

# Reserved Practice Compliance Plan



COLLEGE OF  
**APPLIED BIOLOGISTS**  
Professional Accountability

[www.cab-bc.org](http://www.cab-bc.org)

## Table of Contents

Introduction .....	1
Reserved Titles: Compliance & Enforcement .....	2
Reserved Practice: Implementation Steps.....	3
Reserved Practice: Compliance & Enforcement .....	5
Conclusion .....	6
College Resources .....	6
Appendix .....	7

## Introduction

The College of Applied Biologists (College) is designated under Schedule 1 of the *Professional Governance Act (PGA)* as a professional regulator “that is responsible for the governance of a profession under this enactment.” The PGA and its associated regulations protect the “titles” and “practice” that are reserved for registrants of a profession. For the College, that means that the titles of “applied biology technician,” “professional biologist,” and “registered biology technologist” (along with their corresponding “in training designations”) are reserved for the exclusive use of College registrants. The College of Applied Biologists also has the authority to implement and enforce the reserved practice of applied biology as defined in regulation.<sup>1</sup>

Now that reserved practice has come into force, not only is it an infringement for an individual to present themselves using a protected title under the Applied Biologists Regulation<sup>2</sup>, it is also an infringement to engage in any work that has a biology objective (as defined as the reserved practice of applied biology) without being registered with the College. This means that a person must be either a registrant with the College as a Registered Professional Biologist (RPBio) or Registered Biology Technologist (RBTech) or Applied Biology - Limited Licensee<sup>2</sup> and meet all the professional, ethical and competency standards in order to offer their services as a professional or work under the supervision<sup>3</sup> of a College registrant.

### *Appendix 3, Order in Council no. 517, Sept.2021*

#### Reserved practice

4 For the purposes of section 51 (1) (b) [reserved practice] of the Act, the practice of applied biology is a reserved practice that may only be carried out by or under the supervision of a registrant, if the practice relates to providing advice or another service for a biology objective that, having regard to the protective purposes, requires the experience or technical knowledge of a registered professional biologist or registered biology technologist.

As part of its statutory mandate to enforce title use and to successfully implement reserved practice, the College has developed this compliance plan to provide information on reserved title compliance and enforcement activities and on how reserved practice will be enforced.

The compliance plan is based on the following principles:

- **Accountability**

The College is accountable to the Province of British Columbia to ensure that its compliance and enforcement actions and decisions are consistent with our mandate, values, policies, legal and operational frameworks, and the public interest.

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<sup>1</sup> The College is working with the provincial government to establish the limited licensee category in regulation that will have reserved title and limited reserved practice.

<sup>2</sup> Registered Professional Biologist/Professional Biologist, Registered Biology Technologist (RBTech), Applied Biology Technician (ABT), Biologist in Training, RBTech in Training and ABT in Training.

<sup>3</sup> Guidance and direction are provided by a professional who must be a) competent in the subject matter area(s) and b) accepts full responsibility for work conducted by an individual whose scope of practice does not include the subject matter area(s) and/or does not have reserved practice.

- **Fairness, consistency and objectivity**

Compliance actions are applied in a fair and consistent manner, and all actions are carried out in a reasonable, professional and unbiased manner.

- **Transparency**

Pathways to come into compliance are well-defined, and compliance and enforcement actions are clear and understandable to registrants and the public.

- **Risk based approach**

Compliance actions are prioritized and possibly accelerated based on potential harm to public safety and/or the environment.


Compliance activities include:

- **Compliance promotion:** educating and promoting compliance with the Applied Biologists Regulation.
- **Compliance monitoring:** monitoring and verifying that practitioners are registered with the College and therefore authorized to use their designated title and—for Registered Professional Biologists and Registered Professional Technologists—authorized to work or supervise others' work within the reserved practice definition.
- **Enforcement:** taking actions when and if individuals do not comply with the law.

## Reserved Titles: Compliance & Enforcement

To help employers and the public have confidence that applied biology work has been undertaken by competent, qualified and accountable practitioners, the government of BC conveyed the exclusive use of professional titles to the College and its registrants.

In order for the public to have that confidence, the College is required to identify and correct any misuse of the protected title.

