:

- (a) an application for inactive registration (Form #16),
- (b) a statutory declaration attesting that, while registered under this section, he or she will not provide in the province of British Columbia during the registration year the services of a hearing instrument practitioner, speech-language pathologist or audiologist, as the case may be (Form #16), and
- (c) payment of the inactive registration fee, as set out in Schedule A.

(2) An inactive registrant

- (a) must fulfil during the period of inactive registration the continuing competency requirements of an active registrant as required by section 159,
- (b) may not provide in the province of British Columbia the services of a hearing instrument practitioner, speech-language pathologist or audiologist, as the case may be,
- (c) may use the occupational title granted to his or her profession but only with the addition of “(Inactive)” at the end.

(3) An inactive registrant ~~(a) may remain on the inactive registry~~ only be registered under this section for a maximum of three consecutive years ~~and (b) must apply every year to renew and maintain inactive registration to that maximum, by renewing as prescribed in section 78 (i) [Repealed 2016-05-08.](ii) [Repealed 2016-05-08.].~~

(4) An inactive registrant is eligible:

- (a) to vote in an election for members of the board under section 5;
- (b) to vote at a meeting of the membership under section 41;
- (c) but not to be nominated or appointed as a member of the board under sections 4 or 10.

Proof of registration

75(1) A registrant must be able to provide proof that he or she is a registrant of the college and registered in the applicable class of registration, by one or more of the following:

- (a) displaying a certificate of registration issued under section 74 in a prominent location at the registrant's place of business to which the general public has access;
- (b) referring the public to the [Registry register](#) posted ~~at~~ [on](#) the [College](#) website;
- (c) allowing a member of the public to inspect the wallet identification card issued by the [College](#).

(2) In relation to subsection 75(1)(a), if a registrant has more than one place of business, the registrant must display

- (a) the certificate of registration in the registrant's main place of business, and
- (b) a copy of that certificate of registration in every other place of business other than the main place of business.

Deemed revocation

~~76.(1) As soon as a registrant ceases to be a Canadian citizen or is no longer entitled to work in Canada, that registrant is deemed to no longer be a registrant of the college.~~

~~(2) If the registrar has knowledge of the facts as set out in subsection (1), the registrar must revoke the registrant's registration with the college and remove his name from the registry.~~

~~[\[Repealed 2018 02 02.\]](#)~~

(2) Section 87.9(3) (and related changes in ss. 74 and 78)

Issuing a certificate of registration

74(1) The registrar must, on the instruction of the registration committee, issue a certificate of registration to a person who, in the committee's determination, meets the requirements for ~~that~~ [certificate registration](#).

(2) A certificate of registration issued under subsection (1) must state

- (a) the class of registration as listed in section 61,
- (b) the name of the certificate holder,

- (c) the date the certificate was issued,
 - (d) the expiry date as set by subsections (3) or (4), and
 - (e) the limits or conditions that may apply to that registrant or class of registrant, if any.
- (3) A certificate of registration for active [registration](#), [conditional active registration](#), inactive [registration](#), or retired registration is valid until no later than the following March 31st, ~~but may be extended for a period of time as set out in a renewal certificate issued under section 78.~~
- (4) A certificate of registration for temporary registration or temporary registration (teaching) or any renewal of such a certificate is valid ~~three months from when it was issued~~ [until the end date of the period of registration established](#) by the registration committee under section 66 or 67.
- ~~(5) A certificate of registration for conditional active registration or any renewal of such a certificate is, subject to section 87.9, valid until no later than:~~
- ~~(a) two years from the initial date of registration, or~~
 - ~~(b) if the registrant fails the examination required under section 87.9 for a third time within two years, on the date of that third failure~~
- ~~whichever occurs first.~~

Registration renewal – active

78.1(1) The registrar must provide an active registrant with written confirmation of renewal of registration if the active registrant has

- (a) met all the conditions and requirements established in section 78(1), and
 - (b) if applicable,
 - (i) paid the renewal late fee in accordance with subsections (2) and (3), and
 - (ii) successfully completed the jurisprudence course under section 78(4).
- (2) In addition to the renewal fee under section 78(1)(b), an active registrant must pay the renewal late fee set out in Schedule A if he or she does not, on or before March 31,
- (a) meet all the conditions and requirements established in section 78(1), and
 - (b) if applicable, successfully complete the jurisprudence course under section 78(4).
- (3) The registration of an active registrant described in subsection (2) is cancelled if he or she fails to do all of the following on or before April 30:
- (a) meet all the conditions and requirements established in section 78(1);

- (b) if applicable, successfully complete the jurisprudence course under section 78(4);
- (c) pay the renewal late fee set out in Schedule A.

(4) A renewal of registration for an active registrant is valid until no later than the following March 31.