-  **Title infringement** – communications, awareness, outreach and education regarding title infringement:

- Outreach and education have for many years included title rights information.
- Starting March 2023, an annual pro-active search for title infringement (protective titles) will be undertaken including the implementation of a technological tool(s).

### *The Applied Biologists Regulation*

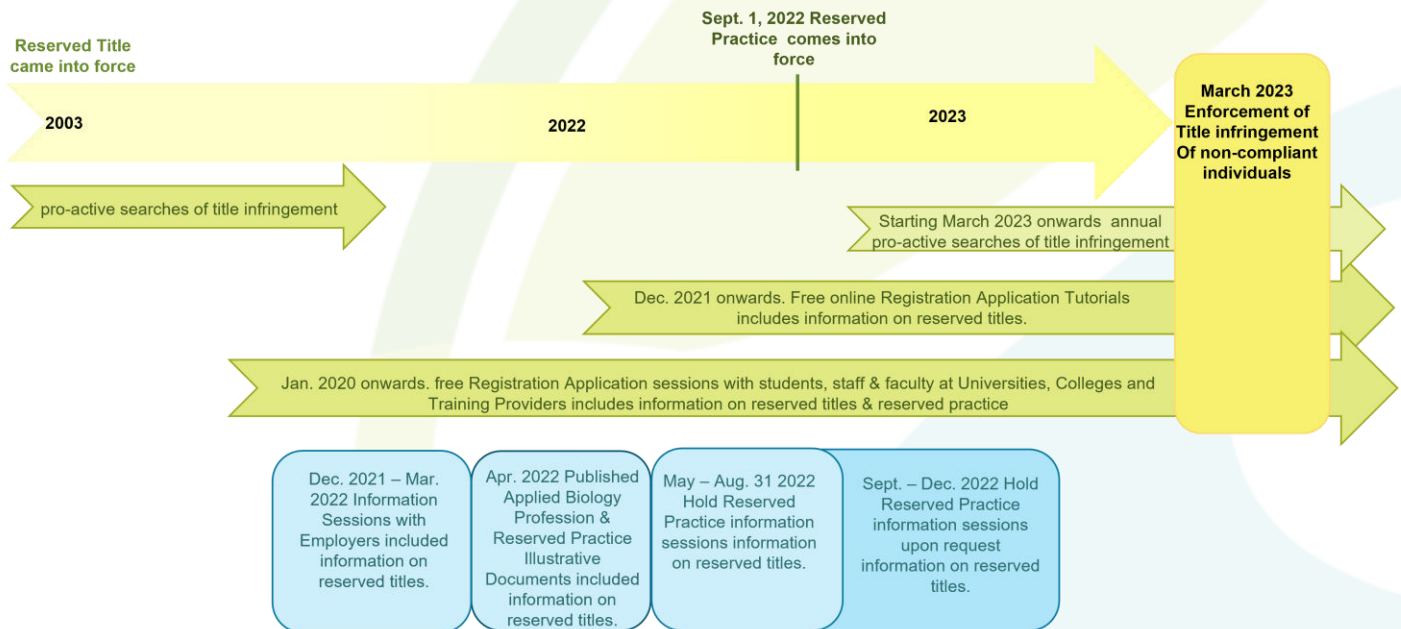
#### Reserved title

3 For the purposes of section 51 (1) (a) [reserved titles] of the Act, the following titles are reserved for the exclusive use of registrants:

- (a)"professional biologist";
- (b)"biologist in training";
- (c)"registered biology technologist";
- (d)"registered biology technologist in training";
- (e)"applied biology technician";
- (f)"applied biology technician in training"

- Enforcement Action – Letters will be sent to individuals telling them to cease and desist using a protected title under the Applied Biologists Regulation.
- Prosecution – If the letter is not effective, a proceeding in the BC Supreme Court will be brought by the College legal counsel to enforce its terms.

Figure 1.0 The College timeline and associated work regarding reserved title compliance & enforcement.



**Note:** Due to staff capacity issues over the last 3 years, proactive annual practice title infringement searches were deferred. However, if the College was made aware of an individual using a protected title, cease and desist letters were sent to them and confirmation was done to ensure they had stopped using the title.

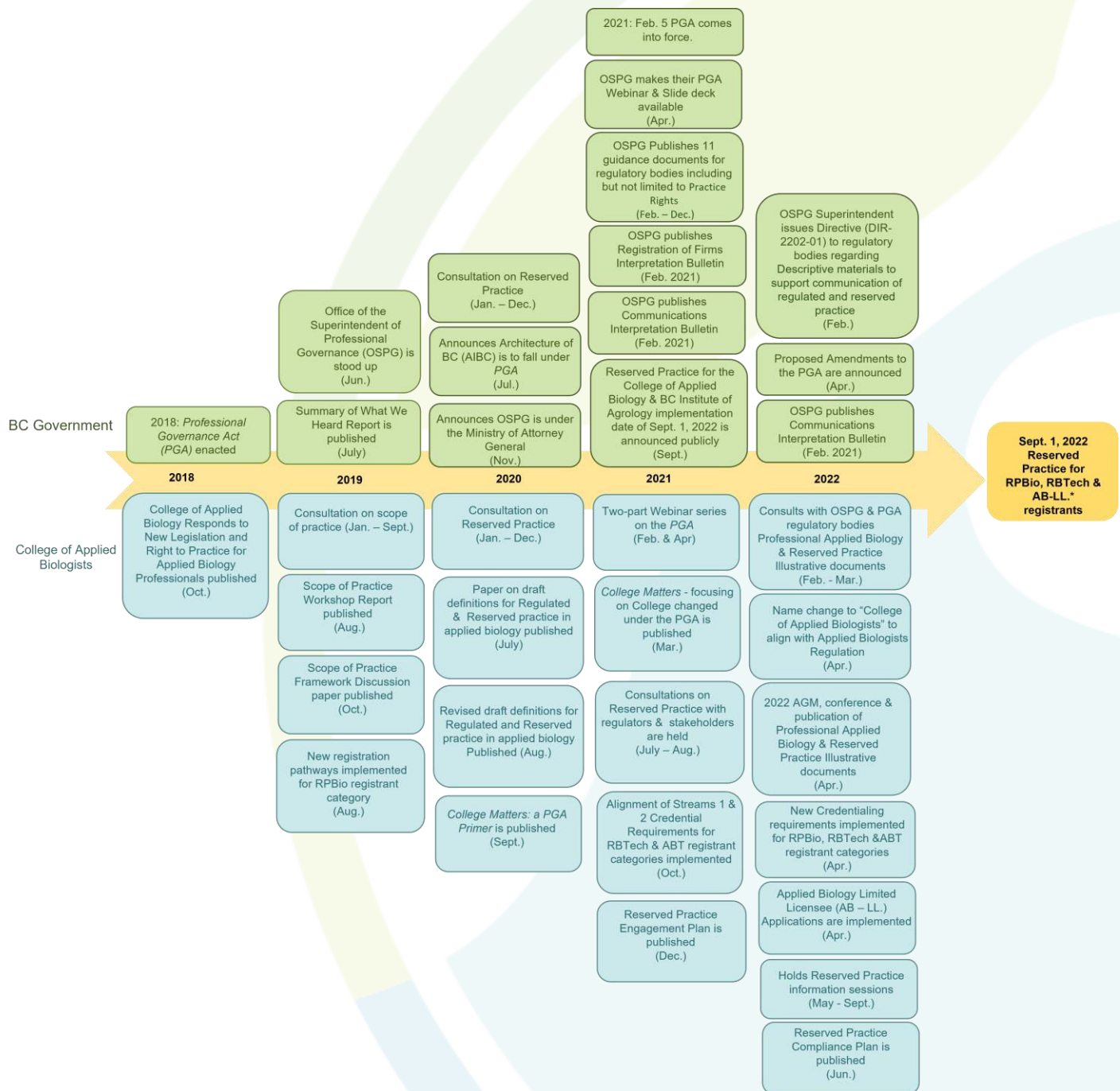
## Reserved Practice: Implementation Steps

The College has worked over the last 4 years (figure 2.0) to meet the implementation requirements of reserved practice. This work included modernizing credentialing requirements and registration, refining registrant categories' scopes of practice, communicating and engaging with non-registered applied biology practitioners, the public, registrants, regulatory partners, employers, environmental non-government organizations and academic institutions on what reserved practice for applied biology professionals means for natural resource management in British Columbia.