Registration renewal – conditional active

78.2(1) Subject to section 87.9(3) and (4), the registrar must provide a conditional active registrant with written confirmation of renewal of registration if the conditional active registrant has

- (a) met all the conditions and requirements established in section 78(1), and
- (b) if applicable,
 - (i) paid the renewal late fee in accordance with subsections (2) and (3), and
 - (ii) successfully completed the jurisprudence course under section 78(4).

(2) Subject to section 87.9(3) and (4), in addition to the renewal fee under section 78(1)(b), a conditional active registrant must pay the renewal late fee set out in Schedule A if he or she does not, on or before March 31,

- (a) meet all the conditions and requirements established in section 78(1), and
- (b) if applicable, successfully complete the jurisprudence course under section 78(4).

(3) The registration of a conditional active registrant described in subsection (2) is cancelled if he or she fails to do all of the following on or before April 30:

- (a) meet all the conditions and requirements established in section 78(1);
- (b) if applicable, successfully complete the jurisprudence course under section 78(4);
- (c) pay the renewal late fee set out in Schedule A.

(4) Subject to subsection (5), a renewal of registration for a conditional active registrant is valid until no later than the following March 31.

(5) A renewal of conditional active registration must not extend the total period of registration under section 87.9 beyond two years.

Registration renewal – inactive, retired

78.3(1) The registrar must provide an inactive registrant or retired registrant with written confirmation of renewal of registration if the inactive registrant or retired registrant has

- (a) met all the conditions and requirements established in section 78(1), and
- (b) if applicable, paid the renewal late fee in accordance with subsections (2) and (3).

(2) In addition to the renewal fee under section 78(1)(b), an inactive registrant or retired registrant must pay the renewal late fee set out in Schedule A if he or she does not, on or before March 31, meet all the conditions and requirements established in section 78(1).

(3) The registration of an inactive registrant or retired registrant described in subsection (2) is cancelled if he or she fails to do both of the following on or before April 30:

- (a) meet all the conditions and requirements established in section 78(1);
- (b) pay the renewal late fee set out in Schedule A.

(4) Subject to subsection (5), a renewal of registration for an inactive registrant or retired registrant is valid until no later than the following March 31.

(5) A renewal of inactive registration must not extend the period of consecutive registration under section 64 beyond three years.

Conditional active registration: application

87.9(1) Subject to subsections (2) and (5), ~~If on the date of an initial application applicant~~ for active registration ~~under section 85, the applicant~~ has not successfully completed the certification examination required ~~in~~ under section 85(1)(b), the registration committee may grant the applicant conditional active registration ~~to the applicant if provided the applicant~~ he or she meets all the other requirements of section 85(1).

(2) An applicant who ~~wishes~~ wants the registration committee to be registered consider him or her for conditional active registration under ~~this~~ subsection (1) must

- (a) indicate ~~this~~ that desire on ~~the~~ a Form #2 application form, and
- (b) complete Section III ~~on~~ of a Form #3; statutory declaration attesting that ~~the applicant~~ he or she will write the certification examination ~~at on~~ the next ~~scheduled examination~~ date that examination is scheduled.

(3) A conditional active registrant must be registered as an active registrant in the appropriate class if, within two years of being granted registration under subsection (1), he or she successfully completes the certification examination required under section 85(1)(b) and provides evidence satisfactory to the committee of that successful completion.

~~(3)~~(4) The registrar must cancel a conditional active registrant's registration, if;

(a) within two years of being granted registration under subsection (1), the registrant fails the certification examination required under section 85(1)(b) three times, or

~~(b) after two years from the date of initial application, a registrant after being granted registration under this subsection (1), a conditional active registrant has failed to not successfully completed~~ the certification examination required in under section 85(1)(b) and provided evidence satisfactory to the registration committee of that successful completion,

~~(a) the conditional active registration granted under this section expires, and may not be renewed under section 78, and~~

~~(b) the registrant ceases to be registered.~~

~~(3.1) Notwithstanding subsection (3), if a conditional active registrant attempts to complete the certification examination required in section 85(1)(b) three times within the two-year period as set in subsection (3) and fails all three attempts, that registrant's conditional active registration automatically ends and that registrant ceases to be registered as of the date of the third failure.~~

~~(4) For greater certainty,~~

~~(a) section 69 does not apply to an applicant seeking registration under this section, and~~

~~(b) an applicant granted registration under this section may apply under section 78 for renewal of that registration, but any such renewal cannot extend the period of registration under this section beyond the date that is two years after the date of initial application.~~

~~(5) If a conditional active registrant successfully completes the certification examination required in section 85(1)(b) and provides evidence satisfactory to the committee of successful completion within two years of the date of initial application, the registrant may be registered as an active registrant in the appropriate class.~~

(5) The registration committee cannot grant registration under subsection (1), to a person who has previously been a conditional active registrant.