Engagement with all partners is ongoing and will further refine the descriptive materials. For more information, please refer to the College's document [Professional Applied Biology & Reserved Practice: The evolution of sustainable resource management](#).



Figure 2.0 The College and BC Government timeline and associated work to get to the implementation of reserved practice.

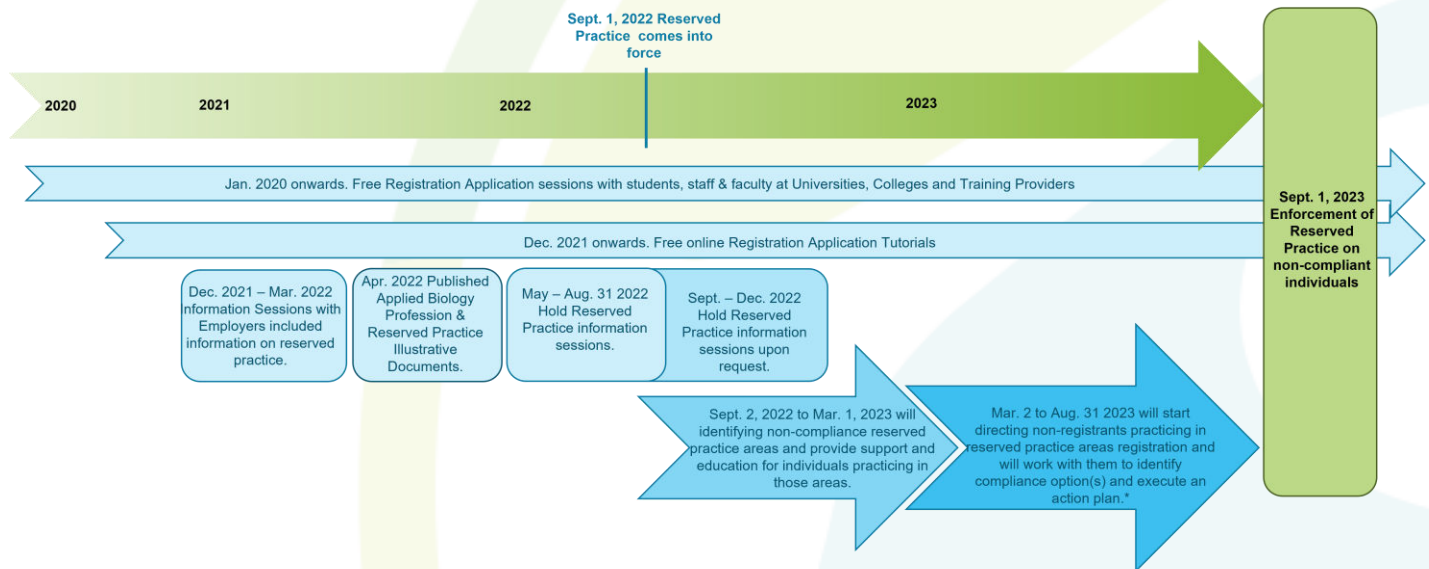


A large part of the work to modernize the credentialing program included mechanisms for non-registered applied biology practitioners to become registrants. The results included various registration pathways for the Applied Biology Technician (ABT), Registered Biology Technologist (RBTech) and Registered Professional Biologist (RPBio) registration categories and development of a new Limited Licensee registrant category.

## Reserved Practice: Compliance & Enforcement

As of September 1, 2022, the College began compliance for reserved practice. The College is taking a phased approach (Figure 3.0) regarding bringing in non-registered applied biology practitioners (hereafter referred to as non-registrants).

Figure 3.0 The College's Compliance plan for non-registered practitioners



\*If an individual practitioner is progressing towards compliance but not a registrant on Sept. 1, 2023 the College will not begin enforcement action(s).

The College recognizes that non-registered practitioners may require aid in becoming compliant, therefore the College will be working towards bringing non-registered applied biology practitioners into compliance by September 1, 2023, through the below actions and figure 3.0:

- May to August 31, 2022, hold reserved practice information sessions. Sessions may be held upon request after September 2, 2022.
- September 2, 2022, to May 1, 2023, the College will assist employers and non-registrants by identifying non-compliance in reserved practice areas and will provide support and education for individuals practicing in those areas to become compliant.
- March 2 to August 31, 2023, the College will direct non-registrants practicing in reserved practice areas to register and provide an action plan for doing so.

The College has or is working towards collaborative agreements with its regulatory partners. If a registrant of another regulatory body may be practicing within the reserved practice of applied biology, the College will work collaboratively with the regulatory partner to identify appropriate solutions.

- 🌐 September 1, 2023, Reserved Practice enforcement begins.
  - If an individual practitioner is progressing towards compliance but not a registrant on Sept. 1, 2023 (e.g., application has been completed but not reviewed, approved or declined), or if the College is working collaboratively with another regulatory body to find solutions, the College will not begin enforcement action(s).
  - Enforcement Action – Letters will be sent to individuals telling them to cease and desist the reserved practice area(s) as per the Applied Biologists Regulation.
  - Prosecution – If the cease and desist letter is not effective, a proceeding in the BC Supreme Court will be brought by the College legal counsel to enforce its terms.

## Conclusion

Resource management has evolved quickly over the last half century. Where once economic considerations were what was most important with little or no consideration to environmental impacts, it is now recognized that we must sustainably manage our resources. Applied biology is not the only profession that contributes to this goal—but registered applied biologists play a key role that has been recognized by the province of BC with the granting of reserved practice.

We recognize that there will still be conversations with our regulatory partners regarding the reserved practice of applied biology after September 1. Given that this is new territory—not just here in BC but anywhere in the world—the College of Applied Biologists is committed to working collaboratively with our partners to address those areas of overlap in our regulated practices and identify where there may be overlap in our reserved practices and ensure that there is a legal backstop for all regulated professionals.

As well, the College will continue to provide awareness, outreach and education regarding protected title and title infringement and regarding the reserved and regulated practice of applied biology. These measures will aid the College in meeting its mandate to protect the public interest and enhance recognition of applied biology practitioners as part of the larger team in resource management, ensuring that the public interest is truly protected not only now—but for future generations.

## College Resources

The below are additional resources regarding reserved practice.

- [Professional Applied Biology & Reserved Practice](#)—Illustrative Documents
- [Revised draft definitions for Regulated and Reserved practice in applied biology](#)
- [Paper on draft definitions for Regulated & Reserved practice in applied biology](#)
- [Scope of Practice Workshop Report](#)
- [Scope of Practice Framework Discussion paper](#)

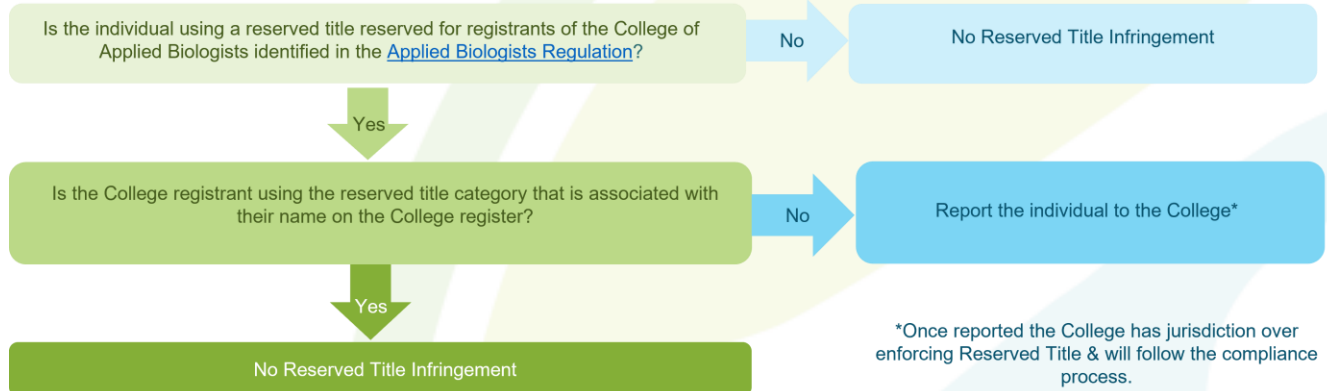


## Appendix

### Reserved Title Infringement

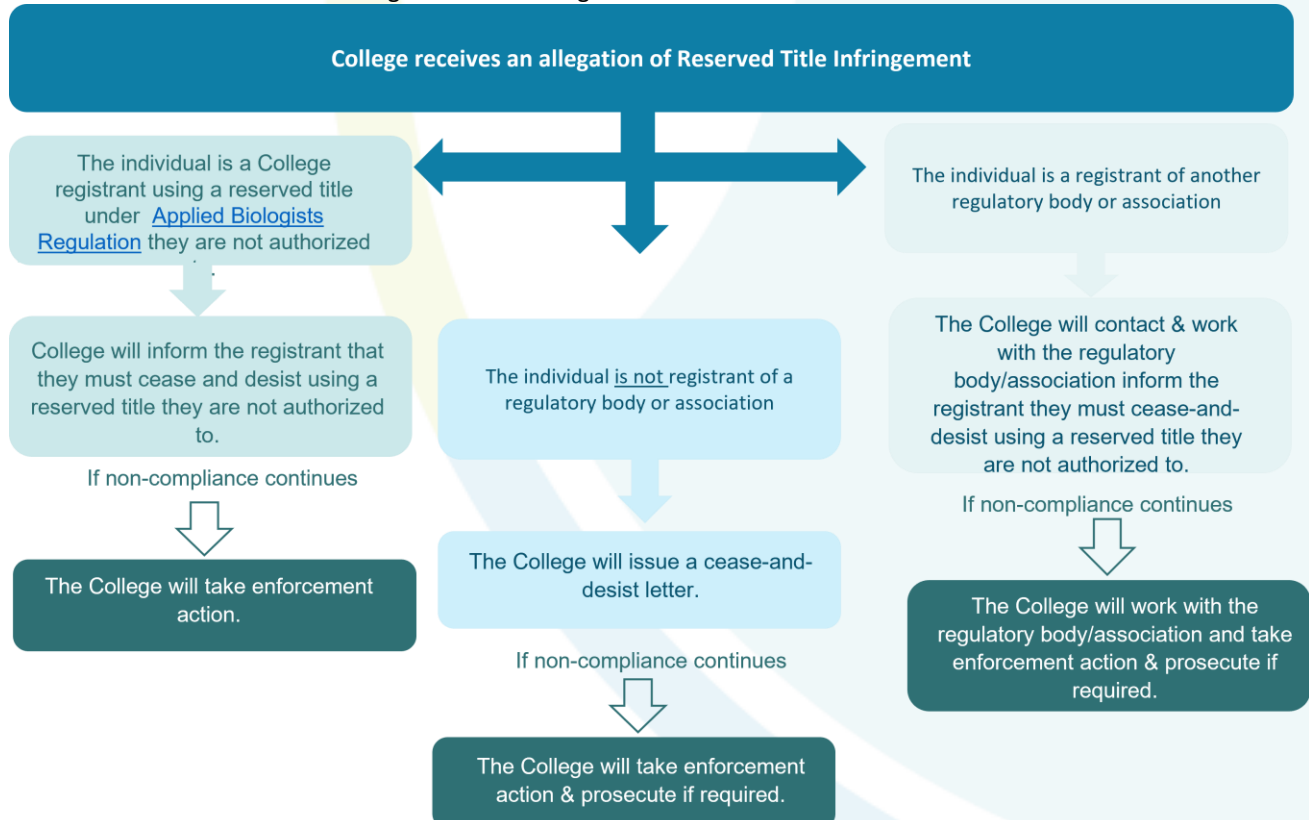
The following diagram provides direction to an individual to aid them in deciding if they should report a potential infringement of reserved title to the College.

Figure A - The College's Process for identifying title infringement



The following outlines the College's process for reserved title infringement. The first step for compliance is always education and awareness of reserved title.

Figure B - The College's Process to enforce reserved title

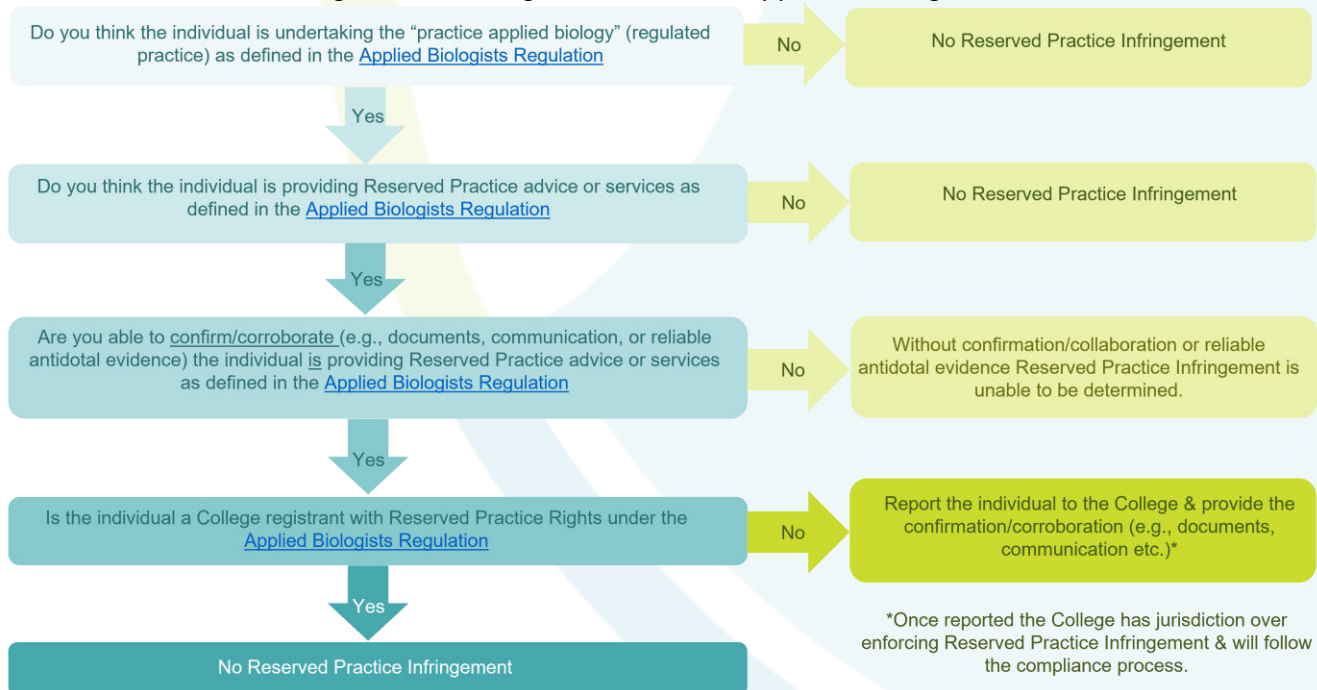


- If the individual is a College registrant who is not using the correct reserved title:
  - a. The College will inform the registrant that they must cease and desist using a reserved title they are not authorized to and must only use the reserved title they are authorized to.
  - b. If the registrant does not comply, enforcement action will be implemented.
- If the individual is a registrant of another regulatory body/association (e.g., BCIA, Planning Institute of BC, BC Society of Landscape Architects):
  - a. The College will contact that regulatory body/association; and
  - b. Work with the regulatory body/association to inform the registrant they must cease and desist using a reserved title they are not authorized to.
  - c. If the registrant does not comply, enforcement action will be implemented; this may include prosecution if required.
- If the individual is not a registrant of another regulatory body/association:
  - a. The College will issue a cease-and-desist letter; and
  - b. If they do not comply, enforcement action will be implemented; this may include prosecution if required.

### Reserved Practice Infringement

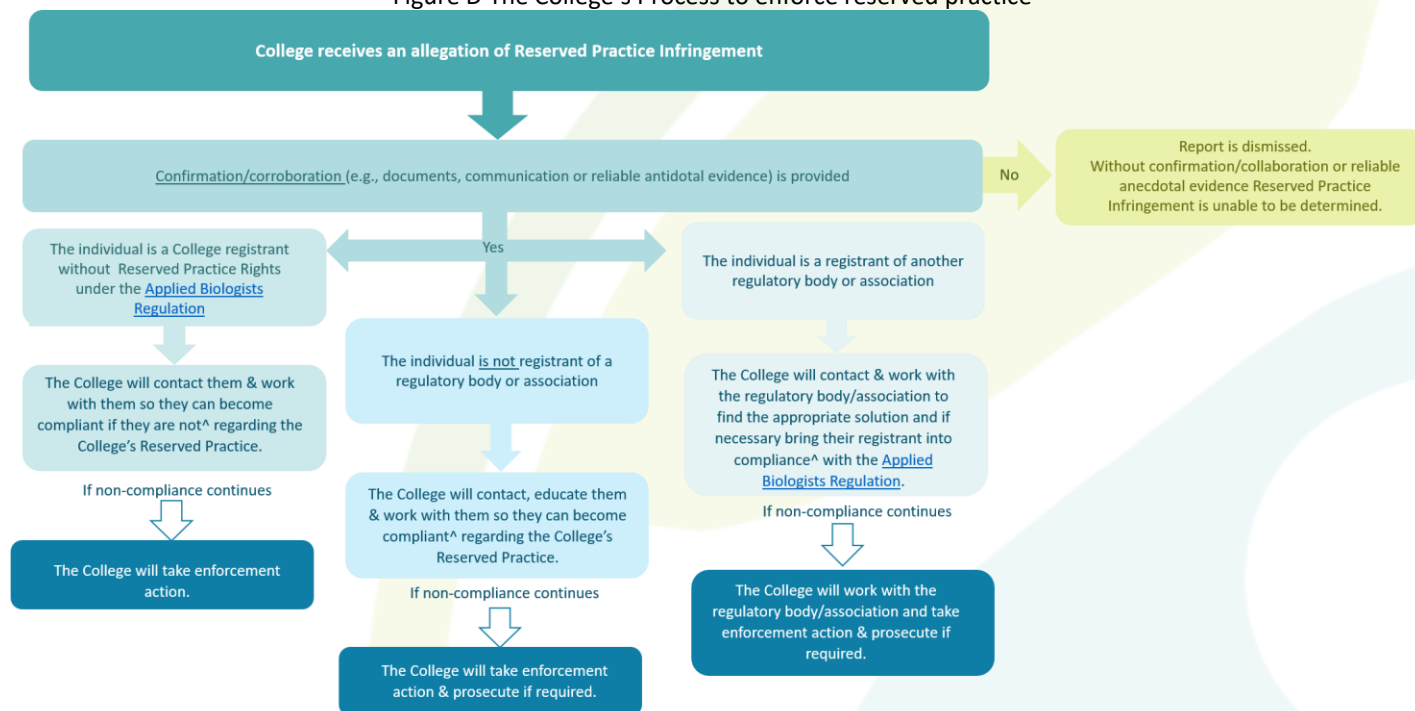
The following diagram provides direction to an individual to aid them in deciding if they should report a potential infringement of reserved practice to the College.

Figure C - The College's Process to identify practice infringement



The following outlines the College's process for reserved practice infringement. The first step for compliance is always education and awareness of reserved practice.

Figure D The College's Process to enforce reserved practice



<sup>^</sup>An individual who does not have reserved practice authorization must either become a registrant who is authorized OR work under the supervision of a College registrant who is, if they are providing advice and services under the reserved practice as outlined in the [Applied Biologists Regulation](#)

- If the individual is a College registrant who does not have reserved practice:
  - a. The College will contact the individual to confirm that they are or are not working under the supervision of a registrant who has reserved practice; and
  - b. If they are not working under the supervision of another registrant with reserved practice, the College will work with them so they can become compliant.
  - c. If the registrant does not comply, enforcement action will be implemented.
- If the individual is a registrant of another regulatory body/association (e.g., BCIA, Planning Institute of BC, BC Society of Landscape Architects):
  - a. The College will contact that regulatory body; and
  - b. Work with the regulatory body/association to find the appropriate solution; and
  - c. If the registrant does not comply, the College will work with the regulatory body/association and enforcement action will be implemented; this may include prosecution if required.
- If the individual is a non-registrant, the College will work with them regarding Applied Biologists Regulation, specifically Reserved Practice
  - a. The College will contact them; and
  - b. Educate & work with them so they can become compliant.
  - c. If they do not comply, enforcement action will be implemented; this may include prosecution if required.



